



AGENDA

PARK TOWNSHIP ZONING BOARD OF APPEALS

Regular Meeting
May 21, 2018
6:30 p.m.

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

- 1. Call to Order**
- 2. Approval of the Agenda**
- 3. Approval of Minutes:** April 23, 2018 – Regular Meeting.
- 4. Appeals:** Note: Public notices were mailed to all property owners and occupants within 300 feet on or before Friday, May 4, 2018 and published in the Holland Sentinel on Sunday, May 6, 2018.

Item #1. A request by Daniel Ralya on behalf of Rick Mannes to allow construction of a gazebo that does not meet the required front yard setbacks per Section 38-491 (b) (2) d & e of the Park Township Zoning Ordinance. Property is located at 2029 Lake St., Holland, MI 49424. (Parcel #70-15-27-355-003, R-3)

- 4. Other Business**
- 5. Announcements**

Next scheduled meeting date is June 25, 2018.

- 6. Public Comment**
- 7. Adjourn**

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
April 23, 2018
6:30 P.M.

DRAFT 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, Jim Gerard

Staff: Ed de Vries, Community Development Director

APPROVAL OF AGENDA:

Chair Dreyer noted one change in Item 5 – the date of the next meeting will be May 21, 2018 instead of May 28 because of Memorial Day. He requested a motion to approve the amended agenda.

Motion by Foster, supported by Fleece, to approve the agenda as amended.

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

APPROVAL OF MINUTES:

Motion by Gerard, supported by Eade, to approve the minutes of the March 26, 2018 Regular Meeting as presented.

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

BUSINESS ITEMS:

Item #1 - A request by Wade Eldean on behalf of Macatawa Partners LLC to allow a roof height of 49.75 feet where 35 feet is allowed per Section 38-454 of the Park Township Zoning Ordinance. The property is located at 2150 South Shore Dr., Holland, MI 49434. (Parcel #70-15-33-480-022, C-2)

Applicable Ordinance: Sec. 38-6 **Definitions. Building Height**

The vertical distance measured from the average existing grade, measured three feet out from the structure, to the highest point of the roof surface.

Sec. 38-454 **Height regulation.**

No building or structure shall exceed 35 feet in height.

As background, de Vries noted this past winter Eldean Shipyard sustained damage to the roof of one of their storage buildings. They would like to repair the damage by replacing the flat or nearly flat roof with a sloped roof, which will raise the height of the structure.

Zoning Board of Appeals Considerations:

The marina operation is permitted as a special use in the C-2 Resort Service District. A marina has operated in this location for as far back as current records show. The Zoning Board of Appeals granted a similar variance for Yacht Basin marina in March of 2017 for a height of 39 feet. There are currently other buildings on the Eldean property that are 39 and 40 feet in height. Those buildings did use a roof slope of 1:12. This request is similar, with the exception of asking for a steeper roof slope and an additional 10 feet in height. The Zoning Board of Appeals should examine this in light of the standards to ensure uniformity in applying the ordinance.

Wade Eldean, owner and manager of Eldean Shipyard, addressed his request. He shared a letter of support he had received. The roof problems resulted from the last snow. Mark Servinsky of Servinsky Engineering, can address the issues of snow load should the Board of Appeals want to ask questions. Eldean said a sloped roof will avoid future problems and will allow a boat lift into the building. He has had to turn away customers who require a greater height. He showed a photo of the building that needs the repair. He added that the neighboring home should not be adversely impacted because of the wooded area and distance from the shipyard.

He also noted the property nearby, Pointe West, was approved for a 65' building.

Dreyer asked about the concern regarding the greater height and the 1:12 slope.

Eldean explained his proposal will greater serve the need for accommodating taller boats. He also added that the engineers stated a shallow or flat roof would negatively impact the attached building.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:44 P.M.

There was no comment.

Dreyer closed the Public Hearing at 6:44 P.M.

Fleece asked Eldean if he had explored retrofitting the existing building.

Eldean said there are two trusses – the plan is to use one which is a better way to go with the design.

Servinsky explained currently there are wood trusses which deflected with the weight of the snow.

Eade asked what kind of boats are currently stored in the building.

Eldean said there are boats stored in the building as high as 35’.

Gerard asked if the height would be taller than the trees in relationship to the neighbors’ view.

Eldean replied it would about the same or less.

Foster asked if the Board of Appeals were to allow 35’ could he use the truss.

Eldean said he couldn’t. Servinsky said it would not be a good idea to remove the roof but rather build over it.

The Township received one letter in support and one that was negative.

Eade moved, supported by Foster, to approve the request. He noted the uniqueness of the marina and its commercial importance in the Township. He was concerned about 50’ vs. 40’ which was previously authorized, however, if it doesn’t create an issue it is justified.

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.

In this case, what is explained because of the angle of the previous roof height there was a problem with snow and resultant collapse and leaking into the building. With a steeper angle this problem can be avoided.

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 Township didn’t receive an outpouring of concern rejecting the proposed increase in height. Also, the building isn’t encroaching on nearby properties. There would be less mass with the steeper roof than a flatter roof over the width 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.

It is due to the condition of the marina, not the general conditions of the zoning district, and provides important service to larger boats enabling it to remain in business. This is unique to the business. The new materials in the construction will also be an improvement.

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

They are not self-created because of the weather conditions and the demands of the business in serving customers.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

Item #2. A request by Bruce and Debra Caukin to allow an addition to a building with a 52.5 foot setback from the centerline of the road where 83 feet is required per Section 38-497 of the Park Township Zoning Ordinance. The property is located at 1641 South Shore Dr., Holland, MI 49423. (Parcel #70-15-35-301-036, R-3).

Applicable Ordinance: **Sec. 38-497. Additional setbacks for structures adjacent to major streets.**

Notwithstanding any other provision of this article to the contrary, no building shall be constructed, erected or enlarged on a lot abutting a primary arterial road (i.e., a road designated in the Township general land use and circulation plan, as a road that collects traffic and channels traffic into or out of the Township, as the plan may be amended from time to time), unless the building meets the minimum setback of 83 feet as measured from the center line of the road right-of-way, or 40 feet as measured from the end of the road right-of-way, whichever is greater.

de Vries addressed the request. The applicant wishes to add an attached single stall garage to the four unit residential condominium. The use of the structure appears to result from a Transitional Zoning decision early in 1980. Records show a postponement of the decision by the Zoning Board of Appeals, however subsequent minutes are missing. It is assumed it was approved as the Planning Commission conducted a site plan review in mid-1980. From Ottawa County records the parcel was split June 16, 1982. The applicants purchased their condo in June of 2011. The residential structure contains four condominiums, two upstairs and two down.

Zoning Board of Appeals Considerations:

All four units have an attached single stall garage. In addition, three of the units have indoor parking in a detached three stall garage located near the road. The applicant owns the only condo with one indoor parking space. Current ordinances would require eight outdoor off-street parking spaces for the four units. Only three spaces are marked, however, there is conceivably room for a few in front of existing garages. The proposed area for the additional attached garage is currently part of the yard, and would reduce a small area of blacktop.

Caukin spoke to his application. His purpose is to provide indoor parking for his second vehicle during the winter. He has looked at other options which will not work. The benefit is to minimize the size of the garage structure at 19'. He is asking for 9' to create the second stall. He showed the Zoning Board of Appeals an architectural rendering of what it would look like. It is his intent to maintain the character of the building. He showed a picture of the snow issues in the area. There is no place to park in the winter months.

Fleece asked if there is a loss of parking space with the addition.

Caukin said there was no loss.

Foster asked if there was a need for extra parking in winter.

Caukin said three spaces are lost during the winter because of snow buildup. If there is a second stall the second car wouldn't take one of the three guest spots provided. It would help the condo association so everyone would have the same of garage space. He has tried to not impact neighborhood safety. He has support of the condo owners and the neighbor to the east.

PUBLIC HEARING

Dreyer noted the Township did not receive any letters regarding this request.

Dreyer opened the Public Hearing at 7:15 P.M.

Phil Spinelli, one of the owners of the condo units, said the condo association is in favor of the request. He would like to see the garage added. The structure will help the condo environment, it will provide parity for all the owners, and enhance condo owner investment.

Dreyer closed the Public Hearing at 7:17 P.M.

Fleece observed the garage structure is beyond the average setback.

Dreyer said if this was not on a main artery the applicant would not be making this request. This is because of the main artery ordinance setback requirement. The road in this case will likely not be widened. He added that he understands the hardship in the winter. In his opinion, the remainder of the required standards present no problem. This is a unique situation in that the applicant has nowhere else to go with the construction.

Foster moved, supported by Gerard, to approve the request.

Foster 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.

There is no other place to place the garage thus the location will be the least burdensome. It is a burden to the owners to not have a second garage. The Township primary road 83' ordinance is the burden.

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.

Given there are other examples of garages closer to the road there is no lesser relaxation. It does justice to the other condo owners and the condo association.

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 property is unique because the lake is on one side and the road on the other. There is no other location possible for the structure.

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

The owner purchased the property in 2011 and there was no second garage at the time. The existing use was allowed. The burden is not created by the owner.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS:

The next regular meeting is May 21, 2018, a week earlier because of Memorial Day. de Vries has one application to date.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:31 P.M

No comment.

Dreyer closed Public Comment at 7:31 P.M.

ADJOURNMENT

Gerard moved, supported by Fleece, to adjourn the meeting at 7:33 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
April 25, 2018

Approved:

DRAFT

STAFF MEMO

To: Park Township Zoning Board of Appeals
Subject: Variance Requests for the meeting of May 21, 2018
Date: 5/14/18
From: Ed de Vries, Community Development Director

One application has been received for the May 21, 2018 Zoning Board of Appeals meeting.

Item #1. A request by Daniel Ralya on behalf of Rick Mannes to allow construction of a gazebo that does not meet the required front yard setbacks per Section 38-491 (b) (2) d & e of the Park Township Zoning Ordinance. Property is located at 2029 Lake St., Holland, MI 49424. (Parcel #70-15-27-355-003, R-3)

Applicable Ordinance:

Sec. 38-491 **Accessory buildings.**

(2) Location and height limitations.

d. An accessory building shall meet the setback requirements listed in the table in Subsection (b)(2)e of this section.

e. Table.

Building Size (square feet)	Maximum Height of Building (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
< 240	14	40	5	5

Background:

A building permit application was filed for a gazebo/pergola type structure to be built on an existing deck. The deck is less than 30 inches in height, therefore is not subject to required yard setbacks. The gazebo structure is within the required front yard setbacks for both Lake Street and Ash Street.

The property is described as lot 4 of the Chippewa Resort subdivision platted in 1915. The lot fronts Lake Street, Ash Street, and Ottawa Beach Road. The R-3 zoned property is non-conforming in area, 8,700 square feet where 15,000 square feet is required, and in width of 50 feet where 90 feet is required. The existing house was built in 1981 with a variance granted on 3/2/1981 for a 25 foot setback from Lake Street, and a 9 foot side yard allowed from the west property line. No mention of the setback from Ash Street, even though the ordinance at the time did require a front yard setback on double frontage lots. In June of 1998 a permit was issued for an addition, no record located of a variance for that addition. In March of 1999 a permit was issued for interior remodeling, and in April of 2004 for a ground level patio and deck. The current owner purchased the house and property in July of 2013. A permit for interior renovations was issued in April of this year. Earlier this year the deck had been damaged by a small fire. They now wish to rebuild the deck and add the gazebo with a pergola type roof.

Zoning Board of Appeals Considerations:



The photo on the left from Ottawa County GIS shows the lot, fronted by three streets. Ottawa Beach Road to the north is listed as a primary road and requires a setback of 83 feet from the center of the right-of-way. Ash Street to the east has a 33 foot wide right-of-way and would require a 40 foot setback. Lake Street is to the south, and was allowed a 25 foot setback in the variance granted in 1981. The same variance granted a 9 foot setback from the west property line. The lot is 50 feet wide, which leaves the one foot wide building envelope depicted by the blue dashed line.

Variance Standards Review:

As the request is a non-use (dimensional) variance request the standards listed in Section 38-70(1) will need to be met.

- 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 the narrow lot with frontage on three sides creates the

unnecessary burden.

Staff Comments:

The available building envelope does not allow for any expansion or addition. Is it unnecessarily burdensome to not be allowed an accessory structure?

- 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.*

ZBA Background Memo for 5/21/2018

May 14, 2017

Page 3

The justice is described as providing some shelter from the sun, and enhancing the “architectural beauty” of the home and neighborhood without harming or doing injustice to the neighbors.

Staff Comments:

It does allow for some relief to the property owner, and does not appear to infringe on the home to the west. The property owner to the west has written a note in support. The Ottawa County Road Commission also commented verbally that they do not object as long as it is not closer to Ash Street than the home.

- 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 uniqueness of the property is listed as being narrow, with three road frontages.

Staff Comments:

Staff agrees this standard is likely met.

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

The application describes how the gazebo is open and does not obstruct view.

Staff Comments:

The above comment could better apply to standard b. The Zoning Board of Appeals would have to find that having a gazebo type structure is not a self-created burden. Staff would agree that the applicant did not create the limited building envelope.

Recommendation:

Consider the above standards and any other offered statements in rendering your decision.

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 27-355-003 DATE FILED 3-31-18

PROPERTY ADDRESS 2029 LAKE STREET

NAME OF APPLICANT DANIEL RALYA PHONE NO. 616-212-7867

Email Address danielralya@gmail.com

OWNER AS PER TAX RECORD RICK MANNES

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, 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?

Difficulty would be the size of the lot, it is very narrow and has road ways on 3 sides
It does not provide a visual obstruction above 30", it is open on all sides

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]
Signature of Property Owner

4-4-18
Date

Daniel J. Ralya
Signature of Applicant

4-4-18
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:

The issue is the size of the lot, it is a narrow corner lot with roadways on 3 sides

- 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:

Provide shelter from the hot sun for their grandchildren to not get sunburned. Gazebo will enhance the architectural beauty of the Mannes home and the overall beauty of the neighborhood without being a detriment to the neighbors, quite to the contrary

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:

What is unique is that the property is very narrow and has a roadway on 3 sides which limits the possibilities as to where it can be located, compared to other properties in the area that would have many possibilities

4) Whether the problem is self-created.

