

GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS – REGULAR MEETING

Township Board Room - 8555 Kalamazoo Ave. S.E. Caledonia, MI 49316

DRAFT Agenda

7:00 p.m. – Wednesday August 14th, 2024

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of May 8th, 2024, Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. 9375 Eastern (A-R, Agricultural/ Rural-Residential)**
Dimensional Variance – Reduce Front Yard Setback from 60 feet to 34 feet
- VI. General Discussion Items**
- VII. Other Reports**
- VIII. Adjournment**

*Please note that advertised public hearings will not start before the noted time, but may start later due to the length of other agenda items. All interested persons are invited to attend and participate. Persons with disabilities needing accommodation for effective participation in the meeting should contact the Township Office at 616-698-6640 one week in advance to request mobility, visual, hearing or other assistance.

**DRAFT MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS REGULAR
MEETING
HELD ON MAY 8TH, 2024
GAINES CHARTER TOWNSHIP
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

Chair Werkema called the meeting to order at 7:04 PM.

MEMBERS PRESENT: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema

MEMBERS ABSENT: Peacock (Alternate Member)

OTHERS PRESENT: Dan Wells, Community Development Director; Dakota Swan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

III. CONSIDERATION OF MEETING MINUTES

Motion: Motion by Ringnalda, supported by Wiersema to approve the Zoning Board of Appeals regular meeting minutes from April 13th, 2023, as presented.

Discussion: Kooiman inquired about the keeping of public records, Planner Wells stated that all public comments and minutes for the Zoning Board of Appeals are kept in a binder in the Planning and Zoning Department.

Ayes: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema

Nays: None

Abstain: None

Decision: Motion carried (5-0).

IV. INQUIRY OF CONFLICT OF INTEREST

Member Hilton stated that he is willing to deliberate but would prefer to abstain from voting on the agenda item at 225 Sorrento Drive, as he was a developer of the project; Planner Wells stated that he doesn't see the need for Hilton to abstain from voting as he is removed from the project now.

V. PUBLIC HEARING

1. 1267 100th Street – Dimensional Variance

Chair Werkema opened the public hearing at 7:09 PM.

Applicant Dan Brown explained that he is seeking a 10-foot variance from a 20-foot required setback in the side yard to build an accessory building for residential storage purposes. Brown stated that they are seeking a variance to avoid conflict with a septic drainage field in the yard, and ensuring they will be

building on land that can sustain construction while also preventing hindrance on any neighboring properties. Brown went on to say that the proposed pole barn would provide a visual and audio barrier between their property and SE Agriculture and Commercial Solutions (formerly Sikkema Equipment) to the south. He added that the unique location of their drainage field eliminates SE Agriculture Commercial Solutions' ability to install fencing as a buffer. Brown also stated that he has spoken to all neighbors on the private drive, and nobody has expressed any concerns towards this project.

Robert Woronko, the owner of SE Agriculture and Commercial Solutions, approached the podium to voice support for the project. He stated that neighbors are concerned about sound and light and a buffer, such as an accessory building, would be a viable solution to the issue. Woronko stated that everything to the north of the berm on his property is already being used by the Browns, and that he wants to be a better part of the neighborhood under these unique circumstances.

Chair Werkema closed the public hearing at 7:19 PM.

Motion:	Motion by Hilton, supported by Ringnalda to read the staff report into record.
DISCUSSION:	None
AYES:	Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

Planner Wells stated that the front yard is very sloped, and a large part of the front of the property at 1267 100th Street contains wet soils that are unsuitable for building. The drain field located behind the house is one of the few places for a drainfield, and the majority of the land surrounding the house is unable to perc. Wells added that relocating a drain field to build an accessory building in a setback compliant location would be overly burdensome, and there is a lot of restriction on where building can occur on this parcel due to natural lay of the land and soils on the site.

All members of the Zoning Board of Appeals agreed that Variance Standards 1 through 5 were found to be met.

Motion:	Motion by Hilton, supported by Ringnalda to approve the 10-foot variance for the required 20-foot side yard setback based on the location of the home, the drain field, the presence of wet soils, and neighbor approval.
DISCUSSION:	None
AYES:	Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

2. **3241 Muff Ridge Lane** – Dimensional Variance

Chair Werkema opened the public hearing at 7:26 PM.

Applicant Matt Wynalda explained that he is seeking two variances; an 11-foot dimensional variance from the required 20-foot side yard setback, and an 8 foot variance from the required 60 foot front yard setback to build a pole barn; the grade/ slope in the backyard is prohibitive to building any structures. Wynalda also explained there is a well head in the side yard positioned between the lot line and the home, which further prohibits the buildable area.

Chair Werkema asked for more information regarding construction regulations near wellheads; Planner Wells stated that a Kent County regulation prevents any construction of new structures from occurring within three feet from any wellhead.

Member Hilton inquired about how high the door will be facing the west; Wynalda responded that they are unsure at this point and that their builder stated approval is necessary to iron out details as such. Wynalda reassured the Zoning Board of Appeals that the maximum height will be 14 feet, and that the structure will be visually appealing and abide by building regulations.

Member Hilton explained that he wants to ensure that this structure will not infringe upon neighbors' ability to enjoy their property.

Chair Werkema inquired about if this project will undergo site plan review to ensure that the height is compliant with standards; Planner Wells stated that the height will be verified and reviewed under the standards of review associated with site plan review.

Planner Wells added that a public comment was received from the neighbors directly to the south and closest to the proposed structure that expressed no issue with the project.

Member Wiersema commented that the proposed size of the structure could be considered a self-created problem, considering that if the structure was smaller, it could be constructed elsewhere.

Chair Werkema closed the public hearing at 7:36 PM.

Motion:	Motion by Hilton, supported by Wiersema to read the staff report into record.
DISCUSSION:	Member Ringnalda stated that there is a discrepancy in the staff memo, and the proposed square footage of the building should be listed as 1925 square feet.
AYES:	Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

Member Hilton stated that the septic system is behind the house to the east, and the property features a lot of wooded area, which was intentional and meant to preserve as much of the natural features as possible.

Member Ringnalda states that there is an error on page two of the staff memo, and that the setback is being reduced from 60 feet to 52 feet, rather than 15 feet.

Chair Werkema inquired about if a self-created problem would be coming from the size of the building they're requesting to build; Planner Wells confirmed that is the case and added that if the building was smaller, it would fit and there would be no need for a variance. Wells added that the request for

oversized accessory buildings in agricultural zoning districts is typical, and that the Zoning Board of Appeals needs to determine if the size of the building is reasonable.

Chair Werkema inquired about if this size building is permitted by the Zoning Ordinance; Planner Wells responded that if they had a buildable envelope this size accessory building would be permitted by right.

Chair Werkema inquired about if the location of the building was different, could it face the road; Planner Wells responded that in that case it would be possible and it would need to be screened from the road, which is required in the Zoning Ordinance.

Member Hilton stated that if the applicants are able to adequately screen the structure, he doesn't see any reason to deny this request.

Chair Werkema added that the height of the building potentially being a hindrance to public welfare had been addressed previously by Member Hilton, and that the structure will ultimately not end up being taller than the house.

Motion: Motion by Kooiman, supported by Ringnalda to submit the public comment into record.

DISCUSSION: None

AYES: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (5-0)

Motion: Motion by Kooiman, supported by Hilton to approve both variances and grant the applicant a reduction in the front yard setback by 8 feet, and the side yard setback by 11 feet, on the basis that all variance standards were found to be met.

DISCUSSION: The original motion made was only to address one of the two requested variances; the motion was corrected to include both variances being granted.

AYES: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (5-0)

3. 225 Sorrento Drive – Dimensional Variance

Chair Werkema opened the public hearing at 7:54 PM.

Kevin Diekevers approached the podium to explain that he is seeking an 8-foot variance to reduce the required 20-foot side yard setback to 12-feet.

Planner Wells explained that a house previously on this parcel burned down and the applicant is hoping to rebuild another house in the same location. The Zoning Ordinance states that a building permit is necessary to replace any nonconformities that are not replaced within six months, and their window to rebuild without permits has expired, as the fire happened almost six years ago.

Member Hilton inquired about an area seen on the arial photo of the property that appears to be excavated; Diekevers explained that is from his father “playing on his tractor”. Diekevers went on to say that the northwest corner is essentially the only buildable area on the property, and that the old house was 7 feet from the property line, and they are now requesting a 12-foot setback.

Member Ringnalda inquired about if the ordinance had different setback regulations back when the original house was built; Wells stated that is likely, and perhaps setbacks were not in effect at all when the original house was constructed.

Chair Werkema closed the public hearing at 7:58 PM.

Motion:	Motion by Hilton, supported by Wiersema to read the staff report into record.
DISCUSSION:	None
AYES:	All
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

Member Wiersema inquired about the location of the septic drain field; Diekevers explained that the drain field is near the northwest corner of the parcel, but a little bit southeast of the buildable envelope.

Members of the Zoning Board of Appeals found all variance standards to be met.

Motion:	Motion by Ringnalda, supported by Wiersema to approve the dimensional variance to reduce the side yard setback from 20 feet to 12 feet.
DISCUSSION:	None
AYES:	All
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

VI. GENERAL DISCUSSION

1. Election of Officers

Nomination for Secretary by Ringnalda for Kooiman
Support from Hilton

Nomination for Vice Chair by Kooiman for Ringnalda
Support from Wiersema

Nomination for Chair by Hilton for Werkema
Support from Wiersema

Member Wiersema inquired about holding an annual January meeting to elect officers and review the end of year Planning & Zoning report since the Zoning Board of Appeals doesn't meet that often, Planner Wells said he will review the bylaws and determine how to enact this.

VII. OTHER REPORTS

None.

VIII. ADJOURNMENT

Motion by Ringalda, supported by Kooiman to adjourn at 8:29 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from April 12th, 2023, Regular Meeting of the Gaines Charter Township Zoning Board of Appeals held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

Matt Kooiman
Secretary
Gaines Charter
Township Zoning
Board of Appeals

Dated: _____, 2023

Gaines Charter Township

Zoning Board of Appeals Memo

Meeting Date: August 14th, 2024

AGENDA ITEM: V.1

REQUEST: Dimensional Variance

ADDRESS: 9375 Eastern Avenue SE

PARCEL NUMBER: 41-22-30-200-037

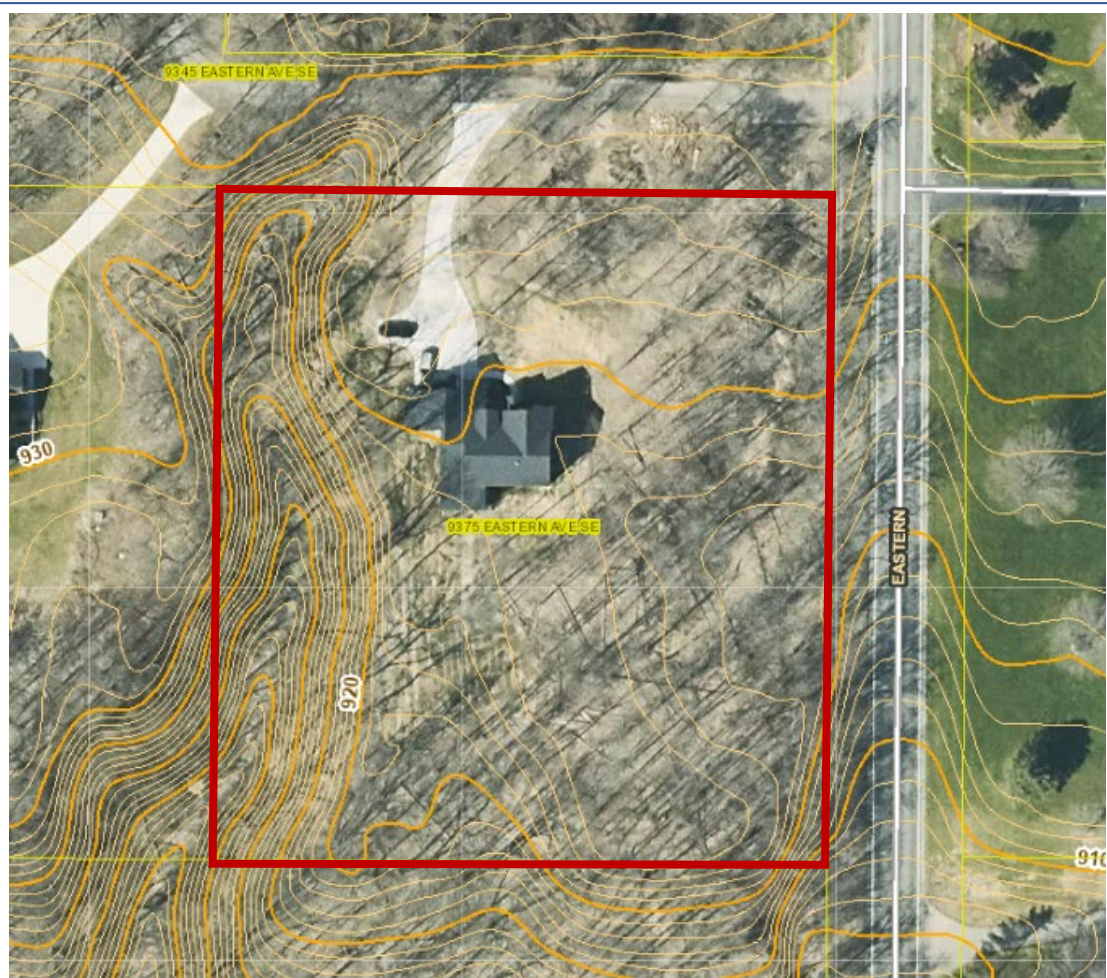
APPLICANT: Michael & Ashley Hoffman

FILE NUMBER: 240711MH

**PROPERTY ZONING DISTRICT:
Agricultural/Rural-Residential (A-R)**

PROPERTY SIZE: 2.2 Acres

**REPORT BY: Dan Wells, Community
Development Director**



OVERVIEW

The applicant is petitioning for a dimensional variance to reduce the front yard setback from 60 feet to 34 feet on the front (northern) property line. The request for the variance is to construct a garage accessory building. Per the applicant the proposed location is the only flat area on the parcel conducive to building a garage. The front setback variance is requested because the topography of the site, location of drainfield, well, and gas utility line restricts placing the building in a conforming location.

If approved, the applicant will submit zoning and building permits to construct a 1,092-square-foot 26 x 42-foot accessory building for cars and residential storage. The size of the building indicates it could be a three or four bay garage depending on final design.

Per the zoning ordinance accessory buildings are allowed in front yards in the Agricultural/Rural-Residential (A-R) zoning district if constructed a minimum of 60 feet from the front property line and a Type 1 Buffer for landscaping is provided. Placing the building further west would put it over a significant slope that would normally be considered unbuildable. Placing it further east in the front yard would put it over a wellhead and natural gas line which is not permitted unless it's abandoned.

The surrounding zoning is:

	NORTH: Agricultural/Rural-Residential (A-R)	
WEST: Agricultural/Rural-Residential (A-R)	SUBJECT PARCEL	EAST: Agricultural/Rural-Residential (A-R)
	SOUTH: Agricultural/Rural-Residential (A-R)	

STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of Chapter 26, Section 26.8 (D) Non-Use (Dimensional) Variances. The Zoning Board of Appeals must find that all standards in this report are satisfied to grant a variance.

1. The predicament is caused by exceptional, unique, or extraordinary physical conditions, dimensions, or circumstances that directly relate to the subject lot or parcel rather than the individual situation or desire of the applicant or property owner (see definition of "unique circumstance").

"Unique Circumstance": An exceptional, unique, or extraordinary physical condition that is one of the following:

- 1. Exceptional narrowness of the width or depth of a lot or parcel, or an irregular shape, as compared to a conforming lot or parcel.*
- 2. Exceptional natural or topographic features located on the lot or parcel, such as steep slopes, surface water features, existing significant trees, or other unique or extreme physical conditions of the land.*
- 3. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.*

4. Other natural, topographic, built, or dimensional conditions or characteristics of land, lot, or parcel, which are determined by the Zoning Board of Appeals as exceptional or extraordinary

Meets standard. The request for a front yard setback reduction from 60 feet to 34 feet stems from a unique circumstance, namely #2, exceptional topographic features that are located on the property. Below is a topographic map of the property:



As shown above, the gentlest slopes on the parcel are located north, east and south of the existing home; the contour lines to the west represent a steep ravine (see photos at the end of the memo). The east yard would be a viable option if the wellhead were not located there. A septic system drainfield is in the south yard (see attached Kent County property map). Given the site conditions, staff believes that unique circumstances are present, which supports the need for a variance.

2. The variance is necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other landowners in the same Zoning District and vicinity and does not grant special privileges to the applicant that are not available to the owners of these properties.

Meets standard. Approving the dimensional variance request would not grant special privileges to the applicant. Accessory buildings at this scale are relatively common uses on parcels in the Ag/Rural Residential zone and would be available to any other landowner.

3. The practical difficulty for which the variance is requested does not result from a self-created problem by the applicant, current landowner, or any previous landowner of the property involved (see definition of "self-created problem").

Self-Created Problem: A problem that occurs, results, or exists from one or more of the following conditions:

- 1. A problem that occurs when one can reasonably develop a property in a compliant manner, but the landowner or applicant's personal desires and preferences for property development do not align with zoning requirements.*
- 2. A problem that occurs when a property is currently built-out under current zoning constraints, but the landowner or applicant's personal desires and preferences for expansion do not align with zoning requirements.*
- 3. A problem that results from the action, preference, or desire of the landowner or applicant that is not a result of a unique characteristic of the property.*
- 4. A problem that exists because the landowner, previous landowner, or applicant took a specific action that created the need for the variance, such as adjusting a lot line, constructing a building, or developing a site in a manner that does not allow future compliant construction, building expansion, or site development.*

Meets Standard. The specific location for the accessory building within the front yard setbacks is driven by the topography of the land rather than actions of the owner.

Staff inspection of the site concluded that the proposed location for an accessory building is the most reasonable location. The option of moving the building south from the proposed location is limited by slopes leading down into the ravine.

Regarding #4 of the definition of self-created problem, the house and well were laid out by the previous owner who was also the builder. The way the builder laid out the site and utilities in 2021 did not anticipate construction of this size accessory building. The location of the drainfield and wellhead however limit the location of the garage, and these are utility locations that are not discretionary due to the natural lay of the land and soils on the site.

4. The variance will not be detrimental to the public welfare, injurious to neighboring properties, or change the essential character of the neighborhood.

Meets standard. The main impact of an accessory building at this location would be a visual impact on surrounding properties, but the ravine on the west side of the property provides a heavily wooded buffer of about 60 feet. No other homes are likely to be close enough to notice the building.

Construction of an accessory building in this location will not change the essential character of the neighborhood which consists of larger homes with yards and natural woodlands.

5. The variance is consistent with the purpose and intent of the Master Plan and the intent and provisions of the Zoning Ordinance and Zoning District designation of the subject property.

Meets Standard. Residential accessory buildings are common in A-R zoning districts, and there are provisions for placement in front yards. A 1,092-square-foot accessory building would be allowed "by right" on a lot of this size.

STAFF RECOMMENDATION

ZBA must consider whether the request for the variance is reasonable to narrow the setbacks for the proposed 1,092-square-foot accessory building.

If all the standards for a dimensional variance are determined to be met, approval of the variance is recommended.

Front Yard

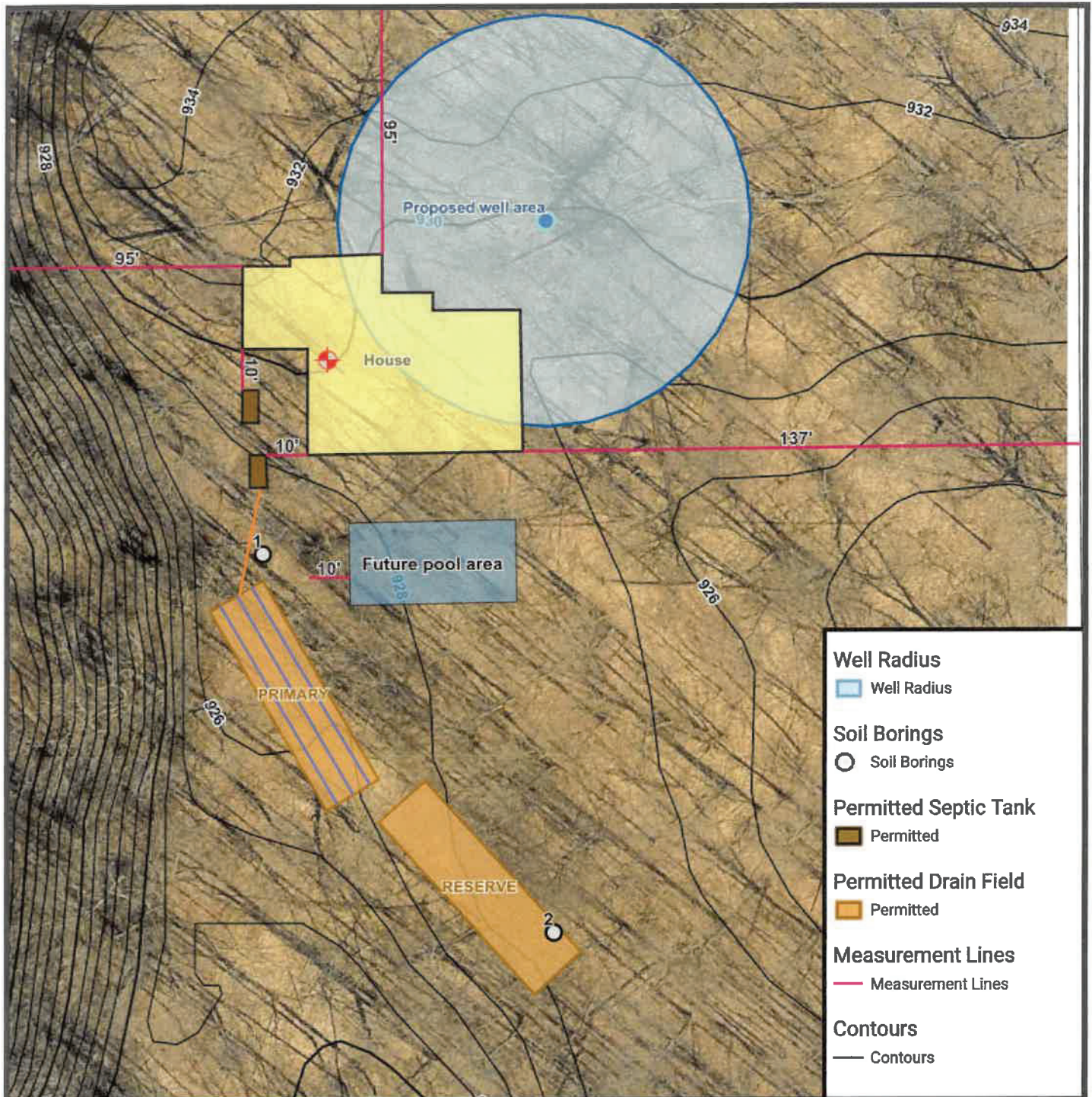


Ravine



Slopes Along West Side of Existing Home





9375 Eastern Ave SE

Septic & Well Permits

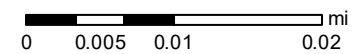
powered by
FetchGIS

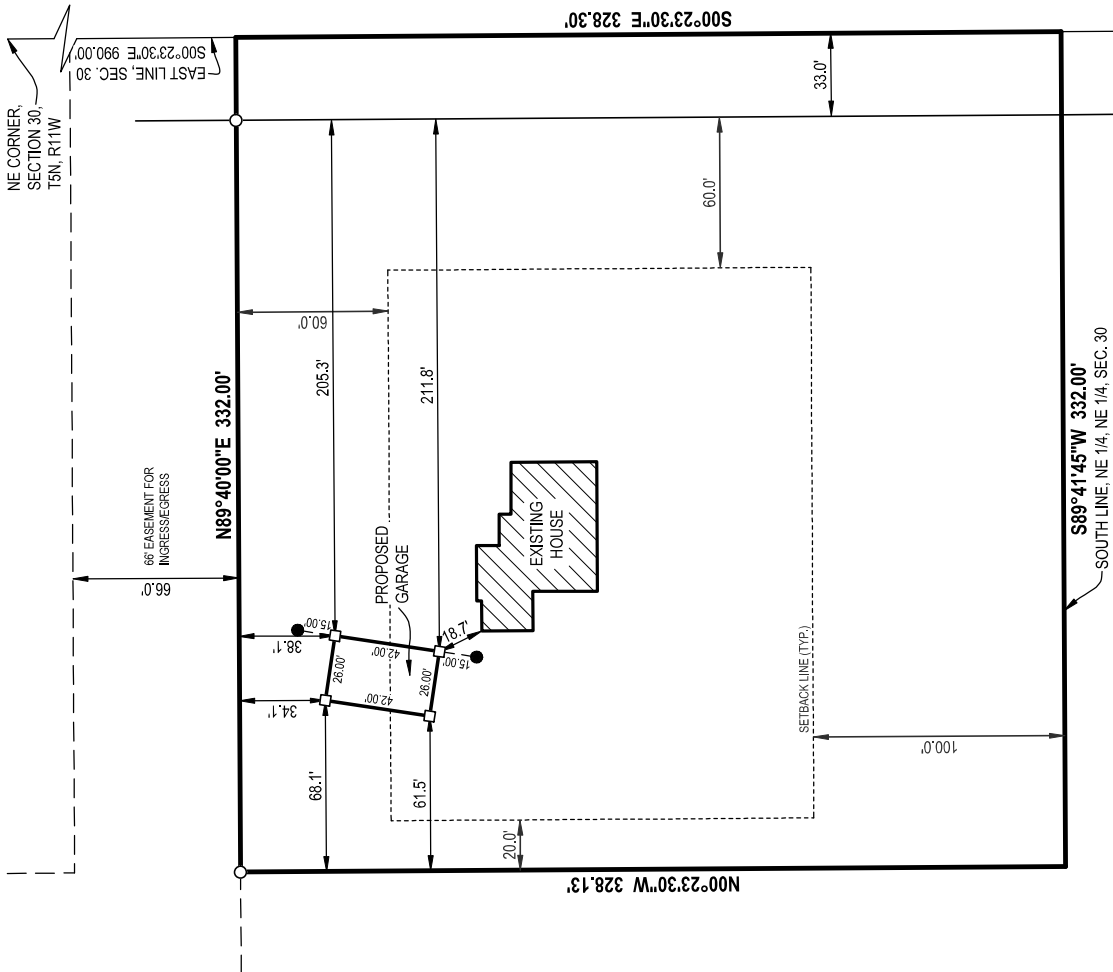
10m
 40ft



Map Publication:
 10/12/2021 3:08 PM

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Kent County expresses no warranty for the information displayed on this map document.





DESCRIPTION

That part of the Northeast 1/4, Section 30, T5N, R11W, Gaines Township, Michigan, described as Beginning at a point on the East line of Section 30, which is S00°23'30"E 990.00 feet from the Northeast corner of Section 30; thence S00°23'30"E 328.30 feet along said East line; thence S89°41'45"W 332.00 feet along the South line of the Northeast 1/4, of the Northeast 1/4, of Section 30; thence N00°23'30"W 328.13 feet; thence N89°40'00"E 332.00 feet parallel with the North line of said Northeast 1/4 to the place of beginning.

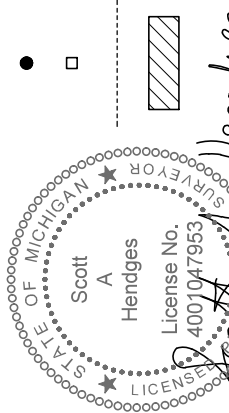
(Survey by others)

NOTE: Care has been taken to meet proper setback requirements. However, municipal approval of the proposed location should be obtained prior to commencement of construction.

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

LEGEND

- Iron-Found
- Iron-Set
- Set Wood Stake
- Zoning Setback Line
- Existing Building



By: *Scott A. Hendges*
Scott A. Hendges Licensed Professional Surveyor No. 4001047953

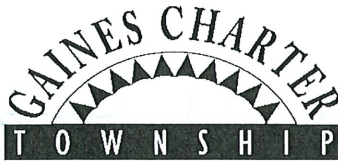
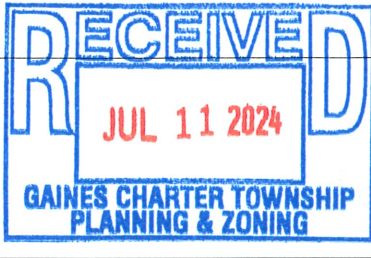
NORTH

SCALE: 1" = 60' 0' 30' 60'

Lance DeYoung Building LLC
Lance DeYoung
PO Box 422
Hudsonville, MI 49426
9375 Eastern Ave SE

NEDERVELD
www.nederveld.com • 800.222.1888
Grand Rapids
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Ann Arbor, Chicago, Columbus,
Holland, Indianapolis

DRAWN BY: VB
REV. BY:
REV. DATE:
PRJ #: 24400795
1 OF 1



FILE NO. 240711MH

8555 Kalamazoo Avenue SE • Caledonia MI 49316
Ph: 616 698-6640 • Fax: 616 698-2490
www.gainestownship.org

Zoning Board of Appeals Application

Project Address	9375 Eastern Ave Byron Center MI 49315		
Owner Name	Michael & Ashley Hoffman		
Owner Address	Street Address 9375 Eastern Ave	City, State, Zip Byron Center, MI 49315	
Parcel Number(s):	41-22-30-200-037	41-22-	
Description of Proposed Project/Use	Construction of Additional Garage/Outbuilding		

Applicant/Contact	Michael Hoffman/Lance Deyoung-Contractor		
Applicant/Contact Address	Street Address 9375 Eastern Ave	City, State, Zip Byron Center MI 49315	
Contact Info	Home / Office / Cell 616-437-2309	E-Mail Michael.hoffman4@outlook.com	

"I" hereby certify to the correctness and knowledge of the information submitted and hereby agree to comply with the terms and requirements of all applicable Township ordinances. I also grant Township staff permission to enter onto the subject property in review of this application.

Signature	
Please complete the appropriate Worksheet as part of your application packet (see Staff for more information) for: Planning Commission, Zoning Board of Appeals requests, Land Divisions, Combinations or Lot Line Adjustments.	

Township Use Only

Current Zoning District:	RL-14	RL-10	R-3	R-4	C-1	C-2	O-S	I-1	I-2	PUD	<u>A-R</u>	A-B
One / Two Family Construction	☐	Zoning Board of Appeals	☒	Planning Commission	☐	Land Combination	☐					
Site Plan Review	☐	Rezoning / PUD Rezoning	☐	PUD Amendment	☐	Land Division	☐					
Subdivision / Site Condo Review	☐	Special Use Permit	☐	Lot Line Adjustment	☐							
Other:												
Approved	☐	Approved with Conditions	☐	Denied	☐	Withdrawn	☐					
Zoning Administrator:											Date:	

Site Plan

Please Show:

- The property lines and their dimensions.
 - The location, dimensions, setbacks, minimum building openings and distance between all existing and proposed structures.
 - The gross floor area, listed by floor level, including basements.
 - The location of all roads bordering or private drives/easements on the property.
 - The location of all bodies of water, easements, utility lines, sidewalks, drives, septic systems, drain, and other improvements.
- Please Note: Setbacks must be measured from the edge of the street right of way (which is not the edge of the pavement) or from the edge of an access easement. Staff reserves the right to determine whether or not an application is complete.**

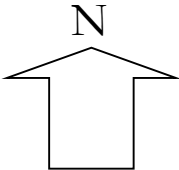
See attached survey and drawing

Key for Drawing

- Red-Well
- Blue-Septic System
- Yellow-Gas Line

Place site plan in this area *(failure to do this may result in an incomplete application)*

Gross Floor Area Calculations



Main Floor: _____ Second Floor: _____ Basement: _____ Total: _____ Garage: _____

Variance Request - Applicant Worksheet

File No.

Indicate your request type and the applicable Section(s) of the zoning ordinance.
Leave blank if uncertain.

☒ Dimensional (Area) Variance

Section(s) _____

☐ Use Variance

Section(s) _____

☐ Interpretation / Appeal of Zoning Administrator *

Section(s) _____

* *Attach a narrative of your comments regarding the interpretation/appeal.*

Applicant Response to Variance Standards

*ZBA must find that all standards under A) are met for Dimensional (Area) Variance,
OR
all under B) for Use Variance approval*

1. A) Does the property display any unique circumstances that justify the need for the dimensional variance request, rather than the individual situation or desire of the applicant? (See definition of "unique circumstance.")

OR

B) Is the use variance necessary due to the unique condition, location, or situation of the property in relation to the permitted and special land uses categorized within the applicable Zoning District?

Yes, it's a corner lot essentially creating front yard over a majority of the property.

2. A) Would approval of the variance request grant special privileges to the property owner requesting the dimensional variance that are not held by landowners in the same zoning district or vicinity?

OR

B) Does the unique nature of the property prevent the establishment of all other reasonable and appropriate permitted and special land uses categorized within the applicable Zoning District.

No.

3. A) Is the practical difficulty for which the dimensional variance is being requested a result from a self-created problem by the current landowner, such as personal desire, convenience, or preference, or was the practical difficulty created by a previous landowner? (See definition of "self-created problem.")

OR

B) Is the hardship for which the use variance is being requested a result from a self-created problem by the current landowner, such as personal desire, convenience, or preference, or was the practical difficulty created by a previous landowner? (See definition of "self-created problem.")

Yes

4. For A) & B) If approved, will the dimensional or use variance cause detriment to the public welfare, injury to neighboring properties, or change the essential character of the neighborhood? If so, please explain.

No

5. For A) & B) To the best of your knowledge, is the dimensional or use variance request consistent with the purpose and intent of the Master Plan, Gaines Charter Township Zoning Ordinance, and zoning district designation of the property?

Yes
