



Park Township

Ottawa County, Michigan

PARK TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Draft until approved at next meeting

June 23, 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 Dreyer and supported by Keeter approve the minutes for the May 27, 2008, regular meeting as presented.

VOTE

Motion carried: 5-0

Item #1 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.

MOTION

A motion was made by Arendshorst and supported by Hertel to remove the item from the table.

VOTE

Motion carried: 5-0

Terry Grassmid, 1393 Lakewood Blvd., spoke for the appeal. He stated that he talked to his neighbor and can purchase some of her property so that he can comply with a five-foot setback.

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 structure is already there. The replacement with a new building is an improvement.
2. This is a lesser relaxation.
3. It is unique because of the drain field and the shape of the lot.
4. This is not self created.

MOTION

A motion was made by Keeter and supported by Hertel to approve the variance with the following condition:

1. Property must be added from the neighbor to ensure that there is a five (5') foot setback from the west side yard.

VOTE

Motion carried: 5-0

Item #2 Bill Monhollon Builders on behalf of Bob Boardman is requesting a variance from section 9.04.c of the Park Township Zoning Ordinance for a house addition closer to the rear lot line than the required 50'. Said land and premises are located at 263 Little Station Rd. and are more specifically described as tax parcel number 70-15-26-436-010.

Bob Boardman, 263 Little Station Rd, spoke for the appeal. He stated that he is hoping to replace the deck with an addition.

The public hearing was opened at 6:10 p.m.

No one spoke.

The public hearing was closed at 6:10 p.m.

Clark stated that this property abuts a common area and the two neighbors are in support.

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 he could not add on to any side.
2. A lesser relaxation is not an option.
3. This is a corner lot and there is also the benefit of having a park next door.
4. It is not self-created.

MOTION

A motion was made by Dreyer and supported by Hertel to approve as requested because the standards can be met.

VOTE

Motion carried: 5-0

Item #3 **Scott Heerema is requesting a variance from section 4.11.b.2.g (Table) of the Park Township Zoning Ordinance to retain an accessory building setback of less than 5'. Said land and premises are located at 2062 Perry St. and are more specifically described as tax parcel number 70-15-27-115-022.**

Scott Heerema, 2062 Perry St., stated that he is asking for a setback variance for an accessory building that was built at the same time his house was built. It was reviewed by the previous building inspector and now he finds that the location does not meet the ordinance.

The public hearing was opened at 6:17 p.m.

Mike Doyle introduced himself as an attorney representing Mr. Cooper, the neighbor to the east. He stated that the accessory building was built on the property line. He stated that he felt that Mr. Heerema knew the rules for the setbacks and knew that he needed a permit but chose to ignore those rules. He stated that Mr. Heerema is worrying about saving some trees and he was not worried about them when he chose to build in that spot. Doyle stated that he felt that Heerema is able to move the accessory building and should not be allowed a 75% variance, especially if it was done without permission. He asked the Zoning Board of Appeals (ZBA) to deny the variance.

The public hearing was closed at 6:20 p.m.

Clark stated that he had talked with Mrs. Heerema when he inspected the property prior to the meeting and she had told him that they had received written permission from the townships' previous building inspector. He asked if they had found that written document.

Mrs. Heerema stated that they had not.

Mr. Heerema stated that a building permit is not required for a building of that size.

Brodie, township staff, stated that a zoning permit is required and the purpose is so that setbacks can be established.

Clark stated that he didn't see any reason that the accessory building couldn't be moved.

There was a discussion on the required building location.

Clark asked the current setbacks.

Heerema stated that it is approximately 1 ½ feet from the east property line and within inches of the south property line.

Keeter stated that there could be a residential use to the south in the future.

Dreyer asked if requiring the building to be moved would be considered a "burden".

Martin stated that the question is if it is "unnecessarily" burdensome. He reminded the ZBA that the variance needs to be looked at as if the building was not there.

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

1. It would not be burdensome.
2. The neighbors don't agree with this placement. The lot is large. The other neighbors would want to tuck their accessory buildings back into the corner also.
3. There is nothing unique about the lot and it is large.
4. This is self-created.

MOTION

A motion was made by Keeter and supported by Arendshorst to deny as requested because it cannot meet the standards.

Dreyer asked the applicant if they would like to table this item to allow them time to look for written permission from the previous building inspector.

Mrs. Heerema stated that the previous building inspector came and saw the marker and allowed this placement. Now they are being asked to move it. What prevents the township from asking them to move it again in the future?

A discussion ensued.

Heerema asked if they could just grant the south variance.

A discussion ensued.

Keeter withdrew his motion and Arendshorst withdrew her support.

MOTION

A motion was made by Dreyer and supported by Arendshorst to table the item pending a dimensional drawing and an exact proposed setback to the south. This can be a scaled drawing and does not need to be a survey.

