

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, September 23, 2019**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Vice Chair Ted Spangenberg called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Members present: Vice Chair Ted Spangenberg, Mike O'Malley, Bill Schweitzer, Bill Homrich and Betty Keeling. Also present: Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the Monday, July 22, 2019 minutes with 2 corrections. Schweitzer motioned, supported by O'Malley to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #19-ZBA-05

Paul Flanery and Karen Alt-Flanery has requested a side yard setback variance to allow for a proposed new lot line between two existing barns at 6249 Alpine Avenue within the A, Agricultural zoning district.

Planner Becker gave a brief background statement on this case. She stated the variance request from the applicant stems from their desire to divide the farmstead and convert one of the farm barns into a home. A land division is necessary because the Zoning Ordinance allows for only one dwelling unit per property. Accessory building side yard setbacks are a sliding scale based upon the size of the accessory building; the larger the building, the greater the required setback.

Applicants Karen-Alt Flanery and Paul Flanery stated the property has been in the family for many years and it is their wish to continue to keep the property in the family for the future. The variance would allow for their wish to happen and keep the property for generations to come.

Ms. Alt-Flanery said there are few farms along Alpine Avenue and her Mom is living in the main house on the farm. Her Mom needs help on the farm, so they would like to turn one of the barns into a house in order to help support her Mom.

Mr. Flanery explained in order to divide the property, they need to have a minimum of 330 feet of frontage and 90 feet total between the 2 buildings in question. They have explored and exhausted all options to meet the requirements for approval; however, the white building that is adjacent to the homestead home is 32 feet by 50 feet and has an additional lean to. If the lean to was not part of the building, then they would be within the township rules that would allow them to make the 3-acre split.

Mr. Flanery feels that this property is unique because the buildings on property are situated in such a way that there isn't any way to split the land. He said when the buildings were originally built; there may not have been an ordinance that requires a particular distance between them as there is today.

O'Malley stated the ZBA Board has to use the current Zoning Ordinances as regulations and not what may have been in place in the past.

O'Malley asked if the lean to on the white building could come down and Ms. Alt-Flanery said her Dad built it and didn't want to take it down for sentimental reasons and it is their wish to keep the homestead intact as much as possible. Mr. Flanery added it was his understanding it could alter the roof line and structure if the lean to was taken down.

Keeling said it would save the applicants 10 feet in the variance if the lean to was taken down and Becker explained that was the original thought based on the assessing records, unfortunately, those records were not as accurate as a survey. The applicants had a survey of the white building and it is 100 square feet larger than originally thought. Therefore, removing the lean to would not impact the setback.

Homrich asked what the time line is for converting the red barn into a house and Ms. Alt-Flanery said they would like to get started on it this winter and their builder would take it on as a winter remodel project. She said in her opinion it is very efficient to take an existing structure and convert it into a house.

Homrich asked Becker what the side yard setback for a residence is in the agricultural district and Becker answered 15 feet. Homrich stated if the red barn structure was deemed a residence, they would only need 15 feet for the setback and said that would change the picture considerably.

Homrich said the applicants have an issue with the lot lines with the current proposed lot line variance; however if the red barn structure were to be considered a residence, then the 15 feet setback would be from the red barn structure and there would be enough room to meet the setbacks.

Becker stated what she understands from Homrich is rather than requesting the variance from the white barn to the south, to shift the request to the north since the intention is for that red barn structure to be converted into a home. The setback to a home is 15 feet, not 50 feet. Homrich added if the lot line were to be 40 feet from the white barn to the north that would make a compliant property after the barn is converted into a home.

Becker added from what she understands from Homrich is there is 77 feet between the 2 existing barns and the barn with the current lean to off the back needs 50 feet for the Zoning Ordinance, so it leaves 27 feet to the north. The other barn requires 40 feet of setback, so Homrich is suggesting rather the current variance request between the barn to the south and the proposed lot line, to move the proposed lot line north and request a variance that will keep the white barn to the south in compliance. If a variance is granted, the red barn structure to the north becomes a house and it is a non-issue then because the set back to a house in the Agricultural Zone is 15 feet.

Homrich asked if the ZBA could postpone a decision on the proposed request and Becker said a variance would still need to be applied for and the meeting would have to be re-noticed because it is a change to the current application. It would be another public hearing and the applicants would have to decide if they want to proceed that way. The applicants have a current request and are entitled an answer, unless the ZBA feels it should be tabled. The applicants indicated they would do what was deemed the most acceptable.

Motion by O'Malley to open the public hearing, supported by Schweitzer.

Ayes: 5 Nays: 0 Motion carried

No comments received.

Motion by O'Malley to close the public hearing, supported by Schweitzer.

Ayes: 5 Nays: 0 Motion carried

O'Malley said he is in favor of tabling the decision because he feels the current proposed variance could set a precedent.

Spangenberg said there are many properties in Alpine Township like this one, and it could set a precedent if the current variance is granted.

Keeling said she is not in favor the current proposed variance, and thinks it could be very precedent setting.

Schweitzer said he likes the discussion of having the property line moved to the north and the barn turned into a dwelling unit.

O'Malley made a motion, supported by Keeling to TABLE the requested side yard setback variance to allow for a proposed new lot line between two existing barns at 6249 Alpine Avenue within the A, Agricultural zoning district.

Ayes: 5 Nays: 0 Motion carried

ADJOURNMENT

Motion made to adjourn the meeting at 8:03 PM by Schweitzer, supported by O'Malley.

Ayes: 5 Nays: 0 Motion carried



Susan Becker, Planning Director



Ted Spangenberg, Vice Chair



Barb Griswold, Recording Secretary