

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**
Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
April 23, 2018
6:30 P.M.

DRAFT-APPROVED 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, John Foster, Jim Gerard

Staff: Ed de Vries, Community Development Director

APPROVAL OF AGENDA:

Chair Dreyer noted one change in Item 5 – the date of the next meeting will be May 21, 2018 instead of May 28 because of Memorial Day. He requested a motion to approve the amended agenda.

Motion by Foster, supported by Fleece, to approve the agenda as amended.

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

APPROVAL OF MINUTES:

Motion by Gerard, supported by Eade, to approve the minutes of the March 26, 2018 Regular Meeting as presented.

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

BUSINESS ITEMS:

Item #1 - A request by Wade Eldean on behalf of Macatawa Partners LLC to allow a roof height of 49.75 feet where 35 feet is allowed per Section 38-454 of the Park Township Zoning Ordinance. The property is located at 2150 South Shore Dr., Holland, MI 49434. (Parcel #70-15-33-480-022, C-2)

Applicable Ordinance: Sec. 38-6 **Definitions. Building Height**

The vertical distance measured from the average existing grade, measured three feet out from the structure, to the highest point of the roof surface.

Sec. 38-454 **Height regulation.**

No building or structure shall exceed 35 feet in height.

As background, de Vries noted this past winter Eldean Shipyard sustained damage to the roof of one of their storage buildings. They would like to repair the damage by replacing the flat or nearly flat roof with a sloped roof, which will raise the height of the structure.

Zoning Board of Appeals Considerations:

The marina operation is permitted as a special use in the C-2 Resort Service District. A marina has operated in this location for as far back as current records show. The Zoning Board of Appeals granted a similar variance for Yacht Basin marina in March of 2017 for a height of 39 feet. There are currently other buildings on the Eldean property that are 39 and 40 feet in height. Those buildings did use a roof slope of 1:12. This request is similar, with the exception of asking for a steeper roof slope and an additional 10 feet in height. The Zoning Board of Appeals should examine this in light of the standards to ensure uniformity in applying the ordinance.

Wade Eldean, owner and manager of Eldean Shipyard, addressed his request. He shared a letter of support he had received. The roof problems resulted from the last snow. Mark Servinsky of Servinsky Engineering, can address the issues of snow load should the Board of Appeals want to ask questions. Eldean said a sloped roof will avoid future problems and will allow a boat lift into the building. He has had to turn away customers who require a greater height. He showed a photo of the building that needs the repair. He added that the neighboring home should not be adversely impacted because of the wooded area and distance from the shipyard.

He also noted the property nearby, Pointe West, was approved for a 65' building.

Dreyer asked about the concern regarding the greater height and the 1:12 slope.

Eldean explained his proposal will greater serve the need for accommodating taller boats. He also added that the engineers stated a shallow or flat roof would negatively impact the attached building.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:44 P.M.

There was no comment.

Dreyer closed the Public Hearing at 6:44 P.M.

Fleece asked Eldean if he had explored retrofitting the existing building.

Eldean said there are two trusses – the plan is to use one which is a better way to go with the design.

Servinsky explained currently there are wood trusses which deflected with the weight of the snow.

Eade asked what kind of boats are currently stored in the building.

Eldean said there are boats stored in the building as high as 35’.

Gerard asked if the height would be taller than the trees in relationship to the neighbors’ view.

Eldean replied it would about the same or less.

Foster asked if the Board of Appeals were to allow 35’ could he use the truss.

Eldean said he couldn’t. Servinsky said it would not be a good idea to remove the roof but rather build over it.

The Township received one letter in support and one that was negative.

Eade moved, supported by Foster, to approve the request. He noted the uniqueness of the marina and its commercial importance in the Township. He was concerned about 50’ vs. 40’ which was previously authorized, however, if it doesn’t create an issue it is justified.

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.

In this case, what is explained because of the angle of the previous roof height there was a problem with snow and resultant collapse and leaking into the building. With a steeper angle this problem can be avoided.

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 Township didn’t receive an outpouring of concern rejecting the proposed increase in height. Also, the building isn’t encroaching on nearby properties. There would be less mass with the steeper roof than a flatter roof over the width of the building.

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 is due to the condition of the marina, not the general conditions of the zoning district, and provides important service to larger boats enabling it to remain in business. This is unique to the business. The new materials in the construction will also be an improvement.

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

They are not self-created because of the weather conditions and the demands of the business in serving customers.

