

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
January 23, 2017
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Doug Dreyer called to order the regular meeting of the Park Township Zoning Board of Appeals at 6:30 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

Present: Doug Dreyer, Dennis Eade, Dave Fleece, Jim Gerard, Dan Hendon

Absent: John Foster

Staff: Ed de Vries, Zoning Administrator

Chair Dreyer introduced the newest member of the Zoning Board of Appeals, Jim Gerard.

APPROVAL OF AGENDA:

Motion by Eade, supported by Hendon, to approve the agenda as presented.

Voice Vote: Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Motion by Fleece, supported by Eade, to approve the minutes of the December 27, 2016 Regular Meeting as presented.

Voice Vote: Ayes 5, Nays 0. Motion carried.

BUSINESS ITEMS:

Item #1 – A request by Robert J. Schuitema for additions to a single family dwelling that will leave a rear yard of 46 feet where 50 feet are required, and front yard of 74 feet from the centerline, where 83 feet are required by Section 38-495(2) and 38-497 of the Park Township Code of Ordinances. Said land and premises are located at 1741 South Shore Drive, Holland, MI 49423. (Parcel #70-15-34-425-021, R-3)

de Vries provided background on the application. The applicant is proposing additions to both sides of an existing non-conforming residence which will not get closer to the front or rear property lines. The house is on a major road which requires the greater setback, and the wording in Section 38-497 precludes the ability to use front yard averaging in this case. The rear yard abuts Lake Macatawa.

The property is on lots 25 and 26, and part of lot 24 of the Macatawa Park Grove subdivision platted in 1883. The existing home was estimated to have been built around 1920. Assessor's records show a 1,278 square foot footprint for the house, of which 840 square feet are in the two story section, with the remainder being one story. There is an attached 380 square foot (19' x 20') garage which the applicant will remove. The home has been vacant for approximately six months, but maintenance has been neglected for several years. Permit records reflect three windows were replaced in 1986, and roof shingles were replaced in 2014. The home was purchased from an estate last month by the applicant.

The home is 41.1 feet from the front lot line at the closest point. Section 38-497 requires 83 feet from the centerline, or 40 feet from the property line, whichever is greater. This would equate to requiring a 50 foot front yard (83' – 33' for half the right-of-way). At the rear the house is 48 feet from the lake at the closest point. The zoning district requires a 50 foot rear yard. As the rear yard abuts Lake Macatawa, Section 38-495(2) allows for a lesser rear yard setback with the six standards listed.

The applicant is proposing to remove the existing garage and breezeway area, replacing and expanding the garage to the NE creating a 3 stall garage, and also an addition to the SW lot line. The applicant is also proposing to add along or within the existing setback from both the road and waterside. All additions are proposed to be single story in height.

For the additions on the waterfront side of the lot, the six standards listed in Section 38-495(2) shall be considered.

The request for a variance from the setback from a major street is a dimensional variance. The standards listed in Section 38-70 will need to be met.

Schuitema spoke to his application. The home is in serious disrepair but he hopes to bring it up to neighborhood standards with the proposed improvements. These include a master bedroom on the west side and a three stall garage.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:36 P.M.

Randy Rifkin is a neighbor of the applicant and asked if the footprint of the structure will change on the east side.

Dreyer said it will not be any closer to the lake or the road than it is at present. The house will extend to the 10' setback for both side yards. That is the legally required setback.

Steve Ratliff is also a neighbor of the applicant and asked for clarification that the house will not be extended any closer to the street than what it is now. He asked the applicant if he plans to live in the house.

It was clarified that the house will not extend any closer to the street and the applicant plans to live in the house.

Dave Vander Leek lives east of the property and supports the improvements to this property.

Randy Rifkin stated he supports the improvements.

Dreyer closed the Public Hearing at 6:40 P.M.

Dreyer asked de Vries if the new rule, Section 38-483(e), applied to this request.

de Vries said it could have been considered for the rear, but because the addition was extensive it was more appropriate to apply the current setback ordinance.

Fleece asked if you have to maintain the front wall according to the standards.

Dreyer said as long as the existing front wall is not extended the standards apply.

Eade asked if the new building will impose on the view for the east and west properties.

Dreyer said because the house next door is further back from the lake backyard averaging is not necessary.

Dreyer suggested consideration for the rear yard first.

Hendon moved, and Eade supported, to approve the rear setback based on Section 38-495(2) and the following six standards:

A. *The location of buildings on adjoining properties;*

The adjacent properties are closer to the water than what is proposed.

B. *The effect of construction on the lot in question or on the view from adjoining properties;*

The view is not affected for the adjoining properties.

C. *The potential effect of erosion and flooding from high water on the lot in question;*

Based on what we know the property is above the flood plain.

D. The effect, if any, of the proposed building and any related improvements on existing sea wall or other flood control or erosion devices located on adjoining properties;

It does not affect the seawall and it appears it will not affect any of the erosion devices on the adjoining properties.

E. The relative proximity of the proposed building to adjoining properties specifically including proximity to occupied dwellings;

Side yard requirements are met.

F. The effect of the proposed building on adjoining properties and the surrounding neighborhood.

It appears the new construction will be an improvement to the neighborhood.

Roll Call Vote:

Fleece, aye; Gerard, aye; Dreyer, aye; Eade, aye; Hendon, aye.

Ayes 5, Nays 0. Motion carried.

Hendon asked to what extent is the Township responsible if the road on South Shore should be widened.

Dreyer said it would not affect the structure. He didn't see that road being widened in the near future.

Eade commented that it appears this property wouldn't be any more affected than any other.

Gerard asked for an explanation regarding the self-created statement and the interpretation of "alleged difficulties" in the standards.

de Vries explained the meaning of the standard is that the difficulty is caused by a condition of the property and the ordinance, not created by the applicant.

Eade moved, supported by Fleece, that the variance be approved from 83' to 74' with a 9' variance.

Eade reviewed the four standards:

- 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.**

The lot is shallow and doesn't allow a very large building envelope.-A building depth of 30 feet is burdensome on this lot.

- b. That granting the requested the request 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.***

This request is not causing an injustice to the neighborhood. It is an improvement to the conditions of the property.

- 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.***

It's a small lot, built in the 1920s. The lakefront property together with the increased setback from the road is unique and creates the need for the variance. The house was already there, the applicant didn't plat the house. The property was created before the ordinance.

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

The property is unique and was not self-created.

Roll Call Vote:

Fleece, aye; Gerard, aye; Dreyer, aye; Eade, aye; Hendon, aye.

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS:

The next regular meeting is February 27, 2017. Dreyer, de Vries, and Eade will miss this meeting so it was agreed to move the meeting to March 6. de Vries will notify the Zoning Board of Appeals if an application is received. If so, Foster could chair meeting. Dreyer reminded the board that three regular commissioners must be in attendance.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:00 P.M.

Howard Fink, the new Township Manager, introduced himself and offered assistance to the Zoning Board of Appeals.

Dreyer closed Public Comment at 7:03 P.M.

ADJOURNMENT

Hendon moved, supported by Gerard, to adjourn the meeting at 7:06 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
January 24, 2016

Approved:

DRAFT