

**GRAND RAPIDS TOWNSHIP  
ZONING BOARD OF APPEALS  
January 14, 2020**

A regular meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 pm. The following members of the Board of Appeals were present: Vice Chair George Orphan, Secretary Jim Kubicek, Member Dave Pierangeli, and Alternates Martin Andree and Steve Waalkes. Also present were Township Attorney Jim Scales and Planning Assistant Lindsey Thiel. Chair Greg Timmer and Member Doug Kochneff were absent.

**1. Approval of the May 14, 2019 minutes.**

**Dave Pierangeli**, seconded by **Jim Kubicek**, moved to approve the minutes as they stand with no changes.

**Motion approved unanimously, 5-0.**

**2. #2020-01 - 4060 Leonard Street – The applicant is requesting variances for an existing non-conforming building to allow lot splits.**

David Byker, applicant and owner of the property, spoke about his request. He said he purchased the home in 1988 with the existing outbuilding. He is a licensed residential contractor and he stores tools, vehicles, boats, and has a hobby shop in the outbuilding. He mentioned a possible discrepancy in the actual square footage of the building versus what was listed in the legal memo. The east part of the building is the original structure and the west portion was added in 1982. Mr. Byker clarified that he is only seeking one split of his land. He introduced his engineer, Dan Hula.

Dan Hula, of Hula Engineering, passed out an additional packet of information which included a letter, a number of exhibits, and a draft resolution of approval. Mr. Hula then read over the packet of information for the board.

**Dave Pierangeli**, seconded by **Steve Waalkes**, moved to open the Public Hearing at 7:45 pm.  
**Motion approved unanimously, 5-0.**

Benjamin Bos, 4055 Leonard NE, 49525

Not opposed and does not see issues with changing the lot size and/or the use of the building; doesn't think it would be a big change because they are looking at a split, not adding on.

Robert Antonini, 2337 June Grass Ct NE, 49525

Realtor for the property; supports variance since with building has been there for a long time; urge Board to consider approving.

Paul Byker, 4070 Leonard NE, 49525

Supports the variance; building will stay as it is and it is not a detriment; there is plenty of land there and would like to see the variance and splits happen.

Brian Twiest, 4104 Leonard NE, 49525

Doesn't have a problem with the variance; it is a detriment to Dave Byker that he can't sell part of his property.

**Steve Waalkers**, seconded by **Jim Kubicek**, moved to close the Public Hearing at 7:51 pm. **Motion approved** unanimously, **5-0**.

Attorney Jim Scales gave the legal review.

Jim Kubicek asked if the board could approve 3 variances approving the outbuilding instead of approving a variance for the lot split. Jim Scales responded it would be easier to do one variance for the lot size.

Martin Andree asked for clarification regarding how many lot splits the board is considering. Jim Scales responded the board should be looking at a change in lot size of the parent parcel.

Steve Waalkes asked the applicant when the roof line on the 3 stall portion of the outbuilding changed. David Byker responded that it changed in 2008 following a fire. He said they connected it to the other portion and he checked with the Township for approval.

Martin Andree asked if the board could go over the 4 standards. George Orphan read the first standard. Martin Andree responded that he questions the first standard because the applicant already has a non-conforming building and we are creating the hardship.

George Orphan read the second standard. Steve Waalkes responded that owners of larger property typically have intent to split at some point.

George Orphan read the final two standards. Steve Waalkes responded that the Zoning Ordinance is clear on setbacks and so forth, but this building was there before it was established. He said it comes down to standard 4 for him and whether we are making the problem worse by allowing a large building on a smaller lot. He also noted that the surrounding property owners are not opposed.

George Orphan responded that this variance would not meet the spirit of the current ordinance. Steve Waalkes agreed but added that there is a lot on Leonard that would not be allowed and is out of character by today's standards – they are unique.

Martin Andree commented that people forget buildings were here before our ordinance and he doesn't think it is right to create a hardship for the applicant. He said he was going to go out on a limb to approve the variance.

**Martin Andree**, seconded by **Steve Waalkes**, moved to approve the variance request as stated in the Resolution provided by the Township Attorney, with the following conditions;

- There are exceptional or extraordinary circumstances because the building and property was built before others in the district.

- The variance is necessary for preservation of a substantial property right to split the property and that should not be denied.
- Authorizing the variance will not be of substantial detriment because no neighbor has opposed the variance, and the building does not affect neighboring properties.
- It is not practical to formulate a general ordinance to address the situation because there are few properties in the Township of this size with an existing nonconforming building.

A rollcall vote was taken. Members Andree and Waalkes voted aye. Members Pierangeli, Kubicek, and Orphan voted nay.

**Motion failed, 2-3.**

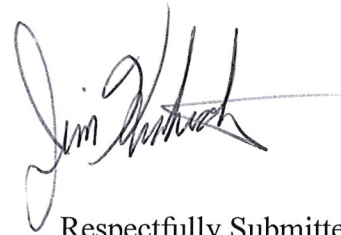
Jim Scales suggested that the board should offer a denial resolution, since the previous motion failed.

**Dave Pierangeli**, seconded by **Jim Kubicek**, moved to deny the variance request as stated in the Resolution provided by the Township Attorney.

A rollcall vote was taken. Members Pierangeli, Kubicek, and Orphan voted aye. Members Andree and Waalkes voted nay.

**Motion approved, 3-2.**

The meeting was adjourned at 8:23 pm.

A handwritten signature in black ink, appearing to read "Jim Kubicek", with a long horizontal flourish extending to the right.

Respectfully Submitted,  
Jim Kubicek