Roll Call Vote:

Fleece, aye; Foster, aye; Dreyer, aye; Eade, aye; Gerard, aye

Ayes 5, Nays 0. Motion carried.

Item #2. A request by Bruce and Debra Caukin to allow an addition to a building with a 52.5 foot setback from the centerline of the road where 83 feet is required per Section 38-497 of the Park Township Zoning Ordinance. The property is located at 1641 South Shore Dr., Holland, MI 49423. (Parcel #70-15-35-301-036, R-3).

Applicable Ordinance: **Sec. 38-497. Additional setbacks for structures adjacent to major streets.**

Notwithstanding any other provision of this article to the contrary, no building shall be constructed, erected or enlarged on a lot abutting a primary arterial road (i.e., a road designated in the Township general land use and circulation plan, as a road that collects traffic and channels traffic into or out of the Township, as the plan may be amended from time to time), unless the building meets the minimum setback of 83 feet as measured from the center line of the road right-of-way, or 40 feet as measured from the end of the road right-of-way, whichever is greater.

de Vries addressed the request. The applicant wishes to add an attached single stall garage to the four unit residential condominium. The use of the structure appears to result from a Transitional Zoning decision early in 1980. Records show a postponement of the decision by the Zoning Board of Appeals, however subsequent minutes are missing. It is assumed it was approved as the Planning Commission conducted a site plan review in mid-1980. From Ottawa County records the parcel was split June 16, 1982. The applicants purchased their condo in June of 2011. The residential structure contains four condominiums, two upstairs and two down.

Zoning Board of Appeals Considerations:

All four units have an attached single stall garage. In addition, three of the units have indoor parking in a detached three stall garage located near the road. The applicant owns the only condo with one indoor parking space. Current ordinances would require eight outdoor off-street parking spaces for the four units. Only three spaces are marked, however, there is conceivably room for a few in front of existing garages. The proposed area for the additional attached garage is currently part of the yard, and would reduce a small area of blacktop.

Caukin spoke to his application. His purpose is to provide indoor parking for his second vehicle during the winter. He has looked at other options which will not work. The benefit is to minimize the size of the garage structure at 19'. He is asking for 9' to create the second stall. He showed the Zoning Board of Appeals an architectural rendering of what it would look like. It is his intent to maintain the character of the building. He showed a picture of the snow issues in the area. There is no place to park in the winter months.

Fleece asked if there is a loss of parking space with the addition.

Caukin said there was no loss.

Foster asked if there was a need for extra parking in winter.

Caukin said three spaces are lost during the winter because of snow buildup. If there is a second stall the second car wouldn't take one of the three guest spots provided. It would help the condo association so everyone would have the same of garage space. He has tried to not impact neighborhood safety. He has support of the condo owners and the neighbor to the east.

PUBLIC HEARING

Dreyer noted the Township did not receive any letters regarding this request.

Dreyer opened the Public Hearing at 7:15 P.M.

Phil Spinelli, one of the owners of the condo units, said the condo association is in favor of the request. He would like to see the garage added. The structure will help the condo environment, it will provide parity for all the owners, and enhance condo owner investment.

Dreyer closed the Public Hearing at 7:17 P.M.

Fleece observed the garage structure is beyond the average setback.

Dreyer said if this was not on a main artery the applicant would not be making this request. This is because of the main artery ordinance setback requirement. The road in this case will likely not be widened. He added that he understands the hardship in the winter. In his opinion, the remainder of the required standards present no problem. This is a unique situation in that the applicant has nowhere else to go with the construction.

Foster moved, supported by Gerard, to approve the request.

Foster 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.

There is no other place to place the garage thus the location will be the least burdensome. It is a burden to the owners to not have a second garage. The Township primary road 83' ordinance is the burden.

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.

Given there are other examples of garages closer to the road there is no lesser relaxation. It does justice to the other condo owners and the condo association.

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.

The property is unique because the lake is on one side and the road on the other. There is no other location possible for the structure.

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

The owner purchased the property in 2011 and there was no second garage at the time. The existing use was allowed. The burden is not created by the owner.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS:

The next regular meeting is May 21, 2018, a week earlier because of Memorial Day. de Vries has one application to date.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:31 P.M

No comment.

Dreyer closed Public Comment at 7:31 P.M.

ADJOURNMENT

Gerard moved, supported by Fleece, to adjourn the meeting at 7:33 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
April 25, 2018

Approved: May 21, 2018