AGENDA
PARK TOWNSHIP
ZONING BOARD OF APPEALS

Meeting
November 25, 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


4. Appeals: Note: Public notices were mailed to all property owners and occupants within 300 feet on or before Sunday, November 10, 2019 and published in the Holland Sentinel on Sunday, November 10, 2019.

Item #1. A request by Thomas Burgess to allow construction of a single-family residence with a front yard of 10 feet where 40 feet is required per Section 38-306 (1) of the Park Township Zoning Ordinance. Said land and premises are located on four parcels to be combined on the south side of North Park Avenue north of Auburn Avenue, Holland, MI 49424. (Parcels 70-15-33-274-001, 70-15-33-274-002, 70-15-33-274-003, and 70-15-33-274-004, Zoned R-4 Medium Density Single- and Two-Family Residence District)

Item #2. A request by Greg & Lynn Tarr to allow construction of an addition to a residence with a front yard of 14 feet where 40 feet is required per Section 38-306 (1) of the Park Township Zoning Ordinance. Said land and premises are located at 2281 Ottawa Beach Road, Holland, MI 49424. (Parcel 70-15-33-275-025, Zoned R-4 Medium Density Single- and Two-Family Residence District)

Item #3. A request by Brian & Julia Malone to allow construction of an addition to a residence with a side yard of 4 feet-6 inches where 10 feet is required per Section 38-246 (2) of the Park Township Zoning Ordinance. Said land and premises are located at 2413 Eagle Drive, Holland, MI 49424. (Parcel 70-15-28-420-019, Zoned R-2 Lakeshore Residence District)

Item #4. A request by Eric & Kathy Geurink to allow construction of an addition to a residence with a side yard of 5 feet where 10 feet is required per Section 38-276 (2) of the Park Township Zoning Ordinance. Said land and premises are located at 402 Pine Street, Holland, MI 49424. (Parcel 70-15-27-377-009, Zoned R-3 Low Density Single-Family Residence District)

Item #5. A request by Brian Meiste to allow construction of a single-family residence on a parcel with an area of approximately 3,750 square feet where 6,500 square feet is required per Section 38-483 (b), and 15,000 square feet is required per Section 38-306 (4) of the Park Township Zoning Ordinance. Said land and premises are located on the south side of Second Avenue west of Ottawa Beach Road, Holland, MI 49424. (Parcel 70-15-33-281-004, Zoned R-4 Medium Density Single- and Two-Family Residence District)
Item #6. A request by Brian Meiste to allow construction of a single-family residence with a front yard of 17 feet where 40 feet is required per Section 38-306 (1), and with a rear yard of 18 feet where 25 feet is required per Section 38-306 (3) of the Park Township Zoning Ordinance. Said land and premises are located on the south side of Second Avenue west of Ottawa Beach Road, Holland, MI 49424. (Parcel 70-15-33-281-004, Zoned R-4 Medium Density Single- and Two-Family Residence District)

5. Other Business

Item #1. Consideration of rescheduling next meeting – December 23, 2019

6. Announcements

Next scheduled meeting date is December 23, 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, 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 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).
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 application 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) MDEQ 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 MDEQ moves forward. If Buys can move the footprint plan less than 39’, and if it is approved by Eagle Crest 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 Eagle CrestEGLE 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 Eagle CrestEGLE 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 MDEQEGLE makes its final determination on the distance from the dune and Eagle CrestEGLE 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.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
October 30, 2019

Approved:
Six (6) applications have been received for the November 25, 2019 Zoning Board of Appeals meeting.

Item #1. A request by Thomas Burgess to allow construction of a single-family residence with a front yard of 10 feet where 40 feet is required per Section 38-306 (1) of the Park Township Zoning Ordinance. Said land and premises are located on four parcels to be combined on the south side of North Park Avenue north of Auburn Avenue, Holland, MI 49424. (Parcels 70-15-33-274-001, 70-15-33-274-002, 70-15-33-274-003, and 70-15-33-274-004, Zoned R-4 Medium Density Single- and Two-Family Residence District)

Applicable Ordinance Sections:
Sec. 38-306, Area regulations (in part).
(1) There shall be a front yard of not less than 40 feet.

Background:
The property description is Lots 51 through 54 of Nieuwsma’s Supervisor Resubdivision of West Michigan Park replatted in 1942. There are currently four (4) separate 40 ft. x 80 ft. (3,200 square foot) parcels, which are to be combined together to form one (1) 12,800 square foot parcel. Thomas Burgess has owned lot 52 since 1999, having purchased it from a relative. In February of 2018, Thomas & Adam Burgess purchased lots 53 and 54 (western two lots) from the estates of other relatives. Lot 51 (easternmost lot) was purchased by Thomas & Adam Burgess from Ronald Klamt in June 2018. An image from GIS is below.
In July 2018, the Zoning Board of Appeals considered a variance request to construct a single-family residence on a private well and septic system with a front yard of 10 feet where 40 feet is required. The ZBA voted to approve said variance; however, per Section 38-70 (3) of the Park Township Zoning Ordinance, “any person who is granted a variance under this chapter must, within one year of the date on which the Zoning Board of Appeals takes action to grant the variance, take affirmative action to exercise the rights granted according to the variance. For purposes of this section, the term "affirmative action" means either commencing the use for which the variance has been granted, or obtaining all necessary permits in compliance with Section 38-33 for the construction of a building or structure authorized by the variance. Failure to take affirmative action in exercising the rights granted according to a variance within one year of the date on which the Zoning Board of Appeals takes action to grant the variance will result in the automatic cancellation of the variance granted.”

It should be noted that the applicant was working on permits with external agencies, and did meet with the Park Township Zoning Administrator prior to July 2019. However, the applicant did not obtain all necessary permits for the construction of the building authorized by the variance, or even apply for a building permit through Park Township. As such, the variance expired.

Additionally, during the meeting between the applicant and the Zoning Administrator in July 2019, it came to Staff’s attention that the applicant was proposing a two-family residence connected to public sewer and water. During the review of the 2018 variance request, the applicant contended they were pursuing a private well and septic system to serve a single-family residence. After communication between the applicant and the Zoning Administrator in the fall of 2019, the applicant has decided to pursue building a single-family residence connected to public sewer and water.

**Zoning Board of Appeals Considerations:**

As indicated on drawings provided by the applicant, the proposed single-family residence does not comply with the required front yard setback. As such, the applicant is requesting a dimensional variance of 30 feet; resulting in a front yard setback of 10 feet where 40 feet is required.

The applicant has obtained a permit from EGLE for constructing the home as well as the sidewalk within the critical dune area.

**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:

- *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 the current zoning requires front and rear yard setbacks of 40 feet and 25 feet, respectively. They note that on a lot with a depth of 80 feet, this provides a building envelope that is only 15 feet deep.
Staff Comments: Staff finds that the configuration of the proposed residence on the parcel does create challenges for meeting the required setbacks. If the ZBA agrees, 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 conditions present at the property are unique, in that the vacant properties available for development on North Park Avenue are limited to the four (4) contiguous properties included in the request. The applicant notes that the front yard faces North Park Avenue, which cannot accommodate further/future development due to the presence of critical dunes and steep slopes. The applicant states that the only surrounding buildable properties abut either the rear or side lot lines.

Staff Comments:
Staff finds a lesser variance would push the envelope south toward existing homes on Auburn Avenue, which would not provide justice to other property owners in the district. If the ZBA finds this to be true, and agrees the area to the north is not likely to develop, you may find this standard to 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 lists that the uniqueness of the property that warrants a variance includes the lot depth, resulting in a building envelope fifteen (15) feet deep, as well as a location isolated from surrounding buildable lots.

Staff Comments: The circumstances of the property may not be unique to the Ottawa Beach area, but are also not typical of other R-4 zoned properties. If all four (4) lots are combined and the property is utilized for a single-family residence, Staff finds that the use of the property is in accordance with surrounding properties. If the ZBA agrees, this standard may be met.

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

The applicant states that they believe the problem is not self-created, as the dimensions of the lots and zoning requirements created the scenario. They state further that the applicant does not have the ability to purchase additional property in an effort to deepen the building envelope, but could feasibly construct a 15-foot wide building, which they state would likely be undesirable.

Staff Comments: Staff agrees that the location of the residence and the topography of the lot does present challenges. If the ZBA agrees, this standard may be met.
Recommendation:
If the ZBA agrees the four standards have been met and a variance is granted for the construction of a single-family residence with a front yard setback of 10 feet where 40 feet is required, consider making a condition that the four subject lots are to be combined. This was a condition that was noted when the variance was granted in 2018, but the applicant has yet to combine the lots.
Item #2. A request by Greg & Lynn Tarr to allow construction of an addition to a residence with a front yard of 14 feet where 40 feet is required per Section 38-306 (1) of the Park Township Zoning Ordinance. Said land and premises are located at 2281 Ottawa Beach Road, Holland, MI 49424. (Parcel 70-15-33-275-025, Zoned R-4 Medium Density Single- and Two-Family Residence District)

Applicable Ordinance Sections:
Sec. 38-306, Area regulations (in part).
(1) There shall be a front yard of not less than 40 feet; and

Sec. 38-483(e)(2)
Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
   a. The proportion of the main wall which has been altered by the addition;
   b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and
   c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

Background:
The property is described as Lots 5 & 6 of Nieuwsma’s Supervisor Resubdivision of West Michigan Park replatted in 1942. The property is 0.2013 acres, or approximately 8,770 square feet, and is currently owned by Willard Van Essen. There is an existing residence on the property, approximately 1,950 square feet in size. While there is an existing single-stall garage attached to the residence, it is not accessible by vehicle due to the relocation of the driveway to the northern end of the property. The driveway relocation is outlined in a letter submitted with the application materials, as well as below in the “Considerations” section. The applicants, Greg and Lynn Tarr, have an option to purchase the property. An aerial view and street-view image of the property are below.
Zoning Board of Appeals Considerations:
As aforementioned, the property in question is located in the Nieuwsma’s Supervisor Resubdivision of West Michigan Park, which is within the R-4 Medium Density Single- and Two-Family Residence District. The Nieuwsma’s Supervisor area was platted prior to the establishment of the R-4 Zoning District regulations, which has resulted in many of the lots and structures thereon becoming dimensionally non-conforming. As noted, the applicant is proposing a 24-foot x 40-foot addition on the east end of the existing residence. The application materials indicate that the
proposed addition will meet the required 25-foot rear yard setback as well as the required 7-foot minimum side yard setback. While the applicant has not provided a drawing showing these required setbacks, staff has verified using Ottawa County GIS (shown below) that said setbacks should be attainable. The applicant is proposing to match the face of the addition to the location of the existing front deck, parallel to Ottawa Beach Road. At its narrowest point, said deck is approximately 14 feet from the property line. As such, the applicant is requesting a dimensional variance of 26 feet; resulting in a front yard setback of 14 feet where 40 feet is required.

As aforementioned, Section 38-483(e)(2) of the Zoning Ordinance addresses buildings built to an established building setback line prior to July 1, 2016, and states that additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals. As such, your Standards of Review below reflect those listed in Section 38-483(e)(2).

Staff would like to address the letter that was included with the variance application. Submitted by the current trustee of the property, paragraph three (3) outlines a reported agreement between Park Township, Ottawa County, and the trustee’s parents, to cease using the garage on the west side of the face of the existing residence and relocate the associated driveway to the northern end of the property. According to the letter, “the other part of the understanding was that a garage would eventually be built there. It is only fair that the Township complete its end of that bargain by approving the garage that was contemplated as part of that safety move.” Staff has attempted to locate any communication regarding a proposed garage in 2014, and were unable to find any. There has also not been documentation of said communication included with the application.
Building Setback Exception Standards Review:
Pursuant to Sec. 38-483(e)(2), the Zoning Board of Appeals shall consider the following standards in granting authorization for a building setback exception:

a. The proportion of the main wall which has been altered by the addition;

The applicant states that the proposed addition will run the width and height of the existing home; that the existing structure will be modified for entry; that windows will be removed to attach the addition to the existing structure; and that the goal for the addition is to make it blend seamlessly with the existing home.

Staff Comments: It does appear that the intention of the applicant is to construct an addition that adjoins and blends architecturally to the existing residence. If the intention of this standard is to ensure that the proposed addition does not overwhelm the existing structure, it appears that this intention is achieved through the applicant’s proposal.

b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and

The applicant states that the addition will be used for a garage and additional living space. They note that the proposed addition will look like the existing home and improve the historical integrity of the existing structure. The applicant contends that the expansion will have a positive impact on the neighboring properties because it will match the historical look and feel of the existing neighborhood.

Staff Comments: Staff agrees that the applicant’s proposal indicates an addition that matches the style of the existing home and will modernize an older structure, which may have a positive impact on the character of the historic Ottawa Beach neighborhood. However, Staff would like to note that the proposed addition does represent a significant structure that will impact views and light to surrounding properties. While Standard (c.) below requires five (5) feet from the side and rear lot lines, which this proposal exceeds, it should be emphasized that there may be impacts on adjoining properties. Staff recommends considering any neighbor comment received at the public hearing for this standard.

c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

The applicant states that the proposed addition will run the width and height of the existing home; that the existing structure will be modified for entry; that windows will be removed to attach the addition to the existing structure; and that the goal for the addition is to make it blend seamlessly with the existing home.

Staff Comments: As proposed, an extension of the face of the existing residence will result in a front yard setback of 14 feet. As such, the addition would be greater than five feet from the side and rear lot lines, and would be greater than 10 feet from the front lot line.

Recommendation:
Following any public comment received regarding the application, staff finds that the proposed addition may follow the considerations of a building setback exception for a structure built to an established setback line prior to July 1, 2016. It the ZBA agrees, consider approving the request for a front yard setback of 15 feet where 40 feet is required.
Item #3. A request by Brian & Julia Malone to allow construction of an addition to a residence with a side yard of 4 feet-6 inches where 10 feet is required per Section 38-246(2) of the Park Township Zoning Ordinance. Said land and premises are located at 2413 Eagle Drive, Holland, MI 49424. (Parcel 70-15-28-420-019, Zoned R-2 Lakeshore Residence District).

Applicable Ordinance Sections:
Sec. 38-246, Area regulations (in part).
(2) For residential buildings, no side yard shall be less than 10 feet.

Background:
The property is described as lots 31 & 32 in the Heneveld’s Supervisor Plat 9 of Eagle Crest Park Subdivision. The property is approximately 11,000 square feet in overall area and is located on the north side of Eagle Drive, to the west of South Lakeshore Drive, and is bound by private single-family residences to the north, east, and west. There is an 1,800 square foot single-family home on the property. The applicant is proposing to add a 30.2 ft. x 12 ft., 2-story addition to the east side of the residence. 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 Supervisor 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. While the subject property does not meet the current lot area requirements of the R-2 district (1 acre), the existing residence does meet the side and front yard setback requirements. The rear yard is approximately 25 feet, where the R-2 District requires 50 feet. As indicated on drawings provided by the applicant, the proposed addition does not comply with the required side yard setback. As such, the applicant is requesting a dimensional variance of 5 feet-6 inches; resulting in a side yard setback of 4 feet, 6 inches where 10 feet is required.

Staff would like to note that Section 38-483(e)(2) of the Park Township Zoning Ordinance, regarding building setback exceptions, cannot be utilized in the case of this variance request as the applicant is requesting an addition that results in a side yard setback of 4 feet, 6 inches. Per Section 38-483(e)(2)(c) (in part), “the addition shall not be less than five feet from the side lot lines.”

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 they would like to add the 12-foot wide addition to the residence to accommodate a chronically ill adult child. They note that the variance is being requested for the back corner of the proposed addition, which is affected by the angle of the property line.

Staff Comments: According to the documents submitted by the applicant, the area proposed for the addition would house the master bathroom and walk-in closet on the first floor, and the second floor would only add a portion of the building footprint, and not include habitable area that encroaches on the side yard setback. Given that the area that encroaches on the side yard setback is proposed for a walk-in closet that could feasibly be reduced in size to render conformity with the side yard setback, staff does not find that strict compliance with the zoning ordinance is unnecessarily burdensome. If the ZBA agrees, this standard has not been 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 surrounding property lines are diagonal to the street, with houses facing parallel to the street. The applicant emphasizes that they are not requesting a variance for the entire east side of the property, but for the affected corner.
Staff Comments:
As aforementioned in item (a.), the area that encroaches on the side yard setback could feasibly be reduced in size. Conformity with the regulations does substantial justice to other property owners in the Eagle Crest neighborhood. Additionally, if the size of the proposed addition was slightly reduced, a variance would not be required. As such, a lesser relation than applied for is not applicable. If the ZBA agrees, this standard has not been 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 the diagonal property lines are unique, and that the location of the house on the property results in the proposed addition encroaching on the 10-foot side yard requirement.

Staff Comments: Staff agrees that the diagonal property lines and the horizontal siting of the residences does represent an odd shape to the property and is not a general condition of the zoning district. However, given that a variance is not truly necessary to add square footage to the existing home, staff does not believe that the unique circumstances of the property represent a plight to the property owner. If the ZBA agrees, this standard has not been met.

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

The applicant states that they did not establish the property line or build the residence. They also note that they have no control over having an adult child that needs care.

Staff Comments: Staff agrees with the applicant that they did not establish the property lines or build the residence. Additionally, staff does recognize that unforeseeable medical conditions do arise that may necessitate modifications to an existing residence. However, it appears that the floor area facilitating the variance request is for a walk-in closet on the first floor of the residence. It does appear that the property has adequate space for a conforming addition that may be required to facilitate medical care on the first floor of a residence. If the ZBA agrees, this standard has not been met.

**Recommendation:**
Staff finds that the standards have not been met. It the ZBA agrees, consider denying the request for a variance for a side yard setback of 4 feet, 6 inches where 10 feet is required.
Item #4. A request by Eric & Kathy Geurink to allow construction of an addition to a residence with a side yard of 5 feet where 10 feet is required per Section 38-276 (2) of the Park Township Zoning Ordinance. Said land and premises are located at 402 Pine Street, Holland, MI 49424. (Parcel 70-15-27-377-009, Zoned R-3 Low Density Single-Family Residence District).

Applicable Ordinance Sections:
Sec. 38-276, Area regulations (in part).
(2) There shall be a side yard of not less than 10 feet.

Background:
The property is described as Lots 63 and 64 of Chippewa Resort. The property is approximately 8,000 square feet in overall area and is located at the intersection of Forest Drive and Pine Street, and is bound by private single-family residences to the north and west. There is a home and shed existing on the property; the home underwent a substantial addition in late 2016, expanding the existing cottage by approximately 1,400 square feet. While the residence is addressed to Pine Street, the structure faces and is accessed through Forest Drive. However, per Section 38-496 (in part) of the Zoning Ordinance, “buildings on lots having frontage on two intersection streets shall comply with front yard requirements on both such streets or roads.” Accordingly, both Forest Drive and Pine Street are considered front yards for the residence. An image of the property is below.
Zoning Board of Appeals Considerations:
In reviewing the 2016 building permit application for the addition, no variances were required. As such, it appears that the area between the structure and the northern property line was considered a side yard, meeting the 10 foot setback requirement. Additionally, while both front yards measure to be less than the 40 foot front yard requirement measured from the structure to the property line, it appears that the Zoning Administrator permitted the addition based on either the portion of the existing cottage that remained, or front yard averaging methods. To respect the decision of the previous Zoning Administrator, and given the fact that the proposed addition does not reduce either front yard, it is Staff’s interpretation that only a side yard variance would be required.

As aforementioned, according to Section 38-276 (2) of the Zoning Ordinance, there shall be a side yard of not less than 10 feet in the R-3 Zoning District. The applicant is requesting to construct a 14 ft. x 29 ft., 2-floor addition on the west side of the residence; the first floor of said addition is shown to be used as a garage. As such, they are requesting a dimensional variance of 5 feet; resulting in a side yard setback of 5 feet where 10 feet is required.

Staff would like to note that Section 38-483(e)(2) of the Park Township Zoning Ordinance, regarding building setback exceptions, has not been utilized in the case of this variance request as the addition to the existing structure (continuing the building line that the applicant is seeking to extend) occurred after July 1, 2016. Staff does recognize that the original structure on the property, which established the original building line, was built prior to 2016. If the ZBA decides to consider this, standard 38-483(e)(2)(b) regarding the effect of the addition on adjoining properties and the surrounding neighborhood is discussed in item (b.) below.

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 the difficulty and hardship associated with the variance is that the parcel is a corner lot, so it has two (2) front yards and the larger setback requirements from both Forest Drive and Pine Street. They further note that given the placement of the residence, it is not feasible to place a garage behind the residence, and the only other potential location is the side of the residence. The applicant continues on to state that the proposed addition would allow them to park vehicles in the garage portion and have additional storage for items that are currently parked or stored in the yards of the residence. The applicant notes that because they are seeking to build a garage, it must have a certain size in order to store vehicles.

Staff Comments: Given the length of the applicant’s response to item (a), and to potentially aid in ZBA deliberation, there are several items that staff would like to respond to.

-Staff does agree that the placement of the residence on a smaller corner lot presents challenges for either expanding the residence or building an accessory building that conforms with the yard requirements. While the applicant inaccurately states that an
accessory building cannot be placed in a front yard, the minimum front yard requirement for an accessory building is 40 feet, so it would not be feasible to place an accessory building within either front yard of the subject property.

- The applicant has noted that they are not seeking a variance for any structure that is larger than what would be permitted on a conforming lot. A conforming lot in the R-3 district (15,000 square feet) would be allowed a 300 square foot accessory building, which has a 5 foot side yard requirement. However, there is also a requirement that an accessory building be 10 feet from any other building. So, even if this lot were conforming, the applicant would have to place an accessory building 10 feet from the residence, which would only be possible in the location proposed for the addition if the accessory building were 4 feet wide. Further, without an attached garage, a property is permitted an additional 576 square feet of accessory building, which would create an 876 square foot permitted accessory building on a conforming lot, which has a required 10-foot side yard. It is dimensionally infeasible to fit both a 10-foot side yard and a 10-foot setback on the west side of the existing residence.

- The applicant repeatedly notes that the intention of the proposed addition is for a garage to store vehicles and other items that are currently stored outside. Staff would like to emphasize that the addition does include a garage, but it also includes a second floor. Staff contends that adding a two-floor addition that is the height of the existing residence may have greater impacts on neighboring properties than adding a single-stall garage.

Staff does agree that the lots in Chippewa Resort are smaller and have setbacks that are typically less than that required by the R-3 Zoning District. Further, the subject property does have additional challenges being a corner lot. It is virtually impossible to either build an addition or add an accessory building that conforms with the zoning ordinance. If the ZBA agrees, 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 variance will not change the character of the neighborhood, as they plan to replace a current shed with an attached garage on the same side of the residence. They further note that the proposed garage will not negatively impact the use of property of any abutting property owners, as those owners do not use their residence as a primary residence.

Staff Comments: While the existing neighbors may be seasonal occupants, there is no way to ensure that neighboring residences will not be utilized year-round in the future. The applicant states throughout their response that they are only adding a garage, but do not emphasize that the materials submitted with the application indicate a second floor addition. Further, the existing shed on the property is approximately 13 ft. x 14 ft., which is less than half the footprint of the proposed addition. As such, staff disagrees that a two-floor addition will not impact neighboring properties. Staff does acknowledge that there have been variances granted to properties within the Chippewa Resort area in the past. However, many of the existing attached garages meet the required 10-foot side yard
setback, or are detached and meet the setback requirements for accessory buildings. If the ZBA agrees, this standard has not been 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 again that the unique situation on the property is the two (2) front yards and that a garage cannot be placed in a front yard. They also reiterate the placement of the residence and that it is inordinately difficult to make reasonable use of the property in having a customary detached garage that complies with the ordinance.

Staff Comments: Staff does agree that two (2) front yards and the placement of the existing residence on the property make it challenging to comply with the Zoning Ordinance. Any detached garage would require a setback variance. However, an addition to the original cottage was permitted under the current property ownership. When designing the 2016 addition, the owners may have considered creating an attached garage within the building footprint that complies with the setback requirements, given the 19-feet between the addition and the western property line. Further, as noted in staff’s comments in Item (b.), many of the existing attached garages within the Chippewa Resort area (R-3 Zoning District) meet the required 10-foot side yard setback, or are detached and meet the reduced requirements for accessory buildings. If the ZBA agrees, this standard has not been met.

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

The applicant states that the practical difficulty was not created as a result of any action they have taken, or any unlawful action of any predecessors on the property, or which could have been reasonably foreseen to create difficulty in complying with the ordinance. They further note that they could not have done anything to alter the property, to reasonably use the property to construct a customary detached garage.

Staff Comments: Staff would like to emphasize again that the applicant has not proposed a customary detached garage, but rather an attached garage with a second floor addition. It is staff’s belief that the applicant could have considered the desire for a garage when applying for their 2016 addition permits. If the ZBA agrees, this standard has not been met.

Recommendation:
Staff finds that not all of the standards have been met, as is required per Sec. 38-70 of the Zoning Ordinance. If the ZBA agrees, consider denying the variance request for a side yard setback of 5 feet, where 10 feet is required.
Item #5. A request by Brian Meiste to allow construction of a single-family residence on a parcel with an area of approximately 3,750 square feet where 6,500 square feet is required per Section 38-483 (b), and 15,000 square feet is required per Section 38-306 (4) of the Park Township Zoning Ordinance. Said land and premises are located on the south side of Second Avenue west of Ottawa Beach Road, Holland, MI 49424. (Parcel 70-15-33-281-004, Zoned R-4 Medium Density Single and Two-Family Residence District)

Applicable Ordinance Section:
Section 38-306 (4) Lot area and width (single-family). The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 90 feet, respectively, and that the minimum lot area for lots served with public water but not served with public sewer shall be 10,000 square feet.

Also Sec. 38-483 (b.) Existing lots of record. If a lot in an agricultural or residential zoning district which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived does not comply with the area and/or width requirements of its zoning district, then such lot may be used for single-family use only and then only if such single-family use is first authorized by the Zoning Board of Appeals as a matter for the Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603); provided, however, that a lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived which is located in an AG, R-1, R-2, R-3 or R-4 Zoning District may be used for single-family use only without authorization from the Zoning Board of Appeals if the lot has a minimum lot area of 6,500 square feet and if there is compliance with all yard requirements for the R-3 Low Density Single-Family Residence District or there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located.

Background:
The property description is Lot 32 of Bosma’s Addition, and has been under the current ownership since 2010. The property is approximately 3,750 square feet in overall area and is located on the south side of Second Avenue west of Ottawa Beach Road, and is bound by private single-family residences to the east, west, and south. There was a single-family residence on the property until it was demolished in 2010. There have not been any property line modifications since 1975, which is when Ottawa County’s property split history begins. Images from GIS are below.
Zoning Board of Appeals Considerations:
The property in question is located within the R-4 Medium Density Single- and Two-Family Residence District. The R-4 District requires a minimum lot area and width for a single-family residence that is not served with public water and sewer to be 15,000 square feet and 90 feet, respectively. The property, which is approximately 3,750 square feet in overall area, does not comply with the minimum lot area. Additionally, while the property is served with public sewer, it is not served with public sewer. As such, the applicant is requesting authorization to construct a single-family residence on a parcel that is smaller than what is permitted by Ordinance. As advised by the Township Attorney, the ZBA is to consider both lot size requirements (6,500 square feet for a non-conforming lot of record per Section 38-483(b) and 15,000 square feet per Section 38-
Non-Use (Dimensional) Variance Standards Review (15,000 square foot parcel required): 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 the original platted lot is too small, and would only allow a residence to be built at seven (7) feet deep.

Staff Comments: Staff agrees that given the dimensions of the property (50 ft. x 75 ft.), it is infeasible to construct a residence on the parcel that meets the setback requirements. Further, given the lot size in the general area, it is challenging to locate a platted lot that meets the requirement of 15,000 square feet, to build a residence that is not served with public water and sewer, despite the fact that public water is not available in this location. As such, it seems that strict compliance with the zoning ordinance requirement for a 15,000 square foot property renders conformity unnecessarily burdensome. If the ZBA agrees, it appears 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 variance would allow a residential single-family home to be built which would do justice. The applicant also notes that a new residence that meets the side yard setback requirements, along with front and rear yard averaging, is better than a vacant, debris-filled dirty lot.

Staff Comments: Staff agrees that constructing a new single-family residence would do substantial justice to the applicant as well as other property owners in the neighborhood. Given that the variance request is to construct a residence on an existing lot that does not conform with the minimum area requirements, it seems that a lesser relaxation than that applied for (in regards to property size) is not possible. If the ZBA agrees, it appears 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 again that the original platted lot is only 50 ft. x 75 ft., and there is no way to design a residence that will comply with the Township requirements for setbacks.
Staff Comments: Given the existence of many 3,750 square foot lots within the historic Ottawa Beach that do not have access to public water, it appears that the plight of the applicant is due to the unique circumstances of the platted lots within the neighborhood, rather than the R-4 Zoning District. If the ZBA agrees, it appears this standard may be met.

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

The applicant states that “We didn’t have anything to do with the size of these lots. Therefore this is obviously not self-created.”

Staff Comments: Staff finds that this lot was platted prior to the establishment of the R-4 Zoning District requirements, and public water has not been extended to the property. As such, if the ZBA agrees, it appears this standard may be met.

Existing Lot of Record Standards Review (6,500 square foot parcel required):
The ZBA must consider the following standards prior to approving a variance to build a structure on an existing lot of record that does not meet the minimum requirements of the Township Ordinance.

1. The size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot;
   a. The maximum height of the residential building shall be reduced by the same percentage the total area of the lot or parcel of land bears to 6,500 square feet, or 20 feet, whichever is greater.
   b. Side yards may be reduced by the same percentage the total area of the lot or parcel of land bears to the minimum lot area requirement of the zoning district, or five feet, whichever is greater;

   The applicant states that the home that is proposed to be built has a main floor footprint of 32 feet x 30 feet, which is approximately 25% of the total lot size. They note that the proposed residence will meet the side yard setback requirement of 20 feet total, with no less than 7 feet on any side. The applicant also states that the proposed residence meets the front and rear street averaging requirements. Lastly, they state that the home will have vinyl siding, asphalt composite shingles, Pella windows, and be “cottage style” in nature.

   Staff Comments: It should be noted that Park Township does not have architectural guidelines within the Zoning Ordinance, so there is not a method for Staff to ensure that the applicant complies with the stated architectural style. However, Staff does agree that the proposed siting of the residence meets the side yard requirements of the R-4 Zoning District. In regards to the applicant’s statement that the proposed residence meets the front and rear yard averaging requirements, Staff has confirmed with the Township Attorney that given the non-conforming size of the property, any deviation from the setbacks of the R-4 District requires a variance, which is considered as Item #6.

   To address the proposed height of the structure, in accordance with sub-item (a.) above, Staff has considered the percentage that the total area of the lot (3,750 SF) bears to 6,500 SF, which yields 57.7%. As a percentage of the maximum allowable height (35 feet), the
maximum allowable height of the residence is 20.2 feet. While the applicant states in the letter attached to the application that the height of the proposed home will be 23 feet, it has since been reduced to be just under 20 feet (see building elevations dated November 4, 2019). Staff would like to note for the Board that the applicant is aware of proposed amendments to the Zoning Ordinance that may allow height averaging in the Ottawa Beach neighborhood. It has been emphasized to the applicant that while the public hearing for said amendments is scheduled for November 13, 2019, it is unknown if/when they may be adopted.

One other item that Staff would like to note is the proposed front elevation of the residence. While the applicant has stated that the structure is proposed as a single-family residence, it appears that there are two (2) sets of doors on the front of the residence. The Park Township Zoning Ordinance does not have a regulation stating that two (2) front doors are prohibited on a single-family residence, but Staff would like to emphasize that this request is for a single-family residence only.

In consideration of the standard above, the character and nature of the proposed residential structure appear to be in keeping with the standards of the neighborhood. Staff believes that the required setbacks and associated size of the residence shall be considered in Item #6 of this memorandum.

2. The effect of the proposed use on adjoining properties and the surrounding neighborhood;

The applicant states that the proposed residence exceeds the setbacks required through front and rear yard averaging techniques, and will improve a vacant lot. They further note that this will greatly improve the site from a “vacant, dirty lot” to a new home.

Staff Comments: The subject property has been a vacant lot since the former residence and accessory building were demolished in 2010. While the property has been illegally utilized for outdoor storage of materials over the years, Staff agrees that the construction of a residence would improve the subject lands. Given that the lot is non-conforming, the only alternative for the property is that it be acquired and combined with an adjacent property, which has not occurred as the ownership was last transferred in 2010. Staff believes that building a single-family residence on the property is in keeping with the nature of the adjoining properties and surrounding neighborhood.

3. The effect of the proposed use on light and air circulation of adjoining properties;

The applicant states that “I don’t see how this would affect the adjoining properties since we are going to comply with side yard setbacks anyway.”

Staff Comments: While Staff agrees that side yard setbacks do have an impact on light and air circulation between properties, front and rear yard setbacks do too, as well as the height of any structure. While building a residence will impact the light and air circulation of adjoining properties, as compared to the existing partially wooded lot, if there is compliance with the required height regulation and setbacks specified by the ZBA, Staff
does not believe that the proposed building will have significant impacts on adjoining properties.

4. *The effect of any increased density of the intended use on the surrounding neighborhood; and*

The applicant responded to Item (4.) with the same response to Item (3.).

Staff Comments: While building a single-family dwelling will increase the density in the neighborhood, as compared to the existing partially wooded lot, Staff does not find that a single-family dwelling will substantially impact the density of the surrounding neighborhood in a negative manner.

5. *All off-street parking requirements are met.*

The applicant states that the proposed site plan shows the provisions for parking.

Staff Comments: Staff finds that the applicant has indicated a driveway and parking area on the site plan included with the application. If this parking area is adequate for two (2) vehicles, as required for a single-family dwelling, then Staff agrees that all off-street parking requirements are met.

**Staff Recommendation:**
Staff has found that all of the standards of Section 38-306(4) have been met, and has considered the five (5) standards of Section 38-483(b), and finds that building a single-family residence on this non-conforming parcel may not have substantial negative impacts on the surrounding neighborhood, given the applicant agrees to provide two (2) off-street parking spaces. It the ZBA agrees, consider approving a request to construct a single-family residence on a parcel that is smaller than what is permitted by Ordinance.
Item #6. A request by Brian Meiste to allow construction of a single-family residence with a front yard of 17 feet where 40 feet is required per Section 38-306(1), and with a rear yard of 18 feet where 25 feet is required per Section 38-306(3) of the Park Township Zoning Ordinance. Said land and premises are located on the south side of Second Avenue west of Ottawa Beach Road, Holland, MI 49424. (Parcel 70-15-33-281-004, Zoned R-4 Medium Density Single- and Two-Family Residence District)

Please note that this dimensional setback variance request is based upon Item #5 (existing lot of record) being granted. If the applicant is not granted Item #5, Item #6 becomes unnecessary.

Applicable Ordinance Section:
Sec. 38-306, Area regulations (in part).
(1) There shall be a front yard of not less than 40 feet; and
(3) There shall be a rear yard of not less than 25 feet

And

Sec. 38-483 (b.) Existing lots of record. If a lot in an agricultural or residential zoning district which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived does not comply with the area and/or width requirements of its zoning district, then such lot may be used for single-family use only and then only if such single-family use is first authorized by the Zoning Board of Appeals as a matter for the Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603); provided, however, that a lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived which is located in an AG, R-1, R-2, R-3 or R-4 Zoning District may be used for single-family use only without authorization from the Zoning Board of Appeals if the lot has a minimum lot area of 6,500 square feet and if there is compliance with all yard requirements for the R-3 Low Density Single-Family Residence District or there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located.

Background:
Please reference the “Background” section for Item #5, as it applies to the same property.

Zoning Board of Appeals Considerations:
The property in question is located within the R-4 Medium Density Single- and Two-Family Residence District. However, pursuant to Sec. 38-483 (b) (please reference Item #5), the property is permitted to be used for a single family structure provided that the property complies with the required setbacks in the R-3, Low Density One-Family Residence District or there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located. Per the advice of the Township Attorney, front and rear yard averaging methods (Sections 38-494(a) and (b)) are not to be considered as “specific exceptions to the area and/or width requirements of the particular zoning district” of this property, given its existence as a nonconforming lot of record. However, as you will note, the applicant has considered front and rear yard averaging methodology in preparing their variance application documents.

As such, the applicant is proposing a single-family residence with a front yard setback of 17 feet where 40 feet is required, and a rear yard setback of 18 feet where 25 feet is required per the R-4 Zoning District requirements. The applicant’s side yard setbacks do conform with the district
requirement for 20 total feet of side yards, with no less than 7 feet on any side.

Non-Use (Dimensional) Variance Standards Review (front and rear yard setbacks): 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 the original platted lot is too small, and strict compliance with current setbacks would only allow a home to be built at 7 feet deep.

Staff Comments: Staff agrees that given the dimensions of the property (50 ft. x 75 ft.), it is infeasible to construct a residence on the parcel that meets the setback requirements. As such, it seems that strict compliance with the zoning ordinance requirements for a 40 foot front yard and 25 foot rear yard renders conformity unnecessarily burdensome. If the ZBA agrees, it appears 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 variance would allow a residential single-family home to be built which would do justice. The applicant also notes that a new residence that meets the side yard setback requirements, along with front and rear yard averaging, is better than a vacant, debris-filled dirty lot.

Staff Comments: Staff agrees that constructing a new single-family residence would do substantial justice to the applicant as well as other property owners in the neighborhood. However, Staff finds that it is possible to provide substantial relief to the property owner, yet grant a lesser relaxation that may be more consistent with justice to other property owners in the neighborhood. The image below indicates where the former residence was located on the property until 2010, including approximate dimensions and setbacks. While the former property layout would still require variances from the requirements of the R-4 District, it represents a building footprint of approximately 750 square feet per floor, with front and rear yard setbacks of approximately 22 feet each. It appears that this would be the plausible solution to constructing a two story residence that meets the 1,400 square foot structural requirement, with the greatest possible setbacks. Staff encourages the ZBA to confer with the Township Attorney, but this appears to be a lesser relaxation that would provide justice to adjacent property owners. If the ZBA agrees, it appears this standard may be met with increased setbacks.
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 again that the original platted lot is only 50 ft. x 75 ft., and there is no way to design a residence that will comply with the Township requirements for setbacks.

Staff Comments: Staff agrees that the smaller lots within the historic Ottawa Beach neighborhood do present challenges for meeting the requirements of the R-4 Zoning District. However, given Staff’s response to item (d.), it seems that it is the plight of the applicant to create a building footprint with the reduced front and rear yard setbacks. If the applicant agrees to reduce the size of the building footprint, in effect increasing the front and rear yard setbacks, and if the ZBA agrees, it appears this standard may be met.

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

The applicant states that “We didn’t have anything to do with the size of these lots. Therefore this is obviously not self-created.”

Staff Comments: Staff finds that this lot was platted prior to the establishment of the R-4 Zoning District requirements. However, as aforementioned, there was a residence in existence on this property until 2010. It is the applicant’s current design to create a building footprint with front and rear yard setbacks that are less than what existed for the residence demolished in 2010. If the applicant agrees to reduce the size of the building footprint, and if the ZBA agrees, it appears this standard may be met.
Staff Recommendation:
Staff has considered the four (4) standards above, and finds that if the applicant agrees to reduce the building footprint to create 22 foot front and rear yards, the standards may be met. If the ZBA comes to an agreement with the applicant, consider approving this request to construct a single-family residence with reduced front and rear yard setbacks.
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL # 70-15-33-274-001, 002, 003, 004 DATE FILED ________________

PROPERTY ADDRESS North Park Avenue

NAME OF APPLICANT Tom Burgess PHONE NO. 616-318-8464

Email Address tburgess621@gmail.com

OWNER AS PER TAX RECORD Thomas L. & Adam Burgess

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) 38-306.

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?


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 officers 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, does not include any representation or conveyance of rights in any other statute, deed restrictions, or other property rights.


Signature of Property Owner __________________________ 10.7.2019 Date

Signature of Applicant __________________________ 10.7.2019 Date
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:
See Attached.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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 Standard #2 above:
See Attached.

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

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

See Attached.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

4) Whether the problem is self-created.

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

See Attached.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Non-use Dimensional Variance Form

Applicant requests dimensional variance to construct a residential structure on four contiguous lots totaling 12,800 square feet, measuring combined 160’ x 80’ on N. Park Avenue. Applicant requests to reduce the front yard setback from 40 feet to 10 feet.

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:

Current zoning requires front and rear yard setbacks of 40 feet and 25 feet, respectively. On an 80-ft deep lot, this provides a building envelope that is only 15 feet deep.

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 Standard #2 above:

The conditions present at this property are unique in that the vacant properties available for development on N. Park Avenue (e.g., not encumbered primarily by critical dunes and steep slopes), are limited to the four contiguous properties included in this request. The front yard faces N. Park Avenue, which cannot accommodate further/future development due to the presence of critical dunes and steep slopes. The only surrounding buildable properties abut either the rear or side lot lines. The applicant does not seek relief from the rear and side yard setback requirements; instead proposes to encroach beyond the 15-ft deep building envelope in the one direction that cannot possibly offend neighboring properties.

3) Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.
Describe what is unique about your property that warrants a variance as described in Standard #3 above:

The uniqueness of this property that warrants a variance includes:

- Lot depth as related to current building setbacks, resulting in a building envelope of 15 feet depth.
- Isolated location as related to surrounding buildable lots, due to presence of critical dunes and steep slopes.

4) Whether the problem is self-created.

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

We feel the problem is not self-created, as the land dimensions and zoning requirements created this scenario. The applicant does not have the ability to purchase additional property in an effort to deepen the building envelope. The applicant has not initiated construction, and could feasibly construct a 15-ft wide building, though the final result would likely be undesirable.

Given the minimal impacts that the variance request presents to the surrounding properties, and the uniqueness of the situation, the applicant respectfully requests a dimensional variance to reduce the front-yard setback from 40 feet to 10 feet.
Burgess Cottage
21930
7-2-19

WEST WING
LEFT SIDE ELEVATION

WEST WING
RIGHT SIDE ELEVATION

REAR ELEVATION
NOTE - For clarity, all elevations are shown as flat on, not angled, as shown in plan.
Issued To:

Adam and Thomas Burgess
6508 Pleasant Valley Dr SW
Byron Center, MI 49315

Permit No: WRP018131 v.1
Submission No.: HNJ-ZM82-F0NX3
Site Name: 70-North Park Ave-Holland
Issued: August 29, 2019
Revised: 
Expires: August 29, 2024

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- Part 301, Inland Lakes and Streams
- Part 303, Wetlands Protection
- Part 315, Dam Safety
- Part 323, Shorelands Protection and Management
- Part 325, Great Lakes Submerged Lands
- Part 353, Sand Dunes Protection and Management

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Construct a new 1,506 square foot residence and associated utility lines, a 2,005 square foot concrete sidewalk that varies in width to access the buildings, a new septic system that will impact 1,225 square feet and two retaining walls that are 97 and 51 linear feet long within Critical Dune Area. The concrete sidewalk will go through steep slopes however the limits of disturbance, which includes the retaining walls, is limited to 15 feet wide or less. Approximately 200 cubic yards of sand will be removed from the site and disposed in an upland location outside of the Critical Dune Area. In total, 12 trees will be removed for the authorized construction activities and replaced on a 1-on-1 ratio. The site will be stabilized with vegetation native to Michigan’s Critical Dune area.

All work shall be completed in accordance with the attached plans and the specifications of this permit.

Waterbody Affected: Lake Michigan
Property Location: Ottawa County, Park Township, Town/Range/Section 05N/16W/33, Property Tax No. 70-15-33-274-003
Authority granted by this permit is subject to the following limitations:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.

B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.

C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.

D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.

E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.

F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.

G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal, all local permits, or complying with other state statutes.

H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.

I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit.

J. This permit shall not be assigned or transferred without the written approval of EGLE.

K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.

L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).

M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.

P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.

Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.

T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).

U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.

V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.

X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.

Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit www.mi.gov/deqstormwater and select "Soil Erosion and Sedimentation Control Program" under "Related Links."

2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.

3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.

4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.

5. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.

6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

All slopes steeper than one-on-three (33%) outside of the impacts for the sidewalk must not be disturbed.

All earth moving and contour changes must occur within 5 feet of the project footprint.
Vegetation changes are not permitted more than five feet outside of the project footprint. All disturbed areas shall be re-vegetated with native dune vegetation and stabilized with temporary measures before or upon commencement of the permitted activity and maintained until permanent measures are in place. The removal and re-establishment of vegetation must be in accordance with the submitted vegetation assurance.

The transport of building materials/excavated sand and access to and from the site shall be via the newly permitted sidewalk.

Impacting the dunes is not permitted outside of the approved disturbance area including activities such as driving machinery on any slopes steeper than one-on-three (33%), or storing (permanently or temporarily) machinery, soil, materials, equipment, or removed vegetation, on any slopes steeper than one-on-four (25%).

The construction of porches, decks, landscaping (with the exception of planting native dune vegetation), on-grade walkways, on-grade stairways, and retaining walls which also includes the placement of boulders, are considered uses, and not permitted unless specified in the permit conditions.

The underground utility lines must be placed in areas with slopes less than one-on-four or the lines must be installed using the directional bore method or by hand digging. If the directional bore method is used, the bore pits must be located in areas with slopes less than one-on-four. The disturbed areas must be stabilized and repaired with temporary measures before or upon commencement of the permitted activity and shall be maintained until permanent measures are in place. Trenching areas with slopes steeper than one-on-four is not permitted.

All excess woody debris, concrete, building materials, or other types of soil must be deposited off site, outside of the Critical Dunes Area.

Excess excavated sand or soil must be deposited off-site, outside of a regulated critical dune area, floodplain, lake, river, stream, or wetland, and stabilized with temporary measures until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.

Please also be aware of the quick spreading disease called Oak Wilt which kills mature oak trees in a matter of days. It is not required, but highly recommended, that you do not prune oak trees during the growing season. If you must prune oak trees, please do not prune them between April 15 and August 15. It is also very important to avoid moving firewood, as oak wilt and other disease is spread by the movement of infected wood.

Issued By: 
Audrie Kirk
Grand Rapids District Office
Water Resources Division
616-401-1641

cc: Park Township Clerk
Ottawa County Water Resources Commissioner
Ottawa County CEA
Andrew Brooks, Callen Engineering Inc.
From: Ottawa County Parks and Recreation Commission
12220 Fillmore Street
West Olive Mi. 49460

This letter is to set the agreed upon terms for the use of the North Park Avenue right of way, part of Historic Ottawa Beach Parks. Included are the scope of the project, agreed upon access and conditions and equipment that will be allowed through the access. The following items have been discussed with Contractor (Tom Burgess), West Michigan Park Association President (Bob Garlinghouse) and Parks Director (John Sholtz) and agreed upon.

1. The scope of the project:
   a. A 3 story cottage, with septic, will be constructed along the currently undeveloped North Park Avenue right of way.
   b. Contractor will install 9’ wide temporary construction access using gravel base.
   c. Contractor will convert construction access to 5’ concrete sidewalk, with landscaping along the outside. Contractor will provide plantings along the sides of the sidewalk.

2. Access point:
   b. All construction traffic will be confined to the 9-ft wide construction drive. Contractors will be instructed to not park on or use Rusty’s driveway.

3. Equipment
   * Allowable equipment used during this project, as contractor will be utilizing the gravel base. Post construction, after sidewalk is installed, future approved projects will require smaller equipment that meet our sidewalk/boardwalk standard.

   a. Kubota 0404-3 rubber tire mini excavator
   b. Tikacho TL8 rubber tire skid steer
   c. Kobelco SK170 excavator
   d. Kenworth T 800 dump truck (concrete removal)
   e. Bobcat 300 Model
   f. Cat® 900 Model Front Loader or equivalent Kobelco
   g. SkyTrak Boom Lift
   h. Cat® D3K2 Dozer or equivalent
   i. A Kenworth concrete pumping truck will be used for the construction. The truck will remain on Auburn Street while pumping concrete via hose to the job site. Only the hose will be going through the public walkway access point.
job site. Only the hose will be going through the public walkway access point.

4. Limitations / Restrictions:
   a. No parking on Auburn during or after construction - intent is no restriction for cottagers on Auburn.
   b. Equipment and vehicles should be parked in the back area during construction.
   c. Construction should be limited to between 7:30 am and 5:00 pm.

Any concerns about non-compliance should be forwarded to Ottawa County Parks and Recreation via Eric Frifeldt. Upon inspection of the area, if any rules, guidelines, or restrictions listed above are not followed, further access through North Park Avenue may be denied. Any damage to park property and/or amenities will need to be restored to their original condition at the cost of the property owner.

Please sign in the area below to signify that you have read, understand and agree to the terms of the above information.

(WMPA Representative)

(Ottawa County Parks)
Park Township
Zoning Board of Appeals

Property Owner
Willard Van Essen Trust
Doug Van Essen, Trustee

Prospective Owners
Gregory and Lynette Tarr

Date Submitted: October 11, 2019
Zoning Board of Appeals  
Procedures and Deadlines

Deadline:  The deadline to submit materials for a ZBA Meeting is by 5:00 pm, 45 days prior to the next scheduled meeting date. The materials must be dropped off at the Park Township Office, 52 S. 152nd Avenue, Holland, MI 49424.

   For the next meeting that will be 10/11/2019

Meeting:  The meeting is held the fourth Monday of the month at 6:30 pm at the Park Township Office Board Room. If there is no agenda by the deadline, there is no meeting that month.

   The next meeting will be 11/25/2019.

Cost:   $350.00 due with submittal by the deadline.

Submittal:  Eight (8) identical packets must be submitted along with the fee by the deadline. They should be folded in 8 1/2" by 11" sizes. These packets must contain a signed ZBA application. They should also contain any supporting documents such as proof of ownership, surveys, site plans, drawings, pictures, narratives, etc.

Please refer to site plan requirements

Please call the Zoning Department with any questions. Phone 616-738-4238
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL 70133275025

PROPERTY ADDRESS 2281 Ottawa Beach Road

NAME OF APPLICANT Greg & Lynne Tarr PHONE NO. 586.917.9294

Email Address gregory.tarr1@gmail.com

OWNER AS PER TAX RECORD Willard VanEssen

DATE FILED 10/12/2019

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) 70-15-33-275-025

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?

Potential buyers wish to construct a garage but the present setbacks don't allow for one of sufficient size.

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 in the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Constitution Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspection 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 riparian or ownership of rights in any other statutory, deed restriction, or other property rights.

______________________
Signature of Property Owner

10-11-19
Date

______________________
Signature of Applicant

Date
Building Setback Exception

Following are the standards which the Zoning Board of Appeals must use in considering your 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) The following projection dimensions are allowable:
   i. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area nor project more than three (3) feet into the required setback.
   ii. Roof overhangs that do not project more than two (2) feet into the required setback.
   iii. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet in to the required setback;

2) The proportion of the main wall which has been altered by the projection.

Describe the size of the proposed expansion in relation to the main or existing wall:

The proposed expansion in relation to the main or existing wall will be as follows:

1. The proposed addition will run the width and height of the existing home and be attached to the existing structure.
2. The existing structure will be modified for entry.
3. Windows will be removed for wall of new structure to be attached
4. The goal for the addition is to make it blend seamlessly with the existing home

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

Describe the effect of the expansion on adjoining properties and the surrounding neighborhood:

The expansion will be used for a garage and additional living space. This proposed addition will look like the existing home and improve the historical integrity of the existing structure. The expansion will have a positive impact on the neighboring properties and surrounding neighborhood because it will match the historical look and feel of the existing neighborhood.
October 8, 2019

Mr. and Mrs. Greg Tarr
Co/ Greenridge Realty
311 S. River Avenue
Holland, MI. 49423

Re: Park Township Variance

Dear Mr. and Mrs. Tarr:

As the managing trustee of the Willard Van Essen Trust, which owns the two lots on 2281 Ottawa Beach Road, I hereby authorize you to seek a front set back variance for a garage on the second lot on the above referenced property, to be sited adjacent to and connected to the historic house on the first. This variance is being sought to complete a condition of a buy/sell agreement that we are in the process of executing on the property. I recognize and understand that this letter will be submitted with your front set back variance application and I write it with the understanding that Park Township may rely upon it when considering the application.

I would also write to state to the Township and Planning Commission that your proposed use of the property is, in my opinion, the best use of this lot for the community and neighbors. Former Township Manager Felix discussed with my parents the possibility of developing the lot into a home, but candidly, a home on this second lot would increase congestion in the area and although there is a right to develop a home on the site with some adjustment of the added kitchen to the home on the first lot, I think the use of the lot for a garage would be best for the existing home (the historic “Gables”) and the neighbors, particularly to the East. Furthermore, any use of the lot, to which the owners are entitled under Michigan law, would require the variance you are requesting which would square the home and garage with the existing “Gables” to the West and neighboring home to the East.

Finally, I would note that the variance is consistent with and, indeed, the final step in the arrangement made between the Township, Ottawa County and my parents in 2014 to move the driveway of the Gables to the existing location on the second lot. This made the existing one stall garage in the Gables unusable but made Ottawa Beach road and the bike-path much safer because it pushed the egress of the driveway away from the historic pumphouse which sits on the road apron across the street as well as made the bike path safer because of a hill immediately to the West of the former driveway. As part of this deal, the Township extended the asphalt to the bike path when repaving the road and my parents absorbed the cost of removing the old driveway and paying for the
cement ramp up the small hill on the second lot. However, the other part of the understanding was that a garage would eventually be built there. It is only fair that the Township complete its end of that bargain by approving the garage that was contemplated as part of that safety move.

If the Township or its officials have any questions or concerns of the owner, I invite it to contact me.

Very truly yours,

SILVER & VAN ESSEN, P.C.

[Signature]

Douglas W. Van Essen
PREPARED FOR: Brian Vanderbaum  
2454 Belle Glade Drive  
Grand Rapids, MI  49506

RE: 2281 Ottawa Beach Road

Property located in Park Township, Ottawa County, State of Michigan, as described as follows:

Parcel 1:
Lot 20 of West Michigan Park Plat, also known as Lot 6 of Nieuwman’s Supervisor’s Re-Subdivision of West Michigan Plat, according to the recorded plat thereof, in Liber 10 of Plats, Page 6.

Parcel 2:
Lot 21 of West Michigan Park Plat, also known as Lot 5 of Nieuwman’s Supervisor’s Re-Subdivision of West Michigan Plat, according to the recorded plat thereof, in Liber 10 of Plats, Page 6.

(Quitclaim Deed recorded in Liber 2371, Page 604, Ottawa County Records)
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15  26 490-0 019  
DATE FILED 10/11/2019

PROPERTY ADDRESS 2413 Eagle Drive, Holland, MI 49442 

NAME OF APPLICANT Brian and Julia Malone  PHONE NO. 616-644-1366

Email Address Brian@Sonseek.com

OWNER AS PER TAX RECORD Brian and Julia Malone

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) chapter 38-276-2

Describe the nature of the request:

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

____ Interpretation of Zoning Ordinance. Attach a separate sheet seeking.

____ Appeal of a Decision of the Zoning Administrator. Attach a s why you feel the decision was in error.

____ Use variance. Note: The Use Variance Supplement is a separ

____ Other Request. Lakefront Accessory Building Placement, Acce Authorization to Build on Nonconforming Lot, Authorization for Li Setback Exception. Note: Use the proper supplement form for eac

What are the practical difficulties or unnecessary hardships of con Ordinance?

The property lines run diagonal to the street frontage. House direction faces street fr

in one corner or triangle of space where the home will face towards the stro

Many lots on street run diagonal to street and houses face street with a hill as the back yards causing hardship when upgrading property.

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 legal use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Julia Malone

Signature of Property Owner

Julia Malone

Date 10/11/19

Signature of Applicant

Julia Malone

Date 10/11/19
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:

We would like to add a 12 foot addition to our home to accommodate a chronically ill adult child to be able to live with us. We are asking for a variance of 5 feet 6 inches in a back corner of our lot. The lots run diagonal to the street and the houses face the street directly. This causes an angle where the homes are close to the property lines. We intend this to be our forever home and we would like to upgrade it to accommodate for this.

2) Whether granting the 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 Standard #2 above:

The property lines around us all run diagonal to the street with houses facing the street causing all of us the same issues. Our neighbor who shares this property line has no issue with our variance. They understand that they have the same issue as we do. We both intend to have these homes forever and will work together to accommodate each others needs. We both have the hill as our backyard and have no place to modify our homes except to the side where the angle becomes an issue. The variance we are asking for is not the whole side but a few feet in a back corner.

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

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

The fact that the property lines run diagonally to the street is unique. The house faces the street straight on causing the issue of the back corner coming within the 10 feet variance.
4) Whether the problem is self-created. Describe why this problem should not be considered as self-created:

We did not set the property line, nor did we build the home. We have no control over having an adult child with MS, who needs care.
DESCRIPTION:
Lot 31 & 32, Heneveld's Supervisor's Plat No. 9 of Eagle Crest Park, part of Section 28, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan.

LEGEND
- Iron - Found
- St. Wood Stake
- Overhead Utility
- Concrete
- Existing Building
- Property Line
- M = Measured Dimension
- P = Platted Dimension

We hereby certify that we have examined the premises herein described, that the improvements are located entirely therein as shown and that they do not exceed except as shown herein.

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

Scott A. Henges
Licensed Professional Surveyor No. 47993

Brian Malone
2413 Eagle Drive
Holland, MI 49424

2413 Eagle Drive
Holland, MI 49424

PG&I: 12721010
1 OF 1
Scott and Lisa Plummer
2401 Eagle Drive
Holland, Mi 49424

Oct. 10, 2019

To whom it may concern,

Our neighbors are planning an addition to their home at 2413 Eagle Drive. We do not have an issue with this addition. The property lines run diagonal to the street where our homes sit facing directly to the street. This will cause the addition’s back corner to come within the 10 foot variance in a small triangular area. We agree to the request of the variance.

Thank you

[Signature]

Scott and Lisa Plummer
ITEM #4

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 27 / 37 / 089

DATE FILED: 10-11-2019

PROPERTY ADDRESS: 111 W. MAIN ST

NAME OF APPLICANT: EMILY E. AYKIN

PHONE NO.: 616.905.0563

Email Address: emanellaykin@gmail.com

OWNER AS PER TAX RECORD: EMILY E. AYKIN

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 difficulty / hardship is that we have a corner lot w/ 2 front yards + a larger setback not allowing us to put a garage in our "front" yard

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.

Signature of Property Owner: ____________________________

Date: 10-11-2019

Signature of Applicant: ____________________________

Date: 10-11-2019
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:

Attached

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 Standard #2 above:

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

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

4) Whether the problem is self-created.

Describe why this problem should not be considered as self-created:
1. Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

The difficulty and hardship is that we have a corner lot, so it has two front sides and larger setback requirements on those two sides, and we cannot put a garage in a "front" yard, even if you essentially have two front yards, as is our case, with our corner lot. Given our lot size and placement of the house, we also cannot place the garage behind the house. Thus, the only way to construct any such garage for customary and reasonable use is on the side of our house. The corner lot, the size of the lot and the placement of the house as we purchased it, makes it inordinately difficult to make reasonable use of our property in having a customary detached garage and still obey the zoning ordinance. We currently have a shed in that location, but adding a garage will be a significant benefit for our home, family and the neighborhood. This will allow us to park vehicles inside and have other storage inside for items that are currently parked or stored outside in front of and on the side of our house. The requested variance is not substantial. The garage size will only exceed the required setback by 10 feet. Leaving the new garage 5' off the property line. This is especially true since it is requested on the side of our house where there is virtually no use of any neighbor's property, much less any use on which this variance would have any effect. The encroachment will not even be visually evident from the road. We are not seeking a variance for any structure that is larger than what would be permitted on a conforming lot. Because we are seeking to build a garage, it must have a certain size in order to be useful for storing vehicles inside, and we are seeking to build such a garage with a customary size footprint, but to do that the variance is required. We cannot scale back the size or it would not reasonably useful to store vehicles and other large items that are typically stored in a garage. We also understand that similar variances have been granted to other neighbors in this area because of the small lot sizes in the area, so granting this variance would not create any negative precedent with respect to exceptions from the zoning requirements, but it would be in line with past decisions for similar requests. We are requesting the minimum relief from the zoning requirement possible to build a garage that will provide reasonable use of our property, and due to our lot size, the corner lot nature of our property, and the placement of our house on the lot, there is no other alternative. The purpose of this variance will not be to change the character of any use of our property, it is and will still be used as our primary residence. An attached garage is completely in line with that customary and reasonable use of our property, and can only be built in the location we have proposed and with the variance requested. Finally, the variance does not alter any fire, police, or safety standards, or affect any traffic, clear vision areas, or any health and safety standards.

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

Granting the variance will allow us reasonable use of our property in constructing the attached garage. Construction that we cannot do within the setback requirements given our lot size and the fact that it is a corner lot. This variance will not give use any special privileges as opposed to any neighbor. In fact it is in keeping with other variances that have been similarly granted. it will also not change the character of the neighborhood, as we simply plan to replace a current shed in that location with an attached garage on the side of our house. It will not negatively impact the use of property of any abutting property owners, as we are only seeking a 5' foot setback, and there is no other use of any property on the side by any abutting property owners. The abutting property
owners do not use their residence as a primary residence, and only use the abutting property two to three times a year, in any event. The encroachment will not even be visually evident. We have spoken to several neighbors about this and have evidence of their approval that this variance will not negatively affect the neighborhood and will, instead, improve the character of the neighborhood with the use we will be able to make of the newly constructed garage. We also understand that similar variances have been granted to other neighbors in this area because of the small lot sizes in the area, so granting this variance would not create any negative precedent with respect to exceptions from the zoning requirements, but it would be in line with past decisions for similar requests.

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

The unique situation with our property is that we have a corner lot, so it has two front sides and larger setback requirements on those two sides, and we cannot put a garage in a "front" yard, even if you, essentially, have two front yards in a corner lot property. Given our lot size and placement of the house, which is placed where it was when we bought the property, we cannot place the garage behind the house. Thus, the only way to construct any such garage is on the side of our house. The corner lot, the size of the lot and the placement of the house as we purchased it, makes it inordinately difficult to make reasonable use of our property in having a customary detached garage and still obey the zoning ordinance.

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

The practical difficulty complained of was not created as a result of any action we have taken, or any action of any predecessors on the property which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance. We have done nothing to alter the shape or size or character of the lot, or anything to create the fact that this is a corner lot, all creating the difficulty and hardship in making reasonable use of the property in constructing a customary detached garage.
Geurink Garage Addition
ITEM #5

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-33-28-004  DATE FILED 10-23-19

PROPERTY ADDRESS 2244 SECOND AVE, HOLLAND MI 49424

NAME OF APPLICANT BRIAN MEISTE PHONE NO. 616-291-3953

Email Address brian@meistehomes.com

OWNER AS PER TAX RECORD ANNA CHRISTINA NIELSEN

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.

☐ Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization,

Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception. Note: Use the proper supplement form for each of the preceding.

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

LOT SIZES IN THIS NEIGHBORHOOD ARE TOO SMALL TO MEET CURRENT ZONING.

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.

Signature of Property Owner

[Signature]

Date 23-Oct-2019

Signature of Applicant

[Signature]

Date 10-23-19
Variance Request – Park Township

11-25-19 meeting

RE – Authorization to build on a nonconforming lot

Location: 2244 Second Ave, Holland.

Platted lot size 50' x 75'

Zoning Board of Appeals,

We (Meiste Homes Inc.) are looking to build a single family home at the address listed above and are seeking zoning approval to do so since the lot size is only 50' x 75'. The proposed plans and site plan meet the current zoning side yard setback requirements. The front and rear yard setback meet the street line averaging setback requirements. The averages for the front yard come to 14' and for the rear yard come to 12'. Our site plan shows 17' in the front and 18' in the rear (more than meeting the street averages in both directions). The height of our proposed home will only be 23'. This is far below the 35' maximum allowed by zoning and is an average for the street. It will be in keeping with the “Cottage” style of the surrounding neighborhood. The only reason a variance is needed is due to the small size of the lot.

Thank you!

Brian Meiste,

[Signature]

President, Meiste Homes Inc.
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:

| Strict compliance with current setbacks would only allow a home to be built at 7' deep. This would be impossible to design a home at only 7' deep. The original platted lot is too small. |

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 Standard #2 above:

| A variance will allow a residential single family home to be built which will do us justice. |

| A nice new home here that meets sideyard setback requirements along with street averaging for front, rear and heights is better than a vacant, debris filled dirty lot. Therefore, no injustice to the neighbors. |
3) Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

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

- The original platted lot is only 50' x 75'.
- This is way too small to design a home that will comply with current Township setback requirements for front and rear.
- A variance is absolutely necessary or no home can be built here.

4) Whether the problem is self-created.

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

- We didn't have anything to do with the size of these lots, therefore this is obviously not self-created.
Existing Lot of Record Variance Form

Following are the five (5) standards which the Zoning Board of Appeals must use in considering your request to build a structure on an existing lot of record that does not meet the minimum requirements of the Township ordinance 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 size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot.

Describe how you will comply as described in Standard #1 above:

The home we propose to build has a small main floor footprint of 32'x30' which is only approximately 25% of the total lot size. We will meet the side yard setback requirements of 20' total. We will also meet the street average requirements for front and rear. The home will have vinyl siding, asphalt composite shingles, Pella windows and "cottage" style in nature.

2) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

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

Our proposed home exceeds the street averages and will improve a vacant lot with a nice, new home. This will greatly improve the site from a vacant dirty lot to a new home.
3) The effect of the proposed use on light and air circulation of adjoining properties.

Describe what effect if any as described in Standard #3 above:

\[I \text{ don't see how this would affect} \]
[the adjoining properties since we are going to comply with side yard setbacks anyway.\]

4) The effect of any increased density of the intended use on the surrounding neighborhood.

Describe what effect if any as stated above:

\[\text{Same as \# 3 above.}\]

5) Available parking for the intended use.

Describe the available parking:

\[\text{The proposed site plan shows how we are making provisions for parking.}\]
2244 SECOND AVE

PROPOSED BUILDING SITE.
WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That Mary Ann Gort Trust, U/A/D May 27, 2008

whose address is 4122 Widgeon Lane Hudsonville, MI 49426

Convey(s) and Warrant(s) to Anna Christina Nielsen

whose address is 458 Brownell St SE, Grand Rapids, MI 49548

the following described premises situated in the Township of Park, County of Ottawa, and State of Michigan to-wit:

Lot 32, Bosma's Addition to West Michigan Park, Ottawa County, Michigan, according to the recorded plat thereof, recorded in Liber 2 of Plats on Page 19.

Commonly known as:
2244 Second Avenue, Holland, MI 49424

Tax Parcel # 70-15-33-281-004

for the full consideration of: Eighty Seven Thousand Five Hundred and 00/100 Dollars ($87,500.00)

subject to easement, use, building, and other restrictions of record, if any.

Dated: August 09, 2010

Signed and Sealed:
Mary Ann Gort Trust, U/A/D
May 27, 2008

BY  
Cynthia VerMerris, Trustee

Ottawa County Treasurer's Office
The records in my office show no unpaid taxes or special assessments for the five years proceeding 2009
Involving lands in this instrument
Bradley J. Stagg, Treasurer

8/12/11:22
The foregoing instrument was acknowledged before me on August 09, 2010, by Cynthia Ver Merris, who is the Trustee of Mary Ann Gort Trust, U/A/D May 27, 2008.

Print Name:  
Notary Public County, Michigan  
Acting in County  
My term expires: 

| File No. 53733WMR | Drafted by: Cynthia Ver Merris | Return to: Anna Nielsen  
| | Mary Ann Gort Trust, U/A/D May 27, 2008 4122 Widgeon Lane Hudsonville, MI 49426 | 458 Brownell St SE Grand Rapids, MI 49548  
| | County Treasurer's Certificate | City Treasurer's Certificate |
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-33-281-004  DATE FILED 10-23-19
PROPERTY ADDRESS 2244 SECOND AVE, HOLLAND MT 49424
NAME OF APPLICANT  BRIAN MEISTE  PHONE NO. 616-291-3953
Email Address brian@meistehomes.com
OWNER AS PER TAX RECORD ANNA CHRISTINA NIELSEN

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.

Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization,
Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception.  Note: Use the proper supplement form for each of the preceding.

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

LOT SIZES IN THIS NEIGHBORHOOD ARE TOO SMALL TO MEET CURRENT ZONING.

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 within 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 23-Oct-2019
Date 10-23-19
Non-use Dimensional Variance Form

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

- The original platted lot is only 50' x 75'.
- This is way too small to design a home that will comply with current Township setback requirements for front and rear.
- A variance is absolutely necessary or no home can be built here.

4) Whether the problem is self-created.

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

- We didn't have anything to do with the size of these lots. Therefore this is obviously not self-created.
DESCRIPTION
Lot 32, Bosma's Addition to the West Michigan Park, part of Section 33,
Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan.

LEGEND

NOTE: Municipal approval of the proposed location should be obtained prior to commencement
of construction.
This sketch was made from the legal description shown above. The description should be
compared with the Abstract of Title or Title Policy for accuracy, omissions and exceptions.

Scott A. Hendges, Licensed Professional Surveyor No. 47503

Scale: 1" = 20'

Mastie Homes
11630 East Lakewood Blvd
Suite 80
Holland, MI 4624

Beachlawn Plant
2244 Second Avenue

DRAWM BY: JV
REV. BY: JV
DATE: 10/23/2015
REVIEW DATE: 10/23/15
PROJECT: 10201742.1

Holland
327 Home Blvd
Holland, MI 49423

1 OF 1
663 Bosma - Corner of 2nd + Bosma

(BUILT BY MEISTE HOMES IN 2006)
2241 Ottawa Beach Rd - Corner of OBR + 2nd