



PARK TOWNSHIP

MINUTES

**PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Regular Meeting
June 27, 2011
6:30 PM

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, Doug Dreyer, Joannie Bouman

Absent: Lu Reyes

Others: Andy Bowman, Staff Planner

MOTION

A motion was made by Dreyer and supported by Bouman to approve the agenda as presented.

VOTE: 3/0

MOTION

A motion was made by Dreyer and supported by Bouman to approve the minutes for the May 23, 2011 regular meeting as written.

VOTE: 3/0

AGENDA Item #1 A variance request by David and Carolyn Lind for a lesser side yard setback than allowed for a proposed residential addition, per section 38-306 (2) of the Park Township Code of Ordinances. Said land and premises are located at 2411 Lake Michigan Ave., Holland, MI (Parcel #70-15-33-180-007, R-4)

Bowman introduced the request is to add a second story addition to an existing cottage with substandard side yard setbacks. The applicants intend to begin using the cottage as their primary residence. The second floor addition would be built on the existing building footprint and not encroach further on the existing side yards than the current building.

Lind stated the change to the backyard was approved in 2003 and as described in the application, the building will be on the existing footprint.

Foster asked if Lind had talked to his neighbors.

Lind said everyone is okay with the request. He is not going up in height.

PUBLIC COMMENT

Foster opened the public hearing.

Dave Diekenveld, 2251 Lakewood Blvd. stated he is a neighbor and has no problem with the proposed building.

With no further public comments, the public hearing was closed.

MOTION

Bouman moved and Dreyer supported to approve the variance based on the standards found in Section 38.70 of the Park Township Zoning Ordinance.

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 no other direction available for building the addition.

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.

It is consistent with the other homes in the area.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.

The narrow lot of record was originally platted in this manner.

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

This situation existed before current ownership.

VOTE: 3/0

AGENDA Item #2 A variance request by Eric and Llinda Kipker for a lesser side yard setback (front yard on a corner lot) and for a larger garage to first floor area ratio than allowed for a proposed residential addition, per section 38-276 (1) and 38-496, and 38-491 (a)(3) of the Park Township Code of Ordinances. Said land and premises are located at 2053 Woodlark Dr., Holland, MI. (Parcel #70-15-27-156-005, R-3)

Bowman explained this variance request is for a lesser side yard setback (front yard on a corner lot) and for a larger garage to first floor area ratio than allowed for a proposed residential addition, per section 38-276 (1) and 38-496, and 38-491 (a)(3) of the Park Township Code of Ordinances.

As background, the request to expand the attached garage on a corner lot in the R-3 district. The lot is on the corner of Summerwind Court and Woodlark Drive, therefore, a front yard setback of 40' is required for the side yard fronting on Summerwind Court. Further, the combined floor area of the proposed garage and the existing attached garage adds up to 1108 sq. ft. exceeding the maximum of 75% of the first floor area, as provided in Section 38-491 of the park Township Zoning Ordinance. The additional garage floor area allowed under this rule is limited to 305 sq. ft.

Foster asked Kipker, if there was anything he wanted to clarify or add about his request.

Kipker stated he needs room for his boat; his car and a boat have to be stored offsite. He has talked to his neighbors and this proposal is okay with them.

PUBLIC COMMENT

Foster opened the public hearing. Finding no comment, the hearing was closed.

Bouman asked if there was an architectural review committee for the neighborhood association and if so, did they have restrictive covenants covering this proposed variance.

Kipker had not gone to the Association regarding his request.

She explained that it is important for such a committee to see his plans.

Foster asked if he had planned to build a third stall when he built his house.

Kipker had but didn't do so at the time.

Foster asked if the roofline would be higher than the existing garage. The drawings confirmed it would not.

Dreyer asked Bowman to clarify the square footage problem and asked if it would be possible to take an allowable detached accessory building square footage and add it to his garage and a note that no accessory building can be built.

Bowman advised that could be done as a condition to the variance.

Kipker said he would be willing to do this.

Bouman asked if there is something conditional that can be addressed in this case, but would not want the Board's approval to supersede any ruling of Kipker's homeowners' association.

Bowman said the Board could make it a condition regarding the proposed attached accessory building without referring to association rules since they are independent of Township actions.

Dreyer recalls the Board has not really set a precedent in such requests. Each one was handled separately. He said this is a reasonable request.

Due to the differing justifications and potential conditions, Bowman recommended handling each part of the variance request as a separate entity as each is unique.

