



Park Township

Ottawa County, Michigan

PARK TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Draft until approved at next meeting

April 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, Jim Hertel, Nicki Arendshorst, Dan Martin, attorney and Eric Davis, Zoning Inspector

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 Keeter to approve the minutes for the March 24, 2008, regular meeting as presented.

VOTE

Motion carried: 5-0

Item #1 A request by D.R.S. Leasing for an amendment to the use variance at 2072 Lakeway Dr. (70-15-34-353-015). The request is that the condition that requires the accessory building to be removed after 48 months be removed from the variance.

Bob Slikkers, 6553 Creekwood Lane, owner, presented the request. He clarified that there was a house and an accessory building on this property when they purchased it. Four years ago they were granted a use variance to demolish the house but retain the accessory building with the condition that they had to decide within four years what they wanted to do with the building or else demolish it. He stated that the standards for the use variance were met at that time. He asked to be allowed to keep the accessory building permanently. He stated that the building is very useful to them and they keep it well maintained.

Davis clarified that this was noticed as an amendment to the previous variance so the use variance standards do not need to be gone over again.

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

No one spoke.

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

Clark wondered why the ZBA was dealing with this. He stated that he thought this might set precedent for other people wanting to have accessory buildings without principal buildings. He stated that he felt that it would be more appropriate to make this building part of the Planned Unit Development (PUD) that exists on the properties to the west and north.

Arendshorst asked Martin his opinion on Clark's comments.

Keeter asked, since this is a use variance, what would be the harm in extending the deadline.

Slikkers stated that he did not remember the motion having a four-year deadline in it. He also stated that the ordinance has also, most likely, been changed since then.

Martin clarified that the ordinance has never allowed an accessory building without a principal building.

There was a discussion on the wording of the current ordinance versus the wording four years ago, the intent of the restriction, the definition of “accessory structure”, the need for a use variance, etc.

Clark questioned if it would be appropriate to table the matter.

Davis stated that it would be appropriate only more information is needed.

There was a discussion on making this property, with its building, part of the PUD.

Slikkers asked for clarification on what standard is not being met.

Martin explained that the property can be used as zoned.

Clark explained how the building could be retained if put under the PUD.

It was determined to move forward and make a decision.

Clark went over the four standards for an unnecessary hardship for a use variance: (found at the end of these minutes)

1. Yes. A residential structure could be built on the property.
2. No. There is nothing unusual about the property.
3. Yes, because it would be the only parcel in the area that would have an accessory building without a principal structure.
4. Yes, because regardless of the necessity, the applicant was the one that removed the building.

MOTION

A motion was made by Dreyer and supported by Keeter to deny a use variance based on the fact that the standards aren't met. The applicant is directed to apply to amend their PUD to include the accessory building.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

1. Clark talked about the recent seminar held at Ottawa County regarding the Michigan Planning Enabling Act.
2. Keeter stated that he wanted to compliment Daniele Dykens for the nice job she did capturing the essence of the meeting for the March minutes.

MOTION

A motion was made by Dreyer and supported by Hertel to adjourn at 6:35 p.m.

VOTE

Motion carried: 5-0

Meeting adjourned.

Sandy Brodie

Recording Secretary

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.