



## ZONING BOARD OF APPEALS

*Regular Meeting*  
August 24, 2009

### **DRAFT COPY**

Chairman David Clark called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:30 p.m.

Present: Doug Dreyer, John Foster, Joannie Bouman, David Clark, Nicki Arendshorst and Eric Davis, Zoning Administrator

Absent: None

### **MOTION**

A motion was made by Arendshorst and supported by Dreyer to approve the agenda as presented.

### **VOTE**

Motion carried: 4-0

### **MOTION**

A motion was made by Dreyer and supported by Arendshorst to approve the minutes for the July 27, 2009 regular meeting as presented.

### **VOTE**

Motion carried: 4-0

John Foster arrived.

**Item #1** Richard D. Persinger on behalf of Scott Kamphuis Trust is requesting a variance from section 7.04(b) (side yard) of the Park Township Zoning Ordinance to create a two-acre parcel leaving a farm building closer than allowed. Said land and premises are located at 16016 New Holland St. (Parcel number 70-15-03-200-013)

Richard Persinger, attorney representing Scott Kamphuis Trust, spoke for the request. He stated that they would like to split off a two acre parcel in an AG zone. The two acre parcel would contain an existing dwelling and the remaining parcel would be a minimum of ten acres but would contain only farm structures.

Clark clarified that the variance is to allow a farm structure on the remaining ten-acre piece to be 20.2 feet from the side lot line to the north.

The public hearing was opened at 6:35 p.m.

No one spoke.

The public hearing was closed at 6:35 p.m.

Clark went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance would require moving some of the farm buildings.
2. A lesser relaxation is not an option.
3. The property is unique because it has a blueberry processing plant and also due to the location of the farm buildings.
4. This is not self-created.

**MOTION**

A motion was made by Dreyer and supported by Foster to approve the variance request because the four standards can be met.

**VOTE**

Motion carried: 5-0

**Item #2** John Housler is requesting a variance from section 7.04 (b) of the Park Township Zoning Ordinance to build an addition closer than allowed to the side and rear. Said land and premises are located at 17156 Ransom St. (Parcel number 70-15-04-401-006)

John Housler, 17156 Ransom St., spoke for the appeal. He stated that the setback is difficult to meet because the lot is small.

The public hearing was opened at 6:43 p.m.

No one spoke.

The public hearing was closed at 6:43 p.m.

Clark clarified that they had received three letters of support.

Foster stated that the applicant is maintaining the least impact and the trees will not be removed.

Clark went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance is impossible because the lot is very small.
2. A lesser relaxation is not possible.
3. The property is unique because the lot is smaller than the zoning district requires.

4. This is not self-created.

**MOTION**

A motion was made by Arendshorst and supported by Dreyer to approve the variance request per the submitted plans because the four standards can be met.

**VOTE**

Motion carried: 5-0

**Item #3** Richard Hertel is requesting a variance from section 8.04 (b) of the Park Township zoning ordinance. Mr. Hertel would like to construct an addition on his existing house maintaining the current side yard setback of 9 feet 7 inches where 10 feet is required by the ordinance. Said property is located 2429 N. Idlewood Rd. (Parcel number 70-15-28-134-009)

Richard Hertel, 2429 N. Idlewood Rd., spoke for the appeal. He stated that he wants a one-foot variance on the east side so that he can expand his family room. He stated that he is trying to maintain the same line.

The public hearing was opened at 6:49 p.m.

No one spoke.

The public hearing was closed at 6:49 p.m.

Arendshorst asked if he had talked to the neighbors.

Hertel stated that he had talked to all of the contiguous neighbors and none of them have any issues with the request.

Foster asked about opposition from the DEQ or the OCHD.

Hertel stated that he had talked to both and there will be no issues.

Foster and Dreyer stated that they don't see any issues with the request.

Clark went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance would be burdensome because to require the building to "jog in" five inches would be absurd.
2. A lesser relaxation is not possible.
3. The lot is unique for the zoning district.
4. This is not self-created.

**MOTION**

A motion was made by Foster and supported by Dreyer to approve the variance request because the four standards can be met.

**VOTE**

Motion carried: 5-0

**ANNOUNCEMENTS**

1. Arendshorst stated that there is a Citizen Planner series coming up and she encouraged the ZBA members to attend.

**MOTION**

A motion was made by Dreyer and supported by Foster to adjourn at 6:55 p.m.

**VOTE**

Motion carried: 5-0

Meeting adjourned.

Sandy Brodie  
Recording Secretary

The following briefly states the standards used for finding a practical difficulty for a dimensional variance:

- a. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.
- b. Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.
- c. Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.
- d. Whether the problem is self-created.

The following briefly states the standards used for finding an unnecessary hardship for a use variance:

- a. That the property cannot be used for any of the uses permitted in the district in which it is located. This means none of the uses (by right or special use permit) allow a reasonable economic return on the use of the property.

- b. That the plight of the property owner is due to unique circumstances peculiar to the property (i.e. odd shape or a natural feature like a stream or wetland) and is not due to general neighborhood conditions.
- c. That the proposed use would not alter the essential character of the area.
- d. That the problem was not self-created.