

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**By Electronic Remote Access**  
**Monday, March 22, 2021**

**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: Amber Brenner and Planner Sue Becker. All present were in Kent County, Michigan.

**APPROVAL OF MINUTES**

The Board reviewed the Monday, June 22, 2020 minutes. Spangenberg motioned, supported by Schweitzer to approve the minutes.

**Ayes: 5                      Nays: 0                      Motion carried**

**NEW BUSINESS**

**CASE #21-ZBA-01**

**A request by Brian Thome to allow for the creation of a lot of less than 330 feet wide, less than 2 acres in area, less than 60 feet front setback, less than 100 feet rear setback and less than 50 feet setback to a barn at 6467 Baumhoff Avenue within the A, Agricultural zoning district.**

Planner Becker gave a brief background statement on this case. She stated there are 5 requests from the applicant including lot area, lot width, front setback, rear setback, and setback to a detached accessory building. The subject property and all surrounding properties are planned for Agricultural Preservation, zoned A, Agricultural and are used for farmland or homes.

The applicant's variance request stems from his desire to create a lot for a new home to replace the existing home. The applicant has stated the existing home is in rough shape. The request before the ZBA is a function of ownership and financing (i.e. farm succession planning). Bernard Thome owns the farm and Brian Thome, his son, would like a portion of the farm to build a home for himself. Lending institutions will only lend money for construction of a home if the home is located on the land owned by the borrower.

The farm buildings are arranged in a typical farmstead style with the farm's barns and other business support structures tightly surrounding the farmhouse. This arrangement is an efficient layout for farm businesses. When a farmhouse is located away from the farm's barns and other support structures, a portion of the lot often remains in crops.

The proposed land division arrangement has the inherent risk that in the future the proposed home and the surrounding farmland and barns no longer relate to each other. There is a risk for the farm owner that someone not associated with the farm could own and occupy the home in the future and there is a risk for the proposed homeowner that the farm may be owned and operated by a non-family member and that he would be living in the midst of someone else's business operation. There are 3 Agricultural Sliding Scale divisions entitled to the 78-acre property.

Applicant Brian Thome, 171 Sweet Meadow Drive, Kent City, stated his Dad runs a farm in Alpine Township and granted him permission to build a house on the land and he wants to explore what options he may have regarding it.

Mr. Brian Thome said there is an existing home on the property and it is in rough shape. He explored the idea of remodeling it and it doesn't make financial sense to remodel because of the condition of the house. The proposed new home would utilize the same space as the existing home. The current layout of the existing home, farm buildings, and driveways utilized on a daily basis for operations, do not allow a new parcel to be created within Alpine Township's requirements. Brian Thome added he would need a mortgage and he can't get a mortgage on property he does not own.

Stachowiak asked Mr. Brian Thome about the 3 Agricultural Sliding Scale divisions entitled to the property and if he has explored that option. Mr. Brian Thome said he doesn't own the property and it is a working farm, so he can't put his name on it and build on it. Brian Thome said he isn't sure what Stachowiak was asking of him.

Stachowiak asked Becker to explain what the Agricultural Sliding Scale is; Becker said 30 years ago the Township Board adopted provisions in the Zoning Ordinance called Agricultural Sliding Scale splits. Depending on the size of the property, it was entitled a certain number of land divisions. Once all the splits were used, there couldn't be any more divisions with the goal to preserve farm land. Becker said the property in question has 3 divisions entitled to it and the minimum lot area is 2 acres excluding road right-of-way.

Stachowiak asked Brian Thome if he has investigated obtaining a split that is available from to the property to build a home and Brian Thome answered he has other ideas but wanted to know if he could make use of the existing house or build a new house.

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

**Ayes: 5**

**Nays: 0**

**Motion carried**

Bernard Thome, 1660 8 Mile Road said the applicant is his son. Mr. Bernard Thome said many of the buildings on the property were built in the 1800s long before the Township came up with all the zoning rules. He doesn't feel like they should be penalized for new rules that the Township has adopted since then.

