

**MINUTES  
PARK TOWNSHIP  
ZONING BOARD OF APPEALS**

Park Township Hall  
52 152<sup>nd</sup> Street  
Holland, MI 49424

Regular Meeting  
June 25, 2018  
6:30 P.M.

**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, Kathy Grimm, Sally Pollock

Absent: John Foster, Jim Gerard

Staff: Ed de Vries, Community Development Director

**APPROVAL OF AGENDA:**

Fleece moved, supported by Eade, to approve the agenda as presented.

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

**APPROVAL OF MINUTES:**

Eade moved, supported by Pollock, to approve the minutes of the May 21, 2018 Regular Meeting as presented.

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

Ayes 5, Nays 0. Motion carried.

**BUSINESS ITEMS:**

**Item #1 - A request by Scott Christopher Homes on behalf of Shawn and Cheri Hulst** to allow construction of an attached garage with a side yard of three (3) feet where 10 feet is required per Section 38-246 (2) of the Park Township Zoning Ordinance. Said land and premises are located at 3659 Lakeshore Dr., Holland, MI 49424. (Parcel #70-15-09-184-028, R-2)

de Vries introduced the agenda item. The property is described as the west 440 feet of lot 26 of Heneveld's Supervisors Plat 5, platted in 1932. Lot 26 as platted extended from Lakeshore Drive to Lake Michigan. Unknown when the property was split other than that it was prior to 1997. The home was estimated to have been built around 1930. A porch was added in 2001, Siding, roof, windows, doors and repairs to the detached garage in 2002. A roof was added in 2003, windows and siding in 2004. A two story addition on the east side was added in 2005 and in 2006 interior remodeling was done for the kitchen, bath, and living room. The current owners purchased the property in February 2016.

Although it has a Lakeshore Drive address, the property does not have frontage on Lakeshore Drive. The property and home are accessed from a private deeded surface road known as Maple Beach. The property is non-conforming in both area, .54 acre instead of the required one acre, and width, 50 feet instead of the required 100 feet. The house and detached garage have nonconforming side yard setbacks. On the north side the house is on and, at one point, slightly north of the property line. The house does meet the requirements on the south side. The existing 425 square foot detached garage is 3 feet from the south lot line instead of the required 10 feet. The applicant has applied for a building permit for an addition to the house which would connect the garage, and rebuild the garage making it larger but keeping the same side yard setback. This area is also under MDEQ regulations as a Critical Dune Area, and High Risk Erosion Area. The home is served by private well and septic as there is no municipal water and sewer available.

#### Variance Standards Review:

As the request is a non-use (dimensional) variance request the standards listed in Section 38-70(1) will need to be met.

Tom Vander Hulst addressed the variance request, representing the applicant as builder. He explained that the main difficulty is applying Township regulations to a lot that is 50' wide and a ½ acre. The critical dune and high risk erosion area make it even more difficult. The Hulsts want the cottage to be a year-round home and need more space for children and storage. The existing garage is 3' from the south lot line. He reviewed the four standards and provided his rationale for the variance request. For standard #1 - it is burdensome given the small lot and location of the septic system (the owners had to make it larger to meet County standards when they purchased the home). If they move the garage to the north the driveway would be over the septic. The 25' x 25' dimensions of the proposed garage do not represent a large garage.

He was asked by the Township about using an engineered septic system. He spoke to the Health Department who advised it is normally used when the soil has drainage problems, which is not the situation on this lot. He also stated it would not save that much space, requiring 25 to 30 percent less space. The rule is to be 10' away from lot line with the septic system, which was grandfathered in for this property, but this isn't possible. No matter what he tries to do on the lot there will be a setback issue. An engineered system is \$40,000 to \$50,000, too expensive for the size and value of the house. He would have to redesign the building envelope to provide a side entry. He runs into a setback issue on the side which also presents a problem with front door access.

For the second standard - allowing the owners to add to the house does them justice with no injustice to any neighbor. The new plan will fit into the neighborhood. The majority of the houses on the street are now year-round homes.

For standard #3 – this is a unique ½ acre lot restricted by MDEQ regulations. The owners have no choice but to build the garage where it is because of restrictions for placement of the septic system. Would a smaller garage work? It's a possibility, but a small two stall garage is the most practical approach. There is no accessory building on the property.

Standard #4 – this is not self-created because of the size of the lot. The critical dune issue is out of the owners' control. The owners love the area and want to spend their time year-round in this house.

## **PUBLIC HEARING**

Dreyer opened the public hearing at 6:45 P.M.

Jane Bos lives to the north of the owners. She mentioned a letter her husband sent to the Township which was not in support but, after he received more information about the proposal, they are now in full support of the request.

Shawn Hulst the applicant, spoke to his love of the community and appreciated the encouragement of their neighbors. He has shared the plans with them and he has their support. He met with 18 of the neighbors on Maple Beach.

Dreyer closed the public hearing at 6:49 P.M.

Dreyer noted the Township received three letters – one was retracted and two were in support.

Pollock asked about the purpose of the additional space above the garage.

Mrs. Hulst said the space would be for three small bedrooms. She said they sold their home in Hudsonville so they are living in the cottage at the present time.

Fleece asked if they are maintaining the lot line on the south side of the property.

de Vries explained the applicant plans to remove the existing garage and rebuild it in the same location.

Eade asked if the staff has an issue with precedent regarding removing the garage and rebuilding in an already nonconforming situation.

de Vries stated the goal of the Township and State is to eliminate or minimize nonconforming properties over time. The fact that the applicant is replacing the garage is not an issue. The Board of Appeals could determine if a lesser variance is a possibility.

Fleece asked about the excavation making any negative changes to the property.

Vander Hulst said the grade is flat and there will be no major grade change.

Hulst said moving the garage to the north would impede access to the front door.

Fleece asked if the east side setback will be maintained.

The builder said it would.

Pollock said the proposal would make it fit better on the lot. It is her observation that if the variances were allowed to the other homes in the area is it fair to deny it to this applicant.

Eade asked if this was the case.

de Vries said he didn't know the history on the other properties. The other homes may have predated the current ordinances.

Fleece moved, supported by Eade, to approve the variance request.

Fleece reviewed the 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 existing septic system and lot width cause 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.***

It is an improvement to the community and the applicants will be year-round residents. Dreyer added that the plan is to be no closer to the property line, staying in the same footprint, and keeping the same distance to the road.

***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.***

This is a narrow lot, and the location of the septic system restricts the envelope.

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

This is not self-created. The property is nonconforming, the septic system is in place, and the proposed improvement is a burden because of the limits of the property. Eade added that the size of the garage doesn't exacerbate the nonconformity. A smaller garage would do the applicant a disservice.

#### **Roll Call Vote:**

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

Ayes 5; Nays 0. Motion carried.

**Item #2. A request by Robert Sears on behalf of 680 Bay LLC** to allow construction of a residence with a front yard of four (4) feet where 40 feet is required per Section 38-306 (1) of the Park Township Zoning Ordinance. Said land and premises are located at 680 Bay Rd. (private), Macatawa, MI 49434. (Parcel #70-15-33-382-062, R-4)

de Vries provided background information on this request. The property is located in Macatawa Park in south Park Township. It fronts Bay Road which is a private street within the development. The legal description describes it as parts of lot 65 and 66 of Heneveld's Supervisors Resubdivision of Macatawa Park. This property, and two adjacent properties, have been in the hands of various members of the Den Uyl family for a number of years. The single story home is estimated to have been built around 1965. Building permit history shows a bathroom remodel in 1987, an accessory building to the property in 1989, windows in 1994, and new soffit and facing on eaves in 1998. The existing home is nonconforming in that it does not meet the required rear, side and front yard setbacks. Currently there is a rear yard of 17 feet where 25 feet is required, a side yard on the south of 3 feet where a minimum of 7 feet is required, and a front yard of 7 feet where 40 feet is required.

The lot does meet the area requirements of the R-4 zoning district. There is municipal water and sewer available to the property, and the current home is connected to both. Though it has frontage on Bay Road, driveway access is shared by three properties off Interlake Walk. This area of Bay Road is also a parking lot for the Point West 1 PUD development. The home fronts the parking lot, and east of the lot is Lake Macatawa.

The applicant proposes to remove the existing 2,130 square foot home and pool and replace it with a larger two story home that meets all required yard setbacks, except the front.

Rob Sears, architect for the project, addressed his request. In replacing the old house with a new home, he has considered accommodating the neighboring homes to the south and west, and their views of the lake. He is proposing increasing the current 8' to 25' between the homes. The new cottage will be two stories. He is proposing the new cottage will satisfy the required side and rear yard setbacks.

Dreyer asked about the front yard setback.

Sears said this added depth to create bigger side yards.

Fleece asked for the difference for the side yard.

Sears replied it is currently 3' and will be 7'.

Sears said there will be no interference with lake views.

## **PUBLIC HEARING**

Dreyer opened the Public Hearing at 7:12 P.M.

Tony Zahn, builder for the project, added that he supported the proposal.

Dreyer closed the Public Hearing at 7:12 P.M.

Dreyer said the Township received two letters which were in support.

Fleece said it was interesting the sight lines have been improved.

Eade asked de Vries if he had any concerns.

de Vries said the comments received were from adjacent properties. His job is to defend the ordinance. We have to look at it critically. This area is under study and there will be a proposed overlay ordinance for this district. If it goes through as written this possibly would be approved without the need for a variance.

Zahn said Mrs. Den Uyl passed away, her sons inherited the property, and plan to build there. This will be their home.

Grimm asked about the impact of construction.

Sears said the drive will be replaced and the home pushed to the north slightly into the hill to improve the sight line. Construction won't begin until after Labor Day. He added they are out of the critical dune area.

Dreyer said it would be easier to defend the request if the porch would meet the existing front yard setback. He asked if it is designed to be open, which would be an improvement. It's an improvement for the back and side yards.

Fleece asked about the structure on the west side of the property.

de Vries said two one-stall garages are planned, one in that location.

Eade moved, supported by Pollock, to approve the variance to the ordinance.

Fleece suggested an amendment to the motion.

Fleece moved, supported by Eade, to add a condition that the porch remain open.

Voice Vote:

Ayes 5, Nays 0. Motion carried to add the condition that the porch remain open.

Eade reviewed the 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.***

Given the building envelope, considerations given for the view shed, and placement of the new home the applicant meets this standard. Dreyer added it is a very small envelope, there would be no way to build on the lot without a variance.

***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.***

In this case they have considered the impact on the other properties. The open porch and increased side and rear yards will be an improvement.

***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 unusual shape and size of the lot cause the difficulty. Dreyer added the allowed envelope makes it difficult.

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

This is not self-created. The topography of the hill and shape of the lot limits the usable area for building.

Roll Call Vote:

Fleece, aye; Grimm, aye; Dreyer, aye; Eade, aye; Pollock, aye

Ayes 5, Nays 0. Motion carried.

**PUBLIC COMMENT**

Dreyer opened Public Comment at 7:38 P.M

There was no comment.

Dreyer closed Public Comment at 7:38 P.M.

**ANNOUNCEMENTS**

Election of officers:

Chair – Doug Dreyer agreed to serve another term as Chair.

Vice Chair – David Fleece agreed to serve as Vice Chair.

Secretary – John Foster was nominated to serve as Secretary.

Eade moved, supported by Grimm, to approve the proposed slate of officers.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

The next meeting is July 23, 2018

de Vries said he has one application to date and there may be a second one coming in.

Dreyer noted that Foster will be absent for the meeting in July. Fleece said he may be absent. Grimm and Pollock said they are available.

de Vries announced that Meghann Reynolds of Fresh Coast Planning will be contracted for the Zoning Administrator position. He will share her contact information with the members of the Zoning Board of Appeals.

### **ADJOURNMENT**

Eade moved, supported by Fleece, to adjourn the meeting at 7:37 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
June 27, 2018

Approved: July 23, 2018