

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

Regular Meeting  
April 25, 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, Mike Toscano

Staff: Ed de Vries, Zoning Administrator

**APPROVAL OF AGENDA:**

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

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

**APPROVAL OF MINUTES:**

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

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

**BUSINESS ITEMS:**

1. **A request by Dennis Owen** on behalf of Mary VandenBosch to allow an addition to a non-conforming residence that will have a front yard of 33 feet where 40 feet is required, and a rear yard of 45 feet where 50 feet is required per Section 38-276(1) and (3) of the Park Township Zoning Ordinance. Said land and premises are located at 17 Greenhill Drive, Holland, MI 49424. (Parcel #70-15-25-277-010, R-3)

deVries introduced the item. As background, the applicant is proposing to add a third garage stall, and space behind the existing garage to serve as extra storage, and a utility room and bathroom for the living area.

The property is listed as lot 27 of Hazelbank Shores Plat #1, which was platted in 1979. It is interesting to note that on the plat the front yards were assigned on the corner lots. In the case of lot 27 the front was placed on Greenhill Drive which made the lot less depth than most in the plat. The lot to the north on the corner of Greenhill Drive and Old Town Road was designated with the front on Old Town Rd., which matches most of the lots in this subdivision.

The home was built in 1981. It is a single story 1,288 sq. foot over a basement, with an attached 576 sq. foot garage. (24 x 24). The home was oriented as indicated on the subdivision plan, and is currently non-conforming in that it does not meet front and rear yard requirements. It is also a corner lot. As it is now, the area was zoned R-3 Low Density One Family Residential District, and the area requirements for lots in the R-3 district were the same as they are today. The same is true for the requirement that a lot with double frontage on a road must meet the front yard requirement on both sides facing the road. The only building permit on file is from 1981 when the house was built. There is no record of previous variances. As the home was permitted to be built, even though it was not in compliance, and without a record of a variance, staff is treating this as a non-conforming home.

The current proposal is to add to the north, up to the 10 foot required side yard. The applicant proposes to keep the same front as the existing garage, however, it will extend approximately 4 feet further into the rear yard than the existing house.

The site plan submitted by the applicant lists the existing distances to the property line with a couple of exceptions. They show an existing rear yard of “approximately 35” to a deck. The deck is at or around 30 inches in height and measures 10' x 14'. The distance to the house would then be approximately 45 feet. The distance to the front of the garage is shown as 33 feet, however, there is a covered porch area that extends 6 feet from the house making the true front yard 27 feet.

The proposed addition would line up with the front of the garage, so it would be 6 feet further from the front lot line than the closest part of the house. At the rear the addition would extend approximately 4 feet closer to the rear yard than the back of the house.

Owen spoke to the variance request. He noted that the applicant, Mary VandenBosch, is his wife. They purchased the home six years ago. The reason for the request is to move the utility room from the basement because of his wife's medical condition. He has a serious heart condition and is no longer able to manage the stairs to help with the laundry. They tried to fit a stackable unit in an upstairs closet but that didn't work out too well. Additionally, a family member drove into the rear of the garage wall so this has to be repaired. As a result of all these factors, he has decided to make some changes and thus the proposal for the variance request.

Foster asked about the number of vehicles at the residence.

Owen replied that he has a truck for transporting his boat, in addition to two cars. As part of the proposed addition he would like to add space to the garage for his truck. The laundry room and a bath are in the plan in addition to expansion of the garage space. Access will be from the garage into the house and into the utility room.

Foster asked if the 10' extending to the north will be according to code.

Owen said it is because it is in the side yard. He said the front and back yard dimensions are the problem. The side yard has plenty of space.

Foster asked about the rear property. He visited the property but wasn't clear where it ended.

Owen said the property wasn't surveyed when he bought the home but it is in line with the neighboring properties. There are no stakes in place.

Foster asked Owen if he has interacted with the neighbors.

Owen has talked with the neighbor to the north and he has no problems. Another neighbor agrees with the plan.

DeVries said the Township has received no letters about this request.

**Public Hearing:**

Dreyer opened the Public Hearing at 6:42 P.M.

No comment.

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

**Board Discussion:**

Toscano proposed a solution which may not require a variance. He suggested to move the back wall in one foot to achieve a 53 foot rear yard.

Owen explained it would only be 49' and it would be difficult to accommodate the utility room.

Foster asked if the deck is out of compliance. DeVries said it was not.

Dreyer explained it is not self-created because of where the house was positioned.

Toscano noted it's a shallow lot which makes it unnecessarily burdensome.

Foster asked if the roof line will be comparable with the addition of the garage. Owen said it would be the same configuration.

Toscano moved, supported by Eade, to allow the dimensional variance request.

Toscano 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 unnecessary burden is due to the shallow depth of the lot leaving a 19' foot deep building envelope making conformity difficult.

- 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.*

Granting the variance will not infringe on other properties and will be more in line with homes in the area. This request also leaves more space to the east.

- 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.*

On this corner lot the unique aspect is that the lot did not allow for frontage on two streets. The size of the building envelope is limited because of the orientation of the front on the plat.

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

It is not self-created.

Roll Call Vote:

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

Motion carried.

## **ANNOUNCEMENTS:**

Dreyer said he will be unable to attend the Zoning Board of Appeals May meeting. Foster confirmed he will attend and will chair the meeting.

Foster asked if the staff reports on agenda items will continue to be available in the future. DeVries said he will provide them.

The next regular meeting date is May 23, 2016.

**PUBLIC COMMENT:**

Dreyer opened the Public Comment at 7:00 P.M.

No comment.

Dreyer closed Public Comment at 7:00 P.M.

**ADJOURNMENT:**

Eade moved, supported by Fleece, to adjourn the meeting at 7:00 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
April 26, 2016

Approved: June 27, 2016