

Blendon Township
Zoning Board of Appeals
September 9, 2019

1. **The meeting was called to order** at 7:00 pm by Chairman Bruce Costen.
2. **Roll Call: PRESENT:**
 - Bruce Costen
 - Mark Dykstra
 - Dave Hovingh
 - Bob Groot
 - Joel Hoving
3. **Also Attending:**
 - a) Lori Castello – Zoning Administrator
 - b) Kurt Gernaat – Fire Chief
4. **Motion to approve the agenda** was made by Dave Hovingh, support by Mark Dykstra
Motion Carried
5. **Motion to approve the Zoning Board of Appeals Meeting Minutes, dated February 19, 2018,** was made by Mark Dykstra, support by Bob Groot.
Motion Carried
6. **Zoning Board of Appeals Annual Business:**
 - a) Election of Officers:
 - **Motion to re-elect Bruce Costen as the Chairman of the Zoning Board of Appeals** was made by Mark Dykstra, support by Dave Hovingh.
Motion Carried
 - **Motion to re-elect Bob Groot as the Vice-Chairman of the Zoning Board of Appeals** was made by Dave Hovingh, support by Mark Dykstra.
Motion Carried
 - **Motion to elect Dave Hovingh as the Secretary of the Zoning Board of Appeals** was made by Bruce Costen, support by Joel Hoving.
Motion Carried
 - b) 2019-2020 Meeting Day-Date Schedule
 - **Motion to hold the Zoning Board of Appeals meetings on the first Monday of the month, as needed,** was made by Bruce Costen, support by Dave Hovingh.
Motion Carried
7. **Correspondence:**
 - a) none

8. New Business:

a) Michael Kaechele Variance Request:

- Public Hearing for the request of Michael Kaechele, of 6175 New Holland St, for a variance from section 15.03.02(c3) of the Blendon Township Zoning Ordinance, to allow for the construction of an accessory building within the 50' required side yard setback.
- Zoning Administrator, Lori Castello, read the published public hearing notice.
- ***Motion to open the public hearing at 7:07 pm was made by Joel Hoving, support by Mark Dykstra.***

Motion Carried

- Applicant was in attendance.
 - Chairman Costen asked the applicant to explain the reason for his request for the variance.
- Public Comment:
 - Cal Topp, Zeeland Township Resident, his mother owns the field to the west of the applicant's parcel, supported the applicant and the requested location of his accessory building.
- ***Motion to close the public hearing at 7:23 pm was made by Mark Dykstra, support by Dave Hovingh.***

Motion Carried

- Discussion was had by the members of the ZBA.
- Board's motions on each of the standards:
 - The enforcement of the literal requirements of this Ordinance **[would/would not]** involve practical difficulties for the following reasons:
 - ***Motion made by Mark Dykstra, support by Bob Groot that the enforcement of the literal requirements of this Ordinance WOULD NOT involve practical difficulties because the location is mainly a personal preference of the applicant. The water drainage and fill difficulties can be cured through excavation and the tree line buffer can still remain.***

Motion Carried 4-1

- The special conditions or circumstances **[exist/do not exist]** which are peculiar to the land, structures or buildings involved and which **[are/are not]** applicable to other lands, structures or buildings in the same zoning district for the following reasons:
 - ***Motion made by Joel Hoving, support by Dave Hovingh, that special conditions or circumstances do not exist which are peculiar to the land, structures or buildings involved and which are applicable to other lands, structures or buildings in the same zoning district since there have been many other properties that needed to make similar modifications and excavations without receiving a variance.***

Motion Carried 5-0

- Such a variance **[is/is not]** necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity for the following reasons:

- ***Motion made by Dave Hovingh, support by Mark Dykstra, that such a variance IS NOT necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity because the applicant does have other options available with fill and excavation.***

Motion Carried 5-0

- The authorizing of such variance **[will/will not]** be of substantial detriment to the other lands and uses and **[will/will not]** be contrary to the spirit and purpose of this Ordinance for the following reasons:

- ***Motion made by Dave Hovingh, support by Joel Hoving, that authorizing of such a variance WILL BE of substantial detriment to the other lands and uses and WILL BE contrary to the spirit and purpose of this Ordinance because the applicant does have other options available for the placement of the barn.***

Motion Carried 5-0

- **Motion made by Bruce Costen, support by Dave Hovingh, that the Zoning Board of Appeals hereby finds that the standards of Section 16.06 of the Zoning Ordinance ARE NOT satisfied for the reasons set forth in the record stated above and hereby DENIES the requested variance to allow for the placement of the accessory building depicted on the site plan submitted with the variance application date June 20, 2019.**

- Roll Call Vote:

- Aye: Costen, Dykstra, Groot, Hovingh, Hoving

- Nay: None

Motion Carried 5-0

b) Chris Litts Variance Request:

- Public Hearing for the request of Chris Litts, of 6035 Port Sheldon St Lot B, for a variance from section 15.03.02(c3) of the Blendon Township Zoning Ordinance, to allow for the construction of an accessory building within the 50' required side yard setback.
- Zoning Administrator, Lori Castello, read the published public hearing notice.
- ***Motion to open the public hearing at 8:30 pm was made by Mark Dykstra, support by Dave Hovingh.***

Motion Carried

- Applicant was in attendance.

- Chairman Costen asked the applicant to explain the reason for his request for the variance.

- Public Comment:

- Owen Sabin from Ridgeline Homes presented on behalf of the applicant to the ZBA.

- Letter of support submitted from Bill and Mary Vanden Berg was submitted and read.
- **Motion to close the public hearing at 8:43 pm was made by Dave Hovingh, support by Mark Dykstra.**

Motion Carried

- Discussion was had by the members of the ZBA.
- Board's motions on each of the standards:
 - The enforcement of the literal requirements of this Ordinance **[would/would not]** involve practical difficulties for the following reasons:
 - **Motion made by Dave Hovingh, support by Joel Hoving that the enforcement of the literal requirements of this Ordinance WOULD NOT involve practical difficulties because the driveway can be moved further to the west, the building could be turned so the doors face the south and the utilities could be moved.**

Motion Carried 5-0

- The special conditions or circumstances **[exist/do not exist]** which are peculiar to the land, structures or buildings involved and which **[are/are not]** applicable to other lands, structures or buildings in the same zoning district for the following reasons:
 - **Motion made by Dave Hovingh, support by Bruce Costen, that special conditions or circumstances DO NOT EXIST which are peculiar to the land, structures or buildings involved and which ARE applicable to other lands, structures or buildings in the same zoning district since the building could be moved to meet the ordinance requirements.**

Motion Carried 5-0

- Such a variance **[is/is not]** necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity for the following reasons:
 - **Motion made by Joel Hoving, support by Dave Hoving, that such a variance IS NOT necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity because the ordinance can prevail with adjustments.**

Motion Carried 5-0

- The authorizing of such variance **[will/will not]** be of substantial detriment to the other lands and uses and **[will/will not]** be contrary to the spirit and purpose of this Ordinance for the following reasons:
 - **Motion made by Dave Hovingh, support by Joel Hoving, that authorizing of such a variance WILL BE of substantial detriment to the other lands and uses and WILL BE contrary to the spirit and purpose of this Ordinance so the ordinance will prevail because other options exist.**

Motion Carried 5-0

- **Motion made by Bruce Costen, support by Dave Hovingh, that the Zoning Board of Appeals hereby finds that the standards of Section 16.06 of the Zoning Ordinance ARE NOT satisfied for the reasons set forth in the record stated above and hereby DENIES the requested variance to allow for the placement of the accessory building depicted on the site plan submitted with the variance application date July 31, 2019.**

- Roll Call Vote:

- Aye: Costen, Dykstra, Groot, Hovingh, Hoving
- Nay: None

Motion Carried 5-0

9. Adjournment:

- a) With no further business brought before the board, a ***motion was made Mark Dykstra, support by Joel Hoving, to adjourn the meeting at 9:53 pm.***

Recorded by Tina Vander Schuur
Submitted by Dave Hovingh, Secretary

DRAFT