

**GRAND RAPIDS CHARTER TOWNSHIP
BOARD OF ZONING APPEALS
SEPTEMBER 9, 2008**

A meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. with the following present: Chair Ronald Hall, Vice-Chair George Orphan, Secretary David VanDyke, Jim Kubicek, and Greg Timmer. Absent was Lee VanPopering. Also present was Township Planning Director Richard Sprague Jr. and Planning/Zoning Clerical Assistant Robin Rothley.

1. Approval of the August 12, 2008 minutes.

Dave VanDyke, seconded by **George Orphan**, moved to approve the minutes as presented.

Motion passed unanimously.

2. #2008-07 – Stan Mieras – 2322 Beatrice Dr.

Bill Roermsa, Roersma & Wurn Builders, has built the house and was in the process of building the deck. They are proposing a 12' X 18' deck which would encroach on the rear yard set back. They believed the deck was included on the original building permit for the house; the building inspector informed them that it wasn't during an inspection for the house. Other municipalities don't include decks in setback requirements so they were unsure that Grand Rapids Township does include them.

The hardship for this lot is the size; it's a very small building envelope. They have constructed built the smallest ranch in the development on this lot and the deck still wouldn't fit with in the setbacks.

There is a wetland area behind the property so the deck would not affect any neighbors. They have spoken with the neighbors on both sides and neither one has a problem with the request.

Ron Hall asked what setback they are requesting. Bill Roersma said that the house sits two feet inside the building envelope; they are requesting a 13' rear yard setback.

Ron Hall opened the Public Hearing at 7:08 p.m.. As there was no in the audience wishing to comment the Public Hearing was closed at the same time.

George Orphan noted that the plan shows a 12' X 12' deck. Bill Roersma said that they are now building a 12' X 18'. George Orphan asked if the stairs are included or if they will extend further into the rear setback. Bill Roersma said that they will be additional; they could place them on the side of the deck.

The Zoning Board members discussed the size and location of the stairs.

Dave VanDyke, seconded by **George Orphan**, moved to approve the variance for a minimum 12' rear yard setback to incorporate an attached deck with the following conditions.

- The deck will be 12' X 18' with 3' stairway.
- The variance is for a deck only; not an extension of the house.

Dave VanDyke said the lot is on a cul-de-sac which creates setback difficulties. The property adjoins a wetland and will not impact any neighbors.

Motion passed unanimously.

3. **#2008-08 – Forest Hills Baptist Church – 3900 East Fulton St.**

Tim Dew, representing Forest Hills Baptist Church, described the request. They are requesting to move their existing monument sign from the current location to 3900 East Fulton which is the location that the church is moving to. The sign will replace the existing sign at this location. The sign would not be a detriment to the area because it is actually smaller than the existing sign.

George Orphan asked if the extensions would remain the same. Tim Dew said that they would.

Ron Hall asked if the setbacks would change. Tim Dew said that the sign would be in the same location; it will be installed perpendicular from the street but will not be any closer.

The Zoning Board members discussed the height and base of the sign. Tim Dew said the sign is 4' from the top to the metal edge at the bottom; not including the extensions. The Zoning Board members were concerned that the sign could be considered a pylon sign because it is not supported on a solid base. Planning Director Rick Sprague read the Zoning Ordinance definition of a ground sign and it can be supported by one or more poles provided it is no more than 24" from the ground.

Ron Hall opened the Public Hearing at 7:25 p.m. As there was no in the audience wishing to comment the Public Hearing was closed at the same time.

George Orphan noted that the property slopes down from Fulton Street which makes it difficult to see a smaller sign.

Jim Kubicek said that the sign is smaller than the existing one so it is moving more towards compliance.

Dave VanDyke added that it is a large lot and the sign sits far back. The front of the sign will still be no closer to the street than the existing sign.

Dave VanDyke, seconded by **George Orphan**, moved to approve the request to allow a new 52 s.f. ground sign to replace the existing sign with the following conditions.

- The existing sign must be removed.
- The setback from Fulton Street will be no less than the existing sign.
- The sign can be internally lit.

Motion passed unanimously.

4. **#2008-09 – Robert Harp – 2811 Dylan Ct.**

Robert Harp, the applicant, described the request. They are requesting to be allowed to place a 6' Privacy Fence closer to 3 Mile than their house. They consider this to be their back yard and because 3 Mile is such a busy street they have no privacy. Safety is also a concern; the existing 3' picket fence would not keep their dog in the yard so they take him out in the backyard on a leash. They also plan to put a pool in and don't feel the existing fence would be safe enough to keep children out. Trash is also an issue; litter from 3 Mile blows through the picket fence into their yard.

Three Mile Rd is built up 6' from their property so they don't feel the fence would affect traffic. The privacy fence would be put in the same location as the existing fence.

Robert Harp distributed photos shown from various angles of their property.

Dave VanDyke discussed the look of a privacy fence along a main street; especially as the fence deteriorates over time. He suggested landscaping as a buffer. The applicant said that landscaping takes time to grow plus there are power lines over head. He offered to use composite fencing material to prevent deterioration.

Ron Hall opened the Public Hearing at 7:40 p.m. As there was no in the audience wishing to comment the Public Hearing was closed at the same time.

Dave VanDyke said that he would be more likely to approve a 5' – 6' open fence with landscaping. Jim Kubicek noted that landscaping would not alleviate the safety concerns.

Ron Hall said that the fence could be placed in line with the edge of the house. The applicant pointed out that that would cut off a large portion of his yard.

George Orphan stated that the Zoning Board of Appeals have denied requests like this many time. He does not see a hardship.

Dave VanDyke asked about a setback reduction. Rick Sprague explained the guidelines for the reduction and this property would not qualify.

The Zoning Board members discussed the location of the drain field and a location for a future pool.

Jim Kubicek, moved to approve the variance as requested. There was no second therefore the motion was not acted on.

The applicant said the fence is 6'-7' inside the property line.

George Orphan is concerned that if approved this could start precedent.

Dave VanDyke said he can sympathize with the situation. Ron Hall pointed out that the hardship was there when they purchased the home. Robert harp stressed that they will maintain the fence. Ron Hall explained that a variance would go with the property for future homeowners.

Dave VanDyke suggested moving the fence to 10' from the property line and include spruce trees as a landscape buffer. The Zoning Board members discussed this idea.

Dave VanDyke, seconded by **Jim Kubicek**, moved approve the request for a 6' privacy fence closer to the street than the front edge of the primary building with the following conditions:

- The fence will be a minimum of 15' north of the south property line.
- Six Spruce trees a minimum of 7' tall planted 12' apart along the entire width of the fence.

Yes: Dave VanDyke, Greg Timmer

No: Jim Kubicek, Ron Hall, and George Orphan

Motion Denied.

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5. Update from Township Planner

There are no items on the agenda for an October meeting. A few people have inquired about a variance so there may be a November meeting.

Rick Sprague gave a brief explanation for the Catholic Secondary Schools athletic field's request. They will not be required to come before the Zoning Board of Appeals in the future.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,
David VanDyke