

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

Regular Meeting
October 23, 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, John Foster, Kathy Grimm

Absent: Dave Fleece (excused), Jim Gerard (excused)

Staff: Ed de Vries, Community Development Director

APPROVAL OF AGENDA:

Chair Dreyer noted that agenda items #3 and #4 will be voted on separately.

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

Voice Vote: Ayes 4, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Motion by Eade, supported by Foster, to approve the minutes of the September 25, 2017 Regular Meeting as presented.

Voice Vote: Ayes 4, Nays 0. Motion carried.

BUSINESS ITEMS:

Item #1 - A request by Cottage Homes on behalf of Rodney Van Syoc to remove and replace an existing structure on a non-conforming lot with a front yard of 21' where 40' is required, a side yard of 2' where 10' is required, and a rear yard of 16' where 50' is required

per Section 38-246 of the Park Township Zoning Ordinance. Property is located at 370 Crest Drive, Holland, MI 49424. (Parcel #70-15-28-343-010, R-2)

de Vries introduced the first agenda item. As background, the applicant proposes to remove and replace an existing cottage on a nonconforming lot in Eagle Crest Park, platted in 1932, Lot 79. The existing home was built in 1935 with an existing footprint of about 1,000 square feet. The property is non-conforming due to lot size. It is zoned R-2 which requires a one acre lot. Eagle Crest is one of the areas identified as a Historic Neighborhood Preservation area in the Master Plan. It is slated for review by the Planning Commission for potential ordinance changes. This property is in a regulated Critical Dune Area so permits to perform any work on this lot will need to be obtained from MDEQ. The Staff Memo shows an illustration of the building envelope. The Staff Memo shows some of the contours, a steep hillside to the north, the location of the lot, and the building envelope.

The applicable variance standards are listed in the Staff Memo for consideration.

Jeremy Van Eyk of Cottage Homes represented the applicant. It is an historic cottage and they have tried to devise a plan that fits the community and today's standards for septic and dune restrictions. The new house plan is close to the existing footprint and will be energy efficient.

Foster said he visited the site and asked about the necessity for the proposed deck. Without it more space would be saved. He also noted that the house is very close to the road.

Van Eyk said the septic system location limits the options for building the house as well as the limitation of the steep slope on the back side of the house. He made the effort to push the house back as much as possible on the lot. MDEQ does not allow to go into the slope.

Foster asked if the septic is under the driveway. He also asked if there would be any removal of trees with the proposed plan.

Van Eyk replied that the septic will be in the front. He cannot place it under the concrete of the driveway. The trees on the site will remain except for a few small evergreens that are not healthy and are dying because of the canopy of the other trees.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:42 P.M.

Dee Kramer owns the adjacent vacant lot to the south. Although the building site will be within 2' of the lot line he does not object to the plan since he does not intend to build on the lot. It is his intent to keep it as green space.

Rod Van Syoc, applicant, said the cottage has been owned by his family for 58 years. He wants to accommodate the Township's ordinance requirements in his desire to make it a useful

year-round property. He also wants to restore the cottage in keeping with the area's character.

Paul Lane is a resident in Eagle Crest and supports the project. He expressed concern about water runoff and sustainability. It is a community issue to avoid water problems. He hopes the Township is aware of this concern of the residents.

Bernice McDonald lives across the street from the Van Syoc cottage. This is a congested area and she was concerned about the closeness of the house to the street. Parking is a continual problem.

Dreyer closed the Public Hearing at 6:47 P.M.

Board Discussion:

Dreyer noted two residents who submitted correspondence in support of the proposal.

Foster said the main issue is the setbacks. This is an ongoing problem with the cottages that are built near the dunes. Such variance requests are frequent and always present a difficult situation. He asked Van Eyk about his arrangements to avoid the potential obstruction by construction equipment in this congested area.

Van Eyk replied he hopes to get most of the work done in the off-season when there is less traffic. He noted there is an area down the hill for staging with construction equipment.

