

**Cannon Township Zoning Board of Appeals
Regular Meeting Held Tuesday, May 19, 2015 at 6:00 PM**

Business Agenda Items:

Steve & Jessica Kamphuis

Don & Carol Bailey – *application withdrawn*

John & Joan Henry

Members Present: Betten, Birn, Eslinger, Hanna, & Levan

Members Absent: None.

Staff Present: Zoning Administrator Lovelace

The invocation was offered by Commissioner Birn

Approval of Minutes: Move to approve minutes dated April 21, 2015 as written. **MOTION: Hanna. SECOND: Betten. Voice vote: Yes – 5, No – 0. Motion carried.**

Public Comments: None.

Public Hearing (time open 6:02 p.m. and closed 6:16 p.m.): Josh Smith owner of Front Porch group represented the Kamphuis application. He reviewed the five conditions:

Exceptional condition: Grade is the issue. There is a 6' – 7' grade differential. Another difficulty is the location of the existing septic. The septic is about 19' off of the NW corner of the house. Moving the garage further toward the east would bring it closer to the septic.

Unique situation: When this home was built in 1971 it was hugged toward the west property line. The door to get into the house is on the west along with the driveway.

Self created: The current owner did not create the above two situations.

Substantial justice: Most of the lots in the neighborhood are relatively flat. Every home on the street has a garage. There are various setbacks. It does not create a problem with health and safety.

Minimum variance necessary: Three feet gives them relief from the grade change. They are already parking 3' from the property line. They feel it would look nicer if cars were in a garage.

New Business:

Steve & Jessica Kamphuis

Don & Carol Bailey – *Application withdrawn*

Board Comments: Birn asked about storm water runoff and the concern of a neighbor that this would be an issue. Mr. Smith said the grade would direct runoff to the back yard. Eslinger asked about the hedge row between the neighbors and whether or not that would be disturbed. They would have to talk to the neighbors about that. Hanna asked if this is truly the minimal variance necessary and if they have looked at different sizes for the garage. They have not. This is proposed as a two-stall. Mr. Kamphuis would prefer to have a place for a secure area for vehicles. He is concerned that if he moved the garage over east any further he would not be able to swing two cars into it. Levan was concerned about the two letters we received against the variance regarding runoff, but he did not think it would create an issue.

Eslinger stated cost should not be considered. Hanna stated a neighbor does have a single-stall garage directly attached. He questioned whether this was the minimum necessary. Betten noted that most of the neighbors had 8' – 10' setbacks. Eslinger stated a garage would add value, a two-car garage would add more value, and anything smaller than 22' is impractical. This is unique because of where the house is built.

Move to allow variance based on the limitations of the lot with the following conditions:

- 1. Gutters will be installed on both sides**
- 2. No more than 1' overhang**
- 3. No/minimal alteration of the shrubs on the property line.**

MOTION: Eslinger. SECOND: Levan. Roll call: Betten – Yes, Birn – Yes, Eslinger - Yes, Hanna - Yes, Levan – Yes. Motion carried 5-0.

Pending Business: John & Joan Henry – The DNR did send a letter. With regards to this letter, the ZBA agreed to approve the variance request.

Adjournment: 6:40 p.m.

Next Meeting: No meeting in June.

Julie Lovelace
Zoning Administrator

Mike Hanna
Chair, Zoning Board of Appeals