

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
February 26, 2018
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Vice Chair John Foster 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, Dave Fleece, John Foster, Jim Gerard, Kathy Grimm

Absent: Doug Dreyer excused

Staff: Ed de Vries, Community Development Director

APPROVAL OF AGENDA:

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

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

APPROVAL OF MINUTES:

Motion by Fleece, supported by Eade, to approve the minutes of the January 22, 2018 Regular Meeting as presented.

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

BUSINESS ITEMS:

Item #1 - A request by Edward Visco for authorization for a 480 square foot accessory building where 468 square feet is allowed per Section 38-491(b) (1)b of the Park Township Zoning Ordinance. The authorization request is allowed per Section 38-491(b) (2) h. The applicant is also requesting to be allowed a rear yard setback of 14.75 feet where 25 feet is required per Section 38-491(b) (2)e of the Park Township Zoning Ordinance. Property is located at 740 Wintersun Place, Holland, MI 49424. (Parcel #70-15-25-237-002, R-3)

de Vries provided some background for this request.

The applicants are requesting to add a 10' x 16' addition to a 320 square foot accessory building, bringing the total square footage to 480'. Permit history shows the house and attached garage were built in 1984. In 1992 a 14' x 28' addition to the garage was built on the east side. In 2001 a permit was issued for a 16' x 20' 320 square foot accessory building. The survey for the 1992 addition shows a 10' x 16' shed, located 11.5 feet from the rear lot line. The current owner and applicant purchased the property in September 2017.

Zoning Board of Appeals Considerations:

The lot size will allow for an accessory building of 468 square feet. At 350 square feet the rear yard requirement goes from five (5) feet to 25 feet. This request is for authorization to allow for a 480 square foot building, and also to allow the building to remain 14.75 feet from the rear lot line where 25 feet is required. There are two sets of standards, one for the authorization for a larger building than allowed, and the other for the dimensional variance of 10 feet.

The request for a 15 foot rear yard setback is a non-use (dimensional) variance request so the standards listed in Section 38-70(1) will need to be met.

The accessory building currently meets the setback of 5 feet due to its size but the addition will put it over the size limit where it would require a 25' setback. That is the reason for the rear yard variance. The request for authorization for the larger building is a separate issue. It's an authorization not a true variance. It should be reviewed first. If it is not approved, the other is a moot question. He suggested taking care of this request first then we can address the rear yard setback.

The applicable ordinances are listed in the Staff Memo.

Visco addressed his request. He said he needs to increase the size of the accessory building since he has five cars to store inside. Three are classic cars for his children that he has built. There is a requirement by his insurance company that he keeps the cars in an enclosed building. He acknowledges the request for an increase in the rear setback from 5' to 25'. Moving the building would not be as attractive to the property. There are no fences on either side of his property. He has talked with his neighbors and they approve the proposal including offers to help build it. He is asking for a 16'x30' building or 480 square feet.

PUBLIC HEARING

Foster opened the Public Hearing at 6:41 P.M.

There was no comment.

Foster closed the Public Hearing at 6:42 P.M.

Foster noted that two letters were received from neighbors which were in support.

In Foster's opinion, the size doesn't overreach, but his concern is with the setback which must meet the standard. He asked Visco if he could move the building.

Visco said he didn't know if he could move the building and roll it forward or if he would have to tear it down.

Fleece asked if the building is on a slab.

Visco said he didn't know for sure.

Foster asked if de Vries has looked at the building.

de Vries said he has not but there is a code requirement that a building of a certain size has to have a frost proof foundation, which could be a slab with rolled down edges. It depends on the soil surfaces. He wasn't sure what the threshold is, perhaps 400-600 square feet. This would be addressed when the building permit is applied for.

Fleece asked Visco if he plans to add on to the building.

Visco said he wants to build to the east along the fence line.

Grimm asked if he is planning to tear down or add to the building.

Visco said at this point he wants to add to the building to get his cars inside.

Mrs. Visco said they moved to this property for the large yard. This is where their grandchildren would play when they visit. To pull the building forward it reduces the yard space. The building would go across the privacy fence of the neighbor behind them which is a better location for the building and would allow the yard space.

Foster said he wanted to focus on the location because the setback is a separate issue.

Visco said he was willing to reduce the size to be within the variance request to meet the setback. This reduction would be 16'x 29'.

de Vries said that would bring the building to 654 square feet. The property allows 468'. The applicant was asking for 480 sq. feet. This would remove the variance request. However, it would still require the increased setback to 25'.

Foster said the applicant's burden is storage for the cars which is self-created. This would not be supported by the standard. If the applicant is willing to decrease the building size there is no variance request for the Zoning Board of Appeals to review.

de Vries said ZBA review isn't necessary so long as the applicant stays under 468 square feet.

Foster said he understands the reason for the request, however, the applicant is creating the problem.

Visco said if he moves the building 10' forward he is doubling the size of space where he couldn't see the children when they play in the yard.

Foster said the problem in meeting the standard is granting the 9'.

Foster explained the applicant has a 14.75' setback where 25' are required.

Fleece does not see the Board of Appeals able to meet the standards, especially the problem of a self-created issue.

Foster said the applicants are adding to the current building so it's not totally self-created.

de Vries noted the Zoning Board of Appeals has to look at property rather than occupants.

Fleece asked if the improvement to the neighborhood with the alignment meets that standard.

The Commissioners found it difficult to meet all the standards with this setback variance request.

Eade moved, supported by Gerard, to deny the request for the variance because it doesn't meet the standards. Both standards c and d are not supported.

Roll Call Vote:

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

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

Item #2 – A request by Anthony and Melanie Zahn for authorization to placed an accessory building on a lakefront lot with a 5 foot side yard, where 25 feet is required per Section 38-491(b)(2)e of the Park Township Zoning Ordinance. The authorization request is allowed per Section 38-491(b)(2)g. Property is located at 198 N. Lakeshore Dr., Holland, MI 49424. (Parcel #70-15-21-340-005, R-2)

de Vries introduced the agenda item. As background, the applicant has plans to remove the existing house and detached garage. The existing detached garage is 2 feet off the side property line. They would like to replace the two stall garage with a three stall, moving it to the east directly adjacent to a neighboring three stall garage, and place it 5 feet from the property line. There is no record of previous variances. The house is estimated to have been built in 1945. The current owner purchased the property in July of 2015. Property description is lot 16 of Heneveld's Supervisor's Plat of Lakewood Homesites Subdivision, platted in 1939.

The lot is non-conforming in width, 70 feet instead of the required 100 feet for the R-2 Residential zone. This request for authorization has its own set of standards to consider.

Tony Zahn spoke to his request. The purpose of his request is due to the width of the lot. He needs to ensure a sufficient turning radius for the drive. The existing drive is at the center of the lot which is a technical difficulty. Also, the neighbors to the north have a 3 stall garage that is 4' off the lot line. They would like to add another stall which would increase their nonconforming lot. As a result, he and the neighbor have agreed to center each of their respective detached garages. With his proposed changes the condition of the property will be significantly improved.

Foster asked if there is a space to turn around in the drive and if he will maintain the turnaround.

Zahn said he wants to keep it as is so he will be able to pull a car into the garage.

PUBLIC HEARING

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

There was no comment.

Foster closed at the Public Hearing at 7:15 P.M.

Foster observed the lot is very narrow. This property is small and there is not much room. This creates the difficulty and is not self-created.

Gerard moved, supported by Fleece, to approve the variance request.

Gerard reviewed the standards:

1 – The location of buildings on the lot or adjoining properties;

The proposed structure will line up with what is there and meets the standard. It is also a nonconforming lot. Fleece added the structure will be three feet further south of the property line.

2 – The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc. and;

There will be no changes to these factors and the structure will be in line with the other garage. There will be no impact on view and light circulation and would improve it.

3 – The character of the proposed accessory building and the effect on the surrounding neighborhood.

The new structure will look better and improve the character of the neighborhood. Also, the applicant refers to a number of properties that have detached garages with many nonconformities. This lot is narrower than adjacent lots.

Foster noted the Township received two letters of support for this application.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried to approve.

Item 3 – A request by Jacob and Sarah Vander Ploeg to remove an addition and detached garage which has an 8 foot side yard setback, and replace with an addition to the residence including an attached garage, maintaining a side yard of 8 feet where 10 feet is required, and a rear yard of 40 feet where 50 feet is required per Section 38-276 (2) and (3)

of the Park Township Zoning Ordinance. Property is located at 1719 W. 32nd St., Holland, MI 49423. (Parcel #70-15-34-481-020, R-3)

de Vries explained that the applicants are proposing to remove a 12' x 22' addition at the rear of the home, as well as the detached garage and lean-to. The garage is currently 8 feet from the side yard lot line. They wish to add a 24' x 30' addition to the home, and attach a 26' x 24' garage keeping the 8 foot side yard. The existing detached garage and lean-to is currently approximately 34 feet from the rear lot line. The addition and attached garage would be 40 feet. The home is estimated to have been built around 1940. It is unknown when the addition to the rear was added, other than before 1980. Permit records show windows were replaced in 2004, front porch and roof in 2006, and a deck at the rear of the home in 2012. A variance for the front yard was granted in 2006 for the front porch. The applicants have owned the home since 2003. The property description is "Lots 213, 215, & 217, Harrington & Vanden Berg Bros. Subdivision" platted in 1924.

Zoning Board of Appeals Considerations:

The 19,800 square foot parcel does comply with the minimum area for the R-3 zoning district. The house currently complies with the 50 foot rear yard requirement. The detached garage complies with the 25 foot rear yard requirement for accessory buildings, as it is currently at approximately 34 feet with the lean-to.

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

Jacob and Sarah Vander Ploeg addressed their request. They are asking for a variance to increase the size of the house. He and his wife have three young children who live in a three bedroom house, although it was built as a two bedroom house. Additions have been done including a third bedroom, but to access it you have to go through a bedroom which, as the children grow older, creates problems. The addition to the north has a very low pitch and has roof problems with leaking after a rain. This will be removed. The septic system is to the west because there was an existing system to the north. He stated he has a document from the Ottawa County Health Department that indicated the septic had to go to the west. Also, there was a service drain from a laundry to the north. The garage will be demolished but the builder is not yet sure if the existing foundation can be used. The garage is not attached to the house.

Foster asked if the septic system is to the west.

Vander Ploeg said it is. He stated his property line abuts the neighbor's retaining wall that supports her garage. He would like to maintain that area.

Fleece asked if the service drain goes to the north.

Vander Ploeg said that is why the septic system could not be relocated to the north.

Fleece asked about the new foundation wall.

Vander Ploeg said the foundation wall to the rear of the garage that separates it from the lean-to would be the new rear foundation for the house. He also said there are problems with the basement of the house. It currently has 6'8" ceilings which is unreasonable for building a finished bedroom space. It also has a very narrow and steep stairwell of 32" x 8'. The reason he has to go beyond 12' to the north is to build a new basement and new stairwell.

Gerard asked if the direction of the bedrooms where you have to walk through is on the side where the septic system is located.

Vander Ploeg said it is.

PUBLIC HEARING

Foster opened the Public Hearing at 7:30 P.M.

There was no comment

Foster closed the Public Hearing at 7:30 P.M.

de Vries said the standards can be applied to both the rear yard and front yard:

Fleece says the burden is where the septic system is located. The problem is it can't go near this system.

Eade asked if the side yard is less with the proposed addition or the same.

de Vries said it is the same

Fleece moved, supported by Eade, to approve the variance requests.

Fleece 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 change in bulk or density and maintaining the existing foundation wall makes it less burdensome. Also, the County Health Department required the septic system location to the west. This existing condition is a burden 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 Zoning Board of Appeals may grant a lesser variance provided the other standards are met.***

Granting the variance will do justice to the property owners. The removal of the lean-to does justice regarding the aesthetics of the property, and the north foundation wall is maintained with the addition. The very low slope roof will be replaced with an adequate slope.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.

The unique circumstance is the location of the septic system to the west.

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

The difficulty with the existing structure and the location of the septic system are not self-created.

de Vries will obtain a copy of the Health Department letter from Vander Ploeg for Township records.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried to approve the rear and front yard setbacks.

ANNOUNCEMENTS:

The next regular meeting is March 26, 2018.

de Vries said he knows of one application for the meeting.

PUBLIC COMMENT

Foster opened Public Comment at 7:43 P.M

There was no comment.

Foster closed Public Comment at 7:43 P.M.

ADJOURNMENT

Eade moved, supported by Gerard, to adjourn the meeting at 7:43 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
February 28, 2018

Approved:

DRAFT