

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Tuesday, May 28, 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 and Ted Spangenberg. Dan Wagner was absent and excused. Also present: New alternate Betty Keeling, Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the Monday, April 28, 2019 minutes. O'Malley motioned, supported by Homrich to approve the minutes with 1 correction.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #19-ZBA-02

Nathan Hapner and Deborah Hapner have requested rear and front setback variances and a variance from the maximum expansion square footage allowed for a non-conforming structure at 430 Brady Street within the R-1, Low Density Residential zoning district.

Planner Becker gave a brief background statement on this case. She stated there are 3 requests; a front yard setback and rear yard setback variances along with an expansion for a non-conforming structure and attached accessory structure addition. The existing home is a legal non-conforming structure since its front and rear yard setbacks do not meet current setback regulations.

Kortney and Nathan Hapner, 430 Brady Street said the request plans include an additional bedroom and bathroom as well as an attached garage. The house is currently 957-square foot and the addition would make the house 1,247-square foot and the expansion would allow them to start a family while being able to stay in a neighborhood they love. They added that adding onto the house will increase the attractiveness and value of the home, as well as the neighborhood. The current house has 2 bedrooms and 1 bath. The proposed home is 3 bedrooms and 2 baths.

O'Malley asked if the builder offered any other options once it discovered the variances would be required for the addition and Mr. Hapner said they met with the builder 4 times and with what they wish to add, there is no reasonable way without adding a great cost to them and a long hallway.

Stackowiak asked what the size of the proposed rear bedroom is and Mr. Hapner said it is 12 x 16 feet. Stackowiak also asked about the garage addition and Mr. Hapner said it will be 2 stall garage with a third stall for a work shop area. Stackowiak asked if there would be a crawl space and Mr. Hapner answered there would be a 4-foot crawl space under the new addition.

Stackowiak asked how big the new driveway would be and Mrs. Hapner said double wide with an opening to the 3rd stall area. Stackowiak asked if the driveway will remain in the same place and Mr. Hapner said it will be shifted over from the current location. Becker added that will need a permit for the Kent County Road Commission.

Schweitzer asked when they met with the builder, were any other options given and Mrs. Hapner said the builder and architect did not see any other way for the addition to be done without a great inconvenience and cost.

Stackowiak asked Becker if stairs to the crawl space count for square footage for the addition and Becker said no because it is not considered living space.

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

No comments received.

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

O'Malley stated he feels the addition is too big of a project for the size of the lot, and the neighbors would want relief from the ordinance too.

Stackowiak said the concept of the plans looks nice, but concerned with the size of the proposed addition. The house addition alone is over by 4% what is allowed, not including the garage. He stated this could set a precedent in the Township with others wanting something similar because the house and garage is a 155% increase in size over the current size.

Spangenberg said he understands the applicants wish to modernize their house and help make the neighborhood look good, but is concerned with the request setting a precedent.

Schweitzer asked if there was room to build a detached garage on the lot and Becker said yes.

**Motion for a Front Yard Setback Variance at 430 Brady Street
Case #19-ZBA-02**

Variance Decision:

Spangenberg made a motion, supported by O'Malley to APPROVE the requested variance from Section 7.05(a) in conjunction with Section 2.39(b) to vary the required front yard setback from 29 feet to 27.2 feet, to allow for unenclosed porch in the R-1, Low Density Residential zoning district for the property located at 430 Brady Street NW, PP#41-09-36-480-020.

FINDINGS OF FACT:

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 is a shallow lot and only 106 feet 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 as other property owners in the same zoning district or vicinity have".

"All property owners will have the similar rights if the variance is granted."

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.”

“Allowing the variance will not be harmful or damaging to the neighbors.”

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

“The uniqueness of the shallow lot and only 1.8-feet being allowed will not set a precedent.”

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

<p style="text-align: center;">Motion for a Rear Yard Setback Variance at 430 Brady Street Case #19-ZBA-02</p>

Variance Decision:

Schweitzer made a motion, with no support to DENY the requested variance from Section 7.05(c) in conjunction with Section 2.39(b) to vary the required rear yard setback from 50 feet to 26.4 feet, to allow for a residential addition in the R-1, Low Density Residential zoning district for the property located at 430 Brady Street NW, PP#41-09-36-480-020.

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.”

“The property does not have a unique circumstance because there is additional room to the west if the design was changed.”

2. The requested variance *does not* 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 required set back request would be less than other property owners in the area.”

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.”

“The set back request would create less than the required set back of other properties in the area.”

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

“The variance if granted would set a precedent for less than a standard set back for properties in the area.”

Motion FAILED due to lack of support for the motion.

**Motion for a Rear Yard Setback Variance at 430 Brady Street
Case #19-ZBA-02**

Variance Decision:

Spangenberg made a motion, supported by Homrich to ALLOW the requested variance from Section 7.05(c) in conjunction with Section 2.39(b) to vary the required rear yard setback from 50 feet to 26.4 feet, to allow for a residential addition in the R-1, Low Density Residential zoning district for the property located at 430 Brady Street NW, PP#41-09-36-480-020.

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."

"There is a unique circumstance with this property being a shallow lot."

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".

"All property owners will have the same rights if the variance is granted."

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."

"Allowing the variance will not be harmful or damaging to the neighbors."

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

"The shallow lots and neighborhood create a unique situation that will not set a precedent."

VOTES: AYES: 2 (Homrich and Spangenberg)
 NAYS: 3 (O'Malley, Schweitzer and Stachowiak)
 Motion FAILS

**Motion for a Rear Yard Setback Variance at 430 Brady Street
Case #19-ZBA-02**

Variance Decision:

Schweitzer made a motion, supported by O'Malley to DENY the requested variance from Section 7.05(c) in conjunction with Section 2.39(b) to vary the required rear yard setback from 50 feet to 26.4 feet, to allow for a residential addition in the R-1, Low Density Residential zoning district for the property located at 430 Brady Street NW, PP#41-09-36-480-020.

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."

"The property does not have a unique circumstance because there is additional room to the west if the design was changed."

2. The requested variance *does not* 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 required set back request would be less than other property owners in the area."

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."

"The set back request would create less than the required set back as compared to other properties in the area."

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

"The variance if granted would set a precedent for less than a standard set back for properties in the area."

VOTES: AYES: 3 (O'Malley, Schweitzer and Stachowiak)
 NAYS: 2 (Spangenberg and Homrich)
 Motion APPROVED

Stachowiak asked the applicants if it would be acceptable to allow for a house addition increase of 54% (instead of the allowed 50%) and allow for a maximum of an 832-square foot detached accessory building and the applicant said no, it is either all the requests as presented or nothing.

**Motion for a Variance to allow expansion of a non-conforming structure at 430 Brady Street
Case #19-ZBA-02**

Variance Decision:

Stachowiak made a motion, supported by Schweitzer to DENY the requested variance from Section 3.04(a) to vary the allowed maximum square footage allowed (50%) for expansion of a non-conforming structure to approximately 155% to allow for a residential and attached accessory structure addition in the R-1, Low Density Residential zoning district for the property located at 430 Brady Street NW, PP#41-09-36-480-020.

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 no uniqueness to the property and there would be enough room to add a 50% addition to the house and a detached garage."

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 owners do have the same rights as other property owners: 50% expansion of a non-conforming structure."

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."

"This would affect public interest and more property owners would want to build larger than allowable buildings."

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

"To allow an addition of 155% would set a precedent and more property owners would want the same variance."

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

ADJOURNMENT

Motion made to adjourn the meeting at 9:00 PM by O'Malley, supported by Spangenberg.

Ayes: 5 Nays: 0 Motion carried



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary