

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
Regular Meeting
In Person and by Electronic Remote Access
Monday, January 24, 2022**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Bill Stachowiak called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Members present: Chair Bill Stachowiak, Lisa Frizzell, Bill Schweitzer, Bill Homrich and Ted Spangenberg. Also present: Amber Brenner, Matt Wenzel, Planner Sue Becker and Recording Secretary Barb Griswold.

WELCOME AND SWEARING IN OF NEW MEMBERS:

Clerk Wahlfield swore in new member Liza Frizzell and alternate Matt Wenzel with an oath for the Zoning Board of Appeals. She thanked members for their time and service to the Zoning Board of Appeals.

APPROVAL OF MINUTES

The Board reviewed the March 22, 2021 minutes. Spangenberg motioned, supported by Schweitzer to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #22-ZBA-01

A request by Andria of Home Studio by Omega on behalf of the property owner to allow for a rear setback variance from the required 50 feet to 39.5 to accommodate a residential addition at 555 Clark Street within the R-1, Low Density Residential zoning district.

Andria Dolphin of Home Studio by Omega, on behalf of property owner John Nienhuis, said her client desires to build a 14 by 32-foot addition onto the southern portion of the house and the house does not sit square on the lot. The house currently has a unique roof structure with two different roof types. The west half of the roof is a mansard style (barn style) and the east half is a typical gable roof.

Ms. Dolphin said for the roof of the proposed addition to tie into the house, they need to avoid the barn style roof, which is a different angle. In order to make that work, it will be necessary to bump the addition out 2 feet to the east. The existing home is 43.5 feet from the east property line putting it 6.5 feet inside the rear setback. If the variance is granted, it would allow for the addition to the home with the rear setback being 40 feet to the east instead of 50 feet.

Ms. Dolphin stated because the property is a corner lot, it has two front yards. If the east yard in question was a side yard, it would only require a 5 feet setback. Because the lot is on a corner, what is typically considered a side yard is actually a back yard (east); the setback is 50 feet requiring the request for a variance to add to the house. The property owner will lose the front door that faces south with the proposed addition.

Frizzell asked that the front yard setback is and Becker answered it is 35 feet.

Spangenberg asked what the Township considered was the front yard for the property and Becker answered it has two front yards; Clark and Fink Streets.

John Nienhuis, property owner said he has lived in the house for nearly 20 years and would like to remain there for many more years. He said currently the bedrooms are all on the second floor of the home, with the laundry in the basement. The intention is to “age in place” by adding a bedroom, a barrier-free bathroom and laundry facilities to the main floor allowing accessibility as he ages.

Motion by Schweitzer to open the public hearing, supported by Homrich
Ayes: 5 Nays: 0 Motion carried

Andrew Milanowski, 4261 Fink Avenue said he is in favor of the variance request. He said he was granted a rear setback variance to allow for an addition to his house and is in favor of Mr. Nienhuis being granted one also. Mr. Milanowski said it is an older neighborhood with great neighbors who take care of their property.

Motion by Homrich to close the public hearing, supported by Frizzell
Ayes: 5 Nays: 0 Motion carried

Stachowiak said he thinks the property is unique because the house sets on an angle.

Schweitzer agreed with Stachowiak that the house and property sets on an angle, making it unique and the property has 2 front yards.

Spangeberg said it is unique because it is an older neighborhood and the requirements for setbacks have changed several times over the years.

<p style="text-align: center;">MOTION: REAR YARD SETBACK VARIANCE AT 555 CLARK STREET CASE #22-ZBA-01</p>
--

Spangeberg made a motion, supported by Schweitzer to APPROVE the requested variance from Section 7.05(c) to vary the required rear yard setback from 50 feet to 39.5 feet, to allow for the construction of a residential addition in the R-1, Low Density Residential zoning district for the property located at 555 Clark Street NW, PP# 41-09-36-202-030

FINDINGS OF FACT (CHOOSE AS APPROPRIATE):

1. The requested variance *does* meet Standard # 1, that “There must be unique circumstances or conditions about this property, not the use of the property.” The property is unique because it has 2 front yards, the angled position of the house on the property, and the rear yard is not deep.
2. The requested variance *does* meet Standard # 2, that “In giving the variance, the Zoning Board of Appeals will be assuring that the applicant has the same rights that other property owners in the same zoning district or vicinity have.” There have been several other properties that have been granted rear yard variances in the vicinity and it would deny the property owner their equal rights as others.
3. The requested variance *does* meet Standard # 3, that “The variance will not create a situation that may be harmful or damaging to the neighbors’ properties or the public interest.” The variance won’t have any harmful effect to the neighbors or the public interest.

4. The requested variance *does* meet Standard # 4, that "The variance cannot set a precedent." The variance request is unique and would not set a precedent because of the angled position of the house on the property and because there are 2 front yards.

Ayes: 5

Nays: 0

Motion carried

Brenner replaced Frizzell on the board for the next case since the applicant was recently before the Planning Commission for site plan approval.

NEW BUSINESS

CASE #22-ZBA-02

A request by Fritz Wahlfield Jr. for a front yard setback variance from the required 75 feet to 52 feet to allow for the construction of a 4,400 square foot business storage building at 4455 Westshire Drive within the C-2, Commercial zoning district.

