

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
March 25, 2019
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Vice-Chair David Fleece 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: Dennis Eade, Dave Fleece, John Foster, Jim Gerard, Kathy Grimm

Absent: Doug Dreyer

Staff: Greg Ransford, Planner

APPROVAL OF AGENDA:

Eade moved, supported by Gerard, to approve the agenda as amended.

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

APPROVAL OF MINUTES:

Gerard moved, supported by Fleece, to approve the minutes of December 12, 2018 Regular Meeting as submitted.

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

BUSINESS ITEMS:

Item #1 - A request for a larger detached accessory structure submitted by Mike and Marci Baumann for permission to construct a pool storage building with an overall area of approximately 416 square feet where 200 square feet would be permitted, per Section 38-491 of the Park Township Zoning Ordinance. Said land and premises are located at 16789 Ransom Street, Holland, MI 49424. (Parcel #70-15-03-200-033, zoned R-1 Rural Estates Residence District).

Ransford introduced the request.

The applicant intends for this additional accessory building to be used exclusively as a pool storage building (i.e., to house equipment and supplies necessary to operate and maintain an on-site swimming pool and for a toilet and/or shower). The request is permitted, provided the pool storage building has a maximum height of 16 feet, and a maximum area of 100 square feet for lots equal to one acre or less in size and 200 square feet for lots exceeding one acre in size.

As background, the subject property is located at the northeast corner of Ransom Street and 168th Avenue. The property is approximately 6 acres in area overall, excluding the road right-of-way. The home has an attached 700 square foot garage, and there is an existing 2,400 square foot accessory building on the western portion of the property. The accessory building was constructed in 2005 when the property was combined with lands to the east along Ransom Street. As the property owner of the subject property built residences moving westward along Ransom Street, the accessory building was retained with the remaining lands. When the single-family residence was built on the subject property in 2011, the 2,400 square foot accessory building was retained on the parcel.

Zoning Board of Appeals Considerations:

Pursuant to Sec. 38-491 (b) (1) (b) (2) of the Zoning Ordinance while only one (1) accessory building is allowed on any lot, one (1) additional accessory building may be used exclusively as a pool storage building, provided the pool storage building has a maximum height of 16 feet, and a maximum size of 200 square feet for lots exceeding one (1) acre in size. The applicant is seeking to construct a 416 square foot accessory structure, which is 216 square feet larger than allowed, as their parcel size is greater than one (1) acre. Therefore, the applicant is seeking authorization for a larger building than is permitted.

PUBLIC HEARING

Fleece opened the Public Hearing at 6:32 P.M.

Mark Martinie said he is a neighbor of the applicant and had submitted correspondence to the Township about his concerns.

The applicant, Mike Baumann, offered to answer any questions about his request.

Foster asked the applicant what type of pool equipment he planned to store in the proposed building.

Baumann said all pool equipment, tables and chairs, chemicals for the pool, and storage for a refrigerator.

Foster asked about the type of tables.

Baumann said he had a high top table, lawn chairs, basketball hoop, volleyball net, and other recreational equipment for which he needed additional storage. Since the size of the lot is large he thought he could request a larger building.

Grimm said there is already an accessory building on the property.

Baumann replied that building is already full and he needs more space.

Eade said he was concerned for setting a precedent for future requests of this nature. This property could be subdivided in the future. The Board of Appeals must be cognizant of the rules. In his opinion the proposed building is oversized.

Baumann said he was aware that oversized buildings have been approved in other townships. He assured the Board of Appeals that he felt the building would not impact anyone.

Eade asked if the property will be split.

Baumann said he plans to stay there. His intent is not to sell. He has sold lots on the property and was granted five splits. He doesn't think he will be selling the remaining lot.

Foster said another neighbor was concerned something would be built that wouldn't be allowed.

Baumann responded it is not his plan to make any additions to his house.

Gerard asked if any of the space in the proposed building would be livable space.

Baumann said he understood he could put a bathroom in the building which would be for the pool, but that is not his intent.

Fleece asked Ransford if there is a percentage of space on this size property that is allowed for this accessory building. Has anything been added to the present ordinance?

Ransford said to his knowledge there have been no revisions in the last three years.

Fleece thought it was 2% of the lot size.

Ransford clarified that for a pool this is the allotted number rather than general accessory buildings.