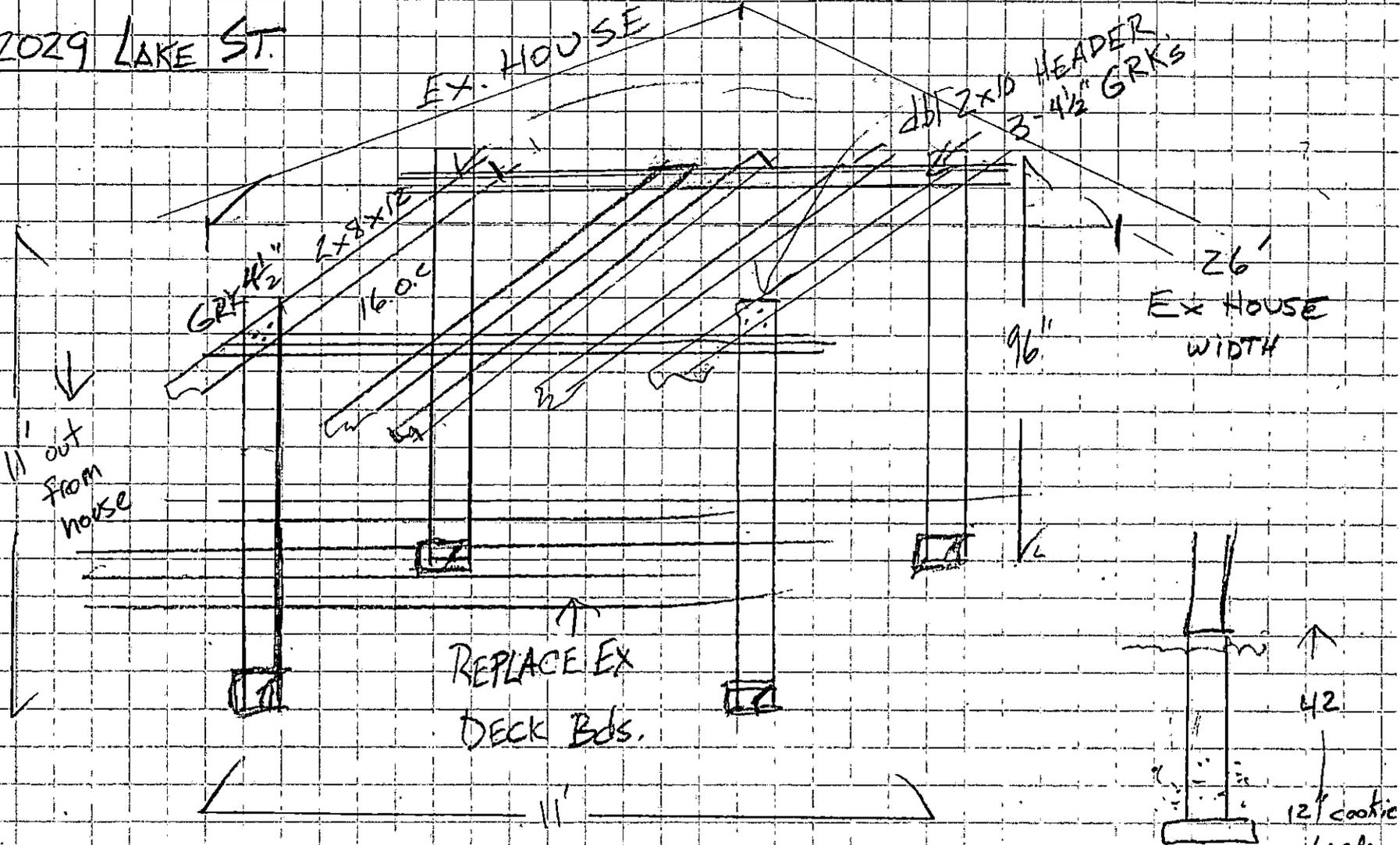
Describe why this problem should not be considered as self-created:

The gazebo will not be an obstruction. It will open on all sides and lower than the current roof of the house. Over the existing deck

I don't believe it is a self-created problem because it is not an obstruction to anyone's view nor does it provide a visual barrier above 30", it's open

2029 LAKE ST.

EX. HOUSE



dbl 2x10 HEADER
4 1/2" GRKS

GRK 4 1/2"
2x8x12
16.00

26'
EX HOUSE
WIDTH

11" out
from
house

96"

↑
REPLACE EX
DECK Bds.

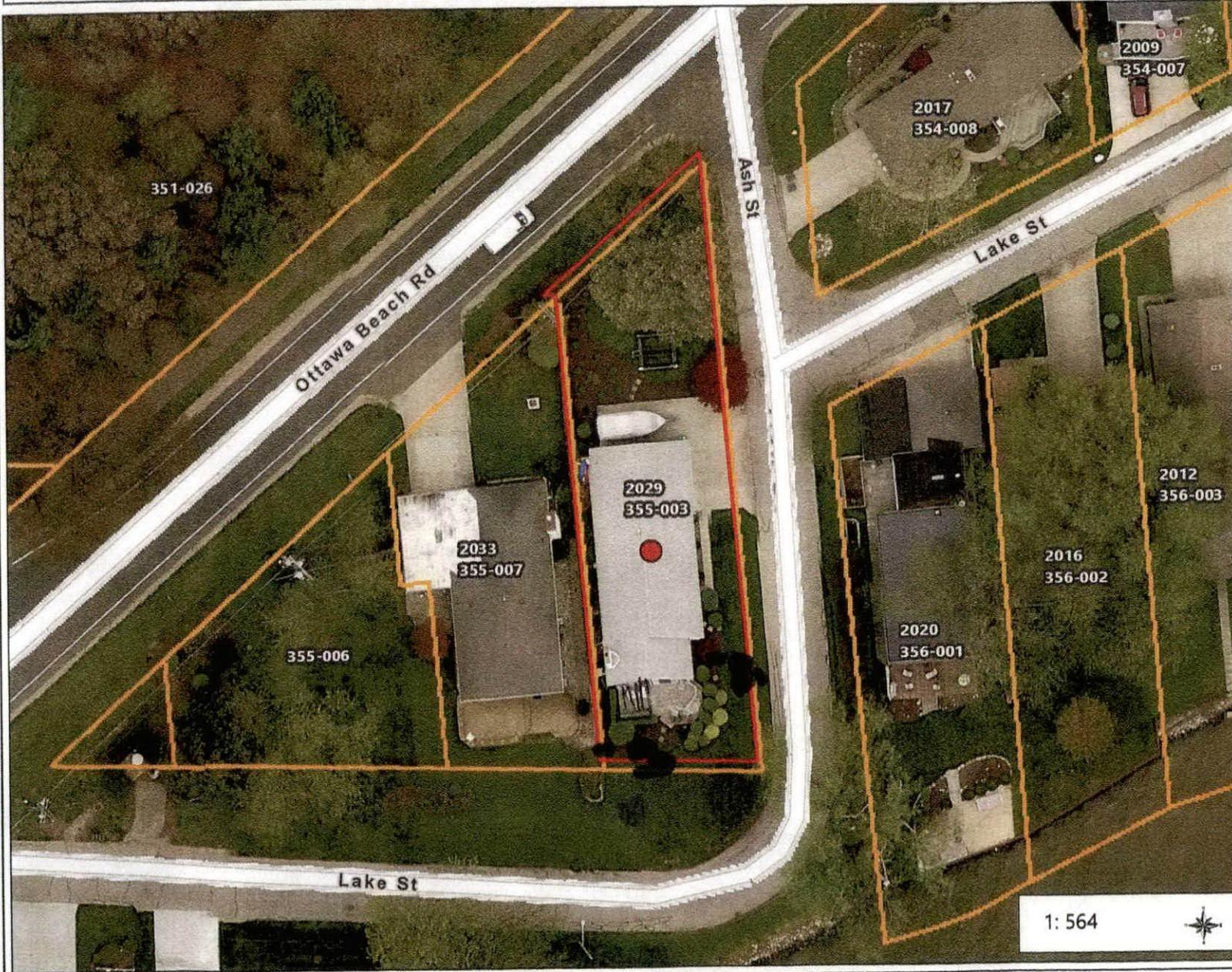
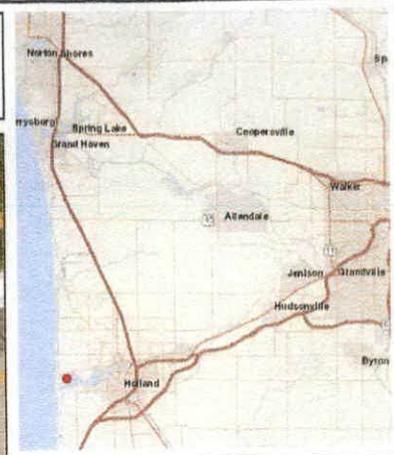
42