VOTE

Motion carried: 5-0

Doyle asked for clarification that the ZBA is not in favor of granting the east setback variance.

Clark stated that that was correct.

Martin left.

Item #4 Vander Meulen Builders on behalf of Phillip Miller is requesting a variance from section 10.04.b of the Park Township Zoning Ordinance to construct a deck addition closer to the side lot line than the required 13'. Said land and premises are located at 2449 Lake Michigan Ave. and are more specifically described as tax parcel number 70-15-33-177-012.

Jim Vander Meulen, Vander Meulen Builders, stated that the existing deck already is non-conforming and they want to add on to it. He stated that twenty square feet will be beyond the setback. He stated that if they get the variance then they will apply to the DEQ for a permit. He stated that the neighbors to either side are agreeable.

The public hearing was opened at 6:43 p.m.

No one spoke.

The public hearing was closed at 6:43 p.m.

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

1. There's no aesthetic way to expand the deck without furthering the encroachment. The encroachment is minimal.
2. A lesser relaxation is not possible. This does justice to the applicant and does no harm to the neighbors.
3. They need to build with the contours of the dune.
4. This is not self-created

MOTION

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

VOTE

Motion carried: 5-0

Item #5 Michael Harmon is requesting a variance from section 9.04.b per section 4.03.b of the Park Township Zoning Ordinance to build a house addition on property which is located in the R-1 zone district. However, because this property is an existing lot of record and does not meet the area requirements for the R-1 district, the side yard requirements for the R-3 zone district (10') apply. Said land and premises are located at 3248 Elderwood Ave. and are more specifically described as tax parcel number 70-15-09-458-009.

Mike Harmon, 3248 Elderwood Ave., stated that they want to build a mud room. He asked for any questions.

The public hearing was opened at 6:49 p.m.

Jerry Noble, 3264 Elderwood Ave., stated that he's the most impacted and does not have any problem with this request.

The public hearing was closed at 6:50 p.m.

Clark stated that a third stall and a mud room bring this house more up to today's standards.

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

1. Strict compliance would be burdensome.
2. No lesser relaxation is possible.
3. This is unique because of the location of the original house.
4. It is not self-created.

MOTION

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

VOTE

Motion carried: 5-0

Item #6 Elizabeth Barveld is requesting a variance from section 9.04.a of the Park Township Zoning Ordinance to construct a house addition that would be closer to the front lot line than the required 40'. Said land and premises are located at 120 S. 160th Ave. and are more specifically described as tax parcel number 70-15-27-297-039.

Liz Barveld, 120 S. 160th Ave., stated that she wants to put an addition onto her house that includes a two-stall garage. She stated

that she needs a four foot variance for the front setback.

The public hearing was opened at 6:55 p.m.

Dave Newhof, 130 S. 160th Ave., stated that he is the builder and a neighbor and is in favor of the variance.

The public hearing was closed at 6:56 p.m.

Keeter stated that this is a very nice looking project and will improve the lot.

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 of the elevation there would be no other place to expand.
2. It would be hard to do a lesser relaxation. The only neighbor that is impacted is in favor.
3. It is unique because of the elevation, the irregular shape of the lot and the position of the house on the lot.
4. This is not self-created.

MOTION

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

VOTE

Motion carried: 5-0

Item #7 Ben Brinks on behalf of Michael & Linda Burke is requesting a lesser setback per section 4.11.b.2.h of the Park Township Zoning Ordinance for an accessory building that would be closer than 10' to the side property line. In their determination the Zoning Board of Appeals shall consider the standards listed in section 4.11.b.2.i. Said land and premises are located at 384 N. Lakeshore Dr. and are more specifically described as tax parcel number 70-15-21-150-018.

Ben Brinks, Distinctive Homes, stated that they want to replace an accessory building. The house was built as a cottage and now they want to live there year-round. The lot has some issues with the septic, etc.

The public hearing was opened at 7:07 p.m.

A letter was received in opposition from the neighbor.

No one spoke.

The public hearing was closed at 7:07 p.m.

Dreyer stated that neighbor Mark Kooyers called him and is in favor of this variance.

Clark went over the standards for a lakefront placement found in section 4.11.b.2.i of the Park Township Zoning Ordinance:

1. the location of buildings on the lot or adjoining properties: *The only issue is the property to the south.*
2. the effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.: *This is not an issue. The neighbors have accessory buildings. The lot is long and narrow.*
3. The character of the proposed accessory building and the effect on the surrounding neighborhood: *This will make the house more attractive.*

MOTION

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

VOTE

Motion carried: 5-0

Item #8 Officer Elections

The following slate was offered: Chair – David Clark, Vice-chair – Nicki Arendshorst, Secretary – Jim Hertel

MOTION

A motion was made by Keeter and supported by Clark to approve the nominated slate of officers.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

MOTION

A motion was made by Keeter and supported by Dreyer to adjourn at 7:20 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.