Mr. Bernard Thome said his son will be the 6<sup>th</sup> generation on the farm and he needs Brian near the farm if trucks come early or late and also for farm safety, to watch over the farm assets and help deal with migrate workers the farm employees.

Homrich asked Becker if the applicant could rebuild a house on an existing foundation and what are the rules for that situation. Becker answered the applicant could demo the current house and build above grade, that would be fine from a zoning stand point. The applicant would have to make sure the basement met current building code requirements. Becker added the applicant could do this without a variance; it is the land division that needs a variance.

Becker shared she received a phone call from Dan and Beth Alt, 5630 Baumhoff Avenue in support of the applicant's request. They said the request does not remove any farmland from production and will enhance the area.

Bernard Thome said the reason he has to make this odd shape piece in the middle is because he needs access to all his buildings so he can drive tractors and equipment to the farm buildings. He wants to keep all the buildings and equipment on his own farm property. Schweitzer said he understands the applicant and his father are trying to keep the farm together and trying to save farm land. The applicant needs to purchase the land so he can get a mortgage and build a home.

Steve Alt, 2637 7 Mile Road said there shouldn't be a concern about what if someone else might want to build a house on a smaller lot in the future. This is a unique situation because the applicant does farm with the Dad and the applicant needs to be able to get a foot-hold the family farm and build his own house. He is in support of the variance request to be approved.

Homrich said the ownership of the farm and property is in Bernard's name and if he were to make his son co-owner of the property, then could the applicant get a mortgage. Becker answered that is a business decision that Bernard has to make if he wants to share ownership of the property.

O'Malley asked if the property could be put in a family trust and Becker said that would have to be discussed with a real estate attorney.

Julie Thome, 1313 7 Mile Road said the current house on the property will just continue to fall apart and it would be a waste to let that happen. As a Township resident, she would like to see farm land preserved as much as possible and is in favor of the applicant's request.

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

**Ayes: 5                      Nays: 0                      Motion carried**

O'Malley said he feels it could set a precedent for now and for the future if approved. Stachowiak agreed with O'Malley and added it could have a dramatic impact on decision the board has made in the past also.

Schweitzer said he feels the request is a unique situation. If the request is approved and the applicant could build a house, the property would not have as much value to anyone else because of the surrounding farm buildings around it.

Homrich said the decision might have to be delayed so the applicant and his Dad can consider putting the farm in a partnership or put the farm in a family trust. They could possibly discuss these decisions with a real estate attorney.

Spangenberg said he feels the request could set a precedent and especially with this request having 5 different requests and all the different situations regarding the variance.

Schweitzer asked if there is a septic system within the new boundary that the applicant is proposing and Bernard said yes there is and a well that was used for the house would also be within the proposed new boundary. Schweitzer asked when was the last time the well and septic system was inspected by the Health Department. Bernard said the system was put in sometime in 1967 and there weren't any issues with it that he knows of.

Motion by Homrich to TABLE the request, supported by Spangenberg.

**Ayes: 4**

**Nays: 1**

**Motion carried**

VOTES: AYES: 4 (Stachowiak, Schweitzer, Homrich and Spangenberg)

NAYS: 1 (O'Malley)

**ZONING BOARD OF APPEALS ADMINISTRATIVE ITEMS:**

**Election of Officers**

Motion made by O'Malley, supported by Spangenberg to keep the officers the same as they are now: Bill Stachowiak as Chair Person and Ted Spangenberg as Vice Chair Person.

**Ayes: 5**

**Nays: 0**

**Motion carried**

**ADJOURNMENT**

Motion made to adjourn the meeting at 8:15 PM by Schweitzer, supported by Homrich.

**Ayes: 5**

**Nays: 0**

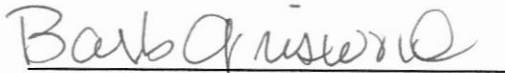
**Motion carried**



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary