

**MINUTES  
PARK TOWNSHIP  
ZONING BOARD OF APPEALS**  
Park Township Hall  
52 152<sup>nd</sup> Street  
Holland, MI 49418

Regular Meeting  
December 27, 2016  
6:30 P.M.

**DRAFT-APPROVED COPY**

**CALL TO ORDER:**

Chair Doug Dreyer called to order the regular meeting of the Park Township Zoning Board of Appeals at 6:30 P.M., held in the Township Hall at the Park Township Office.

**ATTENDANCE:**

Present: Doug Dreyer, Dennis Eade, Dave Fleece, John Foster, Sally Pollock

Absent: Jim Gerard (with notice)

Staff: Ed de Vries, Zoning Administrator

**APPROVAL OF AGENDA:**

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

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

**APPROVAL OF MINUTES:**

Motion by Foster, supported by Eade, to approve the minutes of the November 28, 2016 Regular Meeting as presented.

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

**BUSINESS ITEMS:**

**Item #1** – (continued from November 28, 2016) **A request by Gordon Julius on behalf of Cheryl Bell** to construct a single-family dwelling with a main roof pitch less than one foot of rise for each four feet of horizontal run required by section 38-507(11) of the Park Township Code of Ordinances. Said land and premises are located at 697 Coolidge Ave., Holland, MI 49423. (Parcel #70-15-34- 453-054, R-3)

As background, de Vries noted this appeal was brought to the November 28, 2016 meeting of the Zoning Board of Appeals. After hearing the appeal the Zoning Board of Appeals struggled with finding in favor for all four of the required standards. The discussion included comments as to whether the ordinance was outdated and this caused a hardship, and if an “interpretation” could be made addressing this. A motion to “table a decision on this request for 30 days,” pending advice from the Township Legal Counsel and Staff Planner, passed 5/0.

Both the Planner and Attorney were provided the application, staff memo, and draft minutes of the meeting.

The Attorney and Planner were in agreement that “the best approach would be to have the matter addressed through a zoning ordinance amendment, if the Zoning Board of Appeals, Planning Commission, and Township Board all agree that the current regulation does not make sense....” The Attorney further cautioned that the “Zoning Board of Appeals has limited authority and would exceed its authority when it grants a variance without any practical difficulty or unnecessary hardship having been shown.” From his review he indicated that it would be “an absolute struggle” to come up with the practical difficulty.” He also stated that if the Zoning Board of Appeals were to “interpret” a provision out of the ordinance that would be the same as effectively amending the ordinance, which again would exceed its authority as only the Planning Commission and Township Board may amend ordinances.

The Planner checked some other communities’ ordinances, and found the 3/12 pitch in 2 of the 3 she reviewed, so it would not be considered unreasonable, but it does exclude some “unique or contemporary architectural styles which the Township may wish to allow by amending the ordinance.”

### **Zoning Board of Appeals Considerations:**

After considering the information from the Planner and Attorney, and the statements on the application and testimony from the November meeting, the Zoning Board of Appeals should make a determination using the standards listed in Section 38-70.

Gordon Julius, architect for the applicant, spoke to the request. He asked the Zoning Board of Appeals to review the standards to see if the request can be approved. He distributed copies of his rationale for each standard focusing on the unnecessary hardship that would be incurred by the applicant.

He pointed out that the design of the house reflects the owner’s intent to provide minimal impact on the site and keep a low profile. The vertical portion of the house was designed to run with the hill reducing the view from the street.

Foster said the architect had done well working within the narrow space of the lot and the adjoining wetland area. However, he didn’t understand the hardship given the standard that the Zoning Board of Appeals has to apply to the variance request.

Julius said, in his observation, there are so many properties in that area that have similar roofs with lesser pitches.

Foster did not see the burden in order to justify the variance. Given the opinions of both the Township attorney and planner, he also struggles to provide a justification for granting the variance.

Pollock said the applicant has owned the property for 2 ½ years and questioned if at any time was the pitch of the roof considered before applying for the variance.

Julius said he didn't consider this issue until it was brought to his attention by the Zoning Administrator.

Fleece asked if there are trees on the property that are benefitting the minimal cutting to allow the pitch.

Julius said the canopy is high and old growth and there is no problem that would impact the house.

Pollock asked if functionality would negatively affect the interior space if the roof was raised.

