



**MINUTES  
PARK TOWNSHIP  
ZONING BOARD OF APPEALS**

Regular Meeting  
December 27, 2010  
6:30 p.m.

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

Present: Nicki Arendshorst, Joannie Bouman, Doug Dreyer, John Foster, Lu Reyes

Others: Jerry Felix

**MOTION**

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

**VOTE**

Motion carried: 5-0.

**MOTION**

A motion was made by Mr. Dreyer and supported by Ms. Arendshorst to approve the minutes for the October 25, 2010 regular meeting as presented.

**VOTE**

Motion carried: 5-0.

Mr. Felix introduced Item #1.

**Item #1**      A variance request by Grace J. Thompson, Trust, for a lesser side yard setback than allowed for a proposed lot separation per section 38-246 (2) of the Park Township Code of Ordinances. Said land and premises are located at 3535 Lakeshore. (Parcel #70-15-09-348-006 R-2)

Mr. Felix explained this request is unique in that originally there were two lots of record. There is a house on the southern lot with the north lot vacant. The owners would like to split the lots and are requesting approval of a setback variance from 10 feet to 4 feet on the north side. He has received two letters opposing the proposed separation.

Gary Thompson, 3790 Lakeshore Drive, stated he represents his mother's estate. His brother, Craig Thompson, executor of the estate, and son, Adam, are also present. The house was bought in 1956 and the adjoining lot later. The lots were joined at that time through the Township. He requests the variance to split the two lots which would be advantageous to the estate for future sale purposes. There was a resurvey of the area in the 1970s and as a result everyone's lot lines were moved. The property ended up with an encroachment because it had a structure on the corner of the lot. The lot lines were moved since that structure was built.

Mr. Foster asked if the lots were split someone would have to meet current zoning standards with new setback rules if they purchased the property in the future.

Mr. Thompson confirmed the lot line issue is between the two lots with no impact on the neighboring lot.

Ms. Arendshorst confirmed nothing would change. Mr. Thompson asks to maintain the structure within the 10 foot of the lot line.

Mr. Dreyer confirms they are within the setbacks. Mr. Felix said a new buyer could build within that 10 foot line.

The public hearing opened at 6:36 PM with no comment. Mr. Foster asked if the Board had read the letters and if they had further questions. The public hearing closed at 6:37 PM.

Mr. Foster requested a motion to support or deny the request. Ms. Arendshorst confirmed that the Board's action is to approve the variance rather than to split the lot as the application stated. The Board discussed the request and concerns expressed in the two letters received by the Township Office.

## **MOTION**

A motion was made by Ms. Arendshorst and supported by Mr. Dreyer to approve the request for a lesser setback.

Ms. Arendshorst reviewed the standards as stated in Sec. 38-70:

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

**The applicant should have full use of the lot as it was allowed by the original record when the house was built.**

- 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.

**The property was that way originally; it does not change the situation with no injustice to any parties.**

- 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 condition of the zoning district.

**It is a unique circumstance and the two lots should be considered separate as originally determined.**

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

**The owners did not join these properties together. It was not self-created.**

Mr. Foster requested Ms. Arendshorst to restate the motion. She moved to approve the variance request by the Grace J. Thompson Trust for a lesser setback than allowed for the proposed lot separation.

## **VOTE**

Motion carried: 5-0.

**Item #2** A variance request by Karl and Ami Nadolsky for a lesser front yard setback than allowed for a proposed addition, per section 38-246 (1) of the Park Township Code of Ordinances. Said land and premises are located at 2393 Idlewood Dr. (Parcel #70-15-28-132-012 R-2)

Mr. Felix presented Item #2. He explained the owner wants to add 40' to fill in the square of a building. The side yard is the location. The owner wants to fill in the lot with no changes of the side yard. 100 square feet is the request to fill in

the area. Drawings were included in the Board packet to illustrate the uniqueness of this request. Idlewood Street is the front street on the west side of the property. The Township office has received one letter from a neighbor with no opposition.

Mr. Joel Sweet, Builder, 2515 72nd Ave. in Zeeland. He described the area involved is 10 X 11 feet in an existing building. The variance will not change.

Mr. Foster said he had looked at the property and asked about the lower roof line. Mr. Sweet explained the roof line would be about 12-18" taller than the existing one.

Ms. Arendshorst appreciated the clear drawings that were presented and requested clarification of the spelling of the applicant's name since there is an inconsistency in the application and the agenda. Mr. Felix confirmed the correction.

Mr. Foster asked for public comment at 6:49 PM. There was no comment and the public hearing closed at 6:50 PM.

He requested a motion.

## **MOTION**

Ms. Bouman moved and Ms. Arendshorst supported Board approval of the variance request for a lesser front yard setback than allowed for the proposed addition.

Ms. Bouman reviewed the standards as stated in Section 38-70:

- 1) That strict compliance with the area restrictions governing area set backs, frontage, height, bulk or density, or other regulation would render conformity with those restrictions unnecessarily burdensome.

**Because of the shape of the lot the owner has nowhere else to go so "filling in the box" is the most logical plan.**

- 2) That granting the requested variance would do substantial justice to the applicant as well as other property owners in the zoning district. If 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.

**This is an area where probably the majority of the homes do not conform to setbacks so it matches other properties in the neighborhood.**

- 3) That the plight of the property owner is due to the unique

circumstances of the property and not due to general conditions of the area.

**The property is on a peninsula, is a small lot, and it would be difficult to conform to code. The problem is not self-created.**

## **VOTE**

Motion carried: 5-0.

## **ANNOUNCEMENTS**

Mr. Felix stated that to date there are no requests for January. Mr. Foster thanked Ms. Reyes for acting as chair in his absence during the October meeting.

## **ADJOURNMENT**

The meeting adjourned at 6:55 PM.

Respectfully submitted,

Judith R. Hemwall  
Recording Secretary  
12/29/2010