

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
May 21, 2018
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, John Foster, Sally Pollock

Absent: Jim Gerard (with notice)

Staff: Ed de Vries, Community Development Director, Andrea Hendrick, Zoning Consultant

APPROVAL OF AGENDA:

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

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

APPROVAL OF MINUTES:

Motion by Eade, supported by Fleece, to approve the minutes of the April 23, 2018 Regular Meeting as presented.

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

BUSINESS ITEMS:

Item #1 - A request by Daniel Ralya on behalf of Rick Mannes to allow construction of a gazebo that does not meet the required front yard setbacks per Section 38-491 (b) (2) d & e of the Park Township Zoning Ordinance. Property is located at 2029 Lake St., Holland, MI 49424. (Parcel #70-15-27-355-003, R-3)

de Vries provided the background information on this request. A building permit application was filed for a gazebo/ pergola type structure to be built on an existing deck. The deck is less than 30 inches in height, therefore it is not subject to required yard setbacks. The gazebo structure is within the required front yard setbacks for both Lake Street and Ash Street. The property is described as Lot 4 of the Chippewa Resort subdivision platted in 1915. The lot fronts Lake Street, Ash Street, and Ottawa Beach Road. The R-3 zoned property is nonconforming in area, 8,700 square feet where 15,000 square feet is required, and in width of 50 feet where 90 feet is required. The existing house was built in 1981 with a variance granted on 3/2/1981 for a 25 foot setback from Lake Street, and a 9 foot side yard allowed from the west property line. No mention of the setback from Ash Street, even though at the time the ordinance did require a front yard setback on double frontage lots.

In June of 1998 a permit was issued for an addition, but no record was located of a variance for that addition. In March of 1999 a permit was issued for interior remodeling, and in April of 2004, for a ground level patio and deck. The current owner purchased the house and property in July of 2013. A permit for interior renovations was issued in April of this year. Earlier this year the deck was damaged by a small fire. The applicant now wishes to rebuild the deck and add the gazebo with a pergola type roof.

Zoning Board of Appeals considerations: The Ottawa County GIS shows the lot is fronted by three streets. Ottawa Beach Road to the north is listed as a primary road and requires a setback of 83 feet from the center of the right-of-way. Ash Street to the east has a 33 foot wide right-of-way and would require a 40 foot setback. Lake Street is to the south, and was allowed a 25 foot setback in the variance granted in 1981. The same variance granted a 9 foot setback from the west property line. The lot is 50 feet wide, which leaves the one foot wide building envelope depicted by the blue dashed line on the photo in the Staff Memo of May 14, 2018.

This is a nonuse dimensional variance request and the standards from Section 38-701 will have to be met.

PUBLIC HEARING

Dreyer opened the public hearing at 6:40 P.M.

There was no comment.

Dreyer closed the public hearing at 6:40 P.M.

Dreyer noted neither the applicant nor representative were present for the meeting. He proposed moving forward with discussion of the request based on what the applicant has submitted in writing.

Dreyer said the burden stated is a need for shade, however, that is not considered a burden so it doesn't meet the first standard.

Pollock observed the proposed building isn't near any setbacks that are required.

Dreyer added there is no blocking of the site line or interference of air flow.

Foster said it doesn't meet the setbacks on Ash and Lake Streets.

Pollock said the gazebo will be no higher than the roof line.

Dreyer said the ordinance considers the gazebo as a structure so it cannot be built in this setback environment.

Eade asked why the staff referred this request to the Zoning Board of Appeals.

de Vries said when the applicant filed for the building permit it was denied because it was in the setback area. The applicant asked about a variance. He reviewed the standards with the applicant, and the applicant decided to appeal. We cannot deny someone applying for a variance.

Dreyer said this is self-created and it doesn't meet standards #1 and #4. He added that the ZBA recently denied a similar request.

Pollock asked if the applicant could add a retractable awning. This would provide the shade that is desired.

Everyone agreed that this is a possible option.

Eade moved, supported by Foster, to deny the request based on failure to meet all four standards, particularly #1 and #4.

de Vries said not all standards have to be reviewed in this case.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried to deny the request.

PUBLIC COMMENT

Dreyer opened Public Comment at 6:50 P.M

There was no comment.

Dreyer closed Public Comment at 6:50 P.M.

ANNOUNCEMENTS

de Vries will e-mail Andrea's contact information to the members of the Zoning Board of Appeals. She may attend Zoning Board of Appeals meetings in the future. Either Hendrick or Ransford will handle ZBA requests upon de Vries' retirement in September.

The next meeting is scheduled for June 25, 2018.

de Vries said he has no applications to date.

Foster said he will be out of town for the June meeting.

de Vries noted that elections for officers will be held at the June meeting.

ADJOURNMENT

Foster moved, supported by Pollock, to adjourn the meeting at 6:51 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
May 22, 2018

Approved:

DRAFT