

**Zeeland Charter Township  
Zoning Board of Appeals  
August 25, 2020**

The meeting was called to order at 7:00 p.m. by Chairperson Walters

Board Members Present: Rich De Leau, Bruce Knoper, Russ Mudget, Dirk Pyle, Jeff Salisbury, Steve Walters and Ben Zwagerman.

Staff Present other than Board Members: Zoning Administrator Kirk Scharphorn Jr., Twp. Attorney Tom Forshee

Motion was made to approve the agenda: Motion Carried

Motion to approve the minutes of July 28, 2020: Motion Carried

Chairperson Walters opened the public hearing for Mr. & Mrs. Ben Osburn. The Osburn's requested a variance at 6836 Groveside Dr. also known as permanent parcel 70-17-34-136-002. The request is to have their inground swimming pool seven (7) feet from the side lot line instead of the minimum requirement of ten (10) feet.

The Osburn's builder submitted a building permit with site plan indicating the pool would be twelve (12) feet from the lot line. The homeowners assumed their contractor had constructed the pool in the proper place until their neighbor expressed concern about the location being too close to the property line. A survey was obtained by the Osburn's, and it revealed the pool was seven feet from the lot line.

Citizen Comment – Jeff & Lisa Potter (neighbors) expressed their opposition to the variance. They presented information about the subsequent water issues the pool construction has created in their yard.

Motion made by Knoper to close public hearing, supported by Zwagerman: Twp. Attorney walked the board through the requirements to approve a variance.

Motion made by Knoper to deny the variance request, supported by Zwagerman for the following reasons:

1. This property is not unique or have any extraordinary conditions that apply.
2. This issue cannot be fixed by a zoning amendment. The issue occurred because of omission.
3. A variance is not necessary for preservation of the property because the pool can be moved.
4. The Board was not sure if the variance would be detrimental to the adjacent property, based upon evidence submitted.
5. There is room for the pool to be placed at the minimum required 10 ft. setback.
6. The need for the variance was not created in bad faith, but the agent of the applicant or the applicant created the emergency.

7. The reason set forth in the request does not justify granting the variance.

Motion Carried: Ayes: De Leau, Walters, Pyle, Knoper, Mudget, Zwagerman, Salisbury

Motion to Adjourn. Motion carried. Meeting adjourned at 8:12 pm

Jeff Salisbury, Secretary

Katy Steenwyk, Recording Secretary