

Hopkins Township
Zoning Board of Appeals
Special Meeting Minutes
6/26/2014 7 p.m.
Hopkins Township Hall

At 7:02 p.m. Chairman Bruce Modreske called the meeting to order.

Members Present: Bob Modreske, LTB, Lori Castello, Secretary, Bruce Modreske, Chair, Cal Tuinstra, Member At-Large, Ryan Rhoades, Member At-Large.

Others Present: Mrs. Alice Tuttle and son, Zoning Administrator Kirk Scharphorn Jr., Township Supervisor Mark Evans.

The Pledge of Allegiance was recited.

Item 1: Approval of Minutes from 5/13/2014: These were not available and must be approved at the next meeting.

Item 2: Old Business- continuation of a public hearing from Petitioner Alice Tuttle for a Variance to construct a New Residence approximately two hundred eight (208) from the road right of way instead of the maximum setback of one hundred (100) feet from the road right of way at 2880 16th Street also known as parcel 03-10-022-011-00. The Variance would provide relief of Section 5.04 (a) of the Hopkins Township Zoning Ordinance.

Some discussion was had regarding the petition and remarks that were made at previous meeting held on 5/13/2014. At that time the petitioner asked for more time to obtain documentation from the Allegan County Health Department regarding soil tests to testify that building within the setback zone would cause undue hardship. According to Mrs. Tuttle the Health Department was slow in reacting to her request.

Zoning Administrator Kirk Scharphorn Jr. testified that while no written documentation was made available, he did speak by phone to Jamie Dentler from the Allegan County Health Department. According to this conversation, placement of the home within the 100' required setback would be nearly impossible due to the nature of the heavy clay soil. The site of the dwelling that was previously on the property is the best building site because not only would the septic need to be placed in that area, but also because the soil located within the setback is largely composed of heavy clay, which would not support a dwelling as well. Mr. Scharphorn asked Mr. Dentler to supply him with this in writing but Mr. Dentler stated that because they are so overwhelmed at the Health Department right now, it would not be possible for him to do so.

FINDINGS:

The Zoning Board of Appeals made the following findings based upon information supplied:

- The proposed dwelling would be built in an existing tree cluster- no loss of tillable ground in AG (spirit of ordinance)
- The dwelling would use the existing driveway resulting in no loss of tillable ground.
- It would be built next to an existing accessory building – no loss of tillable ground to connect the two should they be separate.
- The home would be in the same location as a home was built previously- with an overlapping footprint.
- The dwelling would reasonably fit neighborhood setbacks.
- The driveway will be maintained to allow for emergency vehicle access.

The Zoning Board of Appeals has the authority to permit variances under Hopkins Township Zoning Ordinance Section 16.10 provided it meets all of the subsections.

Noted are the responses/findings for each subsection:

Subsection a):

- Health department states ground will not perk within the permitted setback.
- No loss of tillable farmland.

Subsection b):

- No detriment could be found to neighborhood as this setback will be similar to existing dwellings.
- Emergency access will be available through maintenance of driveway.

Subsection c):

- Previous dwelling will be replaced.
- There have been no similar cases within the past year.

The Zoning Board of Appeals has the responsibility to deny variances under Hopkins Township Zoning Ordinance Section 16.11 should it not meet two of the three criteria stated in subsections a), b), and c).

Noted are the responses/findings for each subsection:

Subsection a):

- Previously existing dwelling on same site.
- Health Department perk tests indicate this is best place for dwelling.

Subsection b):

- Similar setback as neighboring dwellings

Subsection c):

- Previous dwelling will be replaced.
- There have been no similar cases within the past year.

MOTION: Motion by Cal Tuinstra to approve variance as requested with the condition that the dwelling be constructed within the existing tree line and within 100' of the center point of previously existing dwelling.

Motion Support by Ryan Rhoades.

No further discussion.

Motion carried 5-0.

Item 3: New Business:

Kirk delivered application packets for a variance asking for setback relief. This will be noticed and take place at our regular quarterly meeting on Tuesday, August 12, 2014 at 7 p.m.

Item 4: Public Comment: None.

Item 5: Board Comment: None.

Item 6: Adjournment:

MOTION to adjourn by Lori Castello at 7:52 p.m. Supported by Cal Tuinstra. Motion carried 5-0

Respectfully submitted by Lori Castello