



Park Township

Ottawa County, Michigan

PARK TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Draft until approved at next meeting

November 24, 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: John Foster, Doug Dreyer, Jim Hertel, David Clark, Nicki Arendshorst and Eric Davis, Zoning Inspector

Absent: None

MOTION

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

VOTE

Motion carried: 5-0

MOTION

A motion was made by Dreyer and supported by Arendshorst to approve the minutes for the October 27, 2008 regular meeting as presented.

VOTE

Motion carried: 5-0

Item #1 Gail W. Todd and Jonathon & Charles Haddad are requesting variances from section 10.4(d) of the Park Township Zoning Ordinance in order to move a lot line. Both properties are currently nonconforming per section 10.4(d). Neither property would meet the requirements of this section if the lot line were adjusted as proposed. These properties are located at 755 Lakeside Road (parcels 70-15-33-388-012, 044, 014) and 2450 Grove Walk (parcel 70-15-33-388-004).

Tony Todd, husband to Gail, spoke for the appeal. He stated that they are trying to purchase property from the neighbor behind them in order to put a bedroom addition on their existing house. There would not need to be a variance for the addition itself, if this new property is added to the lot.

The public hearing was opened at 6:12 p.m.

Dan Topp, builder, stated that this would be a low-impact addition. He stated that the DEQ has no problem with the addition.

The public hearing was closed at 6:13 p.m.

Clark clarified that the required rear setback is twenty-five feet (25').

Davis clarified that a variance is needed because lot #107 is already non-conforming and it is being made smaller. He asked how wide the addition would be.

Todd stated that it would be "one-third of the way away from the north side. It would go twelve to thirteen feet back from the existing structure". They would stay within the buildable lot, approximately seven feet from the new lot line.

Davis stated that the Todds own three lots here. He stated that it is his recommendation that the three lots and this new piece, if approved, be combined into one parcel.

Todd stated he was not opposed to that.

Clark recommended that an irrevocable lot merger agreement be signed.

Clark went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. It would be impossible to have strict compliance.
2. A lesser relaxation is not possible.
3. The entire area is unique to the township. This lot is unique in the area as well.
4. It is not self-created.

MOTION

A motion was made by Dreyer and supported by Hertel to approve the variance request for lot #107 because the four standards can be met. The following condition must be met:

1. The three parcels for 755 Lakeside Road and the new piece must be combined into one new tax parcel.

VOTE

Motion carried: 5-0

ANNOUNCEMENTS

1. Clark welcomed new member John Foster.

MOTION

A motion was made by Hertel and supported by Dreyer to adjourn at 6:25 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.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.