

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, July 28, 2014**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Mike O'Malley called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. Members present: Chair Mike O'Malley, Vice Chair Howard Roobol, Doug Pointer, Bill Schweitzer, Lisa Frizzell, Alternates; Eric Paquette and Ted Spangenberg. Also present: Planner Sue Becker and Recording Secretary Rose Kogge.

APPROVAL OF MINUTES

The Board reviewed the Monday, February 24, 2014 minutes. Roobol motioned to approve the minutes, supported by Pointer

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #14-ZBA-01

REQUEST: To allow for a lot width from the required 330 feet to 165 feet to allow for the creation of a second lot for construction of a home at 2355 6 Mile Road within the A, Agricultural zoning district.

Planner Becker reviewed the case and current zoning ordinance provision pertaining to lot width. She gave an overview of zoning history in the Township and the reasoning behind the ordinances, including a map of all agriculturally-zoned property with less than 660 feet frontage and those with more than 660 feet of frontage.

Chair O'Malley opened the discussion up to members in the audience and asked if anyone wanted to speak regarding this case.

Ann McWilliams, 2355 6 Mile Road introduced herself and stated her maiden name was Host, she then described her family history of the land in this case. She had hoped to pass it down to her children to build on. McWilliams did approach neighbors and asked if she could purchase property from them. They advised her that selling would be difficult because it would affect their current land trust and land divisions. McWilliams said she asked the neighbors how they felt about her splitting her own property for her son to build on with a variance and they were fine with it.

Tim McWilliams, 1591 Arthur St, Marne, spoke about his wish to build on this family property. He also agreed with the information discussed about buying neighboring property, that it would not be feasible due to all the trusts. He also said that because of the size of this property their family received a minimal amount on a lease, so they might as well build on it. He shared he became aware of the lot width requirements about 10 years ago when he graduated from college.

Gail Morse, 2091 6 Mile Road, Comstock Park, her family owns a farm down the road west of the McWilliams. Speaking farmer to farmer, she said she wants the McWilliams to be able to use the property for their family to build on. The Host farm is important to the community. This is part of our heritage. This is part of the Pledge of Allegiance, make an exception for them.

Schweitzer motioned, supported by Roobol to close the Public Hearing.

The Zoning Board discussed the request and their responsibility as Zoning Board of Appeals members to look for unique aspects of the property itself that could possibly warrant the variance. They commented it was a beautiful piece of property, and did not see any unique aspects to it. If the variance is granted it would set a precedent and affect other properties as there are many other agriculturally zoned properties with less than 660 feet of frontage that would be impacted by this request if granted. Bill Schweitzer stated the purpose of the agricultural zoning district's provisions for 330 feet of lot width was to prevent the creation of narrow deep lots in farmland because the rear is a waste of farmland. There is a situation on Fruit Ridge similar to this and the back of the lots are now wasted farmland. We cannot vote on emotions, on personalities or families, we have to vote on the property and ordinance. One thing that was clear in the responses from the recent Community Survey was farm owners saying don't change our Agricultural areas. The numbers of divisions is limited to protect agricultural land's viability.

Further discussion ensued. Schweitzer stated the property owner has full rights and use of the property as other residents have now. Frizzell stated the request would be giving them extra rights, not the same rights as others. Pointer stated they have the same rights, just not sufficient land to do what they desire. Frizzell commented the request contradicts the agricultural zone's purpose. Roobol commented that it would definitely set a precedent. Schweitzer stated it will cause people to question the 330-foot rule and want splits.

**Motion for a Lot Width Variance at 2355 6 Mile Road
Case #14-ZBA-001**

Variance Decision:

Pointer motioned, supported by Roobol to DENY the requested variance from Section 5.04(e) to vary the required lot width from 330 feet to 165 feet, to allow for the creation of a second lot to allow for construction of a home in the A, Agricultural zoning district for the property located at 2355 6 Mile Road NW, PP# 41-09-22-300-014.

FINDINGS OF FACT :

1. The requested variance *does not* meet Standard # 1, that "There must be unique circumstances or conditions about this property, not the use of the property."
We have to look at the land itself. The parcel doesn't have any unique conditions or circumstances to warrant a variance.
2. The requested variance *does* meet Standard # 2, that "In giving the variance, the Zoning Board of Appeals will be assuring that the applicant has the same rights that other property owners in the same zoning district or vicinity have."
They do have the same rights as other property owners, it's just that they do not have enough land to do what they want to do.
3. The requested variance *does* meet Standard # 3, that "The variance will not create a situation that may be harmful or damaging to the neighbors' properties or the public interest."
The request should not be damaging to the neighbors.

4. The requested variance *does not* meet Standard # 4, that “The variance cannot set a precedent.”
There are no special circumstances or unique conditions to the property. It would set a precedent.

VOTES: AYES: 5 NAYS: 0

RESULT: Request denied.

Schweitzer motioned, supported by Pointer to close the public hearing.

STAFF UPDATES/ADJOURNMENT

Motion made by Schweitzer, supported by Roobol to adjourn the meeting at 8:43 p.m.
Unanimously approved.

Susan Becker, Planning Director

Mike O'Malley, Chair

Rose Kogge, Recording Secretary