



**CITY OF ZEELAND
ZONING BOARD OF APPEALS MEETING MINUTES
COUNCIL CHAMBERS
21 SOUTH ELM STREET
MAY 16, 2023
6:00 PM**

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

Present: Board Members Scott Bartolomei, 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 December 20, 2022 Zoning Board of Appeals Meeting. Supported by Stegink. All voted aye.

316 W Main Ave – Mark Congrove – Dimensional/Nonuse Variance Request

-6:01PM Vice Chairman Bartolomei opened the public hearing.

Maday explained the variance request is for a 24 foot front setback when 27 feet is required and a 4 foot east sideyard setback when 10 feet is required. He explained 316 W Main Ave is a single family home zoned R-1, Single Family Residential on an interior lot 50 feet wide, 183 feet deep. He noted width does not meet 60 foot ordinance requirement, but lot exceeds requirements for area. He stated applicant wishes to replace the existing 24 foot wide by 4 foot deep porch with a 24 foot by 8 foot deep porch with front stairs, with the stairs being allowed by ordinance. He stated the requested 4 foot east sideyard setback would match the existing 4 foot setback of the home.

Maday explained R-1 requires 30 foot front yard and 10 foot side yard setbacks. He stated the zoning ordinance allows reduced front setbacks in areas where front setbacks are less than required, allowing an average of all front setbacks within 200 feet. He explained the required front setback is 27 feet for 316 W Main Ave.

Maday explained the zoning ordinance also allows an addition to follow the building setback if it meets 50% of the requirement, which would be 5 feet. He explained a variance is required since the property's east setback is 4 feet.

Maday stated a survey from the 2008 W Main Ave reconstruction shows the property's right of way (ROW) is fairly wide at 5 feet, explaining there is 5 feet between the front property line and the sidewalk. He commented, if the variance is granted, the property's front setback would appear to be 29 feet.

Bartolomei noted the City could take the 5 feet back. Maday agreed.

Maday stated standards for practical difficulty must be met: unusual characteristics of property, others enjoying privileges property owner cannot, no financial return, no harm to neighbors, no harm to ordinance, and difficulty not caused by applicant. He explained 3 votes are needed for a decision. He stated no Staff comments were received and read the following letters:

Pete & Sue Zwyghuizen: - "This is our written comments that we would like entered into the record for the Tuesday, May 16, 2023 Zoning Board of Appeals Meeting. We are giving comments to the application of Mark Congrove @ 316 W. Main for a covered front porch and side yard setback. We are happy to see improvements made to the houses in our neighborhood and feel that the proposed porch would improve the looks of the house and the neighborhood. So we are in favor of granting the application. We are Pete and Sue Zwyghuizen and we own the house directly across the street at 319 W. Main. We have owned our home since 2003. Pete and Sue Zwyghuizen"

Art & Linda Gonzalez of 310 W Main Ave: - "Our neighbors, Mark and Debbie Congrove have approached us seeking our approval of their plans to extend their front porch on 316 W 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[sic] 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"

Motion 2023.01

Moved by Stegink to receive Mark Congrove's 316 W Main Ave dimensional nonuse variance application responses into the meeting record.

Supported by Streeter

Roll Call Vote on Motion 2023.01

Ayes: Bartolomei, Mergener, Stegink and Streeter

Nays: None

Absent: None

Motion Passes

Dimensional variance application responses submitted by Mark Congrove:

"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.'"

Mark Congrove of 316 W Main Ave explained he purchased his 1953 home 3 years ago, has added 2 bedrooms and a bathroom, and would like to construct a wider covered porch. He stated he would like his home to be accessible to a friend who is a motorized wheelchair user and to prepare for aging in place. He explained his current porch is not wide enough to allow a wheelchair to maneuver and he owns a portable accessible ramp which he plans to extend straight into the front yard. He stated he does not expect any financial gain from the project. He stated a 29 foot front setback is wider than many in the City and can't imagine the City would widen W Main Ave and take the 5 foot ROW back.

Bartolomei asked about distance between homes. Maday stated approximately 14 feet between 316 W Main Ave and the home to the east.

Stegink asked about the ramp. Congrove explained his ramp is 15 feet and he does not plan to install a permanent ramp.

Bartolomei asked why Congrove is requesting a roof over the porch. Congrove explained he would like to be able to sit outdoors protected from the weather.

Bartolomei asked why not build a 6 foot wide porch. Maday explained the ADA requires a 5 foot diameter circle.

Stegink asked if the Board could add a condition for removal of the temporary ramp. Maday stated yes, and explained not removing the ramp would be a code enforcement issue.

Congrove commented he does not intend to leave the temporary ramp in place longer than needed.

Mergener asked how much room would be needed for a permanent ramp. Maday stated he did not know, but a variance would be required. He stated a ramp could not be built inside the single stall garage since at least one parking space is required.

-6:34PM Moved by Mergener to close the public hearing. Supported by Stegink. All voted aye.

Stegink commented since a variance would be needed for an ADA compliant porch, he agrees with going farther and allowing 8 feet. He stated he has no problem with a 4 foot sideyard setback since it would be more attractive if the porch continues the building line.

Maday asked if there would a stormdoor that swings out. Congrove stated no.

Motion 2023.02

Moved by Stegink to approve the dimensional variance request for 316 W Main Ave, parcel number 70-16-24-202-003, for a 24 foot front setback when 27 feet are required and a 4 foot east sideyard setback when 10 feet are required, with the following stipulation:

- Any temporary accessibility ramp must be removed from the front setback within 24 hours of ramp placement;

Based on the following findings:

1. Hardship of pre-existing nonconforming front setback but visibly close to 27 foot requirement due to 5 foot right of way; exceptional circumstance of narrow lot and 4 foot east sideyard setback would line up with home setback;
2. Others enjoy 8 foot wide porches allowing outdoor furniture and accessibility;
3. Motivation is not primarily financial return;
4. Variances will not be detrimental to neighborhood since 2 neighbors wrote letters in support;
5. No harm intent of ordinance since front yard is unique with 5 foot right of way;
6. Current owners did not build the home.

Supported by Streeter

Roll Call Vote on Motion 2023.02

Ayes: Mergener, Stegink and Streeter

Nays: Bartolomei

Absent: None

Motion Passes

-6:44PM Moved by Mergener to adjourn. Supported by Stegink. All voted aye.

Submitted by,



Amy LeVesque
Recording Secretary