



ZONING BOARD OF APPEALS

Regular Meeting
October 26, 2009

DRAFT COPY

Vice-Chair Nicki Arendshorst called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:00 p.m.

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

Absent: John Foster

WORK STUDY SESSION

The Zoning Board of Appeals (ZBA) members went over the ZBA meeting procedures and rules. The standards for reviewing a variance were explained.

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 Reyes to approve the minutes for the September 28, 2009 regular meeting as presented.

VOTE

Motion carried: 4-0

Davis introduced item #1.

Item #1 The Troxel Company on behalf of Frederick Ganzi is requesting a special use in accordance with section 4.11(b)(2)(h) of the Park Township Zoning Ordinance. Said land and premises are located at 748 N. Shore Dr. (Parcel # 70-15-25-443-001 R-3)

Brian Troxel, contractor, spoke for the appeal. He stated that the applicant is asking to rebuild an accessory building that is between the house and the lake on a lakefront lot. The building would be used

for a sprinkler pump and for storage. The existing building is old and the foundation is failing. The building will match the house in style and color. The location would be the same.

Dreyer asked the height of the existing and the proposed building.

Troxel stated that the existing building is approximately eight feet (8') to the peak and the proposed building would be slightly taller.

Frederick Ganzi, 748 N. Shore Dr., stated that he had spoken with some of his neighbors and they had no objections.

The public hearing was opened at 6:42 p.m.

No one spoke.

The public hearing was closed at 6:42 p.m.

MOTION

A motion was made by Dreyer and supported by Reyes to approve the special use for the building placement.

Dreyer went over the three standards found in section 4.11(b)(2)(h) of the Park Township Zoning Ordinance for a special use for the placement of a lakefront accessory building:

1. The location of buildings on the lot or adjoining properties: The building would be in the same location and would not be in anyone's view.
2. The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.: This would not affect anyone's view.
3. The character of the proposed accessory building and the effect on the surrounding neighborhood: This would be an improvement because it matches the house.

VOTE

Motion carried: 4-0

Davis introduced item #2.

Item #2 Daniel Mitchell is requesting a variance from section 18.02 of the Park Township Zoning Ordinance. Said land and premises are located at 2433 Michigan Walk. (Parcel # 70-15-33-384-010 R-4)

Daniel Mitchell, 2433 Michigan Walk, spoke for the appeal. He stated that the house is basically the same as when it was built in 1896. He stated that the basement has a sand floor and is of varying height. The basement would be dug to a depth of eight feet (8') and new walls and a concrete floor would be installed. The house would not change vertically at all. The footprint would not change and would actually decrease after the removal of an existing deck. There would be a garage in the newly excavated basement that would change the use of the basement. There would be a sloped entry with a garage door installed. The drive would face a parking lot.

Arendshorst clarified that she and her husband own a cottage in Macatawa but it is not within the 300 foot notice area and this request would have no impact on their cottage.

The public hearing was opened at 6:51 p.m.

No one spoke.

Arendshorst stated that the ZBA had received four letters of support.

The public hearing was closed at 6:50 p.m.

Dreyer asked for clarification on the application.

Davis stated that the applicant is asking for an alteration to a non-conforming structure (by area) to change part of the basement into a garage.

Arendshorst 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 applicant could not use his basement or add a garage otherwise. There is no other area on his property to add a garage.
2. A lesser relaxation is not possible. Either you allow the excavation of the basement or you don't.
3. The property is unique because it is small and also because of the way that Macatawa Park was platted initially.
4. This is not self-created because it was platted and built back in 1896.

MOTION

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

VOTE

Motion carried: 4-0

ANNOUNCEMENTS

1. Arendshorst informed the ZBA members that the township is offering them township email accounts. After discussion, the ZBA members stated they were in favor of having township email accounts.

MOTION

A motion was made by Reyes and supported by Dreyer to adjourn at 7:09 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.
- 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.