Foster said he understood when he talked with the Zoning Administrator there was a comment made about building a lesser size structure if the Board of Appeals didn't grant his first request. He asked what size could the applicant live with – what was his comfort level?

Baumann understood that 416 square feet is twice as large as allowed but the additional square footage is what will accommodate what he wants to do. However, he will go along with what the Zoning Board of Appeals decides. He doesn't see any negative impact on the neighbors.

Gerard asked where the pool will be located in relationship to the house.

Baumann said it will be west of the house and 20' from the deck.

Baumann asked where the closest neighbor is located.

Baumann said the neighbor across the street is closest to his property.

Foster asked if the neighbor will have the view of the pool.

Grimm asked what drive will be used for the construction.

Baumann said 160th Avenue will be used.

Grimm asked about tree removal.

Baumann said trees have been removed already for the pool area. He has created a screen with some pine trees.

Foster asked about the time frame for construction.

Baumann said his target completion date is the first of June. It will be done quickly – he knows the construction company and they are very efficient. Cement trucks will take two days and all construction vehicles will park on his property.

Fleece closed the Public Hearing at 6:51 P.M.

Foster moved, supported by Gerard, to approve the request for the larger accessory building.

Eade said the ordinance is there for a reason. The applicant is asking to break the rules. How can the Zoning Board of Appeals accommodate the applicant without setting a precedent? The applicant said he could get along with 200 square feet so the Township should hold true to the ordinance. If the property is further subdivided what implication would there be? It is a possibility.

Ransford said the applicant would have division rights in ten years. The applicant says he has no other land to subdivide. When the last subdivision was granted the 10 year clock started. He noted that this is under administrative approval – you don't have to meet all five standards. A condition could be placed regarding the subdivision. He could contact Legal Counsel to clarify this.

Foster said he thought they could meet 3 of the 5 standards.

Fleece clarified they don't have to meet all 5 standards.

Ransford confirmed that was the case here – it is not a standard variance request. This is a different provision in the ordinance.

Foster said under non-use dimensional it says you can grant a lesser variance. Could this apply here?

Ransford said it is reasonable to consider this. The Court has ruled that if you find a variance is necessary you grant the minimum variance necessary to reasonably use the property. It's a fair

application to this process. You consider what is the reasonable regarding the size of the property and its relationship to the neighbors.

Foster reviewed the standards:

1. The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;

Foster said the applicant has 6 acres – it won't dwarf the house, the applicant's plan is within the building site and it meets setback requirements.

2. The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;

Foster said he doesn't think it is not going to dwarf the house, it won't be that visible, and meets the height requirement.

Fleece asked the height measurement. Gerard said it is 14'.

3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;

Foster asked Ransford about adjoining lots in this standard. Ransford said the neighboring lots is what is meant here. Clearly, the building won't adjoin a neighboring lot, it won't encroach on any lots and it won't be visible most of the year except for the winter season.

4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and

Looking at the placement of the building there is no problem with light and air circulation.

5. Whether the accessory building will adversely affect the view of any adjoining property.

There is no adverse effect based on photos of property, including from street level. If the applicant provides the tree buffer he mentioned it should be satisfactory.

Baumann commented regarding splitting of the property, if ever this happened. The pool house would be sold with the house. He could put another house on the other lot. He would still have 2400 square feet left on the property.

Ransford said a condition regarding tree removal could be added to the motion.

Gerard advised an amendment to require tree removal to a minimum on what has to be removed on the property for this project.

Foster moved, supported by Eade, to approve adding an amendment restricting tree removal to only that area necessary for the proposed building.
Foster asked the applicant how many trees he has already removed.

Baumann said he has removed three hemlock trees.

Roll Call Vote:

Gerard, aye; Fleece, aye; Foster, aye; Eade, aye; Grimm, aye.

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS

Fleece noted the corrected copy of the calendar of 2019 meetings. It has been set up for the third Tuesdays.

The next meeting is April 16, 2019.

Eade moved, Fleece supported, to approve the revised 2019 meeting calendar.

Roll Call Vote:

Gerard, nay; Foster, aye; Fleece, aye; Eade, aye; Grimm, aye.

Ayes 4, Nays 1. Motion carried.

PUBLIC COMMENT

Fleece opened Public Comment at 7:14 P.M.

There was no comment.

Fleece closed Public Comment at 7:14 P.M.

ADJOURNMENT

Eade moved, supported by Foster, to adjourn the meeting at 7:15 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
March 26, 2019

Approved: