



Park Township

Ottawa County, Michigan

**PARK TOWNSHIP
ZONING BOARD OF APPEALS MINUTES**
Draft until approved at next meeting

JANUARY 28, 2008

DRAFT COPY

Chairman David Clark called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:00 p.m.

Present: Doug Dreyer, Skip Keeter, David Clark, Nicki Arendshorst and Eric Davis, Zoning Inspector

Absent: Jim Hertel

MOTION

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

VOTE

Motion carried: 4-0

MOTION

A motion was made by Keeter and supported by Arendshorst to approve the minutes for the December 17, 2007, regular meeting as presented.

VOTE

Motion carried: 4-0

Item #1 Scott Geerlings Development on behalf of Mark & Kimberly Smith is requesting a use variance from section 9.02 of the Park Township Zoning Ordinance. Mr. Geerlings would like to demolish the existing house at 2244 Third Ave. (70-15-33-279-002) and construct a seasonal walk-up restaurant. The Zoning Board of Appeals is authorized to grant such variances if the standards listed in section 20.06 (b) have been met. If the Zoning Board of Appeals determines that the standards have not been met Mr. Geerlings requests a dimensional variance from section 13.10 (5) (Minimum size required for a Planned Unit Development (PUD) in an R-3 zone district) so that he may pursue approval of a PUD from the Planning Commission and the Township Board. Mr. Geerlings is also requesting a variance from section 9.04(a) of the Park Township Zoning Ordinance. The proposed building would have a lesser setback along Third Ave. than what is

required by section 9.04(a).

MOTION

A motion was made by Keeter and supported by Arendshorst to remove the item from the table.

VOTE

Motion carried: 4-0

Clark stated that the township had received a written letter of withdrawal for all variance requests from the applicant's attorney.

Item #2 Brian Meiste on behalf of Village Green Property Development, LLC is requesting a variance from section 4.14A(a) (sight line setback) of the Park Township Zoning Ordinance to construct a house at 407 Big Bay Drive (70-15-27-380-006) that would be closer to Lake Macatawa than permitted.

Brian Meiste, 75 Crosswind Dr., stated that he was looking for a variance from the site line because there is a house that is very close to the road that pulls the sight line way back. A variance would keep this proposed house in line with the other houses along the lake.

The public hearing was opened at 6:07 p.m.

Lynn Dykstra, 391 Big Bay Dr., stated that there is always a concern with a sight line variance but after looking at the drawings she does not have a problem with it.

Nelson Zeerip, 387 Big Bay Dr., stated that he does not have a problem with this request.

The public hearing was closed at 6:10 p.m.

Keeter asked for clarification on the letters that they had received.

Meiste clarified where those neighbors live.

Davis asked if the proposed front yard was established from averaging.

Meiste stated that that was correct.

Clark went over the standards for a dimensional variance: (found at the end of these minutes)

1. Using the existing sight line would leave a small building envelope that would not accommodate a house that is

consistent in size with others in the neighborhood.

2. This would be more advantageous to everyone in the neighborhood than not granting a variance.
3. This situation is unique because the house on the next lot is so close to the road.
4. This is not self created.

MOTION

A motion was made by Keeter and supported by Arendshorst to grant a sight line variance as requested from section 4.14A of the Park Township Zoning Ordinance.

VOTE

Motion carried: 4-0

ANNOUNCEMENTS

MOTION

A motion was made by Dreyer and supported by Keeter to adjourn at 6:17 p.m.

VOTE

Motion carried: 4-0

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.PRIVATE
- 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 in the area.

- 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.PRIVATE
- 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.