



PARK TOWNSHIP

ZONING BOARD OF APPEALS

Regular Meeting

June 28, 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, Nicki Arendshorst and Eric Davis, Zoning Administrator

Absent: Joannie Bouman

MOTION

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

VOTE

Motion carried: 4-0

MOTION

A motion was made by Arendshorst and supported by Dreyer to approve the minutes for the April 26, 2010 regular meeting as presented.

VOTE

Motion carried: 4-0

Davis introduced item #1.

Item #1 A variance request by DeFrell Builders on behalf of Alan & Linda Avery for a front setback on an accessory building that would be closer than allowed per section 38-491 of the Park Township Code of Ordinances. Said land and premises are located at 44 Michigan Ave. (Parcel # 70-15-28-133-007 R-2)

Alan Avery, 44 Michigan Ave., owner, stated that he would like to replace the small existing shed with a larger one.

Arendshorst confirmed that the existing shed is non-conforming in regards to setbacks.

MOTION

A motion was made by Arendshorst and supported by Dreyer to approve the variance to allow the new shed to be placed 13.77 feet from the property line on George Avenue.

Arendshorst 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 shed on the property.
2. Granting the variance would do substantial justice to the applicant and is consistent with other properties in the neighborhood.
3. The lot is unique because it is a trapezoid.
4. This is not self-created.

VOTE

Motion carried: 4-0

Davis introduced item #2.

Item #2 A variance request by Nelson Builders, Inc. on behalf of Donald & Wanda Berger to attach an existing garage to the house creating front and side setbacks that would be closer than allowed per section 38-276 of the Park Township Code of Ordinances. Said land and premises are located at 337 Big Bay Dr. (Parcel # 70-15-27-334-003 R-3)

Josh Nelson, Nelson Builders, explained that the detached garage is non-conforming in regards to setbacks.

Donald Berger, owner, stated that no neighbors had any complaints to the request.

Dreyer asked if the walkway was 40' from the front property line would they still need a variance.

Davis stated yes because the garage is currently detached and after the walkway is built it will be attached which specifies different setbacks.

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the variance allowing the garage to be attached to 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 walkway to the garage.
2. A lesser relaxation is not possible. The garage is already there. 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: 4-0

Item #3 Officer Elections.

Dreyer nominates Foster for chairperson, Reyes supports nomination.

VOTE

Motion carried: 4-0

Dreyer nominates Reyes for vice chairperson, Arendshorst supports nomination.

VOTE

Motion carried: 4-0

Foster nominates Bouman for secretary, Reyes supports nomination.

VOTE

Motion carried: 4-0

ANNOUNCEMENTS

Arendshorst stated that the committee of the future will be meeting on July 21, 2010 at 6:30 pm.

MOTION

A motion was made by Dreyer and supported by Foster to adjourn at 7:10 p.m.

VOTE

Motion carried: 4-0

Meeting adjourned.

Eric Davis
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.