

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, June 19, 2020**

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: Betty Keeling, Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the Monday, October 28 2019 minutes. Spangenberg motioned, supported by O'Malley to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #20-ZBA-01

A request by Brandon and Melissa Nye to allow for the creation of a lot less than 330 feet at 5959 Bristol Avenue within the A, Agricultural zoning district.

Planner Becker gave a brief background statement on this case. She stated in 1989, Alpine Township adopted zoning ordinance provisions to strengthen and preserve farmland. To minimize fragmentation of agriculturally-zoned property, the number of land divisions allowed for new home construction was limited and the lot width requirement of 330 feet was strengthened.

The Kent County Drain Commissioner's Fresheter Drain bisects the property into north and south portions and a home and several barns occupy the northern portion. The portion of the applicant's property south of the county drain has one Agricultural sliding-scale land division entitled to it per the most recent land division decision on 2001.

Becker said the portion of the applicant's property south of Fresheter County Drain has approximately 430 feet of frontage on Bristol Avenue and is approximately 4 acres in size. At the point where the foot-shaped portion of the boot begins, the lot is approximately 220 feet wide.

The areas of the proposed triangle-shaped lot that maintains 330 feet of lot width is 1.5 acres in size and the balance of the proposed lot is less than 330 feet in width. The minimum lot area is 2 acres excluding public road right-of-way and private access easements per Section 5.04(d)(2).

Applicants Brandon and Melissa Nye, 5959 Bristol Avenue said they learned their property was allowed another split and checked with the Township regarding it. They feel there is a unique circumstance with the property because the Kent County Drain has created a natural border to the property. It is also unique because of the pre-existing triangle shape.

Mr. Nye said they do not use the part of the property they would like to split and they are sure what they would do with it, possibly would eventually sell it.

Stachowiak asked if they have considering acquiring land from the property owner behind them and Mr. Nye said that was not something they were looking to do.

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

Wayne Gagnon, 1740 7 Mile Road is a neighbor to the west of the applicant and said he wondered if the property could be squared off by the creek to eliminate the pie shape. He is in favor of what the applicants want to do, but would prefer no new structure to the west.

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

O'Malley said he feels if the variance is approved it could set a precedent. The applicants purchased the property in 2016 and the requirement for 330 feet and 2 acres was already in position when they bought it. He thinks they are creating their own problem and the split doesn't have to be done.

Spangenberg asked how did the property got to be pie-shaped and Becker said it was part of a large piece of property and there were divisions that took place in 2001 and it ended up that shape because of the drain. Mrs. Nye stated the lot was part of her grandparent's farm.

Schweitzer said the shape of the property makes it difficult to get the proper depth and if it would be a buildable lot then. The applicants have been clear they intend to sell the lot.

Becker added the triangle shaped parcel has the 1 remaining agricultural non-farm dwelling split right.

The Zoning Board members had a discussion and reviewed the 4 standards of the variance request.

**Motion for a Lot Width Variance at 5959 Bristol Avenue
Case #20-ZBA-01**

Variance Decision:

Spangenberg made a motion, supported by O'Malley to DENY the requested variance from Section 5.04(e) to vary the required lot width from 330 feet to 0 feet (a point), to allow for the creation of a triangle-shaped lot in the A, Agricultural zoning district for the property located at 5959 Bristol Avenue NW, PP#41-09-22-220-051.

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 and granting the variance would give the applicant additional rights".