



ZONING BOARD OF APPEALS

Regular Meeting
September 28, 2009

DRAFT COPY

Vice-Chair Nicki Arendshorst called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:30 p.m.

Arendshorst stated that the Zoning Board of Appeals (ZBA) had received (and accepts) the resignation of Chairman David Clark. She thanked Clark for his service on the ZBA. She welcomed new member, Lu Reyes.

Present: Doug Dreyer, John Foster, Joannie Bouman, Nicki Arendshorst, Lu Reyes, and Eric Davis, Zoning Administrator

Absent: None

MOTION

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

VOTE

Motion carried: 4-0

MOTION

A motion was made by Dreyer and supported by Foster to approve the minutes for the August 24, 2009 regular meeting as presented.

VOTE

Motion carried: 3-0 (Reyes abstained – not present at meeting)

Bouman arrived.

Davis introduced item #1.

Item #1 Michael Faber is requesting a variance from section 9.04(c) (rear yard) of the Park Township Zoning Ordinance to build a roof over an existing deck at 1584 Highland Ave. (Parcel # 70-15-35-321-008 R-3)

David Scholten, contractor, spoke for the appeal. He stated that the applicant is asking to build a roof over an existing deck, creating a structure that would be approximately two (2') feet closer to the rear lot line than allowed. He stated that surrounding neighbors also have structures that are too close. The applicant's garage is closer to the lot line than the proposed roof would be.

Arendshorst asked if the attached garage is out of compliance with the rear setback.

Scholten stated that it is. He clarified that this proposed structure would not be visually intrusive.

The public hearing was opened at 6:35 p.m.

No one spoke.

The public hearing was closed at 6:35 p.m.

MOTION

A motion was made by Dreyer and supported by Foster to approve a 47.9-foot rear yard setback to build a roof over an existing deck.

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 garage is already closer to the lot line. This wouldn't be visually intrusive.
2. This would do substantial justice to the home owner by allowing the deck to be used in the summer. A lesser relaxation wouldn't work. It wouldn't make sense to cut the deck back just to put a roof over it. Foster stated that a pergola wouldn't be as effective for the heat.
3. The property is unique because the garage already extends further into the setback.
4. This is not self-created. Even though the deck was built by the applicant, a deck has different setbacks than a structure. In addition, the garage already extends further into the setback.

VOTE

Motion carried: 5-0

Davis introduced item #2.

Item #2 GERALYN PLAKMEYER is requesting a variance from section 8.04 (c) (rear yard) of the Park Township Zoning Ordinance to build a house at 17291 South St. (Parcel # 70-15-09-384-013 R-2)

GERALYN PLAKMEYER, 17291 South St., spoke for the appeal. She stated that she needed to reapply for a variance because the previous (approved) variance had expired. She stated that she did not want to make important decisions regarding her house design in haste just in order to get her building permit in time. She stated that this variance request met the standards last August and was approved by a unanimous vote.

The public hearing was opened at 6:43 p.m.

Al Elders, 17295 South St., stated that he and his wife are not concerned about the rear setback but are concerned about the height of the proposed structure. He stated that it is his understanding that the proposed structure is 2 ½ stories. He wanted to make sure that the proposed structure would comply with the building code and the ordinance.

Davis stated that the proposed 2 ½ story structure would be in compliance with the ordinance and the building code.

The public hearing was closed at 6:47 p.m.

MOTION

A motion was made by Bouman and supported by Foster to approve the variance request for a twenty-five (25') foot rear setback per the submitted plans.

Bouman 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 lot is small.
2. A lesser relaxation is not possible. The proposed setback is consistent with the neighborhood.
3. The property is unique because the lot is small and has not had multiple lots combined like other lots in this neighborhood.
4. This is not self-created because the lot was platted long ago.

VOTE

Motion carried: 5-0

Davis introduced item #3.

