

ALPINE TOWNSHIP ZONING BOARD OF APPEALS
Regular Meeting
In Person and by Electronic Remote Access
Monday, September 26, 2022

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, Lisa Frizzell, Bill Schweitzer, Bill Homrich and Amber Brenner. Ted Spangenberg was absent. Also present: Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the January 24, 2022 minutes. Schweitzer motioned, supported by Homich to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #22-ZBA-03

A request by Scott Bradley of Trident Roof Solutions to allow for a front setback variance from the required 75 feet to 19.5 feet to accommodate structural porch poles at 4381 Alpine Avenue within the C-2, Commercial zoning district.

Planner Becker gave a brief review of the variance request. The property is master planned and zoned for commercial purposes and the surrounding properties are either used commercially or are vacant. The request is for the southern 2,608-square foot building only; which most recently was occupied by Mike's Cycle Shop and was originally a gas station.

The applicant has secured a 3-year lease with a termination clause after 4-months' notice. The lot is non-conforming since it is not the required minimum 150-foot wide. Both of the buildings on the property are non-conforming structures as they do not meet required front or side setbacks.

Scott Bradley, owner of Trident Roof Solutions said the company is a commercial roofing business specializing in flat roofs. The building's existing façade was built in the 1980s and extends 3-feet from the building. The façade is in poor condition and requires extensive restoration. Mr. Bradley said it is his desire to improve the aesthetics and functionality of the building by replacing worn shingles and adding posts to the front porch structure for support. The facade is a vital part of this work since it is a representation of his business.

The new vertical support posts and replacing the rotting elements of the façade will also strengthen the structure, improving public safety due to the adjacent sidewalk. A unique condition exists because of the façade and its poor condition existing on a legal non-conforming building. Mr. Bradley said allowing the restoration of the façade would not create a precedent then.

Frizzell asked if by adding the columns to the front façade, is it sticking out farther now? Mr. Bradley answered no, it does not stick out any farther than it did previously.

Homrich asked if there will be any other improvements to the building? Mr. Bradley answered no, just lights.

Motion by Homrich to open the public hearing, supported by Brenner
Ayes: 5 Nays: 0 Motion carried

Joel Langlois, property owner 4273 Alpine Avenue said he is in favor of the variance request. He likes that Mr. Bradley is trying to improve the property and by adding the columns for façade support, it would not encroach towards Alpine Avenue more than it already does now.

Motion by Schweitzer to close the public hearing, supported by Brenner
Ayes: 5 Nays: 0 Motion carried

Stachowiak said he thinks the property is unique because of where the building is located on the property and a variance would be on the building not the land or property.

Schweitzer said the request is for a structure support and not to increase the overall square footage.

<p style="text-align: center;">MOTION: FRONT YARD SETBACK VARIANCE AT 4381 ALPINE AVENUE CASE #22-ZBA-03</p>

Frizzell made a motion, supported by Homrich to APPROVE the requested variance from Section 12.04(b) to vary the required front yard setback from 75 feet to 19.5 feet, to allow for the structural porch poles that the applicant installed (building permits required) in the C-2, Commercial zoning district for the property located at 4381 Alpine Avenue NW, PP#41-09-35-226-002. The southern building only.

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 it is a non-conforming lot with 2 vacant buildings and the buildings will be removed when Lamoreaux Drive goes through. The approval only applies to the existing structure and is not transferred to any other buildings on the property.
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 make improvements to the property as anyone else can.
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 buildings have been there a long time and need additional support. The changes would not be harmful or damaging to others and the supports would make the building safer.
4. The requested variance *does* meet Standard # 4, that “The variance cannot set a precedent.” The variance request will not set a precedent because the porch poles are made to the building, not the property. The poles do not give the building any additional space, they are structural supports. Not a precedent because of the condition: “The variance may not transfer to any new building on the property”.

CONDITION OF APPROVAL:

The variance only applies to the existing southern building and does not transfer to any future new construction on the property.

Ayes: 4 Nays: 1 Motion carried

Ayes: Frizzell, Homrich, Brenner and Schweitzer Nays: Stachowiak

NEW BUSINESS

CASE #22-ZBA-04

A request by Becky Sparrow to allow for a rear yard setback variance from the required 50 feet to 9.9 feet and a variance from the minimum required floor area for a dwelling from 840 square feet to 600 square feet; both to allow for the conversion of a barn into a residence at 777 9 Mile Road NW within the R-1, Low Density Residential zoning district.

Planner Becker gave a brief review of the variance request. All surrounding properties are planned for, zoned and used for single-family homes. The property is occupied by a 20 by 30-foot barn and a 14 by 26-foot building. The barn was built in 1943.

The applicant desires to convert the existing 20 by 30-foot (footprint) barn into a house. The barn is located 9.9 feet to the east lot line and 12.2 feet to the north lot line. The barn's door faces west; therefore the rear yard would be to the east. The property was recently purchased from the neighbors to the north; Robert and Kristi Fisk.

Applicant and property owner Becky Sparrow, 2643 Northvale Drive NE #101, Grand Rapids said the property is exceptional in that it is zoned residential yet has a building traditionally associated with agricultural use; a barn and a shed. These buildings have been in existence prior to the formation of the Alpine Township ordinances.

Ms. Sparrow said in order to make the property residential, a home would need to be constructed. The home would have to be located closer to a busy road (Alpine Avenue) than the current location of the barn. It is advantageous for the trees along Alpine Avenue to not be removed for a new house but remain as a buffer to the proposed barn conversion residence from street noise. The trees also give privacy to the part of the property where the barn sits. The barn is in an ideal location for a residence.

Ms. Sparrow stated the barn has historic value since it has been there since 1940's. There are people's dated signatures carved into the paneling on the upstairs wall and these will be kept. It is her intention to turn the barn into a residence and to keep the traditional feel of the property.

Ms. Sparrow explained she is requesting the Zoning Board of Appeals to waive the requirement for a residence to have a rear setback of 50 feet. At this point it is 9.9 form the rear lot line and is heavily planted with mature trees. The property complies in every other boarder with the lot, especially the distance from the front and side of the building to Alpine Avenue (280 feet) and 9 Mile Road (145 feet).

The request is not recurring in nature because the property is so unusual. The barn in a unique barn since it appears it was built for the gathering of people, not built for animals. It is the

reasonable size for a home, not like a traditional barn with a large hay loft. While barn conversions are becoming popular, there is no barn like this one, making it unique. There is a full second floor and a full staircase leading to the second floor and the height of the ceiling is 8-foot.

Homrich asked if Ms. Sparrow intended to add on to the barn? Ms. Sparrow answered she would use what is there and would just consider it a small house.

Stachowiak asked if the structure was sound enough and if the second floor could be finished to be part of the residence. Dennis Riemersma, builder for the applicant said the shell of the structure is sound and the rafters may need to be replaced. The second floor would not pass modern building codes and would have to be updated.

Schweitzer asked if there was water or septic on the property and Mr. Reimersma said no, however it would not be an issue to put either in.

Motion by Homrich to open the public hearing, supported by Brenner

Ayes: 5 Nays: 0 Motion carried

Diane Lang, 7650 Alpine Avenue said it is a cute barn and she can see it from their backyard. She has concerns where a septic system would go and would it go into her backyard?

Mr. Riemersma stated a septic system would go between the barn and 9 Mile Road at the low point on the property.

Earl Smith, 755 9 Mile Road is concerned about the setback line and his property. He thinks the pine trees Ms. Sparrow has referenced on the property line may actually be on his property. He doesn't see a problem with the square footage for the barn being made into a house though.

Diana Smith, 755 9 Mile Road suggested a privacy fence for between the properties.

Motion by Schweitzer to close the public hearing, supported by Homrich

Ayes: 5 Nays: 0 Motion carried

Stachowiak asked Ms. Sparrow if she considered buying more land from the neighbor to the north and she answered no, she has not considered it.

Homrich asked if the barn could be relocated on the property and put on a new foundation? Mr. Riemersma said that is not preferred but may be possible.

Brenner said it is not an ideal situation as any barn owner could want to do the same thing. She felt the minimum square footage for a house should stay at 840-square foot.

Schweitzer said the barn wasn't used as a house, so the setbacks were not a problem originally. If the barn is now a house, it is too close to the lot line and could cause more problems in the future. He added it could be damaging to the neighbors for a house that small.

Frizzell said she likes the history of the barn and the concept of keeping the barn, however the distance of what is required for a rear setback and what Ms. Sparrow is asking is too great of a distance to ask a variance for.

Frizzell and Stachowiak both feel the request could set a precedent to allow houses smaller than the required 840-square foot.

**MOTION: LOT AREA VARIANCE AT 777 9 MILE ROAD
CASE #22-ZBA-04**

Frizzell made a motion, supported by Schweitzer to DENY the requested variance Section 7.06(a)(3) the minimum required floor area for a dwelling with a second floor with less square feet than the first floor; a variance request from 840-square feet to 600-square feet to allow a conversion of a barn into a home in the R-1, Low Density Residential zoning district for the property located at 777 9 Mile Road NW, PP# 41-09-01-300-050.

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 the modification to the existing structure would damage the character of the structure to meet the minimum square footage requirements.
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 that other property owners in the same zoning district or vicinity have". The property owner has the same rights as the neighbors to convert the structure but cannot have a dwelling smaller than 840-square feet.
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' property or the public interest". The variance would allow the structure to be a non-conforming building and could be damaging to the neighbor's by being sub-standard dwelling on the property.
4. The requested variance *does not* meet Standard #4, that "The variance cannot set a precedent." The variance request would set a precedent and encourage others for a similar requests to convert barns into homes and allow for non-conforming building sizes for dwellings.

Ayes: 5

Nays: 0

Motion carried

**MOTION: REAR SET BACK VARIANCE AT 777 9 MILE ROAD
CASE #22-ZBA-04**

Schweitzer made a motion, supported by Homrich to DENY the requested variance Section 7.05(c) from the minimum required rear building setback for a home of 50 feet to 9.9 feet for a new home (east 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". There is

nothing unique about the property and there is plenty of room on the property to move the structure to the proper location.

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 that other property owners in the same zoning district or vicinity have". The property owner has the same rights as the neighbors and the request is too close to the lot lines.
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' property or the public interest". The request is close to the neighbor's properties and therefore could be harmful or damaging.
4. The requested variance *does not* meet Standard #4, that "The variance cannot set a precedent." The variance request would set a precedent and encourage others to build that close to lot lines.

ZONING BOARD OF APPEALS ADMINISTRATIVE ITEMS

Becker said the Township is currently looking for a new alternative member for the ZBA as Matt Wenzel is now a member on the Planning Commission.

ADJOURNMENT

Motion made to adjourn the meeting at 8:55 PM by Homrich, supported by Brenner.

Ayes: 5

Nays: 0

Motion carried



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary