

Polkton Charter Township
Zoning Board of Appeals Minutes (Unapproved)
Virtual Meeting Via Go To Meeting App
September 10, 2020

Members Present: Greg Slater and alternate Leah Spinner at the Township office, Tim Alt, Dave Busman, Kelly DuBois, Sheryl Koning virtually.

Members Absent: None

Other Attendees: Adam & Marlowe Clements, Mike & Jessica Murphy, Joel Van Dyke, Lavonne & Pat Marshall and Shirley Draft (virtually)

Chairperson Slater called the meeting to order at 7:00 PM.

1. ZBA members introduced themselves to the audience.
2. Motion by Alt supported by Koning to approve the agenda as submitted. Vote taken--All ayes--Motion carried.
3. Minutes of the June 16, 2020 Special Meeting: Motion by Koning, supported by DuBois to approve the minutes as published. Vote taken--All ayes—Motion carried.

Variance Request #1: Adam & Marlowe Clements
5749 Leonard Street
Coopersville, MI 49404

Applicant has submitted a request for a variance to build a 48' x 32' (1536 sq. ft.) accessory building, with a 48' x 12' (576 sq. ft.) lean to and an 8' x 6' (48 sq. ft.) porch. Building has an 18' peak height. Applicant is also requesting a variance for a second accessory building. Building to be located on a parcel that is approximately 3.55 acres. Parcel is commonly known as 5749 Leonard Street, Coopersville, MI 49404, zoned R-1, parcel 70-09-11-200-030 legally described as:

PART OF NE 1/4 SEC 11 & SE 1/4 SEC 2, COM N 89D 56M 31S W 286.04 FT FROM NE SEC COR SEC 11, TH S 0D 03M 22S E 454.58 FT TO CEN LI OF LEONARD RD, NW'LY 96.44 FT ALG A 540 FT RAD CURVE TO LEFT (CHD BEARS N 62D 27M 17S W 96.31 FT), N 0D 03M 22S W 195.04 FT, S 89D 56M 38S W 100 FT, S 0D 03M 22S E 164.21 FT, N 76D 30M 54S W 196.53 FT, N 0D 03M 22S W 335.76 FT, N 0D 47M 26S W 74.78 FT, N 89D 56M 38S E 377.38 FT, TH S 0D 03M 22S E 77.43 FT TO BEG. SEC 11 T7N R14W & SEC 2 T7N R14W

Public Hearing: Chairperson Slater opened the public hearing at 7:04 PM and explained the rules for public comment.

Mr. Clement presented his request. Building will be used for storage of a camper, tractor, side by side. No current plans for electricity. Cement floor, one level. Lean to is for summer storage of camper.

Public Comment/Written Correspondence: Chairperson Slater asked for public comment. There was no public comment. No written comments were received

Chairperson Slater closed the public hearing at 7:13 PM

Board Discussion: Applicant is seeking two variances:
Accessory building size (2160 sq. ft. vs 1200 sq.ft.)
Second Accessory Building (360 sq. ft.)
Primary residence for parcel has approximately 1829 sq. ft. floor area.

Spinner led the review of the site plan per ordinance Section 16A.03. Items one through four were met, five was waived, six was met, seven through twelve were waived, thirteen was met, fourteen and fifteen were waived, sixteen was met (with explanation-Spring 2021), seventeen was met (motion contingent-lighting), eighteen was waived, nineteen through twenty three were met, twenty four was waived, twenty five was met, twenty six through twenty nine were waived and thirty was met. Board then reviewed Section 16A.04. Item A was waived, B through E were met, F through H were waived, and I was met (motion contingent-lighting).

Board reviewed ordinance Section 7.04 as the Clements property is in R-1 zoning. Item A.1 through A.3 were waived, B through D were met. Section 7.05 was met.

Spinner also led the review of Section 4.11. Item A2 was met, A4a through A4c were met, A5 was met, A6 was met (motion contingent-no human beings), B1 was met, B3 was not met (second accessory building), B3a was not met (size), B3b was met, B4a was met, B4b was not met (size), B4c through B4f were met. Section 23 was met (motion contingent-lighting).

Board discussed variance request. Location for building is where a barn once existed. For reference 1% of parcel size would be 1546 square feet. Main building size of 48' x 32' seems appropriate for parcel, but lean to makes building too large since Mr. Clements has an existing 360 square foot accessory building.