Item #3 James Cook on behalf of Glenn Petroelje is requesting a variance from section 4.11 (accessory buildings) of the Park Township zoning ordinance to construct an accessory building larger than allowed at 958 Sycamore Dr. (Parcel # 70-15-25-179-023 R-3)

No representative was in attendance. It was decided to proceed with the public hearing and then table the item to allow the applicant to address it.

The public hearing was opened at 6:52 p.m.

Jim Ondersma, representing his mother at 946 Sycamore Dr., asked if the applicant is asking for a height variance. He wondered if there would be a garage door, what would be stored in the building, etc. He stated that the applicant has a lot of boats, trailers and snowmobiles etc., strewn around his lot.

Davis stated that the existing building would be replaced by one new, oversized building. There is no height variance being requested. He stated that the ZBA could make a stipulation that the applicant is not allowed to build a separate pool equipment building in the future.

Foster clarified that the pool equipment wiring, etc. is in that location so it wouldn't make sense to building another equipment building later.

The public hearing was closed at 6:58 p.m.

Dreyer stated that he would like more information.

There was a discussion on how to proceed in light of the applicant being absent.

MOTION

A motion was made by Dreyer and supported by Foster to approve the variance for a 24'x32' oversized accessory building as requested.

Dreyer withdrew his motion to await further information. Foster withdrew his support.

MOTION

A motion was made by Dreyer and supported by Foster to table the item to await additional information from the applicant.

The owner arrived.

Arendshorst explained that the builder had not shown up and explained what had transpired thus far.

Dr. Glenn Petroelje, 958 Sycamore Dr., stated that the existing building is sagging, etc. The foundation is in bad shape. The proposed building would architecturally match the house. It would contain the pool equipment, bike storage and dressing rooms. It would have two garage doors for vehicle storage. It would have dormers.

Arendshorst asked why he couldn't rebuild the same size building.

Petroelje stated that he thought that it had to do with rafter sizes, etc. The current dressing rooms are very small. He reiterated that they are adding vehicle storage. They are moving further onto their lot by two feet. He clarified that he owns the adjoining lot. The proposed building would have somewhat of a hip roof but the upper level would just be for storage and would have a pull down ladder.

Foster questioned the size relating to the lumber, etc.

Davis stated that he had talked with the builder, Jim Cook. The existing garage is a unique dimension so rebuilding the same size would require custom trusses. The proposed building was designed to house the pool equipment because the layout of the property doesn't leave room for another building.

Arendshorst stated that they should put a stipulation that no other building may be built in the future.

Dreyer withdrew his motion. Foster withdrew his support.

MOTION

A motion was made by Foster and supported by Dreyer to approve the variance for a 24'x32' oversized accessory building in the same location, as presented in the application. The building must contain the pool equipment. No other pool equipment building may be built in the future. This stipulation must be registered at the Ottawa County Register of Deeds.

Foster 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 there is not room to build two separate buildings.
2. A lesser relaxation is not possible. The proposed building would not interfere with anyone's line of sight.
3. The property is unique because of the existing locations of the current building, the house and the pool. It would be difficult to find a location for an additional pool equipment building. It would require a variance to have a building between the house and the lake.
4. This is not self-created because the structures were placed prior to the ordinance.

VOTE

Motion carried: 5-0

Item #4 Officer Elections

MOTION

A motion was made by Bouman and supported by Dreyer to nominate John Foster for Chair for the remainder of the officer term year.

VOTE

Motion carried: 5-0

MOTION

A motion was made by Dreyer and supported by Foster to nominate Joannie Bouman for Secretary for the remainder of the officer term year.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

1. Arendshorst urged the new members to consider taking the Citizen Planner series through MSU.
2. Dreyer asked if they could meet next month at 6:00 p.m. to go over the meeting procedures. That was agreed upon.
3. Foster stated that he will be absent next month.

MOTION

A motion was made by Foster and supported by Dreyer to adjourn at 7:37 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.