

ALPINE TOWNSHIP ZONING BOARD OF APPEALS
Regular Meeting
Monday, January 23, 2023

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: Lisa Frizzell, Bill Schweitzer, and Paul Flanery. Also present: Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the December 20, 2022 minutes. Frizzell motioned, supported by Schweitzer to approve the minutes.

Ayes: 4 Nays: 0 Motion carried

NEW BUSINESS

CASE #23-ZBA-01

A request by Haisma Heating and Cooling to allow for a side yard setback variance from 25 feet to 15 feet and a reduction in the required greenbelt from 25 feet to 15 feet to allow for the construction of a commercial accessory building at 5514 Alpine Avenue within the C-2, Commercial zoning district.

Vice Chair Spangenberg reviewed the request for a rear yard setback. Section 12.04(c) states *there shall be a side yard of at least fifteen feet on each side of all buildings. Where a "C-2" Commercial Zone abuts a residential zone on the side, a side yard of at least twenty-five feet must be maintained.*

To the south (side) is residential zoning (R-4) for Pine Aire Mobile Home Park which requires a setback of 25 feet and the applicant proposes a side yard setback of 15 feet (south) for a new storage building.

Spangenberg reviewed the request for a greenbelt width. Section 12.04(f) & Landscaping Guidelines states *A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or rural agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses.*

Section 2.16 states *A greenbelt shall be required for any commercial or industrial use which abuts a residential zone on either side yard or rear yard or any existing residential use on the rear. In all instances, this may be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential property owners, the greenbelt may be omitted or a fence submitted for the greenbelt.*

Spangenberg said the minimum required greenbelt width abutting residential zoning district is 25 feet and the applicant proposes a greenbelt width of 15 feet (south) for a new storage building. To the south is Pine Aire Mobile Home Park, which is zoned R-4, High Density Residential.

Matt Cole, Engineer for the applicant said the lot is 99 feet wide and in 2000, the pre-existing non-conforming lot was allowed to be developed as long as it met the required building setbacks for the Heating and Cooling building. At the time of site plan review in 2000, the owner of Pine Aire Mobile Home Park wrote a letter explaining he felt it was unnecessary to have a greenbelt

between the proposed Haisma building and the mobile home park. A chain link fence would be sufficient. In 2000, the property to the south was zoned C-2 and only required a 15 foot side yard setback. The property was later rezoned to R-4.

Mr. Cole said the applicant needs more storage space to store product as a result of current supply chain issues and is requesting to build a 3,072-square foot storage building with a loading dock on the west end and overhead doors on the north end. The applicant would like to keep the overhead doors and business operations to the north side of the property and further away from the Pine Aire Mobile Home Park.

Mr. Cole stated Pine Aire Mobile Home Park has changed owners since 2000, and they have reached out to the new owners to receive written permission to utilize Section 2.16 regarding the greenbelt. At the time of the meeting, they have not received a letter yet.

Frizzell asked what the hours of operation are for the business? Applicant Gary Haisma said the hours are 7:30 am to 5 pm with emergency hours on Saturday and Sunday.

Flanery asked what kind of evergreens are proposed for the greenbelt and the what size? Mr. Cole said the proposed evergreens are Norway spruce and will be 5-foot tall and planted closer to the fence.

Spangenberg asked if any product will be stored outside and Mr. Cole said the goal is to get everything inside the proposed building.

Schweitzer said the proposed building seems narrow and asked if that would work for storage? Mr. Haisma said with a racking system it would work well.

Spangenberg asked what the proposed wall of the building facing the mobile home park would look like and Mr. Haisma said it would match their current building.

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

Ayes: 4 Nays: 0 Motion carried

No comments received.

Motion by Schweitzer to close the public hearing, supported by Flanery.

Ayes: 4 Nays: 0 Motion carried

Frizzell said the lot is non-conforming to begin with and the Planning Commission did grant them a special land use and site plan approval in 2000. Flanery agreed and stated the request seems straight forward.

Schweitzer said the proposed evergreens may start to overgrow by the lot line with the mobile home park and Mr. Cole said the evergreens can be trimmed but will probably grow through the fence. He added it will be better screening though.

Frizzell said the original lot width was non-conforming and the previous zoning to the south was C-2 not R-4, thereby changing the required side yard setback, so that could make the lot unique. The applicant should reasonably be able to expand his business on his property.

Frizzell said she doesn't feel the proposed request would be harmful to the mobile home residents as they already live with it now as the site is already developed. The proposed vegetation would provide more screening also.

Flanery said he doesn't see the request setting a precedent due to the lot size and being so narrow. Schweitzer added that isn't too many commercial lots that narrow in size and a precedent would not be set because the zoning to the south of the applicant changed.

**MOTION: VARIANCE AT 5514 ALPINE AVENUE
CASE #23-ZBA-01**

Frizzell made a motion, supported by Schweitzer to APPROVE the requested variances listed below to allow for the construction of a commercial storage building in the C-2, Commercial zoning district for the property located at 5514 Alpine Avenue NW, PP#41-09-24-301-005.

Request #1 Side Setback: Section 12.04(c)

A variance from the minimum required side yard setback from 25 feet to 15 feet for a new storage building (south lot line).

Request #2 Greenbelt Width: Section 12.04(f)

A variance from the minimum required greenbelt width from 25 feet to 15 feet (south lot line).

FINDINGS OF FACT (CHOOSE AS APPROPRIATE):

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 of the non-conforming lot width and it was developed with the original building placed on the property based on non-residential zoning to the south (C-2).
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 that other property owners in the same zoning district or vicinity have." The applicant should be able to reasonably expand his business and improve his property.
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." The impact on the neighbors does not change; the site is already developed and is used by the applicant. The applicant is mitigating impacts of the additional building with evergreen tree screening.
4. The requested variance *does* meet Standard # 4, that "The variance cannot set a precedent." The variance request would not set a precedent because a non-conforming lot width limits space for improvement. The adjacent parcel to the south changed zoning, resulting in a larger setback than when the site was first developed.

Ayes: 4

Nays: 0

Motion carried

ZONING BOARD OF APPEALS ADMINISTRATIVE ITEMS

Becker said there will be a meeting in February.

ADJOURNMENT

Motion made to adjourn the meeting at 7:50 PM by Schweitzer, supported by Flanery.

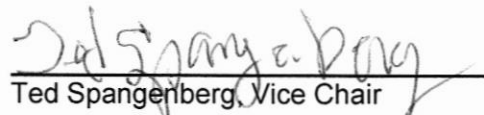
Ayes: 4

Nays: 0


Motion carried



Susan Becker, Planning Director



Ted Spangenberg, Vice Chair



Barb Griswold, Recording Secretary