

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
August 28, 2017
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
(Kathy Grimm and Sally Pollock attended for Item #1, but were not needed as it was withdrawn)

Staff: Ed de Vries, Community Development Director

APPROVAL OF AGENDA:

Chair Dreyer noted the first agenda item had been withdrawn.

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

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

APPROVAL OF MINUTES:

Motion by Foster, supported by Eade, to approve the minutes of the July 24, 2017 Regular Meeting as presented.

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

BUSINESS ITEMS:

Item #2 - A request by Ventura Baptist Church to allow a parking lot without wheel or bumper guards required by Section 38-605(6) of the Park Township Code of Ordinances. The property is located at 16240 Quincy Street, Holland, MI 49424 (Parcel #70-15-10-200-016, R-1)

de Vries read the applicable ordinance and noted the bumper guards would only be required on the exterior portion, not the interior, of the parking spaces in the lot.

He presented the background for this request. Ventura Baptist Church received Special Use and Site Plan approval for an addition to the building and parking lot at the June 20, 2017 Planning Commission meeting. One of the conditions to the site plan approval was to provide bumper guards on the parking lot, “unless a variance is provided by the Zoning Board of Appeals.” The applicant is now applying for that variance.

Eade asked what led to the decision by the Planning Commission.

de Vries explained it was a condition to the Planning Commission’s approval.

de Vries noted that this is a non-use variance request so the standards listed in Section 38-70(1) will need to be met.

Fleece asked if consideration by the Zoning Board of Appeals would be for just the new portions of the parking lot.

de Vries said it would be for the entire lot.

Ben Jacques, elder of the church, and Larry Doyle, engineer involved in the design phase of the proposal, spoke to the request.

Dreyer observed that the only part of the church parking lot that will intrude off the property will be along the bike path. He asked if that was correct. He also asked if the parking spaces would be parallel to the bike path.

Jacques and Doyle confirmed both observations.

He asked if they would consider a lesser relaxation by placing a buffer along the bike path, such as a two foot setback to keep cars off the bike path. He proposes including this as part of the second standard.

Jacques supported Dreyer’s recommendation. He felt it would resolve potential problems in cars parking on the bike path.

Foster concurred this would simplify the situation near the bike path and would help with the problem of snow removal.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:39 P.M.

There was no comment.

Dreyer closed the Public Hearing at 6:39 P.M.

Dreyer asked the Board if they had questions.

Fleece said he supported Dreyer's suggestion.

Eade asked if staff had issues with the proposal.

de Vries said he did not.

Fleece asked about the number of parking spaces that were added.

Doyle said 20 more spaces are proposed.

Foster asked how it impacts the whole parking lot.

Fleece moved, and Eade supported, to approve the variance with the recommendation for lesser relaxation near the bike path.

Dreyer suggested the Board of Appeals place a number on the space between the car bumpers and the path.

Fleece suggested two feet from the edge of the bike path into the parking space.

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.

It's burdensome because of the minimal number of parking spaces to be added to hold to the ordinance requirement, along with the difficulty for snowplowing. Dreyer added the additional burden of the parking lot abutting the property line where the bike path is located.

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 provides justice to the applicant in permitting the capacity of parking spaces. The lesser relaxation of requiring a barrier only near the bike path would give justice to other property owners.

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 unique circumstances are a minimal number of spaces were added, the configuration of the lot which presented natural barriers, and the proximity of the bike

path. This recommendation would allow for a clear transition between parking and the bike path. Dreyer added the parking lot has been there for a long time without the requirement for bumper guards.

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

It is not self-created. The parking lot is being increased to comply with ordinance requirements. Dreyer added the ordinance usually pertains to commercial areas and is not pertinent to this situation. de Vries noted it is a unique circumstance as stated in Standard c.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

Doyle thanked de Vries for his assistance and the Board of Appeals for their support.