12" cookie
w/ red
mix

- 6x6 cedar posts
- 2x8 joists
- 2x10 dbl headers
- 1x4 slats on top

1x4 SLATS
ON TOP

* PERGOLA IS
FREE STANDING
NOT CONNECTED
TO HOUSE

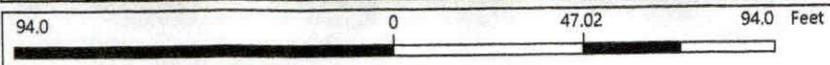


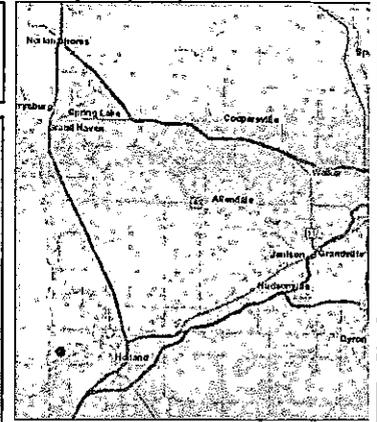
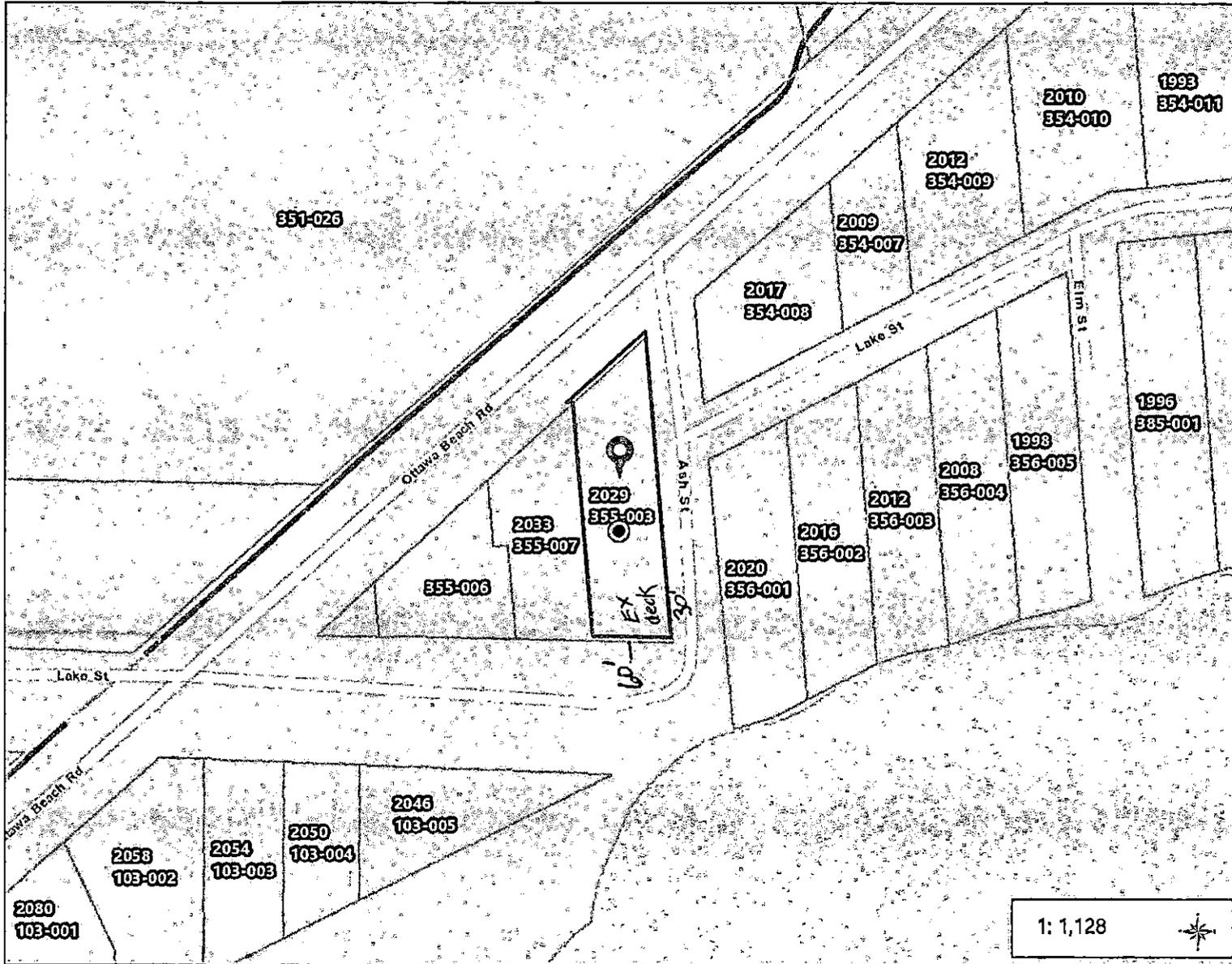
Legend

- Parcels
- Real Parcel ID: Last Six Num

Notes
 Proposed Gazebo
 is 60' from south prop line
 and 30' from east prop line
 over ex deck

1: 564





Legend

- Parcels
- Real Parcel ID: Last Six Numb

Notes

1: 1,128

188.1 0 94.04 188.1 Feet