



ZONING BOARD OF APPEALS PACKET CONTENTS

Tuesday, May 16, 2023 at 6:00pm

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**CITY OF ZEELAND
ZONING BOARD OF APPEALS
MEETING AGENDA
MAY 16, 2023
6:00PM
CITY HALL – COUNCIL CHAMBERS**

6:00pm

- Meeting called to order
- Pledge of Allegiance
- Roll Call
- Excuse absent members by motion and reason
- Additional agenda items

PUBLIC COMMENT

-

PUBLIC HEARINGS

- 316 W Main Ave – Mark Congrove – Dimensional Variance Application to construct a porch addition with a 24 ft front setback when 27 ft is required, and a side yard setback of 4 ft when 10 ft is required

ACTION

- Draft minutes of the December 20, 2022 Zoning Board of Appeals Meeting

UNFINISHED BUSINESS

-

NEW BUSINESS

- Any other business that may be legally brought before the Board

ADJOURN

**NOTICE OF PUBLIC HEARING
CITY OF ZEELAND
ZONING BOARD OF APPEALS**

Take notice that the Zeeland Zoning Board of Appeals, whose chambers are in the Zeeland City Hall at 21 South Elm Street, Zeeland, Michigan, and whose telephone number is 772-0872 will meet:

**Tuesday, May 16, 2023
6:00 P.M.
In the City Hall Council Room**

on the following request:

Application of Mark Congrove to construct a covered porch at 316 W. Main Avenue, Zeeland, Michigan, which will have a front yard setback of 24' when 27' is required. The applicant is also proposing a side yard setback of 4' when 10' is required. Section 3.200 and Section 4.123 of the Zoning Ordinance are applicable.

The public or anyone receiving this notice may present their oral or written comments at the said hearing.

The variance application may be reviewed prior to the hearing in the Community Development Director's Office in the Zeeland City Hall on any day not a holiday, Monday through Friday, 8:30 a.m. to 12:00 a.m. and 1:00 p.m. to 4:30 p.m. from the date of this notice to the date of the hearing.

The City of Zeeland will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing with a need for an accommodation being provided upon a notice to the City of Zeeland by the Monday preceding the meeting by 5:00 p.m. With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation. Individuals requiring auxiliary aids or services should contact the City of Zeeland by writing or calling the City Clerk's office 772-6400.

Dated: April 24, 2023

CITY OF ZEELAND
PAMELA HOLMES, CITY CLERK



Received 4-14-23
City of Zeeland

Application for
DIMENSIONAL/NON-USE
VARIANCE

Zoning Board of Appeals
City of Zeeland

Community Development Department
21 S ELM ST - ZEELAND, MI 49464
Phone 616-772-0872 - Fax 616-772-0880
buildinginspector@cityofzeeland.com
www.cityofzeeland.com

The City of Zeeland will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political belief.

The plan you have proposed for your project requires a Dimensional/Non-Use variance from the City of Zeeland Zoning Ordinance as provided by Public Act 207 of 1921, as amended, (Section 125.585), and the Zeeland City Code Volume II (Division 2).

This original application filled out completely, along with the application fee, 8 folded copies of your site plan including related documents, and a pdf file (which may be submitted by email to buildinginspector@cityofzeeland.com and other information and materials as requested by the Zoning Administrator, must be submitted at least 30 days prior to your hearing date. The Zoning Board of Appeals typically meets the third Tuesday of the month. Application fees are listed on page 8 of this application.

Your completion of this application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request for a zoning variance. Depending upon the information the Board receives at the hearing and its application of the law, your request for a variance may or may not be granted. (You may use the backside of this application or attach extra sheets if you wish. You are encouraged to include photographs and illustrations to support your case.)

Applicant Information		Owner Information	
Name	Mark Congrove	Name/Contact	Mark Congrove
Company(if applicable)		Company(if applicable)	
Address	316 W. Main Ave	Address	316 W. Main Ave
Phone	616-546-0292	Phone	616-546-0292
Email	mcongrove@mac.com	Email	mcongrove@mac.com

Address of property: 316 W. Main Ave.