MOTION

Dreyer moved and Bouman supported approving the front yard variance for the east side of the house near Summerwind Court as presented, with the footprint no closer than 30' from Summerwind Court right-of-way.

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.

It would be burdensome for the applicant in that he has to provide two front yards with no immediate need for doing so.

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.

Lesser relaxation would not work in this situation. There are other three stall garages in his neighborhood and it would do justice to the applicant because it would allow him to build the necessary size garage for his boat and other proposed uses.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.

The applicant has two front yards and when he bought the property he did not have a road on the side in question.

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

The applicant did not create the problem and had tried to solve it by placing his building such that it would be centered on the lot.

VOTE: 3/0

MOTION

Dreyer approved and Bouman supported the additional square footage of the attached garage with the condition that there shall not be any detached accessory buildings allowed on this parcel. The dimensions are 18' x 30' as presented on the plan (1,108 sq. ft. is the total combined amount of all attached accessory building).

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.

As a one story structure, the square footage is too limiting for this area.

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.

It would do justice to the applicant and allow him to use the additional space for a garage if he had a two story home instead of ranch style.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.

The unique circumstances are related to the style of house and because he is not otherwise allowed to build an accessory building.

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

The applicant was not able to consider the rule that requires the accessory building square footage cap to be figured only on the main level.

VOTE: 3/0

AGENDA Item #3 A variance request by James Snook for a lesser front yard setback, side yard setback and rear yard setback than allowed for a proposed residential addition, per section 38-306 (1), (2) and (3) of the Park Township Code of Ordinances. Said land and premises are located at 2124 Ottawa Beach Road, Holland, MI. (Parcel #70-15-34-107-001, R-4)

Bowman explained this request is to expand an attached garage on a corner lot in the R-4 zone, but the existing garage is going to be converted into a dwelling unit. It will be expanded on the upper level with an additional 583 sq. ft. for the new space. This will provide two new dwelling units which are allowed in the zone including the existing living unit of 2400 sq. ft. and the second one of 1400 sq. ft. These dimensions meet the requirements of the zoning code. The issue is the setbacks because it is an unusual property.

Foster asked Snook to explain his request.

Snook said the property is an odd lot because of the road that was put in the subdivision. He has had the property for 24 years. He had obtained a permit a

few years ago but circumstances made it unwise for him to make the change at that time so the plan was delayed until now. Because he has had inquiries regarding rentals he devised a plan to convert the garage into a dwelling unit. That is the reason for his request.

Foster asked if he would rent the units during the winter.

Snook said he could but hadn't made that decision.

Bouman asked if it is any larger than the current footprint.

Snook said it is not.

Bowman confirmed the request is to square off a corner and the rule calls for 1000 sq. ft. per dwelling. The new dwelling would be 1400 sq. ft.

PUBLIC COMMENT

Foster opened the public hearing. Finding no comment, the hearing was closed.

MOTION

Bouman moved and Dreyer supported to approve the variance request for a lesser front, rear and side setback to allow for his proposed residential addition based on 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.

The applicant cannot comply in any direction on this site and has to build over the existing garage. He is not exceeding the setbacks in any other direction.

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 cannot go to any lesser amount since the structure has to be a minimum of 1,000 sq. ft. to qualify as a second dwelling.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.

This property is very unique given its odd shape, location on Lake Macatawa and the removal of so much front yard when the highway was constructed. The applicant has no other options.

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

The problems facing the applicant do not appear to be self-created.

VOTE: 3/0

OFFICER ELECTIONS

Dreyer said he was ineligible for office, because he is the Board representative.

Foster said he was willing to continue as Chair.

Nomination for Chair:

MOTION

Bouman moved and Dreyer supported the nomination of John Foster to continue as Chair of the Zoning Board of Appeals.

VOTE: 2/0

MOTION

Dreyer moved and Foster supported the nomination of Joannie Bouman as Vice Chair.

VOTE: 2/0

MOTION

Dreyer moved and Bouman supported the nomination of Lu Reyes as Secretary.

VOTE: 3/0

ANNOUNCEMENTS

Dreyer said he would be unable to attend the July meeting.

Bouman said she appreciated the timeliness of the mail packet of documents for the meeting. She has had problems accessing the Township e-mail system online.

ADJOURNMENT

MOTION

Dreyer moved and Bouman supported to adjourn the meeting at 7:30 P.M.

VOTE: 3/0

Respectfully submitted,
Judith R. Hemwall
Recording Secretary
Submitted 6/30/2011