



PARK TOWNSHIP

MINUTES

**PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Regular Meeting
August 22, 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, John Barwis

Others: Jerry Felix, Township Manager

Foster introduced and welcomed John Barwis to the ZBA.

MOTION

A motion was made by Dreyer and supported by Bouman to approve the minutes for the June 27, 2011 regular meeting as sent.

VOTE: 4/0

AGENDA Item #1 A variance request by Robert Vallance for a lesser rear yard (waterfront) setback than allowed for a proposed residential addition, per section 38-495 of the Park Township Code of Ordinances. Said land and premises are located at 804 Hazelwood., Holland, MI (Parcel #70-15-25-276-012, R-3)

Felix introduced the item.

Posthumus, architect for the applicant, explained the request. They would like to keep the deck where it has been historically. The deck will be less than half the size of the front of the house.

Felix stated because the deck is over 30" it becomes a structure and need to ask for a variance.

Posthumus stated there are no wetlands or floodplains impacted with this project.

The original deck was built prior to the ordinance coming into effect, so no variance is on record.

PUBLIC HEARING

Foster opened the public hearing.

Larry Topp-786 Hazelwood Dr., stated he is in favor of the request and it will improve the area.

Foster closed the public hearing.

Bauman asked if wishing to not remove trees was an issue for the variance request.

Postumus stated it is a portion of the reason. They did hire an arborist to review the health of the trees.

MOTION

Dreyer moved and Bouman 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 setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

If you move the house back further, the sight lines of the property owner to the lake would be blocked. It would require taking down some large trees that are already established on the property. They are not going to encroach any further toward the lake than the previous deck.

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.

A lesser variance would not apply because they are only asking for 4 ft. It would do justice to the area because it is a new house and is actually set back further than the other house.

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.

It is a lake front property and each property is unique with its own circumstances.

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

The zoning code regulations for sight lines along lake front property are different than for lots in subdivisions. The Zoning Ordinance is not easily applicable to the lake front properties.

VOTE: 4/0

AGENDA Item #2 A variance request by Allison Batist for a lesser rear yard setback (front yard on a corner lot), per section 38-276 (1) of the Park Township Code of Ordinances. Said land and premises are located at 1530 Waukazoo Dr., Holland, MI. (Parcel #70-15-26-302-013, R-3)

Felix introduced this item and stated is it a corner lot on a non-developed street (Right of way only). The addition would be behind the house but within the 40 foot right of way.

Mark Dotson, speaking on behalf of the applicant, referred to the drawings sent in the board packet.

Felix stated this is a mother-in-law facility and could become a 2 family unit, so this may bring other issues to light.

Dotson stated the design is not intended to be used for an apartment. They would like to add on in the back of the home because they would like to keep the charm of the home. He stated no other updates are scheduled in the future other than, perhaps, vinyl siding.

Felix stated the original plat was 1923 and the setback was 1970.

PUBLIC HEARING

Foster opened the public hearing.

0 people spoke.

Foster closed the public hearing.

MOTION

Bouman moved and Barwis supported approving the front yard variance based on the review of the four standards and can never be used for anything other than family members (it cannot become a rental unit, which would thereby create a two family unit within the single family zone).

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage height, bulk, or density or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

There is no other place for the addition. Placing an addition on the front of the home would take away from the charm of the property and be very difficult to construct without other major modifications to the existing home. It would require relocating or elimination of the existing garage.

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.

Due to the size and proposed location the addition is not going to show from the front but add to the neighborhood. It will make the home more in line with the square footage in the area and retain the historical character of the neighborhood.

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.

There is really nowhere else to build the addition. The size of the lot is also a unique circumstance.

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

Applicant did not build the house, it existed prior to the current zoning regulations, and the road is nonexistent.

VOTE: 4/0

AGENDA Item #3 A variance request by George and Lynn Francis for a lesser rear yard setback than allowed for a proposed residential addition, per section 38-336 (3) of the Park Township Code of Ordinances. Said land and premises are located at 447 S. 168th Ave., Holland, MI. (Parcel #70-15-27-362-004, R-4)

Felix stated there are 2 duplexes involved. The units to the east currently have decks and would like to make the decks wider, not into the encroached area.

Dan Lindeulder from Sir Homes spoke on behalf of the applicant stated the materials to be used for the new deck are an improvement. They are asking to expand the deck 6 feet wider. Other decks on the property are similar size and one is possibly wider.

Dreyer asked how much the deck encroaches at this point.

Dan stated the deck is approximately 10 feet from the tree line.

PUBLIC HEARING

Foster opened the public hearing.

0 people spoke.

Foster closed the public hearing.

MOTION

Barwis moved and Dreyer supported to approve the variance request as presented.

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

It will not further encroach into the rear yard setback nor toward anyone else.

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.

They just want to improve their space without infringing on any other neighbors. The improvement is basically a repair but with a small lateral extension; no further encroachment into the required yard space.

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 property is small and jammed up against the lot lines and adjacent to undeveloped property. There is no other location for the deck to even be replaced.

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

There are no practical difficulties that have been self created. The deck has been in existence for some time and prior to the current unit ownership. They are not encroaching any additional than already exists

VOTE: 4/0

ANNOUNCEMENTS

Felix stated a Secretary for the ZBA still needs to be appointed.

MOTION

Dreyer moved and Bouman supported to appoint John Barwis secretary

VOTE: 4/0

Felix stated Sally Pollock is attending as an alternate member. The township would like to provide training to both ZBA and Planning Commission in September. Details will follow.

PUBLIC COMMENT

Foster opened the public comment period.

Carol Bowerman 2480 N. 160th Ave. stated their signs may be on the agenda.

Felix gave a brief history of the signs and stated the item is not on the agenda tonight and they would confirm with Bowermans if and when it would be on the agenda.

ADJOURNMENT

MOTION

Dreyer moved and Barwis supported to adjourn the meeting at 7:51 P.M.

VOTE: 4/0

Respectfully submitted,
Daniele Dykens
Recording Secretary
Submitted 8/22/2011