AGENDA

PARK TOWNSHIP
ZONING BOARD OF APPEALS

Meeting
October 28, 2019
6:30 p.m.

(Please turn off or set to silent mode all cellphones and other electronic devices.)

1. Call to Order

2. Approval of the Agenda

3. Approval of Minutes: August 26, 2019 – Regular Meeting.

4. Appeals: Note: Public notices were mailed to all property owners and occupants within 300 feet on or before Friday, October 11, 2019 and published in the Holland Sentinel on Sunday, October 13, 2019.

   **Item #1.** A request for a larger detached accessory structure submitted by Zachary Widmayer for permission to construct a detached accessory structure 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).

   **Item #2.** A 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).

5. Other Business

6. Announcements

   Next scheduled meeting date is November 25, 2019.

7. Public Comment

8. Adjourn
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, Jim Gerard, Sally Pollock (Alternate)

Absent: John Foster

Staff: Greg Ransford, Planner

APPROVAL OF AGENDA:

Gerard moved, supported by Pollock, to approve the agenda as submitted.

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

APPROVAL OF MINUTES:

Eade moved, supported by Fleece, to approve the minutes of July 22, 2019 Regular Meeting as submitted.

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

BUSINESS ITEMS:

Item #1 - A request by William Sikkel on behalf of Andrea Crossman to build a residence with a 14 foot front yard where 40 feet is required, and a 34.2 foot rear yard where 50 feet is required per Section 38-246 (1) & (3) of the Park Township Zoning Ordinance. Property is located at 133 Michigan Ave., Holland, MI 49424. (Parcel #70-15-28-180-011, Zoned R-2 Lake Shore Residence District.)
Ransford described the agenda item. The applicant submitted a nearly identical variance request in 2018 for the subject parcel which was approved. However, the individual that the applicant was representing in 2018 elected not to purchase the subject property, and the approved variance expired one (1) year from its date of issuance, pursuant to Section 38-70(3) of the Zoning Ordinance. The applicant is now representing a different client who would like to construct a residence in a nearly identical location on the property which require front and rear yard setback variances.

The applicant is proposing to demolish an existing 746 square foot cabin from the property and subsequently construct a residence with more than 2,000 square feet of living area. The property was platted in 1925 and the current home is said to have been constructed in the 1950s, with no off-street parking, a side yard setback at the southeast corner of the structure of 3.9 feet, and a front yard setback of 7.8 feet. The subject property consists of lots 31 and 39 in the Idlewood Beach Subdivision, as well as a vacated portion of Fern Dale Walk. While Idlewood Beach Subdivision was platted in 1925, lots 31 and 39 were amended in 1985 to include the vacated right-of-way area.

Ransford noted that Posillico provided her analysis in the August 8, 2019 Staff Memo and states approval for the variance request is appropriate.

William Sikkel, representing the applicant, explained the rationale for the request. She is the new owner of this property and requests front yard and rear yard variances. The property is a challenging site on a critical dune on Lake Michigan with the dune area at the rear of the lot. This limits the amount of space that is buildable. The lot at its largest depth on the east side is 93’ deep and to the west it is 73’ deep. When you take the 40’ from the front and the 50’ from the back you have a negative building envelope. There is an existing cottage or cabin that is old and has challenges and is nonconforming. The ordinance requires 1000 square feet of livable space and this building is only 746 square feet in size. The new proposed structure would eliminate many concerns, would meet the square footage requirement, would be located farther away to allow the neighbor to the east some relief. There is no need for side yard setbacks. What is requested is a front yard variance of 14’ from the north property line. The previous request was for 10’ so we are seeking 4’ less.

The rear yard variance is 34’, narrowing the size of the house with a smaller footprint allowing separation from the road. He mentioned the building envelope cannot meet the standards because of the nonconforming lot size.

**PUBLIC HEARING**

Dreyer noted the Township received two letters regarding this request.

Dreyer asked speakers to keep comments to two minutes. Ransford agreed to act as timer.

Dreyer opened the Public Hearing at 6:38 P.M.

John Apotheker, a resident of the community, asked how far will the property drop off on the west side that goes down to the lake.
Dreyer noted this is not an issue for the Zoning Board of Appeals. This comes under the auspices of the MDEQ.

Apotheker asked if the contractor can guarantee there is no damage to adjoining properties during the construction. Apotheker said some pilings may have to be driven into the ground which will create problems for neighboring properties.

Dreyer said this is the responsibility of the construction company. If there is a problem it would be brought to the attention of the Township Manager.

Apotheker asked about the parking requirements.

Dreyer said there are two spaces required. Sikkel added that there will be a garage.

Joe Koziol is also a resident. He asked if the Board members have visited the site. He has observed in previous construction activity in the community that heavy equipment has taken a toll on the road.

Dreyer said he has visited the site many times and added that County is the agency to contact if there is road damage. This is not under the jurisdiction of the Township.

Jim Barr, a neighbor in the community, asked if there are permits in abeyance regarding this project and will the MDEQ be involved.

Sikkel said all necessary permits will be obtained.

Dreyer confirmed that the County Health Department and the MDEQ will be involved.

Barr said he has lived in the area for 50 years. He recalled in the 1980s that at the bottom of the steps on this property the water was 4’ deep. The water is almost that high now because of all the rain we have had. He has concerns because of the dune to the east. In the front of the property there is an access that impacts 40 to 50 residents. Another concern is that there is no room for any construction vehicles on this property without blocking access to the beach.

Joe Zobkiw, a resident in the community, spoke on behalf of Lynn Hendrix, property owner. The problem is no one wants to assume responsibility on what happens during construction with regard to the setbacks and septic systems. No one has contacted other residents in regard to this property and the building plan. Soil erosion is a concern. To his knowledge, MDEQ has not issued any permits for this site - they have not begun a review. They have visited the site and have concerns. There are concerns regarding cars on the road. The residents have concerns if it is another spec house or another rental. Fire safety issues are also important in this community. He requested the Zoning Board of Appeals postpone a decision on this site and issue a moratorium until the residents can review the information from the MDEQ and the Township. The builder and owner have had opportunities to work with the Township.

Lynn Hendrix, property owner in Idlewood, spoke to the concerns of residents. She noted this property is a road end lot with beach access. The Idlewood Association has assumed responsibility to build and repair stairs and shovel snow in the winter for year-round access. It's
the only handicapped access to lake. A specialized rail system has been installed. Blowing sand due to previous construction has always been a problem. The residents understand the owner plans to remove 16 trees and a slope over 40’ in height is in the plan. She asked that the Zoning Board of Appeals allow the residents the opportunity to respond to the plans for the final structure that will be built.

Dreyer explained that the MDEQ won’t respond until the Township allows the plan to go forward.

Dreyer closed the Public Hearing at 6:55 P.M.

Pollock said she visited the site and it appears to her to be an impossible lot to build on.

Eade observed that there are questions regarding this property that should be brought before the Township Board, however, not acting on the request only delays resolution. The Zoning Board of Appeals can deal only with the zoning issues.

Gerard said this is a lesser variance than what we had before.

Ransford said he is not familiar with the basis of what was granted before this request. At this point the Zoning Board of Appeals can only determine what is appropriate as a minimum variance necessary to reasonably use the property. Judgment should be based on the appropriateness of the variance request. The standards should guide any decision. It could be tabled if there are concerns.

Fleece said looking at the site it looks like it is being built on what was built before. The house is rotated out of the way. Front and side setbacks are improved. Tree removal is a question. He would be in favor.

Sikkel said the tree removal issue is new to him. He wasn't sure tree removal is relevant to the setback issue.

Eade moved, supported by Gerard, to approve the variance request on the basis that the applicant has satisfied the requirements set by the standards.

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.*

Applying this standard, strict compliance with the zoning ordinance would not only be unnecessarily burdensome, it would result in a non-buildable lot. The shape of the lot, the differing angles in the front and rear property lines, and the EGLE (MDEQ) critical dune area requirements result in a non-buildable envelope if the zoning ordinance were to be strictly obeyed. Considering septic and drainage field requirements, the rear yard setbacks are unnecessarily burdensome.
b. That granting the requested variance would do substantial justice to the applicants 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 Board approved the 10’ as requested in 2018, however, the applicant has revised the requested front yard variance to 14’. An approximately 11-foot front yard is allowed utilizing front yard averaging techniques. Given these approximate measurements and the increase in front yard area from 10 feet to 14 feet, the requested variance is a lesser relaxation than applied for previously and would provide substantial relief to the property owner. Granting the variance would do substantial justice to the applicant as well as other property owners in the zoning district.

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 burden on the applicant is due to the unique circumstances of the property, and not due to general conditions in the zoning district. The plight of the applicant is caused by the shape of the lot, the angles of the setbacks, and the unique circumstances of the critical dune on the property, therefore this standard is met.

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

The conditions and shape of the property were not self-created as a result of the plat being created in 1925.

Dreyer added there was no challenge before when the variance request was submitted and approved. This is a lot of record and is buildable. Most of the residents’ concerns are not under the Zoning Board of Appeal’s control. The ZBA can only deal with what information we have in front of us based on the standards.

Fleece asked if there is a way to monitor this situation concerning blocking and damages to the roadways.

Dreyer said the Township will follow up and the Township Manager can be requested to monitor the process for this property if there are issues related to the roadways.

Roll Call Vote:

Eade, aye; Fleece, aye; Dreyer, aye; Pollock, nay; Gerard, aye.

Ayes 4, Nays 1. Motion carried with Pollock voting no.
Item #2 – Request by Dennis Reckley on behalf of Bruce and Elizabeth Ter Haar to construct an addition to a residence with a 3.2 foot side yard where 7 feet is required per Section 38-306(2) of the Park Township Zoning Ordinance. Property is located at 2437 Blue Bell Court, Macatawa, MI 49434. (Parcel #70-15-33-381-009, Zoned R-4 Medium Density One & Two Family Residence District and Macatawa Park Overlay District).

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Ransford provided background information for this request. The property is described as Lot 25 & the west half of Lot 26 of Heneveld’s Resubdivision of Macatawa Park. The property is approximately 4,791 square feet in overall area and is located on the north side of Blue Bell Court, east of Lakeside Road in Macatawa Park. The property is bounded by private single-family residences to the west and south; to the east is the deck associated with the residence to the southeast (parcel 70-15-33-381-011); and to the north is a 5.83 acre property owned by VA Properties LLC. There is an existing 1,232 square foot residence on the property, built in 1928, as well as a deck. The two (2) parking spaces deeded to the property are located in the parking lot to the south (parcel 70-15-33-387-027). The applicant proposes to add a 1,740 square foot addition of living space on the northern side of the existing residence (580 square foot basement, first floor, and second floor).

Ransford noted Posillico’s analysis supports granting the request. He added the new language for averaging did not support this request.

Dennis Reckley spoke to his request on behalf of The Ter Haars. He is asking to continue the 3.2’ on the west side to the north. It is a continuation of a nonconforming setback.

He noted, if you look at the aerial photo, there are several lots that are nonconforming. He also pointed out with regard to parking they would be required to have three. Now they only have two. He pointed out they are not increasing the number of bedrooms, so the square footage is not increasing.

Gerard asked how far north does the new addition extend and does it affect the neighbor.

Reckley said it is approximately 18’. It does not impact the neighbor.

Gerard asked about the neighbor to the west.

Reckley said the home will be about 30’ from the deck of the neighbor to the west.

PUBLIC HEARING

Dreyer opened the Public Hearing at 7:23 P.M. He said the Township received one letter of support.

There was no comment.

Dreyer closed the Public Hearing at 7:23 P.M.

Fleece said he has no problem with the request and would be willing to propose a motion.
Fleece moved, supported by Pollock, 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 grades to the east side of the property are greater than those that are allowed to be built on. The owner wishing to add to the existing structure is forced to build to the north. The grades don’t allow building on the east side of property so they can’t build to the north. They are maintaining the existing lot line.

**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 will be substantial justice to applicant to allow the variance. The owner is not encroaching on another property. The inclusion of side-yard averaging (which is not allowed in any other zoning district regarding pre-existing principal building setbacks, were included in the District to address the minimal building setbacks between structures. The existing non-conformity will not be increased. Granting the requested variance would do substantial justice to the applicant.

**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 the way the property was divided in the past results in the plight of the owner. This standard is met.

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

No current record exists of a property split. The properties are very close and the general conditions of the property are not self-created.

**Roll Call Vote:**

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

Ayes 5, Nays 0. Motion carried.
ANNOUNCEMENTS

Ransford noted there are no applications to date for the meeting in September.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:27 P.M.

There was no comment.

Dreyer closed Public Comment at 7:27 P.M.

ADJOURNMENT

Gerard moved, supported by Pollock, to adjourn the meeting at 7:28 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
August 27, 2019

Approved:
Two (2) applications have been received for the October 28, 2019 Zoning Board of Appeals meeting.

Item #1. A request for a larger detached accessory structure submitted by Zachary Widmayer for permission to construct a detached accessory structure 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 #70-15-03-041-009, Zoned R-1 Rural Estates Residence District).

Applicable Ordinance Section:
Sec. 38-491(b)(1)b. (part), Detached accessory buildings. 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.

Background:
The subject property is located at the northwest end of Red Pine Court, south of Ransom Street. The property 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. An image of the property is below.

![Property Image](image-url)
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Zoning Board of Appeals Considerations:
Pursuant to Sec. 38-491(b) (see above), the maximum allowable size for a detached accessory building is 2% of the lot size, or 857 square feet. The applicant is seeking to construct a 1,040 square foot accessory structure, which is 183 square feet larger than allowed. For clarity, the applicant is proposing 1,040 square feet of enclosed building space, plus a 400 square foot open porch. Historically, the Zoning Administrator has considered only the enclosed space of the accessory building as comprising the 2% maximum allowable building size, and has not included a proposed open porch within the allowable square footage calculation. However, the open porch area has historically been considered as a structural component required to meet the building setbacks. Therefore, the applicant is seeking authorization for an accessory building that is 183 square feet larger than what is permitted by Ordinance.

Authorization for Larger Accessory Building Standards Review:
The ZBA must consider the following standards prior to authorizing 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 applicant states that the proposed building will be placed with a setback of 15 feet from the southern property line and 25 feet from the western property line. They also note that the height of the structure will not exceed the maximum height allowed.

   Staff Comments: It should be noted that the parcel is a nonconforming lot of record, as it does not meet the area requirement of two (2) acres in the R-1 Zoning District. The proposed building (1,040 square feet) is approximately 2.4% of the overall lot size, and shall not exceed the maximum allowable height of 20 feet for said sized accessory building. The proposed building does meet all of the required setbacks for an accessory building of its size and exceeds the requirement of being located ten (10) feet from any other building. If the ZBA agrees, this standard may be met.

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 applicant states that the proposed accessory building will have a smaller footprint than the principal building by 17% and will only comprise 3.3% of the parcel size. The applicant also notes that the accessory building will not exceed the height of the principal building.

   Staff Comments: Assessing records indicate the footprint of the home is an approximately 2,020 square foot two-story structure. Given that the proposed accessory structure will indeed be smaller in square footage and height than the existing residence on the parcel, and is proposed to be located approximately 60 feet behind the residence, it may not appear excessive in relation to the principal structure. Additionally, if the size of the accessory structure is built in conformity with the Zoning Ordinance (maximum of 857 square feet), the maximum height of the building and associated setbacks would remain. If the ZBA agrees, this standard may be met.

3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;

   The applicant states that the structure will be located behind any principal and accessory buildings on adjoining lots, and will be 66 feet behind the principal building. In addition, the applicant has provided photographs showing views of the property as it exists currently.
Staff Comments: Utilizing the Ottawa County GIS Property Mapping tool, it appears that the proposed accessory building would be located approximately 150-175 feet from the nearest structures on adjoining lots (accessory building to the southwest at 4374 Estate Drive and principal building to the southeast at 16161 Red Pine Court). While the photographs of the property provided by the applicant do indicate a wooded property, the photographs showing the southwest corner of the property indicate a clear view of the adjacent residence (4380 Estate Drive), which it appears would have a view of the proposed accessory building. In addition, the photographs showing the southeast corner of the property indicate a view of the play structure and residence on the adjacent property (16161 Red Pine Court). The ZBA does have the authority to require additional landscaping to be provided in this area to buffer any views of the proposed accessory building. However, it should be noted that if the applicant built an accessory structure in conformance with the requirements of the Zoning Ordinance, the neighbors would still have a view of an 857 square foot accessory structure in the same proposed location. If the ZBA agrees, this standard may be met.

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

The applicant states that the proposed accessory building will be located 208 feet from the road, and will not create a disturbance in light or air flow to any properties to the north, northeast, or east. The applicant notes that with the proposed placement of the building in a knoll, as well as the density of the woods on the property, the building will not affect light or air circulation to the south, southwest, or western properties either.

Staff Comments: Utilizing the Ottawa County GIS Property Mapping tool, topography records do indicate a slight decrease in the elevation of the property at the location of the proposed accessory building, of approximately two (2) feet. Due to the location of the proposed structure and the size of the lot, staff does not anticipate any effect on the light and air circulation of any adjoining property. If the ZBA agrees, this standard may be met.

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

The applicant states that the proposed accessory building will have heavy wooded coverage to the rear, and that four of the seven adjoining properties may not have visibility of the building. The applicant believes that the proposed placement of the building allows it to be “tucked” into the wooded property in an effort to preserve as much privacy for the adjoining properties as possible.

Staff Comments: As noted in Standard 3, it appears that the property to the west will have the most unobstructed view of the proposed building located at the southwest corner of the property. The ZBA does have the authority to require additional landscaping to be provided in this area to buffer any views of the proposed accessory building. However, it should be noted that if the applicant built an accessory structure in conformance with the requirements of the Zoning Ordinance, the neighbors would still have a view of an 857 square foot accessory structure in the same proposed location. If the ZBA agrees, this standard may be met.

Staff Recommendation:
Staff finds that the standards to authorize an administrative approval for an oversized accessory building have been met. However, staff would like to note that while the open porch portion of the proposed building is not considered within the square footage of the structure, it does represent storage area. While the applicant will be required to maintain the area in an orderly manner that does not constitute a nuisance for neighboring properties, it may be visible from neighboring properties. If the ZBA agrees, consider
authorizing this request for an oversized accessory structure of 1,040 square feet, with the consideration for requiring additional landscaping to buffer any views from adjacent properties.
Item #2. A 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).

Applicable Ordinance Sections:
Sec. 38-246, Area regulations (in part).
(3) There shall be a rear yard of not less than 50 feet.

Background:
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 adjacent property to the east appears to be vacant. There is a 984 square foot single-family home on the property with a driveway that slopes down towards Cardinal Lane. There are currently no accessory structures or an attached garage on the property. The applicant is proposing to add a 30 ft. x 40 ft., 2-story addition to the residence, which is proposed to include a 2-car garage as well as living space for guests. The proposed addition is located at the northwest portion of the existing residence, with a doorway leading from the garage to a proposed family room that would connect to the existing single-story residence. The first floor portion of the proposed addition also includes a utility room and a storage room. The second floor of the proposed addition is accessed through the proposed two-stall garage and includes proposed living space for guests as well as a potential deck that the applicant has noted as possibly cantilevered over the driveway. This livable area of the addition appears to only be accessible through the proposed garage. An aerial image of the property as well as a street-view photograph of the existing residence are below.
Zoning Board of Appeals Considerations:

As aforementioned, the property in question is located in the Heneveld’s Subdivision Plat of Eagle Crest Park, which is within the R-2 Lake Shore Residence District. The Eagle Crest area was platted prior to the establishment of the R-2 Zoning District regulations, which has resulted in many of the lots and structures thereon becoming dimensionally non-conforming. Oftentimes, staff is able to consider Section 38-494(b) of the Zoning Ordinance to utilize Rear Yard Averaging methods, as a manner to compare the variance request to existing property layouts in the general area. Staff did attempt to utilize Rear Yard Averaging, but found that the structures within 300 feet of the subject property, and within the same block on the same side of the street, were located greater than the required 50 feet from the rear property line. As such, staff was unable to consider average rear yard setbacks of the adjacent lots. As indicated on drawings provided by the applicant, the proposed addition does not comply with the required rear yard setback. As such, the applicant is requesting a dimensional variance of 11 feet; resulting in a rear yard setback of 39 feet where 50 feet is required.

It should be noted for the sake of accurate recordkeeping that a variance was requested and approved in 2002 for a garage addition that would require a 28 foot rear yard setback where 50 feet is required. However, permits were never applied for and the addition was never made.

It should also be noted that the Zoning Administrator has emphasized to the applicant that while Park Township does not currently have regulations on short-term rental properties, it may be construed that adding living space above the garage could be considered a second dwelling unit, and two-family residences are not a permitted use in the R-2 Zoning District. However, the applicant has designed the addition so that access to the second-floor living space is limited to the
garage that connects to the principal residence. As there is no exterior private entrance for the second floor living space currently indicated, it is the Zoning Administrator’s interpretation that said living space is intended for family visits only and not as a separate dwelling unit. However, if the variance is approved, it will be noted on the property records that a private entrance to the second floor of the addition shall not be permitted.

Non-Use (Dimensional) Variance Standards Review:
Pursuant to Sec. 38-70, an affirmative finding as to each standard listed below must be made in order to authorize a non-use (dimensional) variance:

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 applicant states that given their intention of converting the existing structure into a year-round residence, having a ground-level living space with a garage ensures their safety in weather conditions. The applicant further states that the existing residence was built in 1970, prior to the establishment of the R-2 Zoning District and associated setbacks. Lastly, the applicant notes that the location of the well and septic system on the property limits placement options for an addition.

Staff Comments: Staff finds that the configuration of the existing residence on the parcel does create challenges for meeting the required setbacks. Given the location of the existing residence, an attached garage may be shifted to the north towards Cardinal Lane in order to continue utilizing the existing driveway. However, creating the structural connection between the garage and the existing residence creates a challenge. The applicant has received demolition and building permits to remodel the existing structure (building floor plan is attached), that indicate an 8-foot wide galley kitchen intended for the northwest corner of the existing residence. The proposed addition is shown with a family room that has a pocket door to the kitchen, and the garage is accessed through said proposed family room. If the proposed addition were shifted north to increase the rear yard setback, it appears that there may be a dimensional conflict between the addition and the septic leach fields. Another option for creating an attached garage/addition is to shift the proposed addition to the north, towards Cardinal Lane to meet the required rear yard setback, and provide a breezeway between the existing structure and the proposed addition. However, this suggestion does not seem architecturally appropriate if the applicant intends to connect the proposed added family room with the kitchen. If the applicant were proposing a single-story garage addition connected to the residence by a breezeway, it may be aesthetically pleasing. However, if the applicant proceeds as proposed with a two-story addition, a breezeway may prove aesthetically awkward. Additionally, given the location of the septic leach fields, as well as the topography of the property sloping down towards Cardinal Lane, it is unknown if this is structurally plausible. If the ZBA agrees, compliance with the zoning ordinance regarding minimum setbacks is unnecessarily burdensome and this standard may be met.

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 applicant states that the residence and the proposed addition are not in the sight line for properties to the south of the property, given the elevation change associated with the dunes in the area. The applicant also states that the homes on Cardinal Lane are positioned with the contours of the land, which has resulted in varying front and rear yard distances. Further, the applicant notes that the proposed addition would be consistent with the location of the existing residence, as well as the placement of neighboring residences and existence of wooded areas within the Eagle Crest community.

Staff Comments: As detailed in the staff comments for standard (a.), there are challenges associated with either shifting the proposed addition to the north, or utilizing a breezeway to connect a proposed addition to the existing residence. An additional option for creating a garage on the property is to build a detached garage.

If the applicant were to pursue building a detached garage, Section 38-491(b)(1)(b) of the Zoning Ordinance limits accessory building size to 2% of the calculated lot size, plus 576 square feet as the residence does not currently have an attached garage. Given the total lot size of 19,166 square feet, an accessory building could be a maximum of 959 square feet, which is required to have a 10 foot side yard setback and a 25 foot rear yard setback. As such, if the applicant pursued a detached garage, it would be permitted to be built closer to the adjoining properties than the proposed addition that they are seeking a variance for.

It is staff’s contention that granting a variance for an addition that includes an attached garage will do substantial justice to the applicant as they will be able to exit their garage and enter their residence on the same level. Additionally, as aforementioned, an addition to the principal structure requires a rear yard setback that is greater than that required for a detached garage. Given this, staff believes that the variance proposed is the least intrusive to surrounding properties. If the ZBA agrees, this standard may be met.

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 applicant emphasizes that residences within the Eagle Crest community were located based upon the topography of the lots, and were primarily built prior to the establishment of the R-2 Zoning District regulations. The applicant states their intention to convert this cottage into a year-round residence, and notes again that the location of the well and septic field limit construction options.

Staff Comments: As noted in Item b, the only other area on the property to construct an addition would be shifted towards Cardinal Lane. However, as noted previously it is unknown if this location is even possible given the existing septic system and topography constraints. Staff finds that the plight of the applicant is due to the size and shape of the platted lot in the Heneveld’s Subdivision Plat of Eagle Crest Park, which does not
conform to the requirements of the R-2 Zoning District. If the ZBA agrees, this standard may be met.

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

The applicant emphasizes that the existing residence was constructed prior to the establishment of the R-2 Zoning District regulations, and that Eagle Crest is a community that was built with cottages considering the natural landscape of the area, that has now transitioned into a community of year-round residences.

Staff Comments: Staff agrees that the location of the residence and the topography of the lot present challenges for building an addition that includes an attached garage. Further, the applicant did not build said residence in its location, and has not created the difficulty. It appears that the proposed location of the addition minimizes impacts to the existing topography and surrounding residences. If the ZBA agrees, this standard may be met.

Recommendation:
Staff finds that the standards have been met. It the ZBA agrees, a variance for a rear yard setback of 39 feet where 50 feet is required may be granted.
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-03_410-009

DATE FILED 8/27/19

PROPERTY ADDRESS 16145 RED PINE CT. HOLLAND, MI 49424

NAME OF APPLICANT ZACHARY WIDMAYER PHONE NO. 616.566.7646

Email Address ZACHARY.WIDMAYER@GMAIL.COM

OWNER AS PER TAX RECORD ZACHARY WIDMAYER

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

☑ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☐ Use variance. Note: The Use Variance Supplement is a separate form.


What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance? WE ARE CURRENTLY ALLOWED AN 854 SQFT ACCESSORY BUILDING ON OUR LOT. THE PROPOSED ACCESSORY BUILDING WILL STORE OUR BOAT (30FT W/ TRAILER), CAMPER (30FT W/ TONGUE), AS WELL AS OUR LAWN EQUIPMENT AND OTHER 3 SEASON ITEMS NEEDING WINTER STORAGE. I AM PROPOSING A 36’X40’ (1040 SQFT) BUILDING TO HOLD THESE ITEMS ALONG WITH A 10’X40’ (400 SQFT) OPEN PORCH. THE BUILDING PLUS PORCH WILL EQUAL A TOTAL OF 1440 SQ.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signature of Property Owner

Signature of Applicant

Date 8/27/19

Date 8/27/19
Accessory Building Approval Request

Following are the five (5) standards which the Zoning Board of Appeals must use in considering your request for additional square footage or height, and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

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; Describe how the size or height is not excessive in relation to the lot size as described in Standard #1 above:

The 26’x40’ (1040sqft) accessory building with a 10’ (400sqft) porch we are proposing for our lot will sit with a setback of 15’ from the south lot line and 25’ from the west lot line. This manages the side setback to be 5’ greater and the rear setback to be standard for a 26’x40’ accessory building. The height of the building will be built within the allowed height.

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; Describe how the proposed size of the accessory building is not excessive in relation to the size of the principal building as described in Standard #2 above:

The proposed accessory building will have less of a footprint than the overall principle building by 17% and will only claim 3.3% of the entire lot – this includes the home with garage for the principle building as well as the accessory building plus the porch. The accessory building will not exceed the height of the principal building.

3) The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot; Describe how the proposed building will fit into the area as described in Standard #3 above:

In relation to adjoining lots, the proposed building will be behind all other principle and accessory buildings. In regards to the relation of the accessory building to the principle building on our lot, they will sit 66’ apart with the accessory building to the rear.

4) Whether or not the accessory building will affect light and air circulation of any adjoining property; and describe the effect or lack of effect of light and air circulation of any adjoining property.

With a 208’ setback from the road, the proposed accessory building will not create a disturbance in light or airflow to any properties to the north, northeast, or eastern properties. With the placement of the building being in a knoll and the density of the property’s woods, the accessory building will not affect light or air circulation to the south, southwest, or western properties.
5) Whether the accessory building will adversely affect the view of any adjoining property. Describe the effect the accessory building may have on the view from any adjoining property.

The location of the accessory building being built in a heavily wooded hollow at the rear of the property, four of the seven adjoining properties may not even have visibility of the building. The setbacks we have in place allow this accessory building to be tucked into our wooded property in an effort to preserve as much privacy for the remaining adjoining properties.
We certify that we have examined the premises described, that buildings and improvements are within the property lines, and that they do not encroach except as noted below.

Scale 1" = 40'
- Concrete
- Brick Pavers
D = Description dimension
M = Measured dimension
P = Platted dimension
- = Set iron stake
O = Found iron stake
--- = Fence

Prepared For: Coldwell Banker
RE: 16145 Red Pine Ct.
Description:
Lot 55 Ventura Village Estates Subdivision No. 2

BURGESS Surveying
2466 4TH ST. SW, BYRON CENTER, MI 49315
PHONE (616)437-2249 EMAIL: burressewing@gmail.com

Note: This drawing was made from the description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

State of Michigan
ADAM BURGESS
LAND SURVEYOR
No. 55446

By Adam C. Burgess
Licensed Professional Surveyor No. 55446
Elevation Views
How to purchase at the store

1. Have a building materials team member enter the estimate number into System V to print SOC's.
2. Take the SOC to the register and pay.

How to recall and purchase a saved design at home

2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

Design #: 352059821998
Estimate #: 6524
Estimated price: $13,882.80 *

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.
Front of a property facing the rear
NE CORNER
PARK TOWNSHIP
52 152ND AVE
HOLLAND, MI 49424
(616) 399-4520

Cashier: Cindy Glennie
Received Of: WIDMAYER

The sum of: 350.00

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CHECK 2926689 350.00

Signed: _____________________________
Good morning Emma,

I am proposing to add a second drive that will connect to the base of the current drive where it meets Red Pine Ct. Let me know if you have any more questions or concerns.

Thank you,

Zachary Widmayer

On Tue, Sep 17, 2019, 11:02 AM Zoning <zoning@parktownship.org> wrote:

Zachary,

Good morning. I’m reviewing the variance request you submitted for the oversized accessory building, and just wanted to clarify how you are proposing to access the structure. Are you proposing to drive the vehicles over the yard to be stored in the building, or are you proposing to add a second driveway? Please let me know whenever you can.

Thanks,

Emma M. Posillico, AICP
Zoning Administrator
Office Hours: Tuesday & Thursday: 8 AM – 12 PM, 1 PM – 5 PM

Park Township
52-152nd Avenue
Holland, MI 49424
Phone: (616) 738-4244
www.parktownship.org
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-28_320_004 DATE FILED 9/12/2019

PROPERTY ADDRESS 24 24 Cardinal Ln

NAME OF APPLICANT Arthur & Mary Buys PHONE NO. 616-786-9518

Email Address blueriverdalci@yahoo.com

OWNER AS PER TAX RECORD Buys, Arthur & Mary

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

✓ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

____ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

____ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

____ Use variance. Note: The Use Variance Supplement is a separate form.


What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

The home (1000 square feet) was built in 1970, before the modern R-2 code for a 50-foot offset from the back property line, but home is 26-feet from line. The location of the water well and septic system further limit options for attaching a garage and living space. We are seeking to make this a year-around home that adds some first level living space and the safety of access to a garage as we age – as well as a second floor over the garage to accommodate our children when they visit from out of state.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Arthur Buys
Signature of Property Owner

Mary Buys
Signature of Applican

9/12/2019 9/12/2019
Non-use Dimensional Variance Form

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your dimensional variance request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

- The goal is to build an attached garage that includes living space above to accommodate guests and especially our three children when they visit from out of state (and grandchildren some day?).
- Accepting the reality that we are aging, we value the safety of living space on the ground level and a garage so we do not have to be concerned with weather – especially icy conditions as we get in and out of a vehicle as well as entering and exiting the home.
- The home was built in a sensible location based upon the characteristics of the lot and was built around 1970 before the current R-2 rules that indicated a 50-foot offset from the rear property line. On the west, where the addition is proposed, the home is 26 feet from the back property line (see included survey).
- The location of the well and the placement of the septic system limit placement options for an addition. Fortunately, there is 41 feet for the addition between the home and the west lot line and adequate room north from the area of attachment to the existing home.

2) Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Describe how this variance will do justice to you without doing injustice to the neighbors as described in the Standard #2 above:

- The home, including the addition of the attached garage and living space, is not in the natural line of sight for properties in the vicinity of the back of the property line (south). The properties in this area are at a lower elevation and the homes have the side of a dune for their back yards.
- Homes on Cardinal Lane, due to the contours of the land, aesthetically are positioned in a natural way – even though each home’s distance from the back and front of the lot varies. Adding to the existing home would not only be consistent with the home’s established location but also would be consistent with neighboring homes placements within the natural contours and landscapes of lots in the Eagle Crest community.
- Once we recognized the addition would be within 50 feet we planned for “lesser relaxation” in our proposal – by changing from a full connection to the existing home to moving the proposed
addition half way forward (approximately 38 feet from back line). This initiative still allows for directly accessing the garage and living space as well as maintaining the ability to practically connect plumbing, electrical and HVAC.

- The proposed location of the addition is sensitive to the natural wooded setting of the Eagle Crest community at large as well as to neighboring homes. In particular, we believe it is meaningful to avoid taking down trees in this community (we recently accomplished this goal with the county required replacement of the septic system).

3) Whether the plight of the owner/applicant is due to unique circumstance of the property and not to general condition of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

- Within the Eagle Crest community, home locations were chosen based upon the geography of the lots within this long-established community and homes were primarily built before the current R-2 codes. Location of homes varying from the now established R-2 classification is not exceptional within the community.
- The existing home in our case was positioned and built on the lot prior to the modern R-2 codes and we, as has evolved over time with other homes in Eagle Crest, plan for this to be a year-around home that will accommodate our family.
- The other unique circumstance, that is not uncommon with Eagle Crest, is planning around the water well and the positioning of the septic field – both of which significantly limit construction options.

4) Whether the problem is self-created.

Describe why this problem should not be considered as self-created:

- The existing structure was built before the current R-2 codes and adding to the existing home is our starting point.
- Eagle Crest, as with other lake shore communities in Park Township, has transitioned to year-around homes and homes for families. Part of this transition has been prudently adapting these historic homes to modern codes that recognize the pre-code placement of the homes as well as the contours and character of the particular parcel. We are requesting permission to build an addition to an existing structure that respects the objectives of more recent code changes and the peculiar characteristics of the lot upon which it is to be located.

Arthur and Mary Buys
2424 Cardinal Ln
Holland, MI 49424
(Parcel: 71-15-28-420-004)
Receipt: 263947
09/12/19

Cashier: Julie Northrup
Received Of: BUYS, ARTHUR

The sum of: 350.00

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CHECK  230  350.00

To the Order of Park Township

Three hundred fifty and 00/100 Dollars

Lake Michigan Credit Union

For Zoning Appeal

Signed: ____________________________
Application for Building Permit
Describe Construction – Construction (August 22, 2019)

Arthur & Mary Buys
2424 Cardinal Ln
Holland, MI 49424

1) Smoke and Carbon Monoxide Detectors
   a. Install three Smoke and Carbon Monoxide Detectors (new, not presently in home)
      located in southeast and southwest bedroom and the third is within 3 feet of peak of
      planned vaulted ceiling as well as within 21 feet of each bedroom and the kitchen. (I
      also plan to add carbon monoxide detectors near floor level.)

2) Southeast Bedroom (to be master bedroom)
   a. Extend west wall and add 36” solid pocket door
   b. Shift north wall further north, approximately 2 feet
   c. Add 36” solid pocket door as access to master bathroom
   d. Window on east wall – Anderson 100 Single Hung (2) 6’ x 5” total size, egress window
      30” sill
   e. Window on south wall – Anderson 100 Single Hung 3’ x 5”, egress window 30” sill

3) Northeast Full Bathroom (master bathroom)
   a. Add solar tube
   b. Add double sink vanity
   c. Move existing fan vent from the attic to through the room
   d. Install walls and solid pocket door for new water closet
   e. Install wall and closet doors for master bedroom closet on east wall (formerly laundry
      area)

4) Great Room
   a. Add closet on east wall (reduce size from closet removed in demolition
   b. Window on north wall in dining area – – Anderson 100 Single Hung (2) 5’ x 5” total size, egress window
      30” sill
   c. 36” entry door with ¼ window (new location replace 32” that was removed in
      demolition process)
   d. Add 4’ wide code compliant steps to access back yard and allow for sliding door (second
      sliding door will be blocked and screwed to limit to 4”) – plan to seek variance, if
      necessary, to add deck from house to south.

5) Great Room – remove ceiling joists and vault ceiling
   a. This item that is noted on the sketch will be presented in a separate building permit

6) Southwest Bedroom (created from former sunroom)
   a. Window on south wall – Anderson 100 Single Hung (2) 6’ x 5” total size, egress window
      30” sill
   b. Window on west wall – Anderson 100 Single Hung 3’ x 5”, egress window 30” sill
   c. Add east wall and add 36” solid pocket door
   d. Add bedroom closet on north side of room
   e. Within bedroom closet will be a secondary closet to hold a tankless hot water heater
7) Half Bath on west side
   a. Add south wall
   b. Add west wall
   c. Add north wall
   d. Add east wall and 32” solid door to access bathroom
   e. Add Solar Tube

8) Galley Kitchen (replacing demolition U-shaped kitchen)
   a. Add cabinets on south wall with slot for refrigerator (deep)
   b. Add 36” deep pantry next to the refrigerator
   c. Add cabinets on north wall
   d. Add solar tube
   e. Add pocket door on west wall as access to family room and garage in planned addition
   f. Construct cart on wheels as moveable kitchen work surface and storage
Do Not Cover or Conceal Any Structural Work Prior to Requesting an Inspection and Approval.

APPROVED JOB COPY
Keep Available on Job Site

ALL DUCTS TO BE WITHIN THE CONDITIONED SPACE OR PRESSURE TESTING WILL BE REQUIRED PER N1003.2.4.

EXHAUST FANS REQUIRED IN BATHROOMS WITHOUT OPENABLE WINDOWS

SMOKE DETECTORS REQUIRED PER CODE

REVIEWED FOR CODE COMPLIANCE

PLEASE NOTE
Some drawings, lines, and text may be left out or changed from the actual plans. It is the responsibility of the person doing the final inspection to verify that all work has been completed and is in compliance with the plans and specifications. It is also the responsibility of the person doing the final inspection to notify the building department of any changes or corrections that need to be made."

Arthur Burns
2914 Cardenwold
Holland, MI 49424
616-286-2548
616-263-3345

INSTRUCTIONS: R609