



PARK TOWNSHIP

ZONING BOARD OF APPEALS

Regular Meeting

January 25, 2010

DRAFT COPY

Chair John Foster called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:30 p.m.

Present: John Foster, Joannie Bouman, Doug Dreyer, Nicki Arendshorst, Lu Reyes, and Eric Davis, Zoning Administrator

Absent: None

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the agenda as presented.

VOTE

Motion carried: 5-0

MOTION

A motion was made by Arendshorst and supported by Dreyer to approve the minutes for the December 28, 2009 regular meeting as presented.

VOTE

Motion carried: 5-0

Davis introduced item #1.

Item #1 David & Wendy Zink are requesting a variance from section 38-306 of the Park Township Zoning Ordinance to build a new house. Said land and premises are located at 0 Bosma Ave. (Corner Second Ave. & Bosma Ave.) (Parcel # 70-15-33-281-017 R-4)

David Zink, owner, spoke for the appeal. He asked if there were any questions.

Brian Meiste, builder, explained the site plan and setbacks. He stated that the lot would be unbuildable without variances. He submitted a survey of the neighborhood.

Dreyer asked for clarification on the required setbacks.

Foster asked for clarification on the driveway.

Meiste stated that it would come in off of Second Ave.

Arendshorst asked the size of the lot since it was an odd shape.

Meiste stated that he didn't know the exact size, but it is approximately 5,000 square feet.

The public hearing was opened at 6:38 p.m.

Craig Hill, 692 Wintersun Pl., owner of a cottage to the south of this property, stated that he would like to make sure that the setbacks are from the property line and not from the fence. The fence is two feet over the property line onto his property. He asked if the house could be repositioned so that it is ten feet from the property line.

George Washburn, 2253 First Ave., stated that he didn't have a problem with them building there; however, his cottage is in a low area so he asked that Zink keep drainage in mind.

Joel Welch, 679 Bosma Ave., stated that he felt that this would improve the neighborhood. He asked the Zoning Board of Appeals (ZBA) to grant the request.

Elaine Mudge, 2246 First Ave., stated that she was granted variances when she built her house in this neighborhood. She stated that she felt that this would be a good addition to the neighborhood.

Sandy Hill, 692 Wintersun Pl., agreed that this would be a good addition to the neighborhood.

Foster stated that the ZBA had received a letter in favor of supporting this variance.

The public hearing was closed at 6:45 p.m.

Foster asked if the house would stay the same basic size when a design is actually chosen.

Meiste stated that it would stay within the shown setbacks, even if the house size varies a foot or two.

Davis clarified that the setbacks need to be clear in any motion to approve.

Dreyer asked the applicant if they would be willing to make the eight foot (8') setback into a ten foot (10') setback.

Meiste stated that they then would really need the front setbacks, on the roads, to be fifteen feet (15').

A discussion ensued.

Arendshorst stated that the height seems appropriate. She asked if the corner made this lot unique.

Davis stated that that was correct.

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the variance with the following setbacks:

1. Ten feet (10') from lot 34
2. Ten feet (10') from lot 15 &16
3. Fifteen feet (15') from Bosma Ave.
4. Fifteen feet (15') from Second Ave.

Dreyer went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance would be unnecessarily burdensome because the lot would be unbuildable without variances.
2. This affords the applicant the ability to use the lot to build a house. The house will be as far from the neighbors as possible.
3. The property is unique because it is small and fronts two streets.
4. This is not self-created.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

1. Foster announced that the Holland Sustainability Committee is having a meeting this Wednesday night and invited the ZBA members to attend. Arendshorst explained what the committee's aim and purpose is.

MOTION

A motion was made by Arendshorst and supported by Dreyer to adjourn at 6:56 p.m.

VOTE

Motion carried: 5-0

Meeting adjourned.

Sandy Brodie
Recording Secretary

The following briefly states the standards used for finding a practical difficulty for a dimensional variance:

- a. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.

- b. Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.
- c. Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.
- d. Whether the problem is self-created.

The following briefly states the standards used for finding an unnecessary hardship for a use variance:

- a. That the property cannot be used for any of the uses permitted in the district in which it is located. This means none of the uses (by right or special use permit) allow a reasonable economic return on the use of the property.
- b. That the plight of the property owner is due to unique circumstances peculiar to the property (i.e. odd shape or a natural feature like a stream or wetland) and is not due to general neighborhood conditions.
- c. That the proposed use would not alter the essential character of the area.
- d. That the problem was not self-created.