

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 20, 2005**

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

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

The minutes of the September 15, 2005 meeting were approved as presented.

1. Randy Bullen is requesting a variance for the rear yard setback to construct a new dwelling. This parcel number 70-10-21-300-058 is located at approximately 2900 Bunker Hill and is zoned Rural Preserve.

Mr. Bullen stated that one month ago he was surprised when he was given the guidelines of the Zoning Ordinance for the setbacks. He then referred to Section 21.07 (d) Standards for Review and said there is no other place on property to build. He added that the surveyor, builder and neighbors all agreed since the property is very hilly and there is a marsh at the bottom.

The meeting opened to the public.

Mark and Marilyn Bareman of 3271 River Hill Drive own property directly to the south of Mr. Bullen's. Mr. Bullen said there is a ravine and 250 feet between their houses; the closest neighbor affected would be Kurt Kunst to the northeast which would be 250 feet. He said the next closest would have 400-500 feet distance between the houses.

Charles Gilson said current regulations require a 100 foot rear yard setback in Rural Preserve. Mr. Bullen meets all other setback requirements. Mr. Bullen is requesting a 25 foot rear yard setback from the garage to the property line.

Pat Cross said Bunker Hill was developed by Jerry Kishman and he never thought it would be a problem because it is in the middle of the woods and there is a large ravine to the south. Mr. Bullen said he is about 400 feet from the cul-de-sac of Ridgeview Private Road to the east.

Mr. Bareman said he has lived at 3271 River Hill for thirteen years and when Mr. Kishman first started to develop what is now Bunker Hill, he looked at the parcel that Mr. Bullen now owns. At that time he felt there was little to no buildable area. He understands that no matter how far out you go, development will happen.

Charles Gilson said the Zoning Ordinance guidelines are to protect the homeowner and the neighbors. This parcel is 6 ½ acres, it is not like a subdivision. The members of the Zoning Board of Appeals visited the site.

Shirley Bruin asked if Mr. Bullen had any plans for an accessory building. Mr. Bullen said he will have a garage under the garage attached to his house. He has no intention of putting up an accessory building or removing more trees. He, in fact, would like to plant more trees. Shirley Bruin wanted to make sure he did not plan on having an accessory building in front of his house, and clarified that the Zoning Ordinance defines the front as the area between the house and the street (Bunker Hill). Mr. Bullen said his driveway is 940 feet long. It was noted that the fire chief had visited the site and said they would not be able to get a fire truck all the way down the driveway to the house. It was also noted that a couple of neighbors had contacted the township office and were not opposed to the request, and one letter was received from a neighbor who was not opposed to the request.

Mary Gavin asked if the house would be a walk-out. Mr. Bullen said there would be a walk-out on the west side, and he angled the garage to follow the natural contours of the land.

Mary Gavin moved, Clifford Bronkema supported, motion CARRIED to APPROVE the request per item #6 of Section 21.07, "A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure," with the proviso that the natural wooded area is kept to the east and no accessory buildings. Ayes: Shirley Bruin, Matthew Fenske, Clifford Bronkema and Charles Gilson and Mary Gavin. Nays: none.

2. Richard and Sandi Lubbers are requesting a variance for the front yard setback to construct an addition to their existing dwelling. This parcel number 70-10-27-200-033 is zoned Rural Preserve.

Charles Gilson said the house already has a non-conforming front yard setback; it was built 100 years ago and M-45 took an additional 1/10 acre and they lost approximately 12 feet of frontage.

Mr. Lubbers said they have a two bedroom house. They have one child and are expecting another. The foundation is 100 years old and couldn't support a second story addition. They intend to build a regular poured wall foundation, and the addition would not be any closer to M-45 than the existing house, it would just fill in a pocket area. The house needs updating and needs more space. The addition would not affect the neighbors and it will match the rest of the house.

Mr. Lubbers said the edge of the porch is 60 feet from the ditch and 72 feet from the white line on the road. There is a 66 foot easement through his property for the neighbor to the south of them.

Clifford Bronkema moved, Mary Gavin supported, motion CARRIED to APPROVE the request based on item #6 of Section 21.07, "A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure." Charles Gilson added that the variance is not creating a new problem, just allowing them to use the existing home to its full capacity; the setbacks will not change. Ayes: Shirley Bruin, Matthew Fenske, Clifford Bronkema and Charles Gilson and Mary Gavin. Nays: none.

The Zoning Board of Appeals elected Mary Gavin as their new vice-chair.

Meeting Adjourned at 8:05 p.m.

Respectfully Submitted,

Denise L. Lanting, Secretary