

Board of Adjustment
Meeting Minutes
August 23, 2011

1.) Chairman Vander Wert called the meeting of the Board of Adjustment to order at 6:00 p.m.

2.) Roll Call.

Members Present: Jim Corbett, Kraig Downs, Larry Lautenbach, Vince Nossaman, John Van Den Berg, Lyle Vander Meiden (6:04), Mike Vander Wert, James Vande Voort

Members Absent: Merlan Rolffs

Others Present: Jerry Byers, George Wesselhoft, Harley Van Wyk, Darin Dux, Ron Long.

3.) Approval of Agenda.

The Agenda was approved as submitted.

4.) Approval of Minutes.

The minutes for the June 28, 2011 meeting were approved as submitted.

5.) Public Hearing on a Variance Application by Darin Dux concerning a proposed accessory structure on Lots 3 & 4 of Timber Ridge Subdivision. The request is for a variance to place a new accessory building in the side yard relative to the new home he is constructing.

Chairman Vander Wert asked if any written comments had been received.

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

Chairman Vander Wert opened the floor to discussion.

Harley Van Wyk, neighbor to the property, asked what the size of the building was going to be and what it was going to be used for.

Darin Dux, applicant, stated that the building would be a 30 by 40 personal shop.

Harley Van Wyk continued with concerns about water running off the property and flooding the properties.

Larry Lautenbach explained to Mr. Van Wyk that water retention was only required in Commercial building not in Residential building and that whether Mr. Dux could build an accessory building was not the Boards concern but the Boards was concerned with as to where Mr. Dux could build his building.

There was discussion as to where Mr. Van Wyk's properties were located and about how the water flows through the neighborhood.

James Vande Voort commented on the fact that there were two lots there and two houses and two building could have been built there instead of just one house and one building. Discussion ensued concerning where the building was to be built in relation to the house and the road.

More discussion took place concerning the location of the house and proposed accessory structure location in relation to the natural water flow areas of the surrounding properties.

Mr. Lautenbach asked Mr. Dux about his position concerning that setback did not apply off a private drive in a private subdivision and when did he find out that they did.

Mr. Dux said that when they applied for the permit for the house that City Staff informed him that a permit would be required and that an accessory structure could not be located in the side yard.

Mr. Dux continued by saying that a decision by the City Attorney as to if the private drive counted as the road or whether it was 198th Place that was the road. In either case, the accessory structure would be in the side yard.

Kraig Downs asked Staff about several other properties along the private drive that currently have accessory structures in the side yard and even in the front yards.

Mr. Dux spoke up and presented pictures showing properties that have similar issues and he added that he was not trying to do anything that wasn't out of character for the neighborhood.

More discussion ensued concerning possible locations for the structure.

The public hearing was closed.

6.) Variance Application by Darin Dux concerning a proposed accessory structure on Lots 3 & 4 of Timber Ridge Subdivision. The request is for a variance to place a new accessory building in the side yard relative to the new home he is constructing.

Chairman Vander Wert asked if there was a motion to approve.

James Vande Voort made a motion to approve as submitted.

Vince Nossaman seconded the motion.

Upon roll call vote, James Vande Voort, Vince Nossaman, Kraig Downs, Mike Vander Wert voted yes.

Jim Corbett, Larry Lautenbach, John Van Den Berg, Lyle Vander Meiden voted no.

Motion did not pass due to a lack of majority vote with resulting vote 4 to 4.

7.) Other Business.

George Wesselhoft, Director of Planning and Zoning, let the Board know that another meeting is scheduled for September 13th, 2011.

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

Respectfully submitted,
Jerry Byers
Building Official