Current zoning of subject property: _____

Applicant's interest in property: It's my residence, long term occupancy

Typed application responses for 316 W Main Ave Dimensional Variance application:

With as much detail as you feel necessary, please explain your request. Use the back of this page or attached additional sheets if more space is required.

"Seeking alterations to front porch including extending porch & roof an additional 5 ft and changing stair location to provide immediate and permanent wheel chair access & maneuverability on front – all weather."

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?

"- Existing single family home built (1953) prior to current ordinance, which makes alterations for accessibility difficult.

- Do not have in side yards for such a ramp, entry access.

- Width of R.O.W. is 66', and it is fully built out. And there is 5' between back of sidewalk and front of property.

- Existing width of dwelling includes single stall garage, accessibility alterations would not allow vehicle parking which is required by ordinance.

-Lot is 50' wide, when 60' is current ordinance."

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?

"Others have the ability to make modifications to their front & for side entries to accommodate all-weather access to dwelling. Seeking a covered entry to allow typical residential use of property."

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

"No expected resale."

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

"-No. the proposed front porch set back & existing 5' of R.O.W. space behind the sidewalk will create 29' of setback from the sidewalk and keep the front building line very similar to adjacent structures. Additionally with the proposed 5' expansion of porch – will alleviate both temporary and future permanent unsightly ramp that projects into the front yard, and maintains the single-family residential character of the dwelling and neighborhood, while not impacting side yards."

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

"-The ordinance for set backs is to provide open space, air, & visibility. The proposed porch extension will have 29' of setback, more than many areas in the city, and on dwellings with 500' of house."

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

"No. It is part of the existing configuration."

Contractor Information		Architect/engineer	
Name	HANK STEENWYK	Name	TIM MEDIEMA
Company	Countryside Builders	Company	THE DRAWING BOARD
Phone	616. 291. 1591	Phone	616. 566. 2118 / 616. 875. 3729
Email	csb.greg@yahoo.com	Email	Tiffany@thedrawingboard.us

With as much detail as you feel necessary, please explain your request. Use the back of this page or attached additional sheets if more space is required.

Seeking alterations to front porch including extending porch & roof an additional 5 ft. and changing stair location to provide immediate and permanent wheel chair access & maneuverability on front - all weather.

The following six questions are based upon the six tests for granting non-use/dimensional variances found in Section 2.205B of the Ordinance. A copy of that section of the Ordinance and any other relevant sections are available in the Zoning Administrator's Office.

Be aware that in every instance, each of the six tests in the Ordinance MUST be satisfied in order for the Zoning Board of Appeals to grant a variance. Thus, it is in your best interest to answer each of the six questions in this application clearly and completely, with as much detail as necessary to support your case for *practical difficulty*, which must be proven in order for the Board to grant a variance.

Practical difficulty is a legal term. The Board concludes a valid case has been made for the existence of a practical difficulty when it finds:

1. That a unique circumstance or condition relative to your land prevents you from enjoying the use of your property as others in the same zone district are generally able to do.
2. That the requested variance:
 - a. will not be significantly harmful to your neighbors.
 - b. is consistent with the intent of the Ordinance.
 - c. was not made necessary by anything you did in the first place.

The Board will likely use the six questions in this application to guide its inquiry into your case. Each is written first with the legal wording as found in Division 2 of the Ordinance, then a brief commentary to help you understand the kind of information required. (Should any discrepancies be found between what is written in the Ordinance and what is written in this application, the language of the Ordinance shall prevail).

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?

The first thing the Board will want to know is, what makes your parcel, your property, your land, so unusual -- say in its size or shape or location or other physical characteristics? You must show that you truly have a practical difficulty, one not shared generally by others in your zone. ("Zoning district," by the way, means all other property owners in R-1, R-2, C-1, I-2, etc. -- not just your immediate neighbors.) Some examples of unique circumstances related to land are extreme narrowness, exceptional shallowness, unusual shape, unusual topographical characteristics (like a wet land, large boulder, or deep ravine), or unusual development in adjacent property. So be sure you explain here what the problem is with your land, something that is not the case with most other parcels in your zone district.

- Existing single family home built (1953) prior to current ordinance, which makes alterations for accessibility difficult.
 - Do not have in side yards for such a ramp, entry access.
 - Width of R.O.W. is 66', and it is fully built out. And there is 5' between back of sidewalk and front of property.
 - Existing width of dwelling includes single stall garage, accessibility alterations would not allow vehicle parking which is required by ordinance.
 - Lot is 50' wide, when 60' is current ordinance.
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?

The Board will also need to be convinced that the nature of your parcel does not allow you to do with your property what others in your district are rightfully able to do. If you claim your lot is too narrow to allow you to build a garage without a variance, yet other residents in your zone district with the same size lots are able to do so, you would not have a strong case for a variance.

Others have the ability to make modifications to their front & for side entries to accommodate all-weather access to dwelling. Seeking a covered entry to allow typical residential use of property.

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

While economic gain is another factor the Board takes into consideration, an applicant's understandable wish to increase his or her financial return is not in itself sufficient basis to claim practical difficulty. In other words, financial gain by itself is never sufficient cause to grant a variance.

no expected resale.

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

Your neighbors' feelings about your request for a variance are important, but applicants should realize that neighbors' signatures on a petition or testimony at the hearing is not necessarily sufficient in itself to convince the Board that granting the variance will not be detrimental to the neighborhood. Variances go with the land, not with the current land owner. Consequently, the Board may be inclined to take a broader and longer view, one that may be more impartial than do the neighbors.

- No. The proposed front porch set back & existing 5' of R.O.W. space behind the sidewalk will create 29' of setback from the sidewalk and keep the front building line very similar to adjacent structures. Additionally - with the proposed 5' expansion of porch - ^{will} alleviate both temporary and future permanent unsightly ramps that project into the front yard, and maintains the single-family residential character of the dwelling and neighborhood, while not impacting side yards.

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

The Board must consider whether or not granting a variance will hinder the community in achieving the very **goals and objectives the Ordinance is trying to accomplish**. Statements of intent are found at the beginning of each Ordinance chapter. You should explain *how* your application is consistent with and does not violate the intent of the particular chapter(s) that apply to it; merely saying it does not is not enough. For example, if you want to divide an R-1 lot with 100 feet of frontage into two parcels with 50 feet of frontage each, to be permitted to do so, you will be expected to explain how this does not compromise the Ordinance's intent (Division 4, Section 3.400, page Z3:6) to "provide low-density . . . residential living environments and . . . high-quality neighborhoods."

The ordinance for set backs is to provide open space, air, & visibility. The proposed porch extension will have 29' of setback, more than many areas in the city, and on dwellings with 500' of house

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

So-called "**self-created**" practical difficulties may not be used to justify granting a variance. Some examples of such difficulties are purchasing property that is nonconforming, trying to undo the effect of a previously granted variance, or having previously constructed/placed structures in a location which hinders your plan for the property.

No. It is part of the existing configuration.

**CITY OF ZEELAND
ZONING BOARD OF APPEALS
Dimensional/Non-Use Variance Application**

This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions as noted in the left margin.

OFFICE USE

- _____ a) Applicant identification.
- _____ b) Street address.
- _____ c) North arrow.
- _____ d) Size of property in sq. ft or acre.
- _____ e) Property lines and dimensions.
- _____ f) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
- _____ g) Location of all structures on the land with locating dimensions and building dimensions.
- _____ h) Lot lines and all structures within one hundred feet (100') of the site's property lines including driveways and other access points along both sides of the street where access to the site is proposed.
- _____ i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
- _____ j) Copy of latest surveyor's engineering drawing.

The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the variance requested.

I hereby grant permission for members of the City of Zeeland Zoning Board of Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application.)

