

**Cannon Township Zoning Board of Appeals
Regular Meeting Held Tuesday, October 15, 2013 at 6:00 PM**

Business Agenda Items:

ZBA 13-6 Stephen and Kimberly Johnson
PP #41-11-09-452-002
6987 Weller
Rockford MI 49341

ZBA 13-7 Steven Betten
PP #41-11-06-126-003
5070 10 Mile Rd NE
Rockford MI 49341

Members Present: Warmbier, Van Keulen, Hanna, Levan, and Heyboer

Members Absent: McBrien and Eslinger

Staff Present: Zoning Administrator Lovelace

The invocation was offered by Commissioner Van Keulen

Move to approve meeting minutes from September 17, 2013 as written with the addition of statements by Warmbier to include the five criteria were not met in order to justify the approval of the variance. Motion: Warmbier. Support: Van Keulen. Voice vote: Yes – 3, No – 0. Motion carried. Alternates abstained from voting since they were not present at the last meeting.

New Business:

Public Hearing Johnson open 6:06 p.m.

ZBA 13-6 Stephen and Kimberly Johnson
PP #41-11-09-452-002
6987 Weller
Rockford MI 49341

The Applicant appeals a decision under Zoning Ordinance section 10.04E1 and 23.03B and asks the Board to grant a dimensional variance.

Public Comments: Steve and Kim Johnson 6987 Weller.

- A. Mr. Johnson states the topography is such that the hill behind the garage does not allow them to set the garage back. There is also a chimney and concrete steps that must be accommodated.
- B. The topography is unique.
- C. The house and hill have been there. The topography is not self created.
- D. Some neighbors have garages even closer to the road.
- E. Two feet is all they can move the garage back to accommodate the setback. The proposed garage is 20.5' x 22'. They are asking for a variance of 1.6' on one corner and 2.7' on the other. Warmbier asked if the house could be shifted back to accommodate the setback. It cannot because of the concrete steps. RJ Regan (6956 Weller) sent an E-mail stating that he had no issues with this requested variance.

Public Hearing closed Johnson 6:18 p.m.

Board Comments: Warmbier struggles with the fact that this would be increasing a nonconforming use. Van Keulen feels that there are and will continue to be issues with smaller lake lots. Some people want more than their lot can accommodate, but this is a special case with topography. Warmbier states that a two-car garage may not be the minimum necessary. A one-stall garage may accommodate their needs as well. Side setbacks are actually 2.7' and the southeast setback is 1.6', different than stated above.

Move to approve the proposed plan with relief from setbacks of NE corner 2'7" and SE corner 1'6":

- A. Exceptional conditions: Surrounded by hill**
- B. Same**
- C. They did not create the topography**
- D. Yes, there are several garages a lot closer to the front setback on the street**
- E. They are asking for the minimum variance necessary**

MOTION: Levan. SUPPORT: Heyboer. Roll call: Hanna – Yes, Levan – Yes, Van Keulen – Yes, Warmbier – Yes, Heyboer - Yes. Motion carried 5-0.

Public Hearing Betten open 6:30 p.m.

**ZBA 13-7 Steven Betten
PP #41-11-06-126-003
5070 10 Mile Rd NE
Rockford MI 49341**

The Applicant appeals a decision under Zoning Ordinance section 3.05B10 and asks the Board to grant relief from this ordinance.

Public Comment: Steven Betten 5070 10 Mile Rd

- A. Shallowness of driveway
- B. Same
- C. The home was built in 1964 with shallow driveway
- D. In the neighborhood there are cars and commercial vehicles, and campers parked in the street as well.
- E. NA

Before he bought the truck he states he spoke with the Township. He also checked with the Road Commission (Tim). They said the Road Commission is fine with it as long as there is enough space to get around it. Mr. Betten added a parking pad, but states it is too difficult to park the truck there. He has lived there since 2007. He claims that this has a traffic calming effect, forcing drivers to slow. He has owned the truck for four months. Heyboer asked if it would be possible for him to extend the concrete pad/driveway in a given time frame. Eventually, Mr. Betten would like a parking terminal when he expands his business. Warmbier asked if the campers were parking in the street. They are in the street. The truck is 34'. Heyboer asked if he could add gravel as opposed to concrete. The curb cut would still be an issue, but Heyboer is trying to think of a feasible option until Mr. Betten could afford a terminal. Mr. Betten has asked every business within a mile if he could use their commercial parking lot for parking. They all said no.

Charles Hunt 5066 New Orleans is concerned about safety. You have to go around the truck. He questions what will happen in the winter time with snow. Warmbier asked if he was aware of any RVs or travel trailers in the street because they should not be parking there either. Mr. Hunt has not seen any.

Mrs. Hunt states there is a camper on Atlanta and that been there a while.

Ron Radunzel 5116 10 Mile agrees that there a lot of cars parking in the street. He has seen a pop-up trailer and a boat trailer. His issue is school buses having to stop and let cars through before they can go around the truck. He is against the truck parking in the street.

David Denolf 5031 New Orleans. Mr. Denolf's issue is safety. There is clearance to get around, but as people drive in they are pausing to let oncoming traffic by. He is also concerned for proper snow removal. He is opposed to the truck parking on the street.

Mr. Betten agrees with the snow issue. To satisfy the Road Commission, he must be against the curb whether the snow is there or not.

Van Keulen read comments from phone calls taken by Lovelace. The resident wished to remain anonymous. They stated that this will cause problems with snow. Also, the van Mr. Betten drives has a bike rack that blocks the sidewalk. Sheila Gunneson (New Orleans) is concerned about the snow. Another anonymous caller wondered if Mr. Betten could park in the yard. Yet another opposed the parking situation and brings up issues of turning off of 10 mile and immediately having to pull over to allow cars by. Trying to pass and wait for each other creates a safety issue. The intersection is increasingly busy. They also feel it cheapens the look of the village. Mike Condra 8359 Peach Tree Dr submitted a disapproval letter along with pictures. School traffic adds to the traffic volume and chaos. He also complains about the minivan with an attached bike carrier. This adds to the difficulty with the truck in the street, as sidewalk users must walk into the street to get around the van and the truck.

Public comment Betten closed 7:03 p.m.

Board Comments: Warmbier stated it was very unfortunate that communication was incorrect prior to this truck being purchased. We have heard a lot of people talking about the safety. Warmbier also thinks about health and welfare of the Township as well as zoning. This is not a business district. It should not be the neighbors' responsibility to move around the truck. He does not feel the Board should try to redesign Mr. Betten's driveway. Warmbier does not believe that any of the five criteria have been met. Hanna asked if he tried to find parking across 10 Mile from McDonald's. He has. Warmbier stated that trailers and boats should not be able to park in the street either.

Move to deny request of applicant Betten asking for relief of Zoning Ordinance 3.05B10 because it has not met the five criteria.

- A. Not exceptional circumstance**
- B. Not a unique situation**
- C. This is self created**
- D. This may be substantial justice**
- E. NA**

MOTION: Warmbier. SUPPORT: Levan. Roll call: Hanna – Yes, Levan – Yes, Van Keulen – Yes, Warmbier –Yes, Heyboer - No. Motion carried 4-1.

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Pending Business: None

Adjournment: 7:19 p.m.

Next Meeting: November 19, 2013

Julie Lovelace
Zoning Administrator

Wade Van Keulen
Chair, Zoning Board of Appeals