



ZONING BOARD OF APPEALS

Regular Meeting

July 27, 2009

DRAFT COPY

Chairman David Clark 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, David Clark, Nicki Arendshorst and Eric Davis, Zoning Administrator

Absent: None

MOTION

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

VOTE

Motion carried: 5-0

MOTION

A motion was made by Arendshorst and supported by Foster to approve the minutes for the February 23, 2009 regular meeting as presented.

VOTE

Motion carried: 5-0

Item #1 Ron Mudge is requesting a variance from section 4.11 of the Park Township Zoning Ordinance for an accessory building closer to the rear and side lot lines than the required five (5') feet. Said land and premises are located at 2250 First Ave. (Parcel number 70-15-33-283-014)

Postponed on July 28, 2008

MOTION

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

VOTE

Motion carried: 5-0

Clark summarized that this item was postponed so that the zoning ordinance wording could be changed to clarify the standards.

Clark went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance and this item meets all four standards

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the variance request because the four standards can be met.

Foster asked about the condition of the building.

VOTE

Motion carried: 5-0

Item #2 Kristin Johnson is requesting variances from section 9.04 of the Park Township Zoning Ordinance to construct a house addition. Said land and premises are located at 1742 S. Shore Dr. (Parcel number 70-15-34-426-003)

Kristin Johnson, 1742 S. Shore Dr., stated that she was asking for approval to add a four-season room with a loft above her garage.

The public hearing was opened at 6:45 p.m.

No one spoke.

Two letters of oppositions were received.

The public hearing was closed at 6:46 p.m.

Dreyer asked for clarification on the request.

Clark responded to the opposition from neighbor, Mr. Szirovecz, that non-lakefront properties do not have a right to the view of the lake. Clark stated that he took exception to the letter from Bennett saying that the ZBA is prejudiced.

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

1. Strict compliance is impossible because this lot has three front yards and is a very small lot.
2. A lesser relaxation is not possible.
3. The property is unique because it has three front yards.
4. It is not self-created.

MOTION

A motion was made by Arendshorst and supported by Foster to approve the variance request because the four standards can be met.

VOTE

Motion carried: 5-0

Item #3 Russell Packard is requesting a variance from the required lot area in the agricultural zone district. Mr. Packard would like to split a 2.4 acre parcel where 10 acres is required by section 6.04(d) of the Park Township Zoning Ordinance. This property is located at 3842 Butternut Dr. (Parcel number 70-15-12-100-016)

Jane Packard stated that she was representing relatives. They would like to split off a two-acre piece without the house, leaving a minimum of ten acres.

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

Janice Overway, 3750 Butternut Dr., stated that she wanted clarification on the request.

Packard stated that there were no immediate plans to build on the property. They just want to be able to sell part of it.

The public hearing was closed at 6:57 p.m.

Davis clarified that the ordinance allows an exception to create one small lot but it is supposed to contain the house.

A discussion ensued.

Foster asked about the future of the blueberry farming there.

Arendshorst asked if they could divide the property differently. A discussion ensued.

Foster stated that he felt that this would help the owner with the tax burden and perhaps forestall foreclosure.

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

1. Strict compliance would not be burdensome.
2. A lesser relaxation is perhaps possible.
3. The lot is unique in that the location of the crop is unusual.
4. It is not self-created.

MOTION

A motion was made by Arendshorst and supported by Dreyer to deny the variance request because the four standards cannot be met.

Foster asked if the prior variance would still stand if this were denied. Davis stated that it would.

Dreyer asked for clarification on one of the answers to the standards.

VOTE

Motion carried: 5-0

Item #4 Marty Wick on behalf of Dale Dellacqua is requesting a variance to build an addition less than forty (40) feet from the front lot line as required by section 10.04(d) of the Park Township Zoning Ordinance. This property is located at 775 Lakeside Rd. (Parcel number 70-15-33-388-030)

Marty Wick, 883 Paw Paw Dr., Holland, stated that the owner would like to add a screened porch on the north side of the house.

Dreyer asked if the addition would be single story.

Wick stated that it would be.

Arendshorst asked if they had talked to the neighbors.

Wick stated that he believed two of them had been talked to by the owner.

The public hearing was opened at 7:15 p.m.

No one spoke.

The public hearing was closed at 7:15 p.m.

Arendshorst stated that she thought that it would be an improvement to the property.

Clark clarified the setbacks and the request.

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

1. Strict compliance is burdensome because of the location of the structure relative to Lakeside Rd.
2. A lesser relaxation wouldn't make any difference. Many of the parcels in the area are much closer.
3. The property is unique due to its location.
4. It is not self-created.

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the variance request because the four standards can be met.

VOTE

Motion carried: 5-0

Item #5 Donald Kross is requesting a variance to have his total allowed accessory building size be split into two building on a property that is less than the required two (2) acres as required by section 4.11.b.1.b of the Park Township Zoning Ordinance. This property is located at 4731 N. 168th Ave. (Parcel number 70-15-04-200-039)

Donald Kross, 4731 N. 168th Ave., spoke for the appeal. He stated that he would like to keep his existing accessory building after building a new one.

The public hearing was opened at 7:30 p.m.

No one spoke.

The public hearing was closed at 7:30 p.m.

Davis clarified that a property needs two acres to be allowed two accessory buildings. This property has less than two acres.

Arendshorst asked Kross if he had talked to his neighbors.

Kross stated that he had talked to the ones to the north and the south.

Arendshorst asked if trees would be removed.

Kross stated that he would have to remove trees.

Clark 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 burdensome because the lot is less than two acres.
2. A lesser relaxation wouldn't make any difference.
3. The property is unique because it is just less than two acres.
4. It is not self-created.

MOTION

A motion was made by Foster and supported by Dreyer to approve the variance request because the four standards can be met.

Arendshorst stated that it makes common sense, but she is not convinced that it meets the standards. It is self-created.

VOTE

Motion carried: 5-0

Item #6 Officer Elections

MOTION

A motion was made by Arendshorst and supported by Foster to nominate Clark for Chair.

VOTE

Motion carried: 5-0

MOTION

A motion was made by Foster and supported by Dreyer to nominate Arendshorst for Vice-Chair.

VOTE

Motion carried: 5-0

MOTION

A motion was made by Dreyer and supported by Arendshorst to nominate Foster for Secretary.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

1. Foster asked why the back Holiday Haven parking lot had not been completed. He stated that people are parking there. Davis stated that it is supposed to be paved. They are not supposed to be using it if it is not complete. He stated that he would keep an eye on it.

MOTION

A motion was made by Dreyer and supported by Arendshorst to adjourn at 7:48 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.
- 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.