



Park Township

Ottawa County, Michigan

PARK TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Draft until approved at next meeting

May 27, 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 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 Dreyer and supported by Keeter approve the minutes for the April 28, 2008, regular meeting as presented.

VOTE

Motion carried: 5-0

Item #1 John Barwis is requesting a variance to build an accessory building with a roof pitch of 12 units rise to 12 units run where section 4.11.b.2.c of the Park Township Zoning Ordinance limits the pitch to no greater than 10 units rise to 12 units run. Said land and premises are located at 3872 Hyder Ct. and are more specifically described as tax parcel number 70-15-10-200-046.

John Barwis, 3872 Hyder Ct., spoke for the appeal. He stated that the total inside height of the upper floor would be 7.5 feet. There are no windows upstairs. The only storage space would be 24'x 3'. There would be no way anyone could reside up there.

The public hearing was opened at 6:06 p.m.

No one spoke.

The public hearing was closed at 6:06 p.m.

Clark stated that it's usually a good thing to match the accessory building aesthetically to the main house. He stated that he is glad that this proposed building does not have excessive sidewalls.

Keeter and Arendshorst and Hertel stated that they agreed.

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

1. It would be burdensome. He should be able to match it to the house.
2. Everyone else in the neighborhood wants matching buildings. Having a 10/12 pitch wouldn't make any difference.
3. Perhaps the house has a steeper roof than some others, but it is attractive and fits in the neighborhood.

4. This is not self-created.

MOTION

A motion was made by Keeter and supported by Hertel to approve as requested because it can meet the standards.

VOTE

Motion carried: 5-0

Item #2 Terry Grassmid is requesting a variance for a side yard setback to demolish and rebuild a garage in the current location. The existing garage is approximately one foot (1') from the west property line where ten feet (10') is required by section 4.11.b.2.g of the Park Township Zoning Ordinance. Said land and premises are located at 1393 Lakewood Blvd. and are more specifically described as tax parcel number 70-15-23-200-038.

Terry Grassmid, 1393 Lakewood Blvd., spoke for the appeal. He stated that he wants to tear his garage down and rebuild it in the same location. There are drain fields that make it difficult to place it somewhere else.

The public hearing was opened at 6:15 p.m.

Grassmid presented a letter from Sandra Smith in favor of the appeal. It was read into the record.

The public hearing was closed at 6:16 p.m.

Clark stated that he felt that this would be an improvement to the property. Attaching a garage is not a good alternative because it would be difficult to get a vehicle in there. However, this is a large lot.

Dreyer stated that he would hate to burden the owner with putting another driveway in just to use another part of the property.

Hertel and Arendshorst stated that they agreed. A discussion ensued.

Dreyer asked if it could be placed five feet from the side lot line.

Grassmid stated that he is only fifteen feet from the septic drain field.

A discussion ensued. The ZBA members agreed that five feet was reasonable.

Dreyer asked Grassmid if a five foot setback would be workable.

Grassmid stated that he wasn't sure that that would work. He asked if the item could be tabled so he could decide if that would work.

MOTION

A motion was made by Dreyer and supported by Hertel to table the item pending further information from Mr. Grassmid.

VOTE

Motion carried: 5-0

Item #3 Scott Lubbers is requesting a variance from section 4.11.b.1.b.v of the Park Township Zoning Ordinance to construct a detached garage that is greater than the 484 square feet permitted on a lot when there is not an attached garage on the principal building. Said land and premises are located at 641 S. 160th Ave. and are more specifically described as tax parcel number 70-15-35-322-013.

Scott Lubbers, 641 S. 160th Ave., spoke for the appeal. He stated that he is allowed to build two different buildings and that he wants to add the allowable square footage together to make one building. He stated that it would look better as a detached garage lends itself better to the style of the house.

The public hearing was opened at 6:28 p.m.

No one spoke.

The public hearing was closed at 6:28 p.m.

Keeter stated that oftentimes a detached garage is better architecturally and aesthetically.

Dreyer asked if they were able to place a condition that the owner would not be allowed to have another accessory building or attach a garage in the future.

Hertel stated that it was unlikely that another building or attached garage would be requested in the future because of the layout of the property and structures, but it would still be prudent to put something on record with the property.

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

1. It would be burdensome because the house is styled such that an attached garage wouldn't blend in.
2. A lesser relaxation does not make sense.
3. The design of the house is unique and it is a corner lot. The total square footage of the two allowable buildings would be greater than the square footage he is asking for.
4. This is not self created.

MOTION

A motion was made and amended by Dreyer and supported by Keeter to approve the variance to allow a larger single outbuilding with the following conditions:

1. No other accessory buildings can be placed on the property at any point in the future.
2. No attached garage may be placed on the house at any point in the future.
3. These restrictions must be registered at the Ottawa County Register of Deeds.

VOTE

Motion carried: 5-0

Item #4 Shawn Von Ins is requesting a variance from section 4.11.a.1.c of the Park Township Zoning Ordinance to construct an attached garage that would be greater than 75% of the footprint of the house. Said land and premises are located at 1741 Perry St. and are more specifically described as tax parcel number 70-15-22-482-008.

Shawn Von Ins, 1741 Perry St., spoke for the appeal. He stated that he would like to build an attached garage that is bigger than 75% of his house footprint.

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

No one spoke.

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

There was a discussion on the garages in the neighborhood, house sizes, standards, his detached accessory building, etc.

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

1. It would be burdensome. The owners are trying to stay in the house and trying to tidy the area.
2. This does substantial justice because they could use their property as the neighbors do.
3. The lot is a double lot but the house is very small.
4. This is not self created.

MOTION

A motion was made by Keeter and supported by Hertel to approve the variance as requested based on the understanding of the four standards.

After discussion the **motion was amended** and supported to add the following conditions:

1. The current accessory building may not be enlarged or replaced at any time with a larger building.
2. The condition must be recorded at the Ottawa County Register of Deeds.

VOTE

Motion carried: 5-0

Item #5 Mark Kooyers with TRT Company is requesting a variance from section 4A.05.p of the Park Township Zoning Ordinance that requires a paved drive and parking area for a wireless communications tower. Said land and premises are located at 2575 152nd Ave. and are more specifically described as tax parcel number 70-15-14-400-013.

Dreyer excused himself because he is the property owner for this item.

Dreyer explained the request. They would like a gravel drive instead of a paved one so they can run agricultural equipment over it without tear the paving up. He stated that this comes as a recommendation from the Planning Commission (PC).

The public hearing was opened at 7:00 p.m.

No one spoke.

The public hearing was closed at 7:00 p.m.

Arendshorst stated that the PC thought that this would look less obtrusive than a paved drive.

Keeter stated that this will be a pervious material and that is also an advantage.

A discussion ensued.

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

1. It would be burdensome because the working farm would have to keep replacing the drive each year.
2. No lesser relaxation is available.
3. It is unique to have a cell tower at an active working farm.
4. This is not applicable.

MOTION

A motion was made by Arendshorst and supported by Keeter to approve as requested with the stipulation that if the land goes back to non-agricultural use the drive would need to be paved.

VOTE

Motion carried: 4-0

Dreyer returned to the meeting.

ANNOUNCEMENTS

1. Clark announced the Wind Generation Symposium for June 5 in Grand Haven and encouraged people to attend.

MOTION

A motion was made by Hertel and supported by Arendshorst to adjourn at 7:18 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.