As a result, the following motion was made:

Motion: Motion was made by Alt and supported by Koning to approve a revised Clements building request for a 48' x 32' (1536 sq. ft.) accessory building with a 8' x 6' porch, but no lean to and for approval to retain existing second accessory building. Motion contingent on compliance with the Township lighting ordinance Section 23 if/when lighting is added, and constructing a driveway per ordinance Section 20. Building cannot include any living quarters for human beings and applicant must obtain all necessary building permits. Vote taken—All ayes. Motion carried.

Variance Request #2

Mike & Jessica Murphy
5020 Garfield Street
Coopersville, MI 49404

Applicant has submitted a request for a variance to build a 50' x 40' (2000 sq. ft.) accessory building, with a 40' x 12' (480 sq. ft.) lean to. Building has a 24' peak height. Applicant is also requesting a variance for a rear yard setback of 10' and a variance for a second accessory building. Building to be located on a parcel that is approximately 2.74 acres. Parcel is commonly known as 5020 Garfield Street, Coopersville, MI 49404, zoned AG-1, parcel 70-05-36-200-005, legally described as:

PART OF N 3/4 OF NE 1/4 COM 1191.87 FT W OF NE COR, TH S 1D24M W 287.1 FT, TH W 415 FT, N 1D24M E 287.1 FT, E 415 FT TO BEG. SEC 36 T8N R14W 2.74 A

Public Hearing: Chairperson Slater opened the public hearing at 7:36 PM and explained the rules for public comment.

Mr. and Mrs. Murphy presented their request. Current attached garage on house was converted into living space. They need additional space for their automobiles and recreational vehicles. The lean to is for outside dining and recreation. They would also like to retain their existing 460 square foot accessory building, but relocate it.

Public Comment/Written Correspondence: Chairperson Slater asked for public comment. There was no public comment. No written comments were received

Chairperson Slater closed the public hearing at 7:39 PM

Board Discussion: Applicant is seeking four variances:

Accessory building size (2480 sq. ft. vs 1200 sq.ft.)

Peak Height: (24' versus 18')

Rear Yard Setback: (10' versus 20')

Second Accessory Building

Primary residence for parcel has approximately 1748 sq. ft. floor area.

Koning led the review of the site plan per ordinance Section 16A.03. Items one through four were met, five was waived, six was met, seven through twelve were waived, thirteen was met, fourteen and fifteen were waived, sixteen was met (with explanation—Spring 2021), seventeen was met (motion contingent-lighting), eighteen was waived, nineteen through twenty three were met, twenty four was waived, twenty five was met, twenty six through twenty nine were waived and thirty was met. Board then reviewed Section 16A.04. Item A was waived, B was not met (size), C through E were met, F through H were waived, and I was met (motion contingent-lighting).

Board reviewed ordinance Section 6.04 as the Murphy property is in AG-1 zoning. Item A was met, B was met, C.1 and C.2 were met, C.3 was not met (rear yard setback), D was not met (height).

Koning also led the review of Section 4.11. Item A2 was met, A4a was met, A4b was not met (rear yard setback), A4c was met, A5 was met, A6 was met (motion contingent-no human beings), B1 was met, B3 was not met (second accessory building), B3a was not met (size), B3b was not met (height), B4a was not met (size), B4b was not met (size), B4c through B4f were met. Section 23 was met (motion contingent-lighting).

Board also reviewed Section 4.11, item B2 and B2b which applies to detached garages. Board determined that the second accessory building does not qualify as it is not used for parking and storing passenger vehicles.

Board discussed variance request. Members felt that the 10' rear yard setback was too small. For reference 1% of parcel size would be 1194 square feet. Board asked applicant if buildings could be switched (new building on east border and existing next to it on west) avoiding the need for a setback variance. Applicant stated they had not thought of that but could do it, but stated they would then like the lean to on the existing small building.

As a result, the following motion was made:

Motion: Motion was made by Alt and supported by Slater to approve a revised Murphy building request for a 50'x 40' (2000 sq. ft.) accessory building, with no lean to, and denied approval for a 10' rear yard setback. New accessory building and existing accessory to be switched so setback variance is not required. Peak height of 24' on new accessory building and retaining the existing second accessory building with the addition of a 23' x 12' lean to were also approved. Motion contingent on compliance with the Township lighting ordinance Section 23, if/when lighting is added to building and building cannot include any living quarters for human beings. Applicant must obtain all necessary building permits. Vote taken—All ayes. Motion carried.