Item #3 – A request by Bruce Rosendahl to allow a single family residence with a front yard setback of 73 feet from the center line of Ottawa Beach Road where 83 feet is required per Section 38-497 of the Park Township Code of Ordinances. The property is located at 1664 Ottawa Beach Road, Holland, MI 49424 (Parcel #70-15-27-297-007, R-3)

de Vries introduced this item. He cited the applicable ordinance, Sec. 38-497, regarding additional setbacks for structures adjacent to major streets.

The property is a non-conforming lot, 13,460 square feet in size. The zoning requires 15,000 square feet. County records show it existed “prior to 1975” and likely predates the current zoning. There is no history of variances or past permits. The current owner purchased the property in February of this year. In May 2017 the owner filed for a building permit to erect a single family home. At that time it was discovered the home was in a flood zone, and MDEQ indicated wetlands also exist on the lot. The applicant is proposing a 1,600 square foot footprint for a residence, requesting a 40 foot front yard to avoid the wetland area.

Ottawa Beach Road is listed as an arterial road which requires the increased setback, which is 10 feet more than the normal requirement for this zoning district. The ordinance also does not allow for front yard averaging. This leaves an allowable building envelope depth of 35 feet.

The designated wetland runs across the property at an angle from NW to SE, making an area on the west side of the lot unbuildable within the allowed footprint.

He referred to the allowable building envelope on the illustration in the Staff Memo of August 18, 2017. The home directly east of this lot appears to be approximately 40’ from the front property line. This home was built some time ago.

Bruce Rosendahl spoke to his application. His sons own the lot adjacent to his lot. He was told it was a buildable lot for a single family home. He was told it was a wetland area. He hired an engineering company and excavator who met at the site with an MDEQ representative. He was

advised to keep the building 5' from the wetland area. This will be an upgrade for the community. The 10 foot variance would help him place the house where it should be. He proposes the house will be closer to 1200 square feet.

PUBLIC HEARING

Chair Dreyer opened the Public Hearing at 6:56 P.M.

Elizabeth Barveld said she submitted a letter approving the variance request.

Dreyer said the Township received two letters – one in support and one against.

Dreyer closed the Public Hearing at 6:57 P.M.

Foster asked if the proposed home is one or two stories.

Rosendahl said there will be a second story above the garage for a bedroom and bath. The house will be built on a slab.

Dreyer noted there is a justifiable hardship on this property. There would normally be a 73' setback instead of the 83'.

Fleece asked if we should note this is a unique circumstance.

Foster moved, and Fleece supported, to approve the variance for 10'.

Foster 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 way the property is platted, location in a wetlands area, and its size, it doesn't give the owner any choice. The variance of 10' won't be near the edge of the road. It would be burdensome to hold the applicant to the setback rule.

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 variance will do substantial justice to the applicant and allow him to build on the property. The property owners next door are relatives and have no problem. Dreyer added a lesser relaxation is not possible, and most of the roads in the Township are 40' from the road, so this variance would not be inconsistent.

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 wetland location is an important consideration as well as the narrowness of the lot. These present unique circumstances.

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

It is not self-created. It's also a buildable lot of record.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

ELECTION OF OFFICERS:

Chair Foster moved, supported by Fleece, to nominate Doug Dreyer as Chair.

Vote:

Ayes 5, Nays 0. Motion carried.

Vice Chair Eade moved, supported by Gerard, to nominate John Foster as Vice Chair.

Vote:

Ayes 5, Nays 0. Motion carried.

Secretary Gerard moved, supported by Eade, to nominate Dave Fleece as Secretary.

Vote:

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS:

The next regular meeting is September 25, 2017. All Board members confirmed they would be able to attend the meeting.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:14 PM

Elizabeth Barveld noted the Rosendahl lot had been considered an unbuildable lot 20 years ago but was happy to support the applicant now that is considered a buildable lot.

Dreyer closed Public Comment at 7:15 P.M.

ADJOURNMENT

Fleece moved, supported by Gerard, to adjourn the meeting at 7:15 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
August 30, 2017

Approved: September 25, 2017