



PARK TOWNSHIP

MINUTES

**PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Regular Meeting
March 28, 2011
6:30 PM

Chair, John Foster, called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:32 P.M.

Present: John Foster, Nicki Arendshorst, Doug Dreyer, Joannie Bouman

Absent: Lu Reyes

Others: Andy Bowman, Staff Planner

MOTION

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

VOTE

Motion carried: 4-0

MOTION

A motion was made by Nicki Arendshorst and supported by Joannie Bouman to approve the minutes for the February 28, 2011 regular meeting as corrected.

VOTE

Motion carried: 4-0

Item #1 A variance request by Martha Winsche for a lesser side yard setback than allowed for a proposed residential addition, per section 38-726 (2) of the Park Township Code of Ordinances. Said land and premises are located at 1997 Lakeway Dr., Holland, MI (Parcel #70-15-34-352-023, R-3)

Mr. Bowman introduced the item. This request is to add an attached garage to the south side of an existing residence in the R-3 Low Density One Family Residence District. The lot is about 9,000 square feet and the width is about 53', 13 of which is an easement along the east property line. The R-3 zone currently requires a lot width of 90' and an area of 15,000 square feet so it's a substandard lot and a pre-existing lot of record. The current structure and subsequent addition have been built with a 9' side yard on the west side, apparently with past approval of the Township. The R-3 zone requires a width of 10' and that is why the applicant is making this request.

Mr. Tim Anema, 107 E. 36th St., spoke for the owner. As the builder, he described the request as a variance for a jog on the west wall. The jog will bring it in a foot to make the side wall match up evenly. Ms. Arendshorst asked if he plans to bring the garage forward. He explained the garage will become part of the inside of the house. Ms. Bouman asked if the east side will remain as is with the porch and he confirmed that to be the case.

Mr. Bowman asked for the reason to not align to the east side wall and still be in compliance ~~Is there~~ AND WONDEERED IF THERE IS an architectural reason for this. He said it makes more sense IN TERMS OF DESIGN to line it up on the west side. There is a pedestrian entrance on the other side. It would not impede on the walkway. The builder looked at all the possible options.

Ms. Arendshorst asked about the easement on the east side and the builder explained there is a storm drain on that side.

He said both neighbors agree with the variance request.

PUBLIC COMMENT

Jeff Pett, 2001 Lakeway Dr. – said he is a neighbor, has reviewed the drawings, and supports the request. He sent a letter of support to the Township.

Public Comment closed.

Ms. Arendshorst supported the architectural plan and how it will improve the structure. The Board members agreed there seems to be no other way to build this addition.

MOTION

Ms. Bouman moved to approve and Mr. Dreyer supported APPROVING the variance request.

Ms. Bouman reviewed the standards as stated in Sec. 38-70:

- a. That strict compliance with the zoning ordinance regulating the minimum area, yard set backs, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

There is nowhere else to build this addition because the east side requires the 13' easement.

- b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met.

Granting the variance will make the home comply with the neighborhood.

- c. That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district.

The easement is a unique circumstance of the property, and it is a narrower than normal lot, AND THE STRUCTURE HAS UNIQUE ARCHITECTURAL CHARACTERISTICS WHICH MUST BE EXTENDED TO LOOK RIGHT.

- d. That the practical difficulties alleged are not self-created.

It is an unusually small lot and platted a long time ago – it is not self-created.

~~Andy proposed including a comment regarding the architectural design of the structure and the practical difficulties presented by the easement.~~

VOTE:

Motion carried: 4-0

Item #2 A variance request by Ed Tervoort for a lesser front yard setback and a lesser side yard setback than allowed for a

proposed residential reconstruction, per section 38-276 (1) and 38-276 (2) of the Park Township Code of Ordinances. Said land and premises are located at 305 Big Bay, Holland, MI (Parcel #70-15-27-332-001, R-3)

Mr. Bowman introduced Item #2. The request is to rebuild the front (west) of an existing dwelling structure in such a way that the applicant will maintain the existing substandard two foot side yard on the south but increase the north side setback to meet the required 10' on the north (the existing house is currently 2' from the north line). The applicant would also be rearranging the front of the home to be no closer to the front lot line than the current home, although this is also substandard being about 18' instead of the required 40'. Note: Staff scaled AND DEPICTED A FRONT YARD SETBACK OF 17-18' from the plan, although the applicant shows 20' incorrectly measured.

Ed Tervoort, 15883 Blair Street, Port Sheldon – He wants to keep the line intact on the south side at 2' but wishes to increase the setback on the north side although the addition will not go beyond 10'. On the west side the house will be more in compliance than it is now since he intends to “shrink it down” from where it now.

Mr. Foster asked about the existing garage and covered walk including the space between that and the home. ~~Is part of the proposal to enclose this?~~ Mr. Tervoort ~~said that was~~ STATED THAT ENCLOSING THIS WAS PART OF the plan with the new garage. Mr. Foster noted the house is 2' from the line so there is little room to do anything different..

Ms. Arendshorst asked if the neighbors had ever obtained a variance SINCE they are very close to the lot line. Mr. Foster asked Mr. Tervoort if he had discussed the plan with his neighbors.

PUBLIC COMMENT

Peter Beukema, 327 Big Bay Drive – He lives three houses to the west of this property and supports the request.

Conrad Marcus, 1760 Bay Court – He supports the request.

Public Comment closed.

Ms. Arendshorst said the proposal would be an improvement for this lot since there is not much room and Mr. Dreyer agreed the change would make the lot more in compliance.

MOTION

Ms. Arendshorst moved and Mr. Dreyer supported to grant the 18' front and 2' side yard variance requests.

Ms. Arendshorst reviewed the standards:

- a. That strict compliance with the zoning ordinance regulating the minimum area, yard set backs, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

This is a narrow lot and it would be a burden to try to add the garage in any other way. ~~The applicant cannot go south or north. The lot is narrow and it would be a burden to try to add on in any other way.~~ The applicant can't go south or north (compliance on two sides) and is decreasing non-compliance with an improved architectural appearance.

- b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met.

The applicant is keeping one setback and decreasing non-compliance ON THE OTHER AND REQUESTING THE LEAST VARIANCE POSSIBLE TO DO THIS.

- c. That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district.

It is a narrow lot of record, not a square lot, and a corner lot.

- d. That the practical difficulties alleged are not self-created.

The applicant did not build the original house and is working within the original setbacks.

VOTE

Motion carried: 4-0

Item #3 A variance request by Clifford Van Putten for a lesser side yard setback, front yard setback and a lesser rear yard setback than allowed for a proposed residential building, per section 38-306 (2),

(2), and (3) of the Park Township Code of Ordinances. Said land and premises are located at approximately 2415 Lake Michigan Ave., Holland, MI (Parcel #70-15-33-180-005, R-4)

Mr. Bowman introduced the item. The applicant is proposing to build a new home on a vacant lot of record with substandard lot width and area. The R4 zone requires a width of at least 85' and an area of 8500 square feet. The lot of record is actually 50' wide and 5000 square feet in area. This lot is automatically buildable under the ordinance but only if there is at least 6500 square feet of lot area and all setbacks are met. The lot does not meet that minimum at the 5000 square feet so is not buildable by right. The Zoning Board of Appeals may grant the use of the parcel for a single family use only after considering the standards outlined below. IN SECTION 38-494 OF THE PARK TOWNSHIP ZONING ORDINANCE.

If the Board of Appeals approves the use of the lot for building a single family dwelling, the applicant is also requesting that in the side yard to the west he be allowed to build a 2' "bumpout" to be extended into the required 10' setback. The front and rear setbacks are proposed to be 22' and 20' respectively which meet the averaging requirements of subsections (a) and (b) of Section 38-494 of the Park Township Zoning Ordinance. In other words, they are looking for that A LESSER side yard setback BY 2' if the lot is approved for single family use.

Clifford Van Putten, 5242 Quincy Street, Hudsonville, offered to speak to the application request. This is a very small lot with no road in front. The community is in the historical district and has been there for over 100 years. It has been a lot of record for that same time frame. The lot is very narrow and he has tried to design the plan to match the requirements as nearly as possible. He is asking for a side yard variance. Many of the homes in this area are less conforming than what he is requesting. With a narrow deep lot there are restrictions. The home has to be built very narrow and deep which creates a restricted traffic flow pattern from the front to the rear of the home. This creates some hardship so that is what the "bumpout" will provide - a center section which will increase the traffic pattern through the middle and use the space that is there. The "bumpout" doesn't go to the basement - it's just the top two floors which will make it wider to allow the applicant to build some hallways to go from front to back. The width of the house is 30' from front to back and the "bumpout" is 2'.

Mr. Foster could not find the location so asked for specifics about directions. Mr. Van Putten explained that the lot doesn't have an address or a street. To get to the lot you have to approach it from the sidewalk from Auburn Street. The Board looked at the site plan TO FURTHER IDENTIFY LOCATIONS.

Ms. Arendshorst asked the applicant if all the houses in the immediate area are the same width.

PUBLIC COMMENT

Rick Van Til, 2359 Black Lake Rd. – He has a cottage next to this lot and supports the plan. His home is 40' wide and 7' from the lot line. He added that all the houses in the area are different.

Dave Kiekintveld, 2251 Lakewood BLvd. – His cottage is #2419 next door to this lot on the side of the proposed “bumpout.” He has no problem with the variance request.

Dave Lind, 2411 Lake Michigan Ave. – He lives two doors away from the proposed building and is Association President. The variances in the area are all over the place; he has only 5' on each side of his property. He has met with the builder and the subcontractor. Since there is no drivable approach, the county said they will allow access through the dune area to build. That's been signed off and approved, and he agrees with it. The applicant is trying to comply with the architectural code.

Ms. Arendshorst asked about provisions for fire safety. Mr. Lind replied that the Association is working with the county on a dry line system that will affect 36 properties. These properties will be assessed for this dry line. The Fire Department has performed a practice drill.

Mr. Van Putten said he has a permit from the DEQ to do this, an agreement with the county for access, and a permit from Michigan Conservation for vegetation removal to build.

Public Comment closed at 7:20.

MOTION

Mr. Dreyer moved and Ms. Bouman supported to approve the lot as a buildable lot.

Mr. Bowman noted the Board members do not have to approve each of the five standards LISTED IN SECTION 38-494.. They are different ~~from~~ THAN the normal four variance standards. They need only be considered and do not necessitate an affirmative finding.

- a. The size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot.

The size, character and nature of the building are very much in character with the rest of the neighborhood in this district.

- b. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

This building will fill in that last lot which is good for the neighborhood.

- c. The effect of the proposed use on light and air circulation of adjoining properties.

Since the building behind the lot is higher it won't affect light and air, and the proposed building is no closer to any of the other properties than what is already there.

- d. The effect of any increased density of the intended use on the surrounding neighborhood.

This is the last lot in the neighborhood and will not impact the density of the neighborhood.

- e. Available parking for the intended use.

There are a couple of parking spots available.

VOTE

Motion carried: 4-0

Mr. Bowman clarified the sideyard variance on the north is at issue for the next motion. He added that according to Mr. Felix, Zoning Administrator, the Board of Appeals may want to have someone provide an interpretation of the "bumpout" issue. Be aware if an interpretation were made favorably allowing the "bumpout" they will need the variance. He suggested it might well be you might want to keep it as it is.

MOTION

Mr. Dreyer moved to approve and Ms. Bouman supported the 2' "bumpout" on the west side of the house according to the plan.

- a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, density or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

Considering it is a 50' lot and the applicant is trying to conform to the 10' setbacks, and for reasons of traffic flow, especially for the second floor, that would be burdensome and not make it very usable.

- b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met

A lesser standard is going to be useful in this case. None of the other homes in this community meet the standard and have less than the required 10' setback, so it ~~makes sense it would do justice to the applicant and the neighbors in the area.~~ Many of the homes are 100 years old and built when there were no standards in place.

- c. That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district.

There is no road in front and no place for a drive with little room to build front and back. This will make the house more usable. Most of the homes are non-conforming in the community.

- d. That the practical difficulties alleged are not self-created.

This is not self-created and is a very small lot, and to allow the applicant a few extra feet should not present any difficulty. The applicant did not plat the lot.

Ms. Bouman asked how this lot is different from the Lakeshore Drive lot that was considered in the February meeting. Mr. Dreyer replied that was a new house in a neighborhood where there aren't that many non-conforming homes in the subdivision. The neighbors were in disagreement with the applicant's plan but, in this case, the neighbors support the plan because there is more non-conformity than conformity in the neighborhood.

Mr. Bowman added that this application is a lesser version of what was denied in last month's meeting. Mr. Foster asked THAT if this VARIANCE is approved and in the future someone bought one of the other homes and build on it, would we have to use this standard. Mr. Bowman said the Board could always go back and look at it again. Mr. Dreyer noted there won't be any new construction in this particular neighborhood, in his estimation, so he doesn't see the relevance.

VOTE

Motion carried: 3-1

ANNOUNCEMENTS

Ms. Arendshorst asked about a meeting on April 21 in Grand Rapids. No one had any information. She asked if the Board of Appeals will meet in April. Mr. Bowman said there may be a couple of non-variance items.

Mr. Foster asked about the proposal that was denied in February but Mr. Bowman did not have any information on it.

Ms. Reyes will probably be absent again for the April meeting so Mr. Foster wanted to be sure there would be a quorum for the meeting if it is scheduled.

PUBLIC COMMENT

None

MOTION FOR ADJOURNMENT

Mr. Dreyer moved and Ms. Arendshorst supported the motion to adjourn at 7:37 PM.

VOTE

Motion carried: 4-0

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
March 31, 2011

Corrected 5/6/11