



Park Township

Ottawa County, Michigan

PARK TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Draft until approved at next meeting

July 28, 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: Skip Keeter, David Clark, Jim Hertel, Nicki Arendshorst, Dan Martin, attorney and Eric Davis, Zoning Inspector

Absent: Doug Dreyer

MOTION

A motion was made by Keeter and supported by Hertel to approve the agenda as presented.

VOTE

Motion carried: 4-0

MOTION

A motion was made by Arendshorst and supported by Hertel to approve the minutes for the June 23, 2008, regular meeting as presented.

VOTE

Motion carried: 4-0

Item #1 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.

Tabled June 23, 2008

MOTION

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

VOTE

Motion carried: 4-0

The Zoning Board of Appeals (ZBA) members took time to read a submittal from the neighbor to the east regarding property lines.

Mike Doyle, attorney representing Craig Cooper, neighbor to the east, clarified that the submitted documentation was to clarify a question that came up at the meeting last month regarding the lot lines.

Clark asked the applicant for some clarification on the current location of the accessory building.

Scott Heerema, 2062 Perry St., stated that the building is 1 ½ feet from the west line. He stated that he had spoken with the neighbor to the south. He stated that she told him that she did not have an issue with the current location of the building. He stated that the accessory building was built before the Cooper's purchased the property. Heerema stated that he had located the previous owner and submitted a letter from him stating that he had been fine with the location of the accessory building when it was built.

Clark asked for clarification on what is being requested.

Heerema stated that he is now asking for a variance to leave the accessory building where it is and not move it either direction.

Clark went over the four standards for a practical difficulty for a dimensional variance: (found at the end of these minutes). These standards were gone over at the last meeting and these answers affirm or add to those answers.

1. It would not be unnecessarily burdensome.

2. There is sufficient land to place the building in compliance. The neighbors would want to place their buildings this close to their lot lines also.
3. There is nothing unique about this property.
4. This is self-created.

MOTION

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

Arendshorst stated that she felt that the moving of the building would be burdensome.

Keeter stated that they would most likely not allow the neighbor to put an accessory building in this location. The applicant is being asked to violate the ordinance and it wouldn't serve justice to end up with a cluster of buildings in the corner. It wouldn't serve justice to allow it to stay there.

VOTE

Motion carried: 3-1 (Arendshorst)

Martin clarified that the accessory building needs to be moved to be five feet from both lot lines.

Item #2 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. and are more specifically described as tax parcel number 70-15-33-283-014.

Ron Mudge, 2250 First Ave., spoke for the appeal. He stated that his rear yard is twenty-five (25') feet from the house to the rear lot line. He stated that he owns two contiguous lots. The accessory building was starting to rot so he moved it. The Zoning Administrator was notified that the building had been moved without a permit. Upon investigation it was discovered that the placement was not in compliance with the required setbacks. He stated that he is asking to leave the accessory building where he moved it. The lot is very, very small. To have the accessory building in compliance would place it right against the deck. The accessory building has never been in compliance, even before it was moved.

The public hearing was opened at 6:23 p.m.

No one spoke.

The public hearing was closed at 6:23 p.m.

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 unnecessarily burdensome. All of the lots in the neighborhood are very small and there is no place to place the accessory building that puts it in compliance.
2. A lesser relaxation wouldn't make any difference.
3. Most of the lots in this area are similarly small. This is not unique.
4. This is not self-created.

Mudge stated that there is a variance on nearly every lot in this neighborhood.

There was a discussion on how to proceed. It was determined through discussion that this lot is not unique for the area. The ZBA decided to postpone this item to pursue the idea of a different type of zoning or overlay district for this area (and others).

Martin left.

MOTION

A motion was made by Keeter and supported by Hertel to postpone the item pending a report from the Planning Commission stating that they want to pursue overlay ordinances or zoning districts.

VOTE

Motion carried: 4-0

Arendshorst will take this request to the Planning Commission.

ANNOUNCEMENTS

1. Clark handed out a letter of commendation to the ZBA from Philip Miller.

MOTION

A motion was made by Hertel and supported by Keeter to adjourn at 6:47 p.m.

VOTE

Motion carried: 4-0

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.