Foster moved, supported by Eade, to approve the variance 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.

This is a nonconforming lot with a limited building envelope, so it would be burdensome to build a house that meets the standards. The house will be moved back to allow for the front setback. The existing setback to the south is being maintained and the front is slightly further from the road than the existing dwelling.

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.

This structure will fit in with the community and will not encroach on any other property. A large structure is not being proposed.

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 small lot, slope to the rear, and overall topography are unique circumstances on this lot. Also, being in the critical dunes and with the associated regulations, this property is unique to the zoning district.

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

It is not self-created and the proposed plan is to remain with the original footprint. It is a small lot and was platted over 50 years ago.

Roll Call Vote:

Eade, aye; Dreyer, aye; Grimm, aye; Foster, aye.

Ayes 4, Nays 0. Motion carried.

Item #2 - A request by Cottage Homes on behalf of John Shoemaker to place an accessory building with a front yard of 10' where 40' is required on a lakefront lot per Section 38-491(b)(2)(e) of the Park Township Zoning Ordinance. The property is located in the 400 block of Crest Drive, Holland, MI 49424. (Parcel #70-15-28-340-030, R-2)

de Vries reviewed this item. He noted the Township can authorize placement on a lakefront lot given the standards in the ordinance. The applicant proposes to build a residence with a single stall detached garage. The legal description is lot #2, and the south 14 feet of lot 1, Heneveld's Supervisor plat #9, of Eagle Crest Park. There is no record of any previous building on this lot. The owner purchased the lot in 2013. The lot is in the regulated Critical Dune and High Risk Erosion Area (HREA). This area and the slope render the west half of the lot unbuildable. It is nonconforming in width. He noted there is also a 15' drop from the road to the location of the house.

There are three standards in the ordinance to consider for authorizing the building location of this lot.

Van Eyk spoke for the applicant. He noted that the road will be widened to make it safer for traffic. There will be a retaining wall constructed for off-street parking. Two off street parking spaces will be provided. The plan is for a one stall garage because of the small lot size. It is a cottage community so he designed the building to be smaller. He pointed out there are restrictions for the septic system which will be between the house and the road.

PUBLIC HEARING

Dreyer opened the Public Hearing at 7:04 P.M.

de Vries said the Township received two letters that addressed traffic concerns rather than the house.

Paul Lane, an Eagle Crest resident, said there are few options for this lot and asked if a garage is an entitlement. It was his opinion that Cottage Homes does a good job in building these homes. He had a concern with a lot of mall buildings close together at the end of the road.

Dreyer closed the Public Hearing at 7:05 P.M.

Board Discussion:

Dreyer noted the Township Board has changed the rules for lakefront property. The new rules give the Zoning Board of Appeals some leniency for building locations on lakefront lots. It is also easier to grant a variance.

Foster asked Van Eyk if this home was to be a year-round residence.

Van Eyk said this property is currently under contract. This property holds the key to the value of the properties to be constructed that are referenced in agenda items 3 and 4. None of the properties are sold.

Eade said it would appear the result will be a safer road area with a more substantive place to park which seems to be an improvement. He sees no flaw in the planning.

Foster said it won't interfere with the view for the house on the hill. He asked if there is a plan for a dedicated parking area.

Van Dyke said there is space to create off-street parking.

Eade moved, supported by Foster, to support the variance request for the garage.

Eade reviewed the three standards in Section 38-491(b)(2)g:

1. The location of buildings on the lot or adjoining properties;

There is a single lane road with limited parking on the adjacent narrow road. The owner plans a single stall garage. The location of the septic restricts where to build on the lot.

2. The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulations, noise, etc.; and,

The building won't block the view of any neighbor and adjacent cottages are down the hill.

3. The character of the proposed accessory building and the effect on the surrounding neighborhood.

The proposed building is consistent with the size and scale of the community. It will keep cars off the road for safety reasons, and avoid further congestion on the small road.

Roll Call Vote:

Eade, aye; Dreyer, aye; Grimm, aye; Foster, aye.

