

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
January 27, 2020
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Vice-Chair Dave Fleece 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, Sally Pollock (Alternate)

Absent: Doug Dreyer (with notice)

Staff: Greg Ransford, Planner

APPROVAL OF AGENDA:

Eade moved, supported by Pollock, to approve the agenda as submitted.

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

APPROVAL OF MINUTES:

Foster moved, supported by Gerard, to approve the minutes of December 23, 2019 Regular Meeting as submitted.

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

BUSINESS ITEMS:

Item #1 - A request by Eldean Shipyard to finish three separate parking areas utilizing sand, crushed concrete, and/or gravel where concrete, asphalt, or environmentally-friendly porous paving is required per Section 38-605(3) of the Park Township Zoning Ordinance. Said land and premises are located at 2301 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-465-001, Zoned C-2 Resort Service District); 2223 South Shore Drive, Macatawa, MI 494934

(Parcel 70-15-33-480-023, Zoned C-2 Resort Service District); and 2200 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-480-019, Zoned C-2 Resort Service District).

Ransford introduced the item. The applicant has noted that if the water levels of Lake Macatawa continue to rise, the Eldean Shipyard will need to raise many of their parking lots. They propose to increase the height of the parking areas by raising the drains, placing concrete blocks and fabric cloth around the perimeter of the areas, then filling with sand/crushed concrete/and/or gravel, and sloping the areas to the driveways. The applicant has stated they believe the high water levels will reduce over time and the gravel will eventually be removed. They hope this will occur in about two to three years. Ransford pointed out that there will be no extension of the footprint, it is just a resurface. If the applicant reconfigures the parking areas then a site plan submission to the Planning Commission is required.

Herb Eldean spoke to his request and said he was willing to answer questions.

Foster asked if there has been flooding up to this point.

Eldean said a week ago, in three hours' time, the water was over South Shore Drive extending a few inches over the center yellow line in the road. There was about 6" of water. There was high water at Thanksgiving last year. During the Christmas holiday there was also high water.

In his experience, very high water occurred in 1973 and again in 1986 which was the record for the highest water level on the lake.

Foster asked how long does it take for the water to recede. Eldean said it depends how long the drain pumps work.

The County drain is backed up now and the pumps can't keep up with the water coming in.

Pollock asked what is the difference between building up the parking lot surface with concrete or asphalt and the crushed gravel.

Eldean said if the water doesn't come up he won't have to do it. If it does he is trying to be ahead of the game. It is his opinion that the crushed concrete should work.

Eade asked Eldean if he could he do permanent asphalt now in consideration of the possibility of 8-10" of water level now, rather than wait for a flooding situation.

Eldean is hoping they won't have to do this. He is rolling the dice right now. They were able to stay ahead of the flooding in 1986 by removing the blacktop and putting in fill and grass.

Pollock asked if all the lots are equally affected.

Eldean said the elevations are different on the property including the parking lots.

Gerard asked if the pump can't keep up when the water rises, what does high water do to the asphalt.

Fleece said it depends on the saturation of the subsoil and the rigidity of the surface materials.

Ransford said he didn't know. It depends on duration of the high water but he didn't know to what extent the damage would be.

PUBLIC HEARING

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

Charles DeVries spoke to his concern about the past experiences of the neighbors in Macatawa Park. Given the possibility of high water, the parking area could be washed away and close down the road on South Shore. At Thanksgiving last year the water was high across from the ship store and it caused problems. Mud was running down the road and into driveways. It was his opinion that a temporary fix is asking for trouble for residents in the area who will incur water damage to their homes.

Don Rosie, a Macatawa Park neighbor, said his concern was the parking lots. If a channel is created the water will go into residents' basements. Water created a dam around one of his properties and flooded the basement. Drainage away from properties is not possible when the water is too high. What will be built will create a channel from 32nd Street all the way down South Shore Drive. He suggested a survey be done to find out where the water will go and what will happen to the water when the roadway floods. Flooding in that area has and will create property damage.

Foster asked Rosie if he lived east or west of the Eldean property.

DeVries said he lived in Macatawa Park by the post office. His family has had property for 100 years in that area and they have a lot of problems with water control when there is flooding.

