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: Dennis Eade, Doug Dreyer, Dave Fleece, John Foster, Jim Gerard
Staff: Greg Ransford, Planner

APPROVAL OF AGENDA:
Gerard moved, supported by Foster, to approve the agenda as submitted.

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

APPROVAL OF MINUTES:
Foster moved, supported by Eade, to approve the minutes of the August 26, 2019 Regular Meeting as submitted.

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

BUSINESS ITEMS:
Item #1 - A request for a larger detached accessory structure submitted by Zachary Widmayer with an overall area of 1,040 square feet where 857 square feet would be permitted, per Section 38-491(b)(1)b. of the Park Township Zoning Ordinance. Said land and premises are located at 16145 Red Pine Court, Holland, MI 49424. (Parcel #70-15-03-410-009, Zoned R-1 Rural Estates Residence District).
Ordinance Sec. 38-491(b)(1)b. (part), Detached accessory buildings, states that only one accessory building will be allowed on any lot, provided that the accessory building does not exceed the greater of 200 square feet or 2% of the calculated lot size, up to a maximum accessory building size of 2,500 square feet.

Ransford introduced the agenda item. The property is located at the northwest end of Red Pine Court, south of Ransom Street. The lot is approximately 0.9838 acres in overall area, excluding the road right-of-way. The home has an attached two-stall garage, and there do not appear to be any existing accessory buildings on the property.

The applicants, Zach Widmayer and his wife, said they have discussed the proposal with their neighbors and all support the addition to their property. She said the building will be closer to the lot line but the neighbors are okay with it.

Mrs. Widmayer asked if the porch needed a variance.

Dreyer said that was not part of the request and didn’t think it was necessary.

Widmayer said the barn will be located 15’ from the southern property line and 25’ from the rear or western part of the property. Also, the height will not exceed the maximum required.

Dreyer thanked the applicants for their well prepared and informative application.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:35 P.M.

He noted the Township received six letters of support from neighbors. All were supportive of the application.

Mike Seefelt said he was a neighbor who lives north of the Widmayer property. He supports the proposal and has no problems with the addition. He will see it in the winter when the trees are bare but it doesn’t pose any problem to him.

Dreyer closed the Public Hearing at 6:37 P.M.

Fleece asked about the orientation of the porch.

Widmayer said the porch faces north.

Dreyer asked if there will be a driveway connecting the barn to the house.

Widmayer said there will be a driveway.

Fleece moved, supported by Foster, to approve the request for an accessory building.

Fleece read the standards for Authorization of a Larger Accessory Building:
1. **The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;**

   The setbacks are in compliance and the height of the structure will not exceed maximum requirements. It is also a nonconforming lot.

2. **The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;**

   The building will be smaller and located 50’ behind the residence. The footprint is 17% less than that of the house.

3. **The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;**

   The building will be 50’ from the nearest structure on the adjoining lot. The setbacks are in compliance.

4. **Whether or not the accessory building will affect light and air circulation of any adjoining property; and**

   Given the distances between the properties there is no negative effect on light and air circulation.

5. **Whether the accessory building will adversely affect the view of any adjoining property.**

   The orientation of the porch is not a problem for the view of any adjoining properties. The feedback from the neighbors is positive.

   In the summer, the neighbors from the north will see the building but it is not a problem for them. The neighbors to the south can see the barn year-round, but it is not an issue for them.

**Roll Call Vote:**

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

Ayes 5, Nays 0. Motion carried

**Item #2 – Request for a dimensional variance submitted by Arthur & Mary Buys,** for permission to construct an addition to a residence with a rear yard of 39 feet where 50 feet is required per Section 38-246(3) of the Park Township Zoning Ordinance. Said land and premises are located at 2424 Cardinal Lane, Holland, MI 49424. (Parcel #70-15-28-420-004, Zoned R-2 Lake Shore Residence District).
The applicable Ordinance Section Sec. 38-246, Area regulations (in part) states there shall be a rear yard of not less than 50 feet.

Ransford presented the background information. The property is described as the westerly 10 feet of lot 58, all of lot 59, and half of lot 60 in the Heneveld’s Supervisor Plat 9 of Eagle Crest Park Subdivision. The property is approximately 19,166 square feet in overall area and is located on the south side of Cardinal Lane, to the west of South Lakeshore Drive, and is bound by private single-family residences to the west and south.

The staff looked at averaging for the rear yard but found that the structures within 300’ of the property and in the same block on the same side of the street were located greater than the required 50’ from the rear property line so staff were unable to consider average rear yard setbacks of the adjacent lots.

Ransford pointed out that a variance was requested and approved in 2002 for a garage addition that would require a 28 foot rear yard setback where 50’ is required. However, permits were never applied for and the addition was never made.

Ransford noted that the property is nonconforming.

Dreyer asked about a former amendment to the zoning ordinance regarding a garage wall setback, sometime last year that could have authorized the request without a variance.

Ransford said he would research this while the Zoning Board of Appeals deliberates.

Arthur Buys addressed his application. He doesn’t presently live at this location. He advised the Zoning Board of Appeals, following the submission of his application, that Michigan Department of Environment, Great Lakes, and Energy (EGLE) has since determined that the property is on a critical dune. This will present a unique burden he did not create. Because of a slope on the property and the unique topography he is trying to work with what the property presents. They have moved the plans back about 8’ before the construction affects the slope.

Dreyer explained the Township has to make a decision on the variance request before EGLE moves forward. If Buys can move the footprint plan less than 39’, and if it is approved by EGLE, the language can state the application is approved by the Township.

**PUBLIC HEARING**

Dreyer opened the Public Hearing at 6:54 P.M.

Dreyer notes no correspondence was received by the Township regarding this request.

There was no comment.

Dreyer closed the Public Hearing at 6:55 P.M.
Dreyer said he visited the site and understands what Buys has done. It is his opinion, given the location of the septic, well, and the additional critical dune problem, the applicant has done all he can do with the proposed plan for the addition.

Foster moved, supported by Eade, to approve the request for a dimensional variance.

Dreyer suggested that the Zoning Board of Appeals can approve the requested setback of 39' unless EGLE determines the setback must be moved back to 30'. We can allow the latitude of 9' to maximize the setback, however, the applicant will have to adjust the setback only as far as EGLE will allow but no less than 30 feet.

Foster read 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 lot is nonconforming, with additional problems of the dune slope and the septic location. Granting a variance will enhance the use of the property and appearance of the house. The conditions of the lot make it burdensome to the applicant.

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.*

A lesser relaxation can be allowed and would do substantial justice to the applicant provided the EGLE makes its final determination on the distance from the dune and EGLE allows the requested setback.

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.*

There are unique circumstances regarding the lot size, restrictions of the lot given septic issues and topography. It is also located on a critical dune.

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

This is not self-created. The proposal will enhance the property.

**Roll Call Vote:**

Foster, aye; Gerard, aye; Dreyer, aye; Fleece, aye; Eade, aye.
Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS

The next meeting is on November 25. To date six agenda items are planned.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:05 P.M.

There was no comment.

Dreyer closed Public Comment at 7:05 P.M.

ADJOURNMENT

Eade moved, supported by Fleece, to adjourn the meeting at 7:06 P.M.

Voices vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
October 30, 2019

Approved: November 25, 2019