



PARK TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Draft until approved at next meeting

February 23, 2009

DRAFT COPY

Chairman David Clark called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:30 p.m.

Present: John Foster, Doug Dreyer, Jim Hertel, David Clark, Nicki Arendshorst, Dan Martin, Attorney and Eric Davis, Zoning Administrator

Absent: None

MOTION

A motion was made by Hertel 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 Hertel to approve the minutes for the November 24, 2008 regular meeting as presented.

VOTE

Motion carried: 5-0

Item #1 Curtis Rypma on behalf of Holiday Haven Trailer Park Association is requesting variances from sections 16.05 (d), 16.05 (e), 17.04 and 17.05 (a) of the Park Township Zoning Ordinance to construct a parking lot. Said land and premises are located at 0 Third Ave. and are more specifically described as tax parcel number 70-15-33-279-001.

Curtis Rypma, attorney, spoke for the appeals. He gave a brief history of the park, explaining property purchases and the approval from the Park Township Board of a conditional rezoning for a parking lot on Third Ave. He went through the five variance requests:

1. They would like to leave the existing chain link fence along the western boundary rather than erect a solid board fence or other type of screening.
2. They would like to have a ten-foot (10') setback from Third Ave. instead of the required fifteen feet (15'). The neighbor is the State of Michigan and also there is no traffic on that road.
3. Commercial zoning requires one-half (1/2) acre of area and a lot width of one hundred twenty-five feet (125'). This lot is less than one-half (1/2) acre and it only has one hundred feet (100') of width. There are not a lot of uses that could be put there that would not require variances.
4. They would like to have parking spaces nine feet (9') wide rather than the required ten feet (10'). He stated that a lot of surrounding municipalities have nine feet (9') as their required width. Most of the vehicles would remain parked there for entire weekend and would not go in and out a lot. Even though this is zoned commercial, this parking lot would be a residential use for homeowners.
5. They would like to have a setback of 4.3 feet on the south property line instead of the required ten feet (10'). There is a fence and retaining wall that would remain. They would put plantings there.

The public hearing was opened at 6:44 p.m.

Joyce Smith, 2291 Black Lake Walk, stated that she was speaking on behalf of a lot of people in this area. She stated that there has been no "test" yet for the increased traffic that the Smitty Pronto Pups will bring. This parking lot adds to that concern. She stated that many people in this area feel that it would be nice to wait a year and see what the increased traffic does to this area before granting approval for this parking lot.

Joel Welsh, 679 Bosma Ave., stated that the neighbors have "signed off" on a landscaping plan for this parking lot. It was never the neighbor's intent to circumvent the zoning ordinance or agree to something that would require variances.

The public hearing was closed at 6:48 p.m.

Davis stated that the first two variances could be combined because they are dealing with the same section of the zoning ordinance.

It was determined to combine the first two and then take the four requests separately.

Variance 1 & 2:

Foster asked the distance from the west fence to the pavement.

Rypma stated that it would be approximately ten feet (10').

A discussion ensued.

Foster asked if some taller shrubbery could be planted along that chain link fence.

Dreyer stated that he also would like to see vegetation there rather than a solid board fence.

Hertel and Arendshorst agreed.

Clark went over the four standards (for items #1, 2) (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance would be difficult due to the size of the lot. A solid hedge would be unnecessarily burdensome because there is no residential use bordering this lot.
2. A lesser relaxation would not make a lot of difference along Third Ave.
3. The area is very unique as to uses, parking, etc. The adjoining residential lot is owned by the state and would not turn into a residential use.
4. It is not self-created.

MOTION

A motion was made by Dreyer and supported by Foster to approve variance requests #1 & #2 because the four standards can be met.

VOTE

Motion carried: 4-1 (Clark)

Variance 3:

Clark went over the four standards (for item #3) (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance would make this lot unusable.
2. A lesser relaxation would be impractical.
3. This area is very unique in the township.
4. It is not self-created.

MOTION

A motion was made by Hertel and supported by Dreyer to approve variance request #3 because the four standards can be met.

VOTE

Motion carried: 5-0

Variance 4:

A discussion was held about traffic, the fact that this is a seasonal lot, parking space sizes, the fact that the applicant has stated that a lot of the people parking there would stay put for the entire weekend, etc. This would be a private, residential use.

Clark went over the four standards (for item #4) (found at the end of these minutes) for a practical difficulty for a dimensional variance:

- 1. Strict compliance would be difficult. This is a private lot.
- 2. A lesser relaxation would not allow them to maximize this space.
- 3. The area is very unique.
- 4. It is not self-created.

MOTION

A motion was made by Foster and supported by Dreyer to approve variance request #4 because the four standards can be met.

VOTE

Motion carried: 3-2 (Clark, Arendshorst)

Variance 5:

Clark went over the four standards (for item #5) (found at the end of these minutes) for a practical difficulty for a dimensional variance:

- 1. Strict compliance would be difficult because it would only allow half the number of proposed parking spaces.
- 2. A lesser relaxation would not be possible.
- 3. The area is very unique in the township.
- 4. It is not self-created.

MOTION

A motion was made by Dreyer and supported by Hertel to approve variance request #5 because the four standards can be met.

VOTE

Motion carried: 4-1 (Clark)

Item #2 Resolution – 2009 meetings – Times and places

MOTION

A motion was made by Clark and supported by Arendshorst to have all 2009 Zoning Board of Appeals meetings at the Park Township Hall at 6:30 p.m. on the fourth (4th) Monday of each month.

A meeting will not be held if there are no agenda items. Some meetings may need to be shifted due to holiday conflicts.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

- 1. Davis stated that he wanted to remind the ZBA that there was an item regarding the property of Ron Mudge at 2250 First Ave. that has been postponed since July 2008. This has to do with an accessory building that is out of compliance and with the proposed change to the ordinance to accommodate unique areas in the township in order to be able to grant variances on a fairer basis. Arendshorst stated that the PC is contemplating changing some ordinance wording in the near future. It was determined to leave this item postponed pending this wording change.
- 2. Foster stated that perhaps the township needs to look into placing signage by Third Ave. that would point out to foot

traffic that it may be a dangerous area.

MOTION

A motion was made by Hertel and supported by Arendshorst to adjourn at 7:58 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.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.