Ayes 4, Nays 0. Motion carried.

Item #3 and #4 – A request by Cottage Homes on behalf of Crest Drive Cottages LLC to place accessory buildings with a front yard of 9' where 40' is required per Section 38-49(b)(2)(e) of the Park Township Zoning Ordinance. Properties are located at 419 and 429 Crest Drive, Holland, MI 49424. (Parcels #70-15-28-341-002 and #70-15-28-341-001, R-2)

de Vries provided background descriptions of these requests. He reminded the Commissioners that a separate vote will be held on each one.

The applicable ordinance regarding these structures is Section 38-491(b)(2)e. The proposed 160 square foot structures are required to have a 40' front and 5' side and rear yards.

These two adjacent parcels currently have a residence that spans across both. The two parcels were never merged. The applicant plans to remove the existing house and erect two separate houses. The proposed accessory buildings will be in place of a garage and will be used for storage only. The owner purchased the parcels in 2015. In 2016 the owner applied for building permits for the two parcels but they were denied for failing to meet minimum square footage requirements for a residence.

These lots are nonconforming and are located in a Critical Dune Area. They slope upward from Crest Drive to the east with the elevation at the east end approximately 30' higher. The applicant proposes to place the buildings adjacent to the off-street parking area.

This is a non-use dimensional variance which has to meet the standards in Section 38-70(1).

Van Eyk explained that the approach to the cottages is via several steps upward. He tried to plan a smaller structure for the buildings because of the limitations of the property. The cottages will be elevated from the road. A retaining wall will be built for the off-street spaces. The road will be widened to allow more room for off-street parking, turnaround and safety.

Foster asked if there would be two spaces for each home.

Van Eyk said there will be.

PUBLIC HEARING

Dreyer opened the Public Hearing at 7:20 P.M.

Paul Lane, resident of Eagle Crest, asked why two lots were allowed with one building.

Dreyer said it is two lots of record.

Lane said he did not understand the reason for having these buildings near the road.

Dreyer closed the Public Hearing at 7:22 P.M.

Board Discussion:

Foster said he understands the need for storage space and it's probably the best solution. He thought there should be a better approach to planning a storage shed.

Dreyer said the buildings can be moved back from the road. He doesn't agree with the current plan for the building

Grimm asked if there is room for storing items under the deck.

Van Eyk said the septic system is between the parking area and the location for the proposed building. There is also a steep slope so there is no space to move it back.

Dreyer noted the septic is not designated on the map.

Dreyer said this is not a garage – there is room behind the septic system to place a shed.

Van Eyk said he can't put a building there.

Dreyer said there is a patio. If there is room for a patio there is a space for a shed.

Van Eyk explained the patio area is in the area of the existing structure.

Eade said he isn't comfortable with allowing a storage building so close to the road which sets a precedent because it invites future problems. There should be a better approach.

Foster said he is also uncomfortable with placing the building so near the road. There should be another solution.

Dreyer asked if this request meets the standard. He reiterated there are other alternatives. The proposal is for convenience so it would be considered self-created.

Eade moved, supported by Foster, to deny the variance request because it does not do substantial justice to other property owners and it is self-created. These are two standards that cannot be met.

Roll Call Vote for Item #3:

Eade, aye; Dreyer, aye; Grimm, aye; Foster, aye.

Ayes 4, Nays 0. Motion denied.

Roll Call Vote for Item #4:

Eade, aye; Dreyer, aye; Grimm, aye; Foster, aye.

Ayes 4, Nays 0. Motion denied.

Item #5: A request by 2233 Ottawa Beach Road LLC to allow an 8'8" addition that would have a front yard of 30' in line with the existing building and previously granted variance per Section 38-483(e) of the Park Township Zoning Ordinance. The property is located at 2233 Ottawa Beach Road, Holland, MI 49424. (Parcel #70-15-33-279-002, C-2 Conditional)

de Vries said this is a request from Dune Dogz Restaurant. With the ordinance cited this structure received a variance in 2008. The front yard requirement is 75' – they received a variance for 30'. It is not a hardship variance, has its own standards, for the building only, and is not for use. This is to consider only the expansion in light of the ordinance.