☒ YES ☐ NO

Mark J. Covro
Signature of Applicant

04.14.2023
Date

MARK J. COVRO
Printed Name

This application, 8 copies of the proposed site plan and related documents and a pdf file, as well as a filing fee of \$ _____ received by:

Administrative Official

Date

Art and Linda Gonzalez
310 West Main Ave
Zeeland , Mi. 49464

To: the zoning (variance committee)

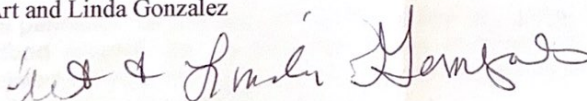
Our neighbors, Mark and Debbie Congrove have approached us seeking our approval of their plans to extend their front porch on 316 West Main Street by 5 feet and its roof. They have also informed us that they intend to comply with building requirements set forth in the building code, and that all work will be accomplished by a licensed contractor.

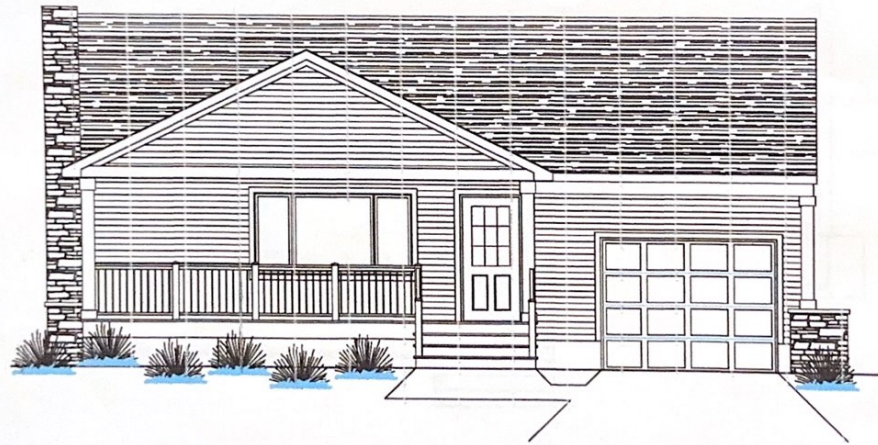
We believe this will prove to be an improvement to the overall ascetics and functionality of the property and we are in agreement with what they intend to do.

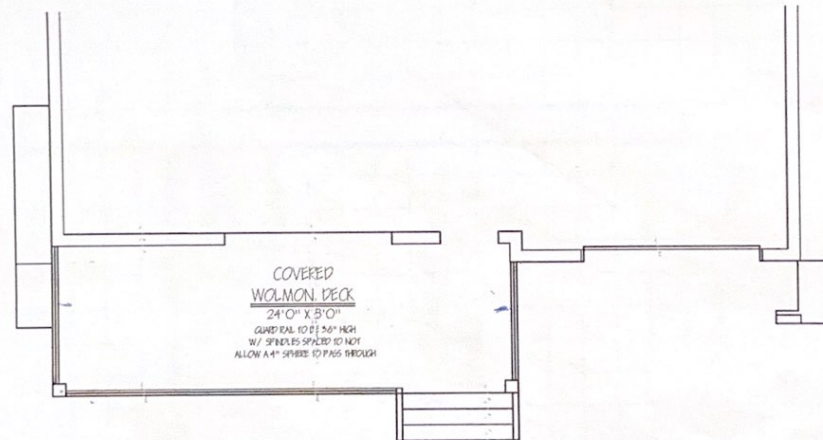
Thank you for your attention to this matter.

Respectfully,

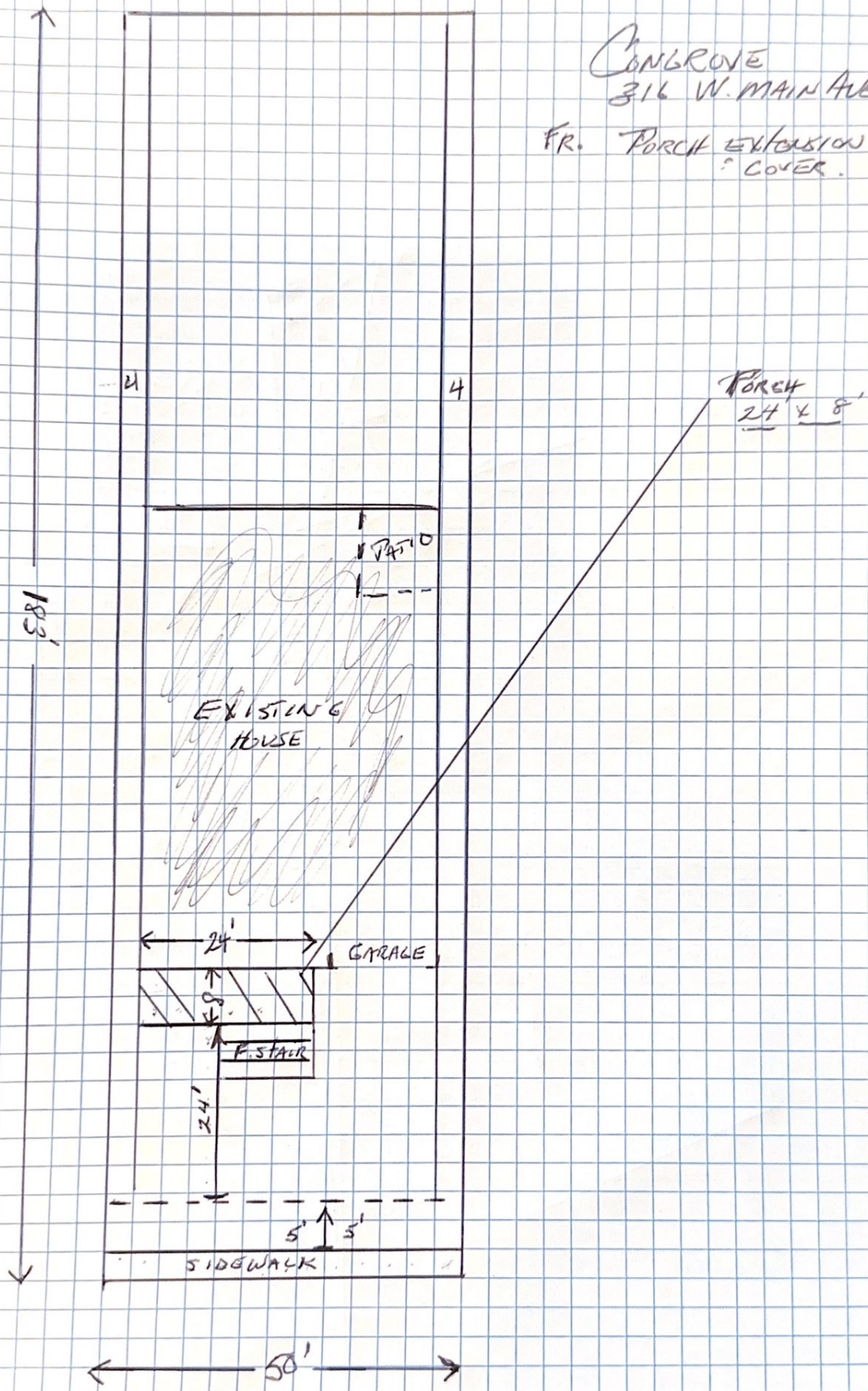
Art and Linda Gonzalez

A handwritten signature in cursive script, appearing to read "Art & Linda Gonzalez", written in dark ink.





CONGROVE
316 W. MAIN AVE
FR. PORCH EXTENSION
COVER.





316 W Main Ave



21 South Elm Street • Zeeland, Michigan 49464 • (616) 772-0872 • (616) 772-0880

MEMORANDUM

DATE: Friday, May 12, 2023

TO: Zoning Board of Appeals

FROM: Tim Maday, Community Development Director

RE: **May 16, 2023 ZBA Meeting – Dimensional/Non-Use Variance Application for 316 W Main Ave**

This memo has been sent to provide information on the variance application that will come before the Zoning Board of Appeals on May 16, 2023.

