



PARK TOWNSHIP

ZONING BOARD OF APPEALS

Regular Meeting

February 22, 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 and Eric Davis, Zoning Administrator

Absent: Lu Reyes

MOTION

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

VOTE

Motion carried: 4-0

MOTION

A motion was made by Arendshorst and supported by Bouman to approve the minutes for the January 25, 2010 regular meeting as presented.

VOTE

Motion carried: 4-0

Davis introduced item #1.

Item #1 Uildriks Construction on behalf of Bill & Pat Mills is requesting a variance from section 38-246 of the Park Township Code of Ordinances to build a second story addition. Said land and premises are located at 2609 N. Lakeshore Dr. (Parcel # 70-15-16-349-019 R-2)

Rick Uildriks, builder, spoke for the appeal. He stated that the applicant wants to build a second story on a house that is already not in compliance. The lot is very narrow and the house sits at an angle to the lot line. There is a second story over part of the house already. He explained that they need a variance from the ten (10') foot side yard requirement.

The public hearing was opened at 6:35 p.m.

No one spoke.

The public hearing was closed at 6:35 p.m.

MOTION

A motion was made by Arendshorst and supported by Dreyer to approve the variance as requested.

Arendshorst 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 house is already out of compliance. Height wouldn't make that much difference.
2. A lesser relaxation is not possible. They can't go to the back or towards the septic area.
3. The property is unique because the lot is very narrow and the house is not placed straight on the property.
4. This is not self-created.

VOTE

Motion carried: 4-0

Item #2 Chuck Posthumus on behalf of Tim & Claire Vogelzang is requesting a variance from section 38-246 of the Park Township Code of Ordinances to build a house. Said land and premises are located at 2476 Oriole Lane. (Parcel #s 70-15-28-343-002, 003 R-2)

Chuck Posthumus, architect, spoke for the appeal. He stated that the existing cottage would be removed. The new house would be built on the more easterly lot. This is in the critical dune so there is a large portion to the south that is not able to be built on. He explained the layout and the positioning of the proposed structure. They are asking for a fifteen foot (15') front setback. The main house level would have 1,600 square feet plus a two-car garage. The rear deck would be less than thirty inches above grade so there is no rear setback variance needed. The hardships are the critical dune, the available flat area being needed for the septic system and the desire to put the driveway to the east. He stated that the neighbors currently have a concern about storm water running down the road and going into the neighbor's property. The proposed house would not put any water into the street. The driveway would be designed to drain and hold all of the water on the site and would not discharge any water into the road except in extreme rain events.

Foster asked where the drain in the driveway would drain to.

Posthumus stated that it would go into a leech basin in the sand. The driveway would be a hard surface of asphalt or concrete.

Arendshorst asked what would be in the fifteen feet (15') between the house and the road.

Posthumus stated that the DEQ now gets involved in saying what has to be there. They have already received their conservation permit. This area would be planted in native plants and grasses.

Tim Vogelzang, owner, stated that they would like to build a year round house there. They have talked to the neighbors and everyone is very supportive.

The public hearing was opened at 6:55 p.m.

Dee Kramer, 363 Crest Dr., stated that no one in this area has a forty foot (40') setback. The roads are narrow. The setbacks of this house would fall in line with the other houses in the area. He stated that they have no objections.

Foster stated that two letters had been received from neighbors.

The public hearing was closed at 6:57 p.m.

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the variance as requested.

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 there are not a lot of other places to build on this lot. The proposed house is not oversized.
2. Other houses in this area have similar front setbacks.
3. The property is unique because of the critical dune.
4. This is not self-created.

VOTE

Motion carried: 4-0

ANNOUNCEMENTS

1. Arendshorst stated that someone at the township has asked that the members check their township email more than once a month.

MOTION

A motion was made by Arendshorst and supported by Dreyer to adjourn at 7:02 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.
- 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.