Dreyer said the new ordinance of July 2016 allowed the extension of a setback. If it doesn't encroach it's not a problem. This request is only about expansion of the 30' front yard.

Applicant, Scott Geerlings, landlord of the property, addressed the variance request. He said the building is small and the space will be used for storage.

PUBLIC HEARING

Dreyer opened Public Hearing at 7:36 P.M.

Sally Pollock, resident of the community where this business is located, recalled ten years ago her neighborhood experienced a lot of conflict about this property and they lost the decision made by the Township. It is her observation that the Master Plan allows for no additional commercial expansion. This request goes against the grain for additional expansion.

Joel Welch, observed that conditional rezoning is unique. He believes there has to be an overwhelming reason to grant this request. He objects to additional requests from this property. He recalled a history of requests from the owner, claiming they have been asking for changes twice a year. He also felt this was an attempt to box in the Planning Commission. This is a self-created situation in his judgment.

Dreyer explained a self-created condition does not apply to this request. He noted that there are new standards established by an ordinance that was approved last year.

Jan Walters, resident in the neighborhood, said this applicant has a history of requesting changes. She is concerned about the preservation of the neighborhood.

Bill Grimes owns a condo across the street from this business in Lake Ranch. He has also managed Lake Ranch for a number of years. The business has been a wonderful neighbor. This part of the Ottawa Beach Road corridor has experienced phenomenal improvements improving the value of properties. He said he supports the request and has received positive feedback from other owners of Lake Ranch.

Dave Lind lives half a mile from this business and sees no benefit of adding to the building other than to the owner. It's an historical district and he wishes to keep it that way. He has talked with people who agree it isn't necessary. In his opinion, the original intent for the area is a far cry from where we are now with the Master Plan.

Dreyer noted there were three support letters submitted to the Township. Two were related to other issues concerning this business.

Dreyer closed the Public Hearing at 7:48 P.M.

Dreyer noted the different standards for Section 38-483 regarding expansion of a nonconforming permitted building.

Foster asked about the drawing for the new section - is it a walkup or a car drive-through?

de Vries said it's a walkup.

Eade asked for a review of the requirements.

Dreyer said we will deliberate #2 and #3 of the standards.

Eade moved, supported by Foster, to approve the request for the 8'x8' building.

Eade reviewed the two applicable standards:

(2) The proportion of the main wall which has been altered by the projection; and

Eade noted the main wall doesn't impact surrounding properties so to deny it is not justifiable. Dreyer said the only side available for expansion is to the south on the the.parking lot side.

(3) The overall effect of the proposed projection on adjoining properties and the surrounding neighborhood.

Eade said there would be no adverse effect on adjoining properties. Dreyer added that the closest residence is to the southwest but it appears any visual effect would be negligible. We have received positive comments from Lake Ranch which is closest to this property.

Roll Call Vote:

Eade, aye; Dreyer, aye; Grimm, aye; Foster, aye.

Ayes 4, Nays 0. Motion carried.

ANNOUNCEMENTS:

The next regular meeting is November 27, 2017. de Vries said only one application has been submitted to date. Foster said he will be absent for the November meeting. Sally Pollock said she will be available as an alternate.

Regarding the December meeting, the fourth Monday is on Christmas Day so the date has to be moved for the meeting. Dreyer recommended December 18. Everyone agreed to that date.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:58 PM

Sally Pollock said it was her observation there is something wrong with the new standards referenced in the last agenda item. Expanding commercial business in some areas goes against the intent of the Master Plan.

Dreyer closed Public Comment at 8:04 P.M.

ADJOURNMENT

Eade moved, supported by Grimes, to adjourn the meeting at 8:04 P.M.

Voice vote:

Ayes 4, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
October 25, 2017

Approved: November 27, 2017