

Minutes of the Sparta Township Zoning Board of Appeals
Regular Meeting of December 9, 2020 at 7:30 p.m.
Virtual via Zoom Media

Present: Chairperson Terry Jost, Members Robert Mead, Don Doyle, and John Kozal
Also Present: Associate Planner Lindsay Mohr of Fresh Coast Planning
Absent: Terrance May

- I. Call to Order-Chairperson Jost called the meeting to order at 7:40 p.m.
- II. Pledge of Allegiance
- III. Additions or Corrections to Agenda: Approval of minutes from the last meeting was added to the agenda.
- IV. Public Comment: None
- V. Public Hearing: Request for variance was presented. Applicant is Northern Professional Properties, LLC/Rent Smart located at 9430 Sparta Avenue. They are seeking relief from the setback requirements. The details of the application were presented in a memo prepared by Planner Mohr.

The applicant's contractor, Spencer Telkamp, presented the request, explaining the reduction in side yard setback is required in order to accommodate parking and a turn around area for equipment rentals. Board Members questioned the applicant about other options for how the property could be laid out.

Board members reviewed the standards for approval. Each item was considered and found unanimously to have been met, based on the information provided.

1. That the need for the requested variance is due to practical difficulties in carrying out the strict letter of the zoning ordinance arising from unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography.

Due to the narrowness, irregular shape, and topography of the property, it appears there are unique circumstances which create practical difficulties for the property owner.

2. That the asserted difficulty is not due to the applicant's personal or economic difficulty. Increased financial return alone shall not be deemed sufficient to warrant a variance.

The asserted difficulty does not appear to be due to the applicant's personal or economic difficulty, but rather the narrowness, shape, and topography of the property.

3. That the need for the requested variance is not the result of actions of the property owner or previous property owners.

It appears that the requested variance may be due to the irregular shape, narrowness, and topography of the subject property. It is also important to note, when the applicant originally submitted a site plan for the Zoning Administrator's review in September 2020, the project engineer was unaware of the approved rezoning to the C-2 Zoning District in 2019, and submitted the site plan in accordance with the C-1 Zoning District setbacks versus the required C-2 Zoning District setbacks, and noted they would have to apply to the Zoning Board of Appeals for a nonuse variance because they were unable to meet the required setbacks.

4. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from

using the property for permitted purposes or will render conformity with those regulations unnecessarily burdensome.

Strict compliance with regulations may require the water retention basin to be located on the northern portion of the property, which may be unreasonable or unnecessarily burdensome, particularly for customer traffic and circulation as noted in the applicant's "Water Retention" attachment.

5. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

The applicant has noted that the requested variance is the minimum variance necessary to conduct their business operation and will be the least evasive option for neighboring property owners.

6. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The requested variance does not appear to cause an adverse impact on surrounding properties in neighborhood.

7. That the need for the requested variance is not based primarily on nonconforming nearby lands, structures or buildings.

The requested variance does not appear to be based primarily on nonconforming nearby lands, structures, or buildings, but rather the irregular shape, narrowness, and topography of the property.

Public hearing closed.

Neighboring property owner spoke in support of the proposed variance.

Motion by Doyle, second by Mead to approve the request as submitted. Motion carries with unanimous roll call vote of members present.

VI. Business Items

Meeting Schedule-motion by Mead, second by Doyle to approve the schedule as presented. Following each meeting, a second meeting will be held the following month in order to approve the minutes. Zoom participation is allowed at any meeting, with notice by the member to the Township Office. Motion carries.

Minutes from last meeting-item tabled until the next meeting.

VII. Adjournment

Motion to adjourn at 9:30 p.m.

Respectfully submitted,

Jan Redding, Recording Secretary