Background:

The subject parcel is an R-1 zoned, interior lot that is 50' wide by 183' feet deep, for a total area of 9,150 square feet. While this lot complies with the 7,200 square foot minimum lot size in the R-1 zone district, at 50' wide, it does not meet the 60' minimum lot width for the district. The parcel is improved with a single-family dwelling with an attached garage.

Description of request

The Applicant proposes to remove the existing 24' wide by 4' deep covered front porch, and replace it with a 24' wide by 8' deep covered porch, with uncovered stairs extending towards the street. The new front porch would have a setback of 24' to the front property line, and match the existing dwelling's east side yard setback of 4'.

City Ordinance review

The City's R-1 district regulations require main buildings to provide 30' of front yard setback, and 10' setbacks on each side of the dwelling. Section 4.123 of Volume II of the Zeeland City Code "Permitted front setback reductions" provides some relief to the property owner from the 30' setback requirement. It states:

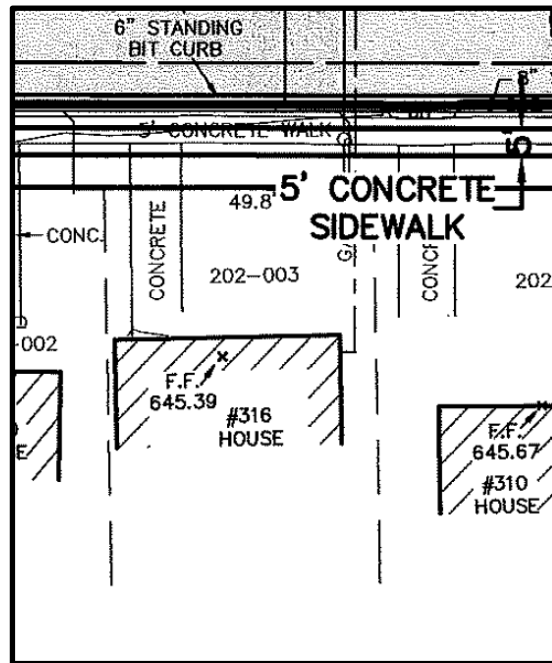
Where the front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within 200 feet of the side lot lines of the subject lot, subject to Subsections (b) and (c) of this section.

When this section is applied, the required 30' front setback is reduced to 27'. The applicant is seeking a front yard setback variance of 3' (24' proposed when 27' required).

A variance is also required for the proposed 4' east side yard setback. Section 4.100 (d)(1)a of Volume II of the Zeeland City Code allows for the reduction of a side yard setback to 5' for an addition, if it matches the existing building line, but with the existing east side yard setback being less than 5', this section is not applicable.

Front property line location

In this section of Main Avenue, the inside edge of the sidewalk is located 5' into the Main Avenue right-of-way. Typically, the inside edge of the sidewalk sits at the right-of-way line, or one foot inside the right-of-way. Under the applicant's proposal, there would be 24' of setback to the front property line, with the additional 5' of clear space before the sidewalk, creating a setback of 29' from the edge of the sidewalk. Below is a portion of the 2008 Main Avenue reconstruction plans that show the location of the right-of-way and sidewalk in front of the subject property.



Criteria for consideration of application:

The granting of a dimensional/non-use variance requires a finding that a practical difficulty or an unnecessary hardship exists. Section 2.205 (b) of Volume II of the Zeeland City Code lists the criteria to be considered when determining if a practical difficulty exists. This criteria is listed below:

- (1) That there are exceptional or extraordinary circumstances or conditions that apply to the property in question, which include these three items:
 - a. Circumstances and conditions that do not generally apply to other properties in the same zoning district;
 - b. Such circumstances or conditions, being, therefore, truly unique and, thus, not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or circumstances; and,
 - c. Such circumstances, that if the ordinance were enforced, would cause a practical difficulty for the applicant. Unique circumstances or conditions affecting a parcel, property, and/or land must be found to exist in a least one of the following three ways:
 1. Having an unusual shape or location or other physical characteristic, like extreme narrowness, exceptional shallowness, unusual shape, and/or unusual topographical characteristics (like a wetland, large boulder, or deep ravine);
 2. Having an extraordinary situation related to the land, building, or structure; or,
 3. Having unusual use or development of immediately adjoining property.

- (2) That if a variance is not granted, the applicant will be unable to enjoy substantial property rights and privileges similar to those possessed by others in the same zoning district and vicinity.
- (3) That the possibility of increased financial return is not the primary reason for this variance request.
- (4) That the variance would not be significantly detrimental to the property adjacent to that in question and to the surrounding neighborhood.
- (5) That the variance would not harm the intent and purpose of this ordinance.
- (6) That the immediate practical difficulty has not been caused by anything the applicant has done.

Correspondence on application: Staff received one piece of correspondence regarding this application, an April 14, 2023 letter from Art and Linda Gonzalez. This letter is included in the meeting packet.

Action on application:

Provided that the Board is satisfied that sufficient information has been provided at the public hearing, action is needed to approve or deny the application. This action should come in the form of a motion to approve or deny the application, and contain findings as to how each of the tests above have or have not been met. As a dimensional/non-use variance application, three affirmative votes are needed to complete action on this application.

I hope that this memo is helpful in providing a description of the application that will come before the Board on Tuesday, May 16th, the criteria to be used to evaluate the application, and what action is necessary. Please do not hesitate to contact me with any questions you may have regarding this memo, or this Zoning Board of Appeals application.



**CITY OF ZEELAND
ZONING BOARD OF APPEALS MEETING MINUTES
COUNCIL CHAMBERS
21 SOUTH ELM STREET
DECEMBER 20, 2022
6:00 PM**

Chairman Barensen called the meeting to order at 6:00PM and requested a Roll Call.

Present: Board Members Doug Barensen, Lara Kovacs, Linda Mergener, Dave Stegink, and Kevin Streeter

Absent: None

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

-Moved by Mergener to approve the minutes of the November 15, 2022 Zoning Board of Appeals Meeting. Supported by Stegink. All voted aye.

131 S Maple Street – Jacob Bonnema – Dimensional/Nonuse Variance Request

-6:03PM Chairman Barensen reopened the public hearing.

Maday explained Board members voted to table the 131 S Maple St dimensional variance request at their November 15, 2022 meeting; a notice was again published and mailed and the public hearing continued tonight. He noted the request is for a 5 foot 10 inch wide by 19 foot long 110 square foot addition to an existing 624 square foot accessory building "carriage house" on the ¼ acre single family home property zoned R-1, Single Family Residential. He explained a stop work order was issued in June 2022 since addition construction had begun without a building permit issued. He explained the property owner chose to request a variance since the property has no remaining accessory building square footage available. He noted the Board granted variances for an additional accessory building and accessory building square footage in 2019 and a 1,250 square foot detached accessory building "barn" was built.

Maday explained the Board had requested all documents from the 2019 application, which were included in the meeting packet. He noted the Board must determine if standard of practical difficulty conditions still exist and 3 votes are required for a decision.

Barensen asked if changes had been made to the barn from the approved site plan. Maday stated the building permit application complied with variance conditions, including no use as an accessory dwelling unit or home occupation and removal of a 96 square foot accessory building. He noted the barn's roof line was changed to a gable style, a minor change which Staff is allowed to approve.

Jacob Bonnema of 131 S Maple St explained he would like to finish construction on the 110 square foot addition to store items that had been in the 96 square foot shed. He stated he doesn't wish to store items such as seed, fertilizer, soil and dirty items such as shovels, wheelbarrow, and rakes in his barn, since it is used as a large gathering space. He noted a graduation party, school prom, and girls' basketball events had been held in the barn. He explained the addition location allows easy access to his garden. He commented if the addition was on the home, a variance would not be needed. He explained his lot is almost an acre and that City rules were meant for smaller lots. He stated the addition would be screened from view,

clean, and look nice from the rear and could not be seen from the front. He noted 110 square feet is almost the same size as the 96 square foot shed he removed.

Maday commented 131 S Maple St is 32,781 square feet or .75 acre.