Applicant Fritz Wahlfield Jr, 4455 Westshire Drive said the proposed 4,400 square feet storage building would be slightly larger than the existing 4,200 square foot storage building. The proposed new building is deeper by an additional 5 feet over the current building (to the rear, north). The south façade will be polished block and the top will be covered in wood-grain metal panels like the building to the east which was dressed up a bit.

Mr. Wahlfield said the approval would allow for a front yard setback of 52.1 feet from the Westshire Drive right-of-way and the reduction would allow for the existing building to be refurbished in its current location from Westshire Drive.

The parcel on which the existing warehouse is located was originally residential and had a Marlene Street address. Marlene Street is a non-conforming private road, so the property's address was changed to Westshire Drive when the property was rezoned to C-2, Commercial and redeveloped for commercial use. The result of the address change is that the rear yard of the property has now become the front yard and that makes it a unique situation.

Mr. Wahlfield said the reduction in the required front yard will allow for the existing building's concrete slab, mezzanine and utility connections to remain in their current location. If the building needed to be relocated to the north in order to achieve the 75-foot front yard setback, there would be several large evergreen trees that would need to be removed. The tree removal would have a greater impact on neighbor's property in the surrounding area.

Zack Voogt of Moore and Bruggink, Engineer for the applicant said the proposed project will renovate the existing metal sided pole barn on the site to a building that will match the look of the new office building. The renovated building will sit directly on the slab of the existing building, but will extend an additional 5 feet to the north. The existing building is used to store construction equipment and some building materials and the proposed building will continue to be used for the same purposes.

Becker stated the Township rezoned the property from R-3, High Density Residential to C-2, Commercial and a Special Land Use was granted to operate a contractor's yard at this location with site plan approval to construct a new office building in place of the former house structure.

Becker verified with Wahlfield that the new building is not a refacing of the existing building, but will be building a new building at the same location. Mr. Wahlfield replied "yes".

Stachowiak asked if the proposed building will have a pitched roof and Mr. Wahlfield answered the roof will be flat so all buildings on the complex will blend together.

Schweitzer asked if the flooring in the building is in good shape and Mr. Wahlfield answered yes it is.

Homrich asked if the proposed storage building will be connected to the current office building and Mr. Wahlfield said he prefers to keep them separate.

Homrich asked if there will be a fence around the proposed building and Mr. Wahlfield answered there is a fence and they will take it down during construction but put it back up as people try to walk through the property at night.

Brenner asked how many trees will need to be taken down and Mr. Wahlfield said none.

Motion by Schweitzer to open the public hearing, supported by Homrich
Ayes: 5 Nays: 0 Motion carried

Derek Plumb, 643 Westshire Court said the proposed building makes good sense. It will look good for uniformly and will add to the overall appearance of the property.

Motion by Spangeberg to close the public hearing, supported by Schweitzer
Ayes: 5 Nays: 0 Motion carried

Stachowiak said he thinks the property is unique because the zoning was changed from R-3 to C-2.

Schweitzer said he agrees and said the property is unique because the front and back yards have switched places. He also said the proposed building will have almost the same foot print as the existing building has.

<p style="text-align: center;">MOTION: FRONT YARD SETBACK VARIANCE AT 4455 WESTSHIRE DRIVE CASE #22-ZBA-02</p>

Stackowiak made a motion, supported by Brenner to APPROVE the requested variance from Section 12.04(b) to vary the required front yard setback from 75 feet to 52 feet, to allow for the construction of a replacement storage building in the C-2, Commercial zoning district for the property located at 4455 Westshire Drive NW, PP# 41-09-25-301-049.

FINDINGS OF FACT (CHOOSE AS APPROPRIATE):

1. The requested variance *does* meet Standard # 1, that "There must be unique circumstances or conditions about this property, not the use of the property." The property is unique because it changed in zoning from R-3, High Density Residential to C-2, Commercial and also the front and rear yards have flipped.
2. The requested variance *does* meet Standard # 2, that "In giving the variance, the Zoning Board of Appeals will be assuring that the applicant has the same rights that other property

owners in the same zoning district or vicinity have.” Other business owners have the right to upgrade their business to look better and all businesses in the C-2 zoning district have the right to expand or remodel their business.

3. The requested variance *does* meet Standard # 3, that “The variance will not create a situation that may be harmful or damaging to the neighbors’ properties or the public interest.” There will be no damage to the neighbors and the proposed building will be an improvement in appearance. There is no opposition from the surrounding neighbors and a new structure can be safer for the public.

4. The requested variance *does* meet Standard # 4, that “The variance cannot set a precedent.” It will not set a precedent because of the unique situation of the zoning change from R-3 to C-2 and the address changed from the private road of Marlene Street to a public road. (Westshire Drive). The proposed distance from Westshire Drive is the same as the existing building is now, therefore the appearance will be the same from the road.

Ayes: 5 Nays: 0 Motion carried

ZONING BOARD OF APPEALS ADMINISTRATIVE ITEMS

2021 Year End Report

Becker reviewed the ZBA requests and approvals for 2021. She also gave updates on other items the Planning Commission worked on for 2021 including updating the Master Plan, Capital Improvement, Mapping and Digital Information and Transportation. The Planning Department also reviewed and administratively approved a half dozen land divisions.

Election of Officers

Chair: Bill Stackowiak

Vice Chair: Ted Spangeberg.

Ayes: 5 Nays: 0 Motion carried

ADJOURNMENT

Motion made to adjourn the meeting at 8:45 PM by Homrich, supported by Spangeberg

Ayes: 5 Nays: 0 Motion carried



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary