



**CITY OF ZEELAND  
ZONING BOARD OF APPEALS MEETING MINUTES  
COUNCIL CHAMBERS  
21 SOUTH ELM STREET  
JUNE 16, 2020  
6:00 PM**

Chairman Barese called the meeting to order at 6:01PM and requested a Roll Call.

Present: Board Members Doug Barese, Scott Bartolomei, Linda Mergener, Mel Plockmeyer, and Dave Stegink

Absent: None

Also Present: Zoning Administrator Timothy Maday, City Attorney Jim Donkersloot, and Recording Secretary Amy LeVesque

432 W Central Avenue – Tim & Leeann Suman - Dimensional Variance Requests

-6:02PM Chairman Barese opened the public hearing.

Maday stated that 432 W Central Avenue is zoned R-1, Single Family Residential. He explained that the detached garage was destroyed by a fire on April 8, 2020 and that the homeowners wish to construct a new garage of the same size in the same location, allowing use of the same footings and foundation. He also stated that the old 368 square foot garage was nonconforming since Zoning Ordinance Section 4.102(c)(4) requires that accessory buildings in the side yard may not be smaller than 400 square feet. He explained that a variance for a 6 foot to 8 foot separation between the garage and the home is also being requested since Section 4.102(c)(7) states that a detached accessory building not be closer than 10 feet to a main building.

Maday reported that there were no Staff comments on the application.

Bartolomei commented that other properties in the area have attached garages, then asked if a variance would be required if the applicants constructed an attached garage.

Maday stated that R-1 requirements for a 10 foot sideyard setback would need to be met for an attached garage. Barese commented that an attached garage would need new footings and a firewall.

Bartolomei commented that moving the garage location would allow a larger sized accessory building. He asked about the separation variance.

Maday explained that the distance between the garage and the house is measured from drip edge to drip edge.

Donkersloot commented that constructing a garage in the rear yard would require a longer driveway.

Tim Suman of 432 W Central Avenue explained that he would like to replace the garage that he had with a garage of the same size in the same location. He stated that he has an existing shed in the rear yard that he does not wish to move.

Chairman Barens asked the following six questions from the Zoning Board of Appeals Application to determine if the Board should approve the dimensional variance request.

1. What are the exceptional or extraordinary circumstances or conditions that apply to your property, circumstances and conditions that do not generally apply to other properties in the same zoning district as your property?

Mr. Suman read the answer to this question from the Zoning Board of Appeals Application:

"My lot does not fit the same size garage with the new codes."

2. If you are not granted this variance, will others in your zoning district be able to enjoy substantial rights and privileges that you are unable to?

Mr. Suman read the answer to this question from the Zoning Board of Appeals Application:

"Not certain if anyone else has had (a) garage fire and (their) lot don't fit the same size garage."

3. Is there evidence that the reason(s) for this variance request goes beyond the possibility of increased financial return for the applicant?

Mr. Suman read the answer to this question from the Zoning Board of Appeals Application:

"This will not affect my neighbors in any way their house is not close to my lot line. There is no financial return just replacing what I had. My bank wants same square foot garage built so my property value will stay the same to protect their investment."

4. Will granting this variance be significantly detrimental to your adjacent neighbors and surrounding neighborhood?

Mr. Suman read the answer to this question from the Zoning Board of Appeals Application:

"The neighbors I talked to already and no one cares what I do, they feel its same size and in same location (so) no big deal."

5. Will granting this variance harm the intent or purpose of this Ordinance?

Mr. Suman read the answer to this question from the Zoning Board of Appeals Application:

"I don't think it will I'm putting up the same size and in the same location."

6. Has the immediate practical difficulty been caused by anything the applicant him or herself has done?

Mr. Suman read the answer to this question from the Zoning Board of Appeals Application:  
"No, it was a fire."

Mr. Suman explained that there is an old septic tank that would need to be removed if he constructed a garage in the rear yard. He stated that his drain field is also in the rear yard and that both issues prevent him from constructing a garage there.

Carl Van Ingen of 450 W Central Ave commented that Mr. Suman should be allowed to replace his garage as it was. He commented that using the existing foundation makes sense and that the Sumans should not have to tear out concrete and start over. He stated that the Sumans should not have to build a garage that is larger than needed in order to meet requirements.

Bob Drew of 59 S Lee St commented that the Sumans' new garage should be grandfathered in since they are replacing a garage.

Jeremy Dalman of 448 W Central Ave commented that the Sumans have been through a stressful situation due to the fire and don't need the additional stress of seeking a variance. He stated that he has no issues with the new garage and that other neighbors also support the Sumans' request.

-6:18PM Moved by Mergener to close the public hearing. Supported by Stegink. All voted aye.

Bartolomei commented that an attached garage would meet requirements without a variance. He also commented that it would not be practical to construct a garage in the rear yard due to the location of the septic tank and drain field.

Suman explained that his utilities are located between the garage and the house which would make it difficult to construct an attached garage. He also commented that his insurance company would likely not pay for moving utilities.

Barense observed that the Sumans' property does not vary much from neighboring properties. Maday noted that although lots are required to be at least 60 feet wide in R-1, lots in this area might be smaller. Barense commented that the Sumans' smaller lot size might allow the Board to consider it exceptional.

Bartolomei commented that having to move the septic tank and drain field could be considered a hardship.

Barense commented that there would be no financial benefit since no value would be gained by constructing a garage of the same size. He also commented that the Sumans should be allowed to have a garage just as other residents do.

Bartolomei commented that neighbors' property values could be adversely affected if the garage is not rebuilt.

Barese commented that he didn't believe that granting the variance would be harmful to the zoning ordinance. He also commented that the difficulty was not caused by the homeowners but was the result of a fire.

**Motion 2020.01**

**Moved by Stegink to approve the dimensional variance request for the property at 432 W Central Avenue, parcel number 70-16-24-134-005, to construct a garage with a 6 foot to 8 foot separation between the garage and the home and also to approve the garage to be 368 square feet based on the following findings:**

- 1. Exceptional circumstances in the current configuration of the property and requiring changes to the property would create a hardship;**
- 2. Most residential lots in the City have garages;**
- 3. Property value will be maintained, not increased;**
- 4. Not detrimental to the neighborhood, supported by neighbors;**
- 5. Not harmful to the zoning ordinance which encourages garages and requires them in R-3 zones;**
- 6. Difficulty was caused by a fire and not self-created.**

**Supported by Mergener.**

**Roll Call Vote on Motion 2020.01**

**Ayes: Barese, Bartolomei, Mergener, Plockmeyer, and Stegink**

**Nays: None**

**Absent: None**

**Motion Passes.**

-Moved by Mergener to approve the minutes of the September 30, 2019 Special Zoning Board of Appeals Meeting. Supported by Stegink. All voted aye.

**Annual Election of Officers**

City Attorney Donkersloot conducted the annual election of officers.

**Motion 2020.02**

**Moved by Bartolomei to elect Barese as the Zoning Board of Appeals Chairman.**

**Supported by Plockmeyer**

**Ayes: Barese, Bartolomei, Mergener, Plockmeyer, and Stegink**

**Nays: None**

**Absent: None**

**Motion Approved.**

**Motion 2020.03**

Moved by Barensse to elect Bartolomei as the Zoning Board of Appeals Vice Chair.

Supported by Stegink

Ayes: Barensse, Bartolomei, Mergener, Plockmeyer, and Stegink

Nays: None

Absent: None

Motion Approved.

**Motion 2020.04**

Moved by Barensse to nominate Stegink as the Zoning Board of Appeals Secretary.

Supported by Plockmeyer

Ayes: Barensse, Bartolomei, Mergener, Plockmeyer, and Stegink

Nays: None

Absent: None

Motion Approved.

-6:37PM moved by Mergener to adjourn. Supported by Stegink. All voted aye.

Submitted by,



Amy LeVesque

Recording Secretary