Variance Request #3

Joel Van Dyke
15498 Juniper Dr.
Marne, MI 49435

Applicant has submitted a request for a variance to build a 60' x 40' (2400 sq. ft.) accessory building. Building will have an 18' peak height. Applicant is also requesting a variance to locate the accessory building closer to the road than the primary residence and to be constructed at the same time the primary residence is being built. Building to be located on a parcel that is approximately 8.65 acres. Parcel is currently vacant, on Leonard Street, Coopersville, MI 49404, zoned R-2, parcel 70-05-31-300-023, legally described as:

PART OF SW 1/4 COM W 951.6 FT FROM S 1/4 COR, TH N 20D 48M 38S E 810.24 FT TO S LI OF LEONARD RD, N 49D 43M 39S W 552.69 FT, S 0D 41M 57S E 658.48 FT TO CEN LI OF CREEK, SW'LY ALG SD CEN LI 270 FT M/L TO W LI OF SE 1/4 OF SW 1/4, S 0D 41M 57S E 295.97 FT, TH E 369.4 FT TO BEG. SEC 31 T8N R14W 8.65 AC.

Public Hearing: Chairperson Slater opened the public hearing at 8:08 PM and explained the rules for public comment.

Mr. Van Dyke presented his request. For reference, 1% of parcel size would be 3768 square feet. Building to be used for storage of equipment. Building will have a water hydrant and electricity and will have a cement floor. Building is 100' west of home. Mr. Van Dyke has a business but stated that work vehicles are taken home by his employees and would not be stored in the building.

Public Comment/Written Correspondence: Chairperson Slater asked for public comment. Lavonne Marshall, 9291 Leonard stated concern over the size of the building and asked how far from the road it would be located. Leah Spinner, 9356 Leonard stated that the building location is acceptable and will not affect drainage of their adjoining parcel.

No written comments were received

Chairperson Slater closed the public hearing at 8:21 PM

Board Discussion: Applicant is seeking three variances:
Accessory building size (2400 sq. ft. vs 1200 sq. ft.)
Accessory building closer to road than residence
Accessory building to be built as residence is constructed
Primary residence for parcel will have approximately 2100 sq. ft.

DuBois led the review of the site plan per ordinance Section 16A.03. Items one through four were met, five was waived, six was met, seven through twelve were waived, thirteen was met, fourteen and fifteen were waived, sixteen was met (with explanation-Spring 2021), seventeen was met (motion contingent-lighting), eighteen was waived, nineteen through twenty three were met, twenty four was waived, twenty five was met, twenty six through twenty nine were waived and thirty was met. Board then reviewed Section 16A.04. Item A was waived, B through D were met, E was met (motion contingent-driveway), F through H were waived, and I was met (motion contingent-lighting).

Board reviewed ordinance Section 8.04 as the Van Dyke property is in R-2 zoning. Item A through D were met. Section 8.05 was waived.

DuBois also led the review of Section 4.11. Item A2 was not met (no residence), A4a through A4c were met, A5 was met, A6 was met (motion contingent-no human beings), B1 was not met

(location), B3 was met, B3a was not met (size), B3b was met, B4a was met, B4b was not met (size), B4c was not met (size), B4d through B4f were met. Section 23 was met (motion contingent-lighting).

Board discussed variance request. Concern was expressed concerning location. No concerns with size. Applicant agreed to move building back so back of building, at a minimum, is in line with front of house, but avoiding wet areas on the parcel.

As a result, the following motion was made:

Motion: Motion by DuBois and supported by Koning to approve the Van Dyke request for a 60'x 40' (2400 sq. ft.) accessory building, however building must be relocated so the back of the accessory building is, at a minimum, in line with the front of the house. Building cannot include any living quarters for human beings. Approval is contingent on accessory building not being completed until occupancy permit for primary residence has been issued, for being compliant with Township lighting ordinance Section 23, and constructing a driveway per ordinance Section 20. Approval is also contingent on applicant obtaining all necessary building permits. Vote taken—All ayes----Motion carried.

4) Other ZBA Business:

ZBA member appointments—Busman reminded members that Tim Alt and Sheryl Koning terms expire on November 30. Supervisor Sahlberg will be contacting them concerning reappointment.

Use variance requests—Board reviewed Section 21.08D-Limitations on Variances

Establish date for minute approval meeting

Special meeting for minute approval will be held September 17 at 9:00 AM

Motion to adjourn: Motion made by Koning and supported by Alt to adjourn. Vote taken--All ayes. Motion carried. Meeting adjourned at 8:54 PM.

Next regular meeting is December 10, 2020 (if required).

Submitted by D Busman, ZBA Secretary