

**GRAND RAPIDS CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 14, 2016**

A regular meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 pm with the following present; Chair George Orphan, Secretary Jim Kubicek, Greg Timmer and Lee VanPopering. Also present were Township Attorney Jim Scales and Planning/Zoning Assistant Kara Hammond.

1. Approval of the May 10, 2016 minutes.

Lee VanPopering, seconded by **Greg Timmer**, moved to approve the minutes with no changes. **Motion approved unanimously, 4-0.**

2. #2016-02 (Tabled) - Jack & Kathy Crothers - 2240 Leffingwell Ave NE - The applicant is requesting a variance to allow construction of a solar panel array to be located in front of the principal building.

Lee VanPopering, seconded by **Jim Kubicek**, moved to put the above stated item back on the table for discussion and determination. **Motion approved unanimously, 4-0.**

Kathy & Jack Crothers, owners and applicant, gave a brief presentation and recap;

- no close neighbors
- 12 acres
- heavily wooded lot
- septic, drain field, large garden in back yard and heavily wooded, love it don't want to disturb
- submitted new and to scale drawing, as requested

Lee VanPopering stated the applicant did not bring the proper items back to the Zoning Board of Appeals that he wanted; he wants to see elevations. VanPopering said he does not have a problem with this being put anywhere on the property, as long as it is not in the front yard. VanPopering said allowing this variance is setting precedence, for not only the people along Leffingwell Ave, but the entire Township. VanPopering stated he does not agree with this request or allowing this variance be granted.

George Orphan brought up the fact that if the variance is granted it stays with the property; what will happen in 20 years when the cells are dead, what will the applicant do at that point. The applicant stated they will be taken care of and when it needs to be repaired or replaced, that is just what they will do. The applicant said they will not let the structure become an eye sore in any way and will maintain it as they do the rest of their property.

George Orphan is not convinced there is a hardship because of all the property the applicant has in the back yard; adding they cannot count dollar signs as a hardship. The applicant explained the best location for the solar panels is where they are requesting to put it explaining only the planet, environment (solar energy) and mankind will benefit from this variance being allowed.

The Zoning Board of Appeal members moved to discussion; Greg Timmer said he sees it a little different; just because they are granting a variance of a structure in the front yard does not see it as problematic as other ZBA members; explaining it is more of a hindrance in the backyard than the front yard. Jim Kubicek stated they take each case on a case by case basis, and does not believe they will be setting a "precedence" by approving this particular variance. Attorney Jim Scales agreed stating each request must be addressed individually, on their own merit and issues. George Orphan stated he feels the applicant does not meet the criteria needed to approve the variance; Jim Kubicek rebutted explaining there is no ordinance at this point for solar energy.

Jim Kubicek, seconded by **Greg Timmer**, moved to approve the variance request as written by the attorney to allow the construction of a solar panel array to be located in front of the principal building.

Ayes; Jim Kubicek, Greg Timmer

Nays; Lee VanPopering, George Orphan

The request is denied.

The Zoning Board has denied the request based on the following reasons;

- the applicant did not present evidence that proved that the extended tree removal, was exceptional or extraordinary circumstances
- variance is not necessary for the preservation and enjoyment of similar and surrounding property
- allowing the variance will be of substantial detriment to the adjacent properties
- the condition of the property makes impracticable the formulation of a general regulation

3. #2016-03 - Eastbrook Homes - Sycamore Woods - The applicant is requesting a five foot reduction of the front setback for 13 (of the 37) units in the single-family site condominium development located on Shear Avenue.

Michael McGraw, with Eastbrook Homes, gave a brief presentation;

- running into a problem with the grades on the lots along the rear of the development
- requested variances on 13 lots; significant grade changes (topo graph)
- bringing it in 5 ft., they are able to help the future homeowner and anything they can do to make the backyard more usable would be beneficial
- explained the four criteria in the memo submitted

Lee VanPopering asked about drainage issues, and questioned the applicant about lot 37. The ZBA Members all concluded that drainage is not the issue as the development has already been approved and began development.

Jim Kubicek asked the applicant if there is sufficient room to park 2 vehicles in the driveway with no hang over into the road. The applicant stated they typically build three stall garages and explained the street section and the extra space that is accounted for.

Lee VanPopering, seconded by **Greg Timmer**, moved to open the Public Hearing at 7:44 pm.
Motion approved unanimously, 4-0.

Jim Kubicek, seconded by **Greg Timmer**, moved to close the Public Hearing at 7:45 pm.
Motion approved unanimously, 4-0.

Lee VanPopering stated he does not have a problem with the request and believes the applicant deserves some relief. ZBA Members discussed including lot 2 in the approval. The applicant stated they have already started construction on the home on that lot so it is not necessary.

Jim Kubicek stated the request meets the four criteria (as written and submitted by the applicant).

Jim Kubicek, seconded by **Greg Timmer**, moved to approve the variance request, as stated in the resolution provided by the Township Attorney, as it meets the required criteria

Motion approved unanimously, 4-0.

4. #2016-04 - BDr - 4461 Cascade Rd SE - The applicant is requesting a variance from the 100 foot front setback, from Parchment Drive, to allow parts of the building to be located as close as 63 feet from the right-of-way.

Dave Content, representing BDR, gave a brief presentation;

- building setback variance for a commercial office to be developed
- seeking the relief on the required 100 ft. setback from Parchment Dr
- noted numerous businesses along Cascade Rd that are non-conforming
- 68% of the existing building is located outside of the setbacks, the proposed building is 16% outside, so making it more compliance with the Ordinance
- added/modified the parking spots slightly and able to add 9 spaces, footprint of the building has been modified 4%
- general office and a bank; uses for the proposed building

George Orphan asked if the additional parking spaces comply with the Site Plan Review Committee requirements. Dave Content stated they do.

Greg Timmer, seconded by **Jim Kubicek** moved to open the Public Hearing at 7:59 pm.

Motion approved unanimously, 4-0.

Greg Timmer, seconded by **Jim Kubicek** moved to close the Public Hearing at 7:59 pm.

Motion approved unanimously, 4-0.

Lee VanPopering, seconded by **Greg Timmer**, moved to approve the variance request as supported by the 4 criteria, adding the request will be a vast improvement of the site, and getting the building more conforming to the Zoning Ordinance.

Motion approved unanimously, 4-0.

A Boy Scout was present in the audience. Chair George Orphan asked him to introduce himself and explained what the Zoning Board of Appeals does, and their roll, within the Township.

The meeting was adjourned at 8:11 pm.

Respectfully Submitted,
Jim Kubicek