

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, July 22, 2019**

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, Mike O'Malley, Bill Schweitzer, Bill Homrich and Ted Spangenberg. Also present: New alternate Betty Keeling, Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the Monday, June 24, 2019 minutes. Spangenberg motioned, supported by Schweitzer to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #19-ZBA-04

Tony Tran has requested rear yard setback variance to allow for a residential addition at 1109 Boysenberry Court within the R-1, Low Density Residential zoning district.

Planner Becker gave a brief background statement on this case. She stated the variance request from the applicant is to add a rear sunroom addition onto their home. The home itself is a tri-level home so placement of an addition is limited by the internal floor level. The current home has an approximate 53-foot rear setback. The required rear yard setback is 50-feet per Section 7.05(c) and the proposed 10-foot deep sunroom would create a 43-foot rear setback.

Becker gave the Zoning Board a copy of the minutes from the August 25, 1997 ZBA meeting which involved a request for a variance at 1112 Boysenberry Court across the street. The request was for a rear yard variance to construct a three-season room and allow the homeowner to have a rear yard setback of 43 feet. The request was approved to allow the homeowner a 12" x 14" three-season sunroom.

Applicant Mrs. Uy Ngo said the addition is for a collection of tropical plants that are getting too large to carry up and down stairs in the cold weather months. The plants can't live outside in the winter and need to be stored inside. The sunroom addition would allow them to keep the plants without having to move them.

Ms. Ngo stated the house is a tri-level so they could not add a sunroom on the side of the house due to the grade levels. She has talked to the neighbors and they do not object with the proposed sun room addition.

Stackowiak asked what size the proposed sunroom will be and Ms. Ngo said 10 x 12 feet.

Motion by Schweitzer to open the public hearing, supported by Spangenberg.

Ayes: 5 Nays: 0 Motion carried

Scott Hoekstra, 3800 Brambleberry Drive is a neighbor of the applicant and doesn't have a problem with the addition and supports the applicant request for the sunroom. Mr. Hoekstra's property abuts the rear yard of the applicant's property.

A letter from Doug and Barb Pointer, 1123 Boysenberry Court was read in support of the variance request to build the proposed sunroom. Their home is located immediately to the west.

Motion by O'Malley to close the public hearing, supported by Homrich.
Ayes: 5 Nays: 0 Motion carried

Stachowiak asked Becker if the Zoning Board approved the variance request, could a condition of approval be that the variance would only apply in this neighborhood? Becker answered no.

Spangenberg stated this property may be considered unique due to the lot size and the house being a tri-level style and on a hill.

Stackowiak asked what the front yard setback is for the property and Becker said 35 feet. Homrich then asked what the side yard setback is and Becker said 5 feet.

Homrich asked about putting an addition on the west side of the house and Ms. Ngo said the west side of the house is where the kitchen is located and they would not be able to put the addition there. A wall would have to be knocked down and they don't have the money to do a project of that size.

Stackowiak stated the variance that was granted in 1997 at 1112 Boysenberry Court gave a reason for approval that it was unique located on the end of a cul-de-sac and the radius of the lot line the house would sit back further from the road. The Zoning Board discussed if that case would apply or not to the current request from the applicant.

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| <p style="text-align: center;">Motion for a Rear Yard Setback Variance at 1109 Boysenberry Court Case #19-ZBA-04</p> |
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Variance Decision:

Spangenberg made a motion, supported by O'Malley to DENY the requested variance from Section 7.05(c) to vary the required rear yard setback from 50 feet to 43 feet, to allow for a rear sunroom addition in the R-1, Low Density Residential zoning district for the property located at 1109 Boysenberry Court NW, PP# 41-09-35-402-006.

FINDINGS OF FACT:

1. The requested variance *does not* meet Standard #1, that "There must be unique circumstances or conditions about this property, not the use of the property."

"There is nothing unique about the property, no unique circumstance."

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 as other property owners in the same zoning district or vicinity have".

"The property owner has the same rights as others according to the Zoning Ordinances. The applicant is able to enjoy her property as others do according to the Zoning Ordinances."

3. The requested variance *does not* 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."

"Allowing the variance could be harmful to the public interest because it creates inconsistency to others who wanted a variance before and were denied."

4. The requested variance *does not* meet Standard #4, that "The variance cannot set a precedent."

"Allowing the request could set a precedent and other property owners in the same zoning district would want a rear yard variance also."

VOTES: AYES: 5 (Stachowiak, Schweitzer, O'Malley, Homrich and Spangenberg)
 NAYS: 0

ADJOURNMENT

Motion made to adjourn the meeting at 8:35 PM by Spangenberg, supported by Schweitzer.

Ayes: 5

Nays: 0


Motion carried



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary