

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING  
Monday, April 27, 2015**

**CALL TO ORDER / PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

The Board reviewed the Monday, January 26, 2015 minutes. Roobol motioned, supported by O'Malley to approve the minutes with edits on page 3.

Ayes: 5      Nays: 0      Motion carried

**NEW BUSINESS**

**CASE#15-ZBA-02**

**REQUEST: To allow for accessory building size and height variances at 3780 Walker Avenue (PP# 41-09-34-300-05) within the RA, Rural Agricultural zoning district.**

Chair Stachowiak explained the Zoning Board of Appeals meeting process and confirmed with Planner Becker that all notices regarding the request were mailed to neighboring property owners. Chair Stachowiak asked the homeowner Mark Zwyghuizen to present his case.

Mark Zwyghuizen, 3780 Walker Avenue NW, stated he had an existing 24' x 32' pole barn on his property that he modified to its current size of 1,470 square feet in size and 22 feet high to the roof peak. Zwyghuizen apologized and took full responsibility for not taking out the proper permits, but he was unaware of zoning requirements. He stated he is a licensed residential builder, but as a sub-contractor has never pulled a building permit himself. He appealed to the ZBA that similar properties to the northeast and south of his property had outbuildings larger than 1,200 square feet and he would like to be afforded the same rights as these neighbors. He said his property was rezoned at the previous owner's request making the property easier to split. His neighbors are all zoned A and he is RA, which makes his property unique. He said the barn is not visible from the road and will not set a precedent for neighboring property. Zwyghuizen pleaded with the ZBA members to consider allowing the structure to stay on his property. He said he could remove the third garage stall, but the roof would be more difficult to alter.

Chair Stachowiak thanked Mr. Zwyghuizen for his comments.

Motion made by O'Malley, supported by Roobol to open and close the public hearing. (Only the applicant was present in the audience.)

Ayes: 5      Nays: 0      Motion carried

Chair Stachowiak asked the ZBA members to discuss the possibilities of what they have to do with this building that is currently in violation for Alpine Township. Chair Stachowiak commented the reason the other properties next to Zwyghuizen were allowed to have larger buildings is because they are zoned A (Agricultural) and Zwyghuizen was zoned RA and cannot have the larger size building.

Mike O'Malley commented that future land use maps also show this area to be a buffer zone of RE to protect the A area. He also said that Zwylghuizen commented that he purchased this home in 2010. In 2010, the property was zoned RA and the zoning provisions in the RA zoning district haven't changed since then. Zoning changes are always posted. As a sub-contractor it would seem Zwylghuizen would have seen building permits posted with zoning information in the course of his job.

Doug Pointer said he is concerned that part of the building is not to code. The foundation does not meet building code.

Chair Stachowiak said he is not an engineer but is concerned about the weight of the roof structure added over top of the existing roof trusses. We have no way of knowing if the trusses are correct to carry the weight because no permits were taken out. O'Malley commented if building permits were taken out, we would know this. He said it is a very nice building and it's a shame it does not meet the building code or zoning codes.

Chair Stachowiak said nice is nice and correct is correct. That is why we have the ordinances. You want this to pass because your neighbors have large barns. If your neighbor wanted us to approve a big store next to you contrary to zoning rules we would deny it. Ordinances and rules are in place to protect everyone, and keep things in line.

Roobol commented the property is zoned as the property is used, as a residence.

O'Malley stated this request has to be based on a problem with your property. A variance can't be given based on personal wants or likes; unfortunately any decision we make here sets precedence across the Township and could cause a domino effect. Our decision has to be based on the ordinance.

<p style="text-align: center;"><b>Motion for Accessory Building Size &amp; Height Variances at 3780 Walker Avenue Case #15-ZBA-02</b></p>
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**Variance Decision:**

O'Malley motioned, supported by Roobol to DENY the requested variances from Section 2.01(b) to vary the required maximum allowable 1,200 square feet to 1,470 square feet and a building height variance from the maximum allowable 20 feet to 22 feet for a detached accessory building in the RA, Rural Agricultural zoning district for the property located at 3780 Walker Ave. NW, PP# 41-09-34-300-054.

**FINDINGS OF FACT**

- 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."  
*The property is correctly zoned as RA, Rural Agricultural. The uniqueness is not the property but the desired use.*
- The requested variance *does not* 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."  
*He does have the same rights currently and he is requesting more rights than what the RA Zoning District allows.*

- The requested variance *does not* 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.”

*We do not know if the building is built to proper code which could be an issue in a storm maybe causing damage to neighboring property. By not following proper procedures and codes others in the same area may want the same thing.*

- The requested variance *does not* meet Standard # 4, that “The variance cannot set a precedent.”

*The variance would set a precedent for all others to request or to ignore zoning ordinances based on personal desires and preferences and not based on unique circumstances or conditions about the property.*

Ayes: 5

Nays: 0

Motion Carried to deny variance.

Planner Becker asked Mr. and Mrs. Zwyghuizen to contact Building Official Gary Campbell tomorrow morning to get the information they need to bring the building into conformance within 30 days.

#### **MASTER PLAN UPDATE**

Planner Becker commented that the Master Plan draft is out for circulation and she has not heard anything back yet. The Planning Commission is discussing one more area on Alpine Church Street to change it from HDR to LDR. A letter will be mailed out to these property owners in the next few days advising them of the upcoming public hearing on May 21, 2015.

#### **BOARD UPDATE**

The City of Walker is doing a Master Plan amendment on 4 Mile Road. Roughly 260 acres is being Master Planned from the town center to light industrial with a little heavy industrial and commercial. 4 Mile is an all season road and we hope that the traffic generated from this development uses the highway by the Walker exit. Northridge will be extended through Fruit Ridge as this area is completely developed.

Doug Pointer and Howard Roobol attended a training session called “ZBA: Beyond the Basics” in Lansing. Roobol said it was very informative and covered some court cases involving zoning.

O’Malley motioned, supported by Roobol to Adjourn the meeting at 8:20 p.m.

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Susan Becker, Planning Director

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Bill Stachowiak, Chair

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Rose Kogge, Recording Secretary