

Board of Adjustment
Meeting Minutes
June 28, 2011

1.) Vice-Chair Lyle Vander Meiden called the meeting of the Board of Adjustment to order at 6:01 p.m.

2.) Roll Call.

Members Present: Jim Corbett, Larry Lautenbach, Vince Nossaman, Merlan Rolffs, Lyle Vander Meiden, Kraig Downs, John Van Den Berg.

Members Absent: Mike Vander Wert, James Vande Voort.

Others Present: Jerry Byers, George Wesselhoft, Leasa Jansen, Laura Heims.

3.) Approval of Agenda.

The Agenda was approved as submitted.

4.) Approval of Minutes.

The minutes for the March 8, 2011 meeting were approved as submitted.

5.) Public Hearing on a Variance Application by Nick and Laura Heims concerning a proposed deck addition at 303 Hazel Street. The request is for a variance of 12 feet which would reduce the rear yard setback to 28 feet.

Vice-Chair Vander Meiden asked if any written comments had been received.

Jerry Byers, secretary to the Board, stated that no written comments had been received.

Vice-Chair Vander Meiden opened the floor to discussion.

Laura Heims stated the concerns with the property which included a wide Right-of-way to the south and a utility easement to the north and west. She continued by saying the old deck was rotting off and dangerous. She also stated that due to a garage addition that the west was now the rear yard by default and the house sat right at the 40 foot setback.

There was discussion about why the garage addition determined the front and rear yards for the structure instead of the longer street yard.

Discussion also ensued about the unusual Right-of-way width and location of the utility easements.

The public hearing was closed.

6.) Variance Application by Nick and Laura Heims concerning a proposed deck addition at 303 Hazel Street for a variance request of 12 feet to reduce the rear yard setback to 28 feet.

John Van Den Berg made a motion to grant the variance as submitted. Mr. Van Den Berg stated reasons of the wide Right-of-way and the fact that what was a side yard was now the rear yard by default, as a reason to grant the variance.

Larry Lautenbach seconded the motion.
Upon vote, motion passed 7 to 0.

7.) Public Hearing on a Variance Application by Mike and Leasa Jansen concerning a proposed addition at 2400 Scholte Straat. The variance request is to reduce the front yard setback from 30 feet to 28 feet for a variance of 2 feet.

No written comments were received, stated Mr. Byers.

Lease Jansen proposed to the Board that their current front porch was rotting and they wanted to redo the front porch and entire front of the structure and wanted to bump stagger the garage doors and to do that they would need two feet to half of the garage.

There was discussion about the process of construction and if the structure was built against the front setback.

Vice-Chair Vander Meiden asked the question if this is actually a hardship or just a convenience and if the homeowner could help him convince him of that.

Ms. Jansen spoke about if they could add to the front it would be much easier than if they have to remove or push the garage back the two feet due to the construction processes involved.

There was discussion about the size of the existing garage and layout of the house.

Mr. Lautenbach stated that with a 28 foot garage they could go back just as easy as they could move it forward to create the offset.

Ms. Jansen countered with that they felt the design would be much nicer if the garage was brought forward the two feet.

There was a general consensus that the design was very nice and would be a beautiful project.

Merlin Rolffs stated that it was hard for him to see the hardship of the variance.

Jim Corbett commented that he too was having a hard time with this request.

Discussion ensued about different designs and construction techniques.

Mr. Corbett commented that if the Board would approve this one it would set precedent for future requests.

Mr. Lautenbach agreed that if the Board were to grant this request, and what if the next person wanted five feet, the Board has set precedent.

The public hearing was closed.

8.) Variance Application by Mike and Leasa Jansen concerning a proposed two foot addition at 2400 Scholte Straat to reduce the front yard setback from 30 feet to 28 feet.

Vice-Chair Vander Meiden asked if there was a motion to approve.

There was no motion to approve. Motion failed by default due to lack of a motion.

9.) Other Business.

Jim Corbett stated that the Board should focus on the list of requirements for the Board. He commented that it is just a housekeeping thing for the Board and that members should do a better job at helping one another with the motion.

There was much discussion about Mr. Corbett's comments and about procedural rules for the Board.

George Wesselhoft, Director of Planning and Zoning stated that the Board can ask questions to the applicant for clarification of the motion.

Mr. Vander Meiden stated that the Board needs to address a timeline for commencement of a project.

Discussion ensued about timelines for a project.

Vince Nossaman commented about whether a motion should be made to deny or no motion should be made at all.

Mr. Wesselhoft commented that City Council just experienced that same issue where no motion to approve was made and the motion died for a rezoning.

Mr. Rolffs commented that the City Attorney told the Board that it was better to have no motion to approve than to have a motion to deny due to the confusion on voting to deny something.

10.) The meeting adjourned at 6:44 p.m.

Respectfully submitted,
Jerry Byers
Building Official