



PARK TOWNSHIP

## ZONING BOARD OF APPEALS

*Regular Meeting*  
September 27, 2010

### **DRAFT COPY**

Chair John Foster called the regular meeting of the Park Township Zoning Board of Appeals (ZBA) to order at 6:30 p.m.

Present: John Foster, Doug Dreyer, Nicki Arendshorst and Eric Davis, Zoning Administrator

Absent: Joannie Bouman, Lu Reyes

### **MOTION**

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

### **VOTE**

Motion carried: 3-0

### **MOTION**

A motion was made by Arendshorst and supported by Dreyer to approve the minutes for the August 23, 2010 regular meeting as presented.

### **VOTE**

Motion carried: 3-0

Davis introduced item #1.

**Item #1** A variance request by Bruce Bos for a lesser side yard setback than allowed for an existing accessory building per section 38-491.b.2.d of the Park Township Code of Ordinances. Said land and premises are located at 2299 Auburn Ave. (Parcel # 70-15-33-274-020 R-4)

Bruce Bos, 2299 Auburn Ave., stated that he wants to take his property, which consists of two lots that were joined in the past, and split it back into two separate parcels along the lot lines. There is an existing accessory building that would be removed from the vacant lot. The existing accessory building on the lot with the house would be too close to the lot line. It is approximately six feet (6') from the west lot line that separates the two lots. The ordinance requires ten feet (10'). He stated that he felt that it seemed unnecessary to move the garage over four feet (4'). It has been there for many years. All of the lots in the neighborhood are small and there are many buildings that are located too close to the property lines.

Foster asked when the house and the garage were built.

Bos stated that the house was built sometime between 1890 and 1895 and the garage was built sometime in the 1930's or 1940's.

Arendshorst asked what Bos intended to do with the vacant lot.

Bos stated that he would sell the extra lot for a home site. He stated that he felt that the township wanted to see some type of approval by the ZBA for the final configuration of any proposed structure.

The public hearing was opened at 6:39 p.m.

No one spoke.

The public hearing was closed at 6:39 p.m.

**MOTION**

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

Arendshorst went over the four standards (found at the end of these minutes) for practical difficulty for a non-use variance:

1. Strict compliance would be unnecessarily burdensome because the accessory building has been in this location for over sixty years.
2. Granting a lesser relaxation is not possible. Granting the variance would do substantial justice to the applicant and no harm to other property owners in the district.
3. The lot is a corner lot. The two platted lots are small and were platted many, many years ago.
4. This is not self-created.

**VOTE**

Motion carried: 3-0

Davis introduced item #2.

**Item #2** A variance request by Adrian Flores for a lesser front yard setback than allowed for an accessory building per section 38-491.b.2.d of the Park Township Code of Ordinances. Said land and premises are located at 1575 Elmer St. (Parcel # 70-15-35-353-007 R-3)

Adrian Flores, 1575 Elmer St., stated that he has an existing accessory building that he would like to take down to build a larger accessory building. He stated that he is not able to place his building where the ordinance requires because he has a corner lot and the septic system is in the corner behind the house so he can't move the building to the east.

The public hearing was opened at 6:49 p.m.

No one spoke.

The public hearing was closed at 6:49 p.m.

**MOTION**

A motion was made by Dryer and supported by Foster to approve the variance as requested because the standards can be met. The accessory building must be no closer than twenty-six feet (26') from the west property line. The existing accessory building must be removed within sixty (60) days of completion of the new building.

Dreyer went over the four standards (found at the end of these minutes) for practical difficulty for a non-use variance:

1. The existing garage is the same distance from the west property line as the proposed accessory building. The proposed building would be more in conformity than the old building. The accessory building cannot be moved to the east because of the drain field.
2. There is a limited area to build on this property. A lesser relaxation is not an option.
3. This is a corner lot. If this was not a corner lot he would be able to put this building five feet (5') from the west property line.
4. This is not self created.

**VOTE**

Motion carried: 3-0

**ANNOUNCEMENTS**

1. Foster stated that he will be gone in October so the Vice-Chair will need to chair the meeting.

**MOTION**

A motion was made by Dreyer and supported by Arendshorst to adjourn at 6:55 p.m.

**VOTE**

Motion carried: 3-0

Meeting adjourned.

Sandy Brodie  
Recording Secretary

**Non-Use Variance:**

A simple-majority vote of the members of the board of appeals is necessary to authorize a non-use variance. In determining whether there are practical difficulties in the way of carrying out the strict letter of this article, the board of appeals shall consider the following standards and shall make an affirmative finding as to each standard to authorize a non-use variance.

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

Accessory Buildings on a Lakefront Lot:

The following standards are used to establish lesser front, rear, or side yard setbacks or the placement of an accessory building between the principal building and the water's edge as a special use on lots abutting Lake Michigan or Lake Macatawa.

1. The location of buildings on the lot or adjoining properties;
2. The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.; and
3. The character of the proposed accessory building and the effect on the surrounding neighborhood.