Barense noted the 2019 ZBA notification of action document specifically states no additions to accessory buildings. Bonnema stated he misunderstood, explained he had spoken to building official Ron Johnston who stated the addition was not a problem, so he thought it was allowed. He noted the addition would be more attractive than an outdoor storage bin which is allowed. He stated he added house wrap to the addition, as allowed by the ZBA at the November meeting.

Barense asked about the ratio of open to closed addition space. Bonnema stated all of the addition would be enclosed but no door ever.

Barense commented the lot is large, but there is an inordinate amount of accessory building square footage being used for other purposes. He stated he does not see a hardship.

Bonnema commented others store garden tools outdoors which is unsightly. He stated he does not wish to store dirty garden tools and materials in the barn.

Barense asked if the roof of the addition was removed, would the addition be allowed. Maday explained the addition currently meets the definition of a structure since it is an enlargement of a building.

Barense commented a storage bin would be less than 110 square feet. Bonnema stated he is willing to get a bin, but it will not look as nice as the addition.

Barense commented the 1,254 square foot barn is not being used for what it is designed for, which was discussed in 2019. He noted letters from neighbors show they don't appreciate how Bonnema has gone ahead with the addition without permission.

Mergener commented the ZBA gave you a large amount of additional accessory building space to relieve your hardship in 2019, but the new barn has been used as a gathering space instead. She noted that in 2019, Bonnema stated he planned to use the carriage house as a gathering space.

Bonnema stated he had to remove the garden shed as a condition of the 2019 variance. Maday explained the garden shed was the third accessory building on the property and was installed without a permit.

Bonnema stated the addition is an accommodation since he had to remove the shed used to store garden items. Mergener commented Bonnema created a hardship for himself since he has changed the use of the barn.

Kovacs commented in considering the standards, she has difficulty with the request since Bonnema does not wish to store garden tools and materials where they should go.

Bonnema stated he wishes he'd asked for additional square footage in 2019, but did not have the foresight to do so, and that he is asking now.

-6:25PM Moved by Mergener to close the public hearing. Supported by Stegink. All voted aye.

Donkersloot commented if the Board determines the application meets all the standards, the variance should be granted, but if any one of the standards has not been met, the request should be denied.

Kovacs commented it might be possible to remove the wall, leaving a roof over the cement slab to create a storage space. Bonnema stated he prefers to cover everything up for aesthetics.

Maday read the definition of a building from the City Code, "...a structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.".

Barense asked if Bonnema could construct a fence instead of a wall. Maday stated yes, a fence up to 6 feet tall could be constructed. He explained overhangs, like bay windows, do not count toward foundation area. He noted a roof with supports is allowed, but posts are a problem. He stated the roof overhang is new, since the roof of the carriage house had been a typical eave.

Stegink commented a cantilevered roof might be possible. Bonnema commented he is open to options, but he needs storage for tall items, such as rolling racks for tables and chairs and needs a cement floor.

Maday reviewed the ZBA's finding for the 2019 variance that was granted: exceptional circumstances since buildings are over 100 years old, large lot, locations of buildings limit ability to build a conforming structure; property rights lost since carriage house is too small for 2 vehicles; no financial return; no impact to adjacent property; not detrimental to ordinance; applicant has not caused practical difficulty.

Motion 2022.08

Moved by Mergener to deny the dimensional variance request for the property at 131 S Maple Street, parcel number 70-17-19-204-025, to construct a 110 square foot addition to an existing 624 square foot accessory building based on the following finding:

- **Practical difficult has been caused by the property owner since a dimensional variance was granted in 2019 to relieve an accessory building square footage practical difficulty by allowing a larger accessory building, which the property owner has not chosen to use as accessory building space.**

Supported by Streeter

Roll Call Vote on Motion 2022.08

Ayes: Barense, Kovacs, Mergener, Stegink and Streeter

Nays: None

Absent: None

Motion Passes.

-6:38PM Moved by Mergener to adjourn. Supported by Stegink. All voted aye.

Submitted by,

Amy LeVesque
Recording Secretary