Julius said the objective is to keep a low profile.

Pollock observed that perhaps waiting (for an ordinance change) an additional six or eight months is not long given the scope of the matter.

Bell added there are cost and time restrictions.

Julius asked about the main roof interpretation with regard to having a deck on top.

de Vries said it's still considered the roof of the house according to the ordinance. They could put a deck over the roof. Regarding existing buildings as the Mannes residence on Crest Dr. has been used for an example, it was an oversight regarding the placement of the deck, that is still no reason to grant the variance. He noted the pitch of the main roof shall be not less than a 3/12 pitch.

de Vries cited one of the examples in the Township that was said to have a flat roof. This is a house in Waukazoo and the applicant was turned down for a variance because of the lack of a correct pitch on the main roof and because of the aesthetic appearance of the roofs in the surrounding community. The garage does have a flat roof, however the main roof is not flat.

De Vries also noted that most examples the applicant has given, with exception of two, have a pitch on the main roof, with a flat roof portion on smaller additions.

Julius reiterated that he looked at the roof pitches in the neighborhood. There are enough homes that have flat roofs. He said there are four on South Shore and one on Old Orchard that has a flat roof.

Foster wondered if there could be consideration of a lesser relaxation if the architect could design a type of roof that would not be as high which might allow the Zoning Board of Appeals to go forward.

de Vries said the Zoning Board of Appeals would have to look at the standards to consider that possibility.

Julius noted there are cost considerations about this kind of change.

Dreyer said the applicant cannot meet the burden required by the standards. We can't take cost into consideration.

Eade said the attorney's opinion is that the Zoning Board of Appeals has limited authority in granting a variance without unnecessary hardship. Interpreting or amending the ordinance would exceed our authority and he is uncomfortable moving forward with approval of this variance given that legal advice.

Dreyer said it is unfortunate at this point in the process but we have to comply with what the ordinance says at this time.

Pollock said we agree the ordinance isn't applicable and it creates a hardship for the applicant. There is justification for a change in the ordinance although that will take time.

Foster said there are choices for the applicant regarding the practical difficulty.

Pollock observed that the house design in this case is a desire rather than a need.

Fleece said this is limiting because of the architectural design. He can't support a vote in favor of the variance.

Dreyer suggested a motion to approve to try to find for the standards.

Pollock said the standards can't be supported in her opinion, therefore, we should follow the standards until circumstances change. Unfortunately it's not soon enough for this applicant.

Foster said he was willing to make a motion to deny the request.

Fleece asked if there is a certain architectural style that can be redefined. If a 3/12 pitch is not allowed can the architect make a change.

Julius said the objective of architecture is to use advanced technology and that is integral to the design of this house.

Dreyer asked for numbers related to the roof that would prevent a threat to the structural integrity of the house. He respected the architect's objective to make the style of the roof technologically advanced but had to comply with the current standards.

Foster sympathizes with the objective to design this house in the most technologically advanced way. However, it does not comply with the current ordinance.

Fleece asked for the meaning of "bulk" – de Vries said it addresses size.

Foster asked Julius, aside from the cost of insulation of a standard roof, how the flat roof benefits this house in the overall design as opposed to a standard roof, given new technologies for this kind of roof.

Julius said the question is how expeditiously we can build a roof. There is a panel that is thermal resistant which hangs over the edges to avoid moisture collecting. He built the sides of

the house to accommodate a low load bearing with one element all the way across the house. When asked he could not provide data on improved energy efficiency but said it is out there.

Fleece moved, supported by Eade, to not approve the variance as the standards could not be met.

Roll Call Vote:

Foster, aye; Fleece, aye; Dreyer, aye; Eade, aye; Pollock, aye

Ayes, 5; Nays 0. Motion to deny carried.

**ANNOUNCEMENTS:**

The next regular meeting is January 23, 2017.

De Vries shared the 2017 meeting schedule.

Foster said he will miss the January meeting.

De Vries and Eade said they will miss the February 27 meeting.

**PUBLIC COMMENT**

Dreyer opened Public Comment at 7:22 PM

No comment.

Dreyer closed Public Comment at 7:22 P.M.

**ADJOURNMENT**

Foster moved, supported by Eade, to adjourn the meeting at 7:23 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
December 28, 2016

Approved: January 23, 2017