



PARK TOWNSHIP

## ZONING BOARD OF APPEALS

*Regular Meeting*

April 26, 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, Lu Reyes, Doug Dreyer, Joannie Bouman, Nicki Arendshorst 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 Bouman to approve the minutes for the March 22, 2010 regular meeting as presented.

### **VOTE**

Motion carried: 5-0

Davis introduced item #1.

**Item #1** A hearing request by William VanEerden for an addition to an accessory building on a lakefront lot that needs ZBA placement and a variance per section 38-491 of the Park Township Code of Ordinances. Said land and premises are located at 3375 Maple Ave. (Parcel # 70-15-09-385-033 R-2)

William VanEerden, 3375 Maple Ave., spoke for the appeal. He stated that he would like to live in this house year-round so he needs to expand the accessory building into a garage. He stated that he has an effective lot size of approximately 100-125 feet of depth by 50 feet of width. He explained that he has no other spot to expand. He stated that he has talked to the neighbors and no one has an objection.

Reyes asked about the tree near the front of the garage.

VanEerden stated that they want to preserve that maple tree at all costs. It is in good shape.

The public hearing was opened at 6:41 p.m.

Jeff Burke, contractor for VanEerden, stated that VanEerden is making the garage as small as possible. It is important for a year round house to have a garage.

The public hearing was closed at 6:42 p.m.

Foster asked if they would be moving the walkway over.

VanEerden stated that the goal is to minimize the walkway. They might be able to curb it. He was not sure what he was going to do.

Arendshorst asked about the architecture of the addition.

VanEerden stated that the shingles and siding would match the house.

### **MOTION**

A motion was made by Arendshorst and supported by Dreyer to approve the special use for the front-yard setback as requested:

Arendshorst stated that she is recommending approval because this meets the three standards that must be considered when looking to authorize a lesser front, rear, or side yard setback as a special use on a lot abutting Lake Michigan:

1. *The location of buildings on the lot or adjoining properties:* There is nowhere else to place this garage.
2. *The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.:* This doesn't block anyone's view and no one is opposed.
3. *The character of the proposed accessory building and the effect on the surrounding neighborhood:* It is compatible with the area and neighbors have similar garages.

### **VOTE**

Motion carried: 5-0

### **MOTION**

A motion was made by Dreyer and supported by Bouman to approve the variance allowing the garage to be five (5') feet from the house 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 the applicant would not be able to build a garage on the property.
2. A lesser relaxation is not possible. They wouldn't be able to have a garage. There are similar structures in the neighborhood.
3. The lot is unique because it is narrow.
4. This is not self-created.

**VOTE**

Motion carried: 5-0

**ANNOUNCEMENTS**

1. There was a discussion regarding holding ZBA meetings when there is only one item on the agenda. After discussion it was decided to have Davis come back with some ideas about escrows, new fee structures, postponements, etc.

**MOTION**

A motion was made by Arendshorst and supported by Dreyer to adjourn at 7:10 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.