

**GRAND RAPIDS CHARTER TOWNSHIP
BOARD OF ZONING APPEALS
AUGUST 12, 2008**

A meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. with the following present: Chair Ronald Hall, Vice-Chair George Orphan, Secretary David VanDyke, Lee VanPopering, and Jim Kubicek. Also present was Township Planning Director Richard Sprague Jr. and Planning/Zoning Clerical Assistant Robin Rothley.

1. Approval of the April 8, 2008 minutes.

Lee VanPopering, seconded by **George Orphan**, moved to approve the minutes as presented.

Motion passed unanimously.

2. #2008-04 – Ken and Kathleen Nelson – 3126 Brentwood Dr.

Larry Broomberg, representing the applicant, presented the request. He explained that they were unaware of the odd lot lines for the parcel when they planned the addition. The existing garage is 6' 1¾" from the lot line at the rear corner. They planned to follow the line of the garage which would only allow for a 10 foot addition if they were to stay with in the 7' setback because of the angle of the lot.

Larry Broomberg presented the blueprints for the home which shows the floor plan. They have looked at other locations for the addition but because of the layout of the house it would not be possible. They also would like to keep with the natural design of the roof lines. He showed photos which showed the flow of the lot line.

They have spoken with their neighbors and they have no problem with the request.

Ron Hall asked if the addition would be a one or two story. Larry Broomberg said it will be two stories.

George Orphan noted the north elevation would be straight with the house.

Ron Hall opened the Public Hearing at 7:10 p.m.. As there was no in the audience wishing to comment the Public Hearing was closed at the same time.

Dave VanDyke said he had driven by the house and would agree this would be the natural location for an addition. The addition would barely be seen from the road and the closest neighbor, at 3140 Brentwood, submitted a letter in support of the addition.

Dave VanDyke verified that the applicant is requesting a variance for a 4' 6" which is 2' 6" below the required 7'.

George Orphan asked if an additional variance approval would be required for the existing non-conforming setback for the garage. Planning Director Rick Sprague explained that the requested variance would cover the existing non-compliance.

Dave VanDyke, seconded by **Lee VanPopering**, moved to approve

- Side yard setback from 7' to 4' 6".
- The addition must meet the South East corner of existing garage.
- In accordance with the site plan submitted for this request.
- Meet current Mansard Roof design of the house.

Motion passed unanimously.

3. #2008-05 – Nancy Brann – 2619 Montvale Dr.

Mike and Nancy Brann presented their request. In 2000 they purchased a portion of their neighbor's lot and have believed it was a separate lot from the one their house is located. They found out when their builder came into the township for a building permit that it was not a separate lot and the two had been combined.

The lot that they are requesting is 81' X 140' which is the same as the majority of lots in the neighborhood. Their daughter and son-in-law would like to build a house on the lot.

Mike Brann said they have lived in their house for 28 years and they purchased it from his father. They originally bought the lot thinking they may some day build a smaller home on it for themselves.

Lee VanPopering noted that the applicant had a survey from 2000 which showed lot 35 being split from lots 33 and 34.

Nancy Brann said that she has spoken with several of her neighbors that have sent letters and they seem to be misinformed of what the request is for. They were told the request is to build a house on a smaller lot than the rest of the neighborhood.

The Zoning Board of Appeals members discussed average lot sizes and widths. They also discussed corner lots and which lots were included in the calculations for the infill requirements.

Ron Hall opened the Public Hearing at 7:28 p.m.

Jason Benham, 53 Elmhurst, lives next door to the applicants. By his calculations the request 25% smaller than the average; this is too large of a variance.

John Nowak, 69 Elmhurst, can see four of the Brann's homes in his neighborhood and they are all well maintained. He would ask for a yes vote.

Christine Dixon, 61 Elmhurst, there is currently no garage for the Brann's home; if the split is not allowed there would be room for constructing one in the future.

The Ordinance requires 90% of average width on the street and the request is for 76%. They would like to preserve the neighborhood.

Nancy Brann asked if a variance would still be required if the lots had not been combined in the first place and what about other lots in the area. Rick Sprague said that each request would have to be reviewed and yes this lot would have required a variance. Ron Hall explained that the average goes by the lots on each street.

Kyle Wohlgenuth, 80 Elmhurst, is the son-in-law that hopes to build on the lot. The home they are currently living in is a ranch and they would like to build a two story. He offered to show the plans for the house and Ron Hall told him that would not be necessary.

He presented a letter from his neighbor at 2811 Midland in favor of the variance.

Christine Dixon said that Nancy Brann purchased the lot to have a part of her own lot. Their daughter and son-in-law already have a home in the neighborhood; she's concerned what will happen with that house.

Lee VanPopering explained that issue has no bearing on this request.

Mike Brann explained that the garage was made into living space for his father while he was being taken care of.

Rick Sprague summarized the seven letters that were submitted for this request.

As there was no one else in the audience wishing to comment Ron Hall closed the Public Hearing at 7:47 p.m..

Rick Sprague summarized the Infill section of the zoning ordinance and gave a brief history of the need for the requirements.

Dave VanDyke asked how many lots were considered in the equation for the requirements. Rick Sprague said he used six lots; four of which were corner lots.

The Board members discussed various lots in the area.

Lee VanPopering, seconded by **George Orphan**, moved to approve the request to allow the lot split and construction of a house on the created lot.

Dave VanDyke said the request meets the four criteria; have had similar problems in the past.

Motion passed unanimously.

4. **#2008-06 – Catholic Secondary Schools – 2700 Knapp St.**

Peter Baldwin, A.M.D.G. Architects, and Steve Passinault, Principal at Catholic Central High School, presented the request. They are on the agenda for the August 26, 2008 Planning Commission agenda for changes to their Special Land Use.

Peter Baldwin explained that Catholic Central has been sharing fields with Grand Rapids Public Schools and have been able to host home games on Saturdays but they have moved to the OK Conference and are required to hold football games on Friday. Therefore they have to have their own field for home games.

Peter Baldwin said that there are two issues that they are requesting variances for; lighting and setbacks. When they looked at the site for placement of the field they wanted a location that would be the furthest from the neighbors. The property to the west of the site is I-96, owned by the State of Michigan, and to the north across Knapp St is owned by New Life Christian Fellowship Church so there are no residential homes directly adjacent to the field.

They are requesting the bleachers be 20' from the west property line, where 75' is required; 72.6' from the north property line, where 100' is required; and stadium lighting that would be 90' in height, where the Zoning Ordinance does not allow lights taller than 35'.

The Zoning Ordinance does not address stadium lighting which is different than Commercial and Industrial lights. He displayed a photometric plan and gave an analysis of the lights as you go further from the pole.

Mark Wrona, VRS, said that Grand Rapids Christian football stadium has the exact same lighting that they are requesting; the neighbors have commented that these lights are much better than the old.

Peter Baldwin added that this is a unique request because this is a school use which is not addressed in the Zoning Ordinance and has I-96 Right of Way adjacent to the site. They have spoken with MDOT and they have no concerns related to the lighting.

The Board members and representatives discussed candle readings at various locations for the site and also commercial parking lots. Jim Kubicek said that technology has improved the light spillage for taller light poles; actually the higher poles are easier to control the light. Ron Hall is concerned that the glare will be too much for neighboring properties.

Dave VanDyke said that the Planning Commission will be addressing the light issue at their meeting. If they were a public school the township wouldn't have to be involved; the State governs public schools.

Ron Hall asked to hear the reasons for needing each variance.

Peter Baldwin said that the hardship is the size of the field and the large road Right of Ways for Knapp and I-96. Ron Hall didn't see that as a hardship because this is a 35 acre site. Peter Baldwin said that the intent was to keep the impact on the neighbors at a minimum. There also are other fields on the property.

Ron Hall asked if the Township had letters from MDOT indicating that there were no issues with the lighting. Rick Sprague said that he has been in discussion with them.

Ron Hall opened the Public Hearing at 8:35 p.m.

Dave Kubiak, 1768 Leffingwell, had a list of concerns:

- 3250 seating capacity and only 560 parking spaces.
- Believe attendance will be high now that they are in the OK Conference.
- If overflow parking will be across Knapp at the church; how do they plan to get pedestrians across the street?
- Concerned people will park along Leffingwell.
- Lighting is an issue.

MaryAnne Kubiak, 1768 Leffingwell, is worried they won't live up to their word. She discussed promises that were made in the past and were not upheld.

Dave Kubiak asked if other sports would be played on this field. Other field type sports could be played on the field.

Peter Baldwin said that they would be happy to sit down with the Kubiaks to discuss their concerns and explain in detail the plan for the stadium.

As there was no one else in the audience wishing to comment Ron Hall closed the Public Hearing at 8:45 p.m..

.Lee VanPopering has parking concerns. He would like input from the Planning Commission before making a decision on the request.

George Orphan is concerned with hardships for the setbacks.

Jim Kubicek said the hardship is the fact that they are not a public school. They appear to minimize the affect on the neighbors.

Lee VanPopering discussed the additional parking off of Leffingwell. Jim Kubicek said that is not a Zoning Board of Appeals issue.

Dave VanDyke discussed the original approval and the restrictions that were put on regarding Varsity Sports being played on the site; because of the changes with the OK Conference the issues have changed.

Lee VanPopering said he would like Planning Commission feedback.

Ron Hall said he would like to see letters from Kent County Road Commission and MDOT before voting.

Rick Sprague said that the Planning Commission would have to make it a condition of approval that the applicant must receive variances from the Zoning Board of Appeals.

Lee VanPopering, seconded by **George Orphan**, moved to table the request until the first meeting after Planning Commission approval. With the following items to be addressed:

- Setbacks from I-96 and Knapp.
- Light readings closer to the property; not across Knapp.
- Letters from MDOT and KCRC addressing light spillage issues.

Motion passed unanimously.

5. **Update from Township Planner**

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,
David VanDyke