

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, October 28, 2019**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Vice Chair Ted Spangenberg called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Members present: Vice Chair Ted Spangenberg, Mike O'Malley, Bill Schweitzer, Bill Homrich and Betty Keeling. Also present: Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the Monday, September 23, 2019 minutes with 1 correction. O'Malley motioned, supported by Schweitzer to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #19-ZBA-05, Revised Request

Paul Flanery and Karen Alt-Flanery has requested a side yard setback variance to allow for a proposed new lot line between two existing barns at 6249 Alpine Avenue within the A, Agricultural zoning district.

O'Malley gave a brief overview from the staff report prepared by Planner Becker. The applicant's variance request stems from their desire to divide the farmstead and convert one of the red farm barns into a home. A land division is necessary because the Zoning Ordinance allows for only one dwelling unit per property.

The existing 1,958-square foot red barn is proposed to be converted into a residence if a variance is approved to modify the proposed side yard setback to the south. Based on its size, the red barn (an accessory building) requires a 40-foot side yard setback. The 2,505-square foot white barn to the south of the red barn requires a 50-foot side yard setback to the proposed side lot line to its north.

The applicant proposed to meet the required 50-foot setback from the white barn to the proposed side lot line to its north. The applicant is requesting a variance from the required 40-foot setback to 27 feet from the red barn to the proposed side lot line to its south. The applicant's intention is to convert the red barn into a residence, which has a required side yard setback of 15 feet after it becomes a residence.

Applicants Karen-Alt Flanery and Paul Flanery stated their intention is to make the red barn into a home and meet the requirement of a 15 foot side yard setback for a residence. They want to keep the family farm alive and stay in the community for many more generations to come. They have consulted with a structural engineer and it is possible to turn the barn into a home.

Keeling asked when the applicants expect the project to be completed and Mr. Flanery said if approval is granted, they will submit a building permit immediately and have it completed around July 1, 2020.

Motion by O'Malley to open the public hearing, supported by Homrich.

Ayes: 5 Nays: 0 Motion carried

No comments received.

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

Ayes: 5 Nays: 0 Motion carried

O'Malley said the staff report, along with applicant's presentation, satisfied any concerns he had at the previous meeting and believes the Board can move forward now.

Keeling stated the property is unique with the two barns location and being so close together.

Schweitzer said the new parcel will meet the proper width for frontage and also as a dwelling unit will meet the side yard requirements.

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| <p style="text-align: center;">Motion for a side yard setback variance at 6249 Alpine Avenue Case #19-ZBA-05, Revised Request</p> |
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Variance Decision:

Spangenberg made a motion, supported by O'Malley to APPROVE the requested variance from Section 2.01(b) to vary the required side yard setback from 40 feet to 27 feet from a 1,958-square foot red barn at the proposed south lot line in the A, Agricultural zoning district for the property located at 6249 Alpine Avenue NW, PP# 41-09-14-400-001.

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 location of the two barns creates a unique circumstance relative to the new lot line proposed."

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".

"Allowing the variance will ensure that the parcel will meet the current ordinance for setbacks once the barn is converted into a home."

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 would not be harmful or damaging to the neighbor's property or the public interest."

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

"The request does not set a precedent as it will be within the zoning ordinance's provisions once the barn is converted to a home."

CONDITION OF APPROVAL:

Changing the use of the 1,958-sq. ft. red barn from an accessory building to a dwelling unit will reduce the required side yard setback from 40 feet to 15 feet. The variance granted shall be null and void six months from the date of this approval if a building permit to convert the 1,958-sq. ft. barn into a dwelling unit has not been issued.

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


ADJOURNMENT

Motion made to adjourn the meeting at 7:40 PM by O'Malley, supported by Schweitzer.

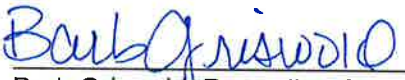
Ayes: 5 Nays: 0 Motion carried



Susan Becker, Planning Director



Ted Spangenberg, Vice Chair



Barb Griswold, Recording Secretary