

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
December 28 2015
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair 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

Absent: John Foster, Mike Toscano

Staff: Ed de Vries, Zoning Administrator

APPROVAL OF AGENDA:

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

Voice Vote: Ayes 3, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Motion by Eade, supported by Fleece, to approve the minutes of the October 26, 2015 Regular Meeting as presented.

Voice Vote: Ayes 3, Nays 0. Motion carried.

deVries mentioned the request from Randy Schippers regarding his verbatim transcript of October 26, 2015. Schippers has asked that it be added to the official minutes of that date.

It was Dreyer's opinion that after comparing the request to the draft minutes, his comments are appropriately documented.

Eade moved, and Dreyer supported, to include Schippers' request letter and the verbatim transcript in the public comments of this meeting.

Dreyer added that the documents will be considered as an addendum to the Public Comment portion of the current meeting record.

Voice Vote: Ayes 3, Nays 0. Motion carried.

BUSINESS ITEMS:

1. A request by Wade Eldean on behalf of Gator Investments for additions to an existing non-conforming building that does not meet the required front yard setback per Section 38-497 for structures adjacent to major streets. Said land and premises are located at 2225 South Shore Dr., Holland, MI 49423. (Parcel #70-15-33-480-023, C-2).

deVries introduced the agenda item. As stated in the Staff Memo of December 18, Eldean's Marina proposes to repurpose the space occupied by the former Piper Restaurant into three residential living units, and some office, small restaurant, and/or meeting space. This proposal has been to the Planning Commission for a site plan review, and has been approved pending the outcome of the requests for variances. Planning Commission approval should not dictate or influence this decision, the variance will still have to meet the four standards for a dimensional variance. Most of the renovations will take place in the interior of the building. There are four exterior changes which are outlined in the application.

South Shore Drive is listed in the Park Township Master Plan, and Ottawa County Road Commission map as being a primary road. deVries noted South Shore Drive becomes a private road at Bay Road. Sec. 38-497 requires an 83 foot setback from the centerline of the road. In this case it allows a structure closer to the road than the requirement listed in Sec. 38-455 for a front yard setback in the C-2 zoning district. As noted above, either measurement puts a greater portion of the existing building within the required setback area, which makes this a non-conforming structure. The setback leaves virtually no building envelope in this area of the parcel. All proposed changes to exterior will take place behind the existing building line.

deVries said the ordinance requires any alteration or addition has to comply with zoning requirements.

Chuck Posthumus, architect, presented the proposal for client, Wade Eldean. He showed a larger site plan depicting the current building sits in relation to South Shore Drive. The plan is to transition the building into three condominium units. The setback goes through the existing building. On the main floor there will be flexible banquet space. Upstairs on the second floor and mezzanine there will be three condominium units. Modifications will be made to accommodate the condominium design. Additional bedrooms will be on the mezzanine level for each unit. There will also be a reduction in parking numbers. Stairways will be at the southeast and southwest for access to these units. The residential units will have one primary entry. The middle unit will have to have a new stairway constructed. The elevator will be retained for the benefit of the middle condo unit. The new stairway to the northeast will provide flexibility for the southeast condo unit. A new deck will be added. Posthumus noted there are roof issues with an angle and a trough area. He is requesting to rework the roof to solve these problems.

Dreyer asked what is on the first floor that would prevent the stairs from being constructed inside the building.

Posthumus said the elevator, bathrooms, and an mechanical room are in that part of the building.

Eade asked if the bathrooms were included for the benefit of the small restaurant that is proposed and for the banquet facility.

Posthumus confirmed they were.

Fleece asked if the proposed deck is on the current floor plan.

Posthumus said the proposed deck will be placed at the seawall. He explained that this approach is an easier structural solution.

Posthumus reviewed the required standards and, in his opinion, the request meets the requirements.

Public Hearing:

Chair Dreyer opened the Public Hearing at 6:53 P.M.

There was no comment.

Dreyer mentioned the Township had received one letter in support of the application.

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

Motion:

Eade moved, and Fleece supported, to grant the variance as requested.

Eade reviewed the four standards:

- a. **That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.**

The shallow lot on the lake, along with the ordinance requirements, would not allow use of this space. The applicant is not expanding the building envelope. The safety factor of an enclosed stairway is in conformity with the ordinance. The location of the existing mechanical, elevator, and bathrooms rule out an interior stairway.

- 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.

Providing the safe enclosure of the stairway during inclement weather and for emergency exit justifies the granting of this request. The addition will not be as close to the road as another part of the building.

- 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.**

Where the building is located on the road by the lake, not much can be done. The lot is very shallow and up against the lake.

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

The unique building envelope was not self-created.

Dreyer added regarding Standard A that the requirement for indoor stairs cannot be met because of the mechanical facility for the elevator. For Standard B, outside the building envelope a lesser relaxation isn't possible.

Roll Call Vote:

Eade, Aye; Fleece, Aye, Dreyer, Aye.

Ayes 3, Nays 0. Motion carried.

ANNOUNCEMENTS:

Dreyer noted that Board members should be careful when reply all is used in e-mails. We have to be mindful about conducting Township business which may violate the stipulations of the Open Meeting Act. We cannot ask everyone to comment on certain communication.

Dreyer also noted he has had trouble accessing the gate code when looking at property in the Macatawa area.

DeVries said he would try to obtain gate codes when applications come in. DeVries pointed out the list of meeting dates for 2016 that are included on the agenda. The next regular meeting is January 25, 2016.

Dreyer said he will miss the February and May meetings, and will also miss the ZBA training session.

deVries said there will be a Habitat for Humanity agenda item in January.

Eade provided an update of Planning Commission issues for the ZBA to review.

deVries said the Planning Commission is receptive to ordinance changes. He explained that On non-conforming buildings we are looking at developing standards that are not hardship-related. Accessory buildings are another source of a number of variance requests. The Township Board will provide some direction for the Planning Commission. He has submitted a tentative list to the Township Manager. A public hearing will follow the process. He estimated it will take about three to four months to develop amendment language.

PUBLIC COMMENT:

Dreyer opened Public Comment at 7:20 P.M.

There was no comment.

Dreyer closed Public Comment at 7:20 P.M.

ADJOURNMENT:

Fleece moved, supported by Eade, to adjourn the meeting at 7:22 P.M.

Voice vote:

Ayes 3, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
December 29, 2015

Approved: