

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JULY 19, 2007**

Charles Gilson called the meeting to order at 7:30 p.m.

Members present: Shirley Bruin, Mary Gavin, Clifford Bronkema and Charles Gilson

Member Absent: Matthew Fenske

The minutes of the August 10, 2006 meeting were approved as presented.

1. Doris Sommerdyke is requesting a variance from Section 7.04(b) – Area Regulations, Front Yard for a house addition. This parcel number 70-10-24-200-009 is located at 0-300 Leonard Street and is zoned R-1.

Mrs. Sommerdyke said the house was built in 1935 and she has lived at this address for 34 years. There was a garage 50 feet from the house which deteriorated. She would like an attached garage and an addition on the back of the house for a bathroom which would also be handicap accessible, since her husband is handicapped. The proposed attached garage would be set back six feet from the front of the existing house, so it would not be any closer to the easement (Crowley). There is approximately 100 feet to the south (side) lot line.

Clifford Bronkema moved, Mary Gavin supported, motion CARRIED to APPROVE the request based on the comments in regard to the Zoning Ordinance Standards for Review provided from Township Planner, Greg Ransford as follows:

Standards for Review. A variance shall not be granted unless one or more of the following standards are met:

1. Special conditions and circumstances exist which are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district.

We believe the age of the dwelling, which predates our zoning ordinance, is very unique and highly unlikely to be applied to most other lands in the same district. Thus, the age of the dwelling itself is a special condition and circumstance.

2. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.

We believe that the position of the dwelling, which is entirely within the front yard setback, creates special conditions and circumstances that were not the result of the applicant, as its location has existed for over 70 years.

3. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.

The literal interpretation of the Ordinance would prevent any future addition to the dwelling, which is a permitted activity to other property owners in the same district. Thus, the literal interpretation of the Ordinance would deprive the applicant of this right.

4. Granting the variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

Granting the variance will not confer a special privilege to the applicant. Other properties in the same district are allowed the ability to construct additions to their dwelling.

5. The existence of nonconforming uses of neighboring lands, structures, or buildings in the same district; permitted or nonconforming uses of land, structures or buildings in other districts; and nonconforming structures shall not be considered grounds for the issuance of a variance.

We believe this request can be considered accordingly. No other property consideration is needed for the purpose of supporting the request. The entire dwelling is nonconforming on this parcel alone.

6. A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure.

As presented, the applicant is merely seeking to be allowed to construct an addition to the existing dwelling, which is a right enjoyed by any residential property owner. The property owner has sufficient land area, in which no variance would be required to construct an addition to the home in the instance it was positioned further toward the rear (outside of the front yard setback).

However, given the age of the dwelling, which predated zoning, and given its location, which is entirely within the front yard setback and also predated zoning, we believe it is ultimately impossible to determine an appropriate minimum variance to provide for a reasonable addition to the dwelling when any addition will be located within the front yard setback. Thus, there is no difference in the variance effort no matter the variance applied when relief is needed for the structure regardless of the size of the addition. That is, no matter what part of the house the addition is attached, it requires a variance. Thus, it cannot be minimized.

7. The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, and otherwise detrimental to the public interest.

We believe the variance would not be injurious to the neighborhood or otherwise detrimental to the public interest and will be in harmony with the intent of this Ordinance.

Ayes: Shirley Bruin, Mary Gavin, Clifford Bronkema and Charles Gilson. Nays: none.

Meeting Adjourned at 7:40 p.m.

**Respectfully Submitted,
Denise L. Somers, Administrative Assistant**