John Gronberg owns a slip in the Eldean complex. He served as President for the Macatawa Park Cottagers Association. He recommends a collateral effort. Perhaps a review could include raising South Shore Drive. He recalled in 1953 when the water levels were high, the County built a temporary road starting at the Yacht Club, extending across the Eldean property, and onward to the gate. He understood the County engineers are anticipating 12-18" of water more than what we experienced in the area last year. His concern is we are going to have to address this problem in a different way. He will be asking the County Road Commission if there is a possibility to look at a remedy. The rain pattern has changed and it puts us in a different scenario. We should be proactive in reaching a solution.

Bonnie Gronberg said she and her husband own two parking spaces and a dock at Eldean's. She believed that if gravel is used for the lot surface, deep water will force it to go into South Shore Drive. Concrete and gravel will end up in lake and South Shore Drive. Is there a better solution? She requested that the Township look for alternatives to solve the flooding problem in this area.

Fleece closed the Public Hearing at 6:58 P.M.

Pollock suggested what needs to be done is an in-depth study by the Township and the County Road Commission.

Foster said his observation is that this situation is above and beyond what the Zoning Board of Appeals can decide. This would solve a short term problem but we need to look at the long term.

Fleece said keeping gravel corralled is problematic and he understands the concerns regarding the impact on the South Shore roadway.

Foster said we need more information and suggested tabling the request.

Fleece said the Zoning Board of Appeals appreciated Eldean bringing the problem to their attention. Everyone is compromised in this community.

Gerard asked Eldean what can the docks handle if the water goes up.

Eldean said the docks can tolerate about 10" more of high water.

Eade asked if he can raise the electrical lines.

Eldean said they have been raising the level of the docks since last April. He said some of the docks are even with the water, some are higher, but none are under water.

Foster observed on a recent visit he made to the area that the water is about 6" from the seawall. He asked how high up is the proposal to raise the drains.

Eldean said they are not raising the drains. There are other drains in the system he has no control over. They will raise only the drains in the parking lots on his property.

Eldean agreed with his neighbors that the water will run down South Shore Drive in high water regardless of what he does with the parking lots. There is one lot with gravel because it is in Laketown Township because they don't require any hard surface. He has discussed the situation with Laketown Township for several years. Laketown Township says it doesn't have the funds to fix the drain system. The main drain is Ottawa County, but Laketown Township is involved along with Park Township as part of the Tri County Government entity.

Fleece asked if there could be a concrete threshold installed to contain the gravel and concrete. He was concerned about the open areas from the lots that would provide a channel for water.

Eldean said the red lines are the concrete retainers on the drawing. Driveways into the parking lots will be raised up. Parking for cars will be removed near the road where the incline will be installed.

Eldean noted that If we wait for a study we'll never get it.

Eade said there would be instability with the gravel mix. It was his opinion that there needs to be a more comprehensive solution.

Foster recommended denying the request to install gravel then the applicant would have to use concrete. That is the other option. He lives by the post office so understands the problem.

Fleece asked Eldean for a timeframe to complete the project.

Eldean said it would be this spring.

Fleece asked how long would it take to finish the present installation of cover materials for the parking lots.

Eldean estimated three to four weeks of full time construction activity.

John Gronberg volunteered that there is immediacy for a water control solution. If the roadway could be elevated it would create a barrier.

Eldean said he would install his own pump system and place barriers around the store.

Pollock said this problem is bigger than the Zoning Board of Appeals. She agreed that Eldean is trying to be proactive but thinks it will create additional problems for others in the neighborhood.

Fleece said he lacks enough detailed information to make a decision.

Eade said, given the magnitude of this problem, he isn't comfortable in granting a variance that will just exacerbate the situation. Can staff recommend that the Planning Commission or the Township Board come up with a recommendation?

Ransford said the burden is on the applicant to prove if the proposal is sufficient for an adequate solution. It is legitimate to ask for additional information. The Zoning Board of Appeals can table this for the time being until you have enough information to make a decision. The Township Engineer could attend the next meeting, and the applicant's engineer can also provide information.

Foster said an engineer's assessment would have helped here.

Ransford said he will direct questions to the Township. The Zoning Board of Appeals can certainly ask for more information to not create a greater problem.

Fleece asked Eldean if his plan was an engineer's solution.

Eldean said the solution was his.

DeVries suggested raising the road along with the parking lot which would create a dike. This would be a simple solution.

Fleece noted this would require County involvement.

Gerard said the potential issues for the neighbors make this situation more serious.

Eldean asked if the lower left lot could be taken off the table for now. That lot is closer to the neighbors.

Gerard asked if the Township engineer could look at the situation before anything is decided.

Foster moved, supported by Pollock, to table the request until February when we have a report from the Township engineer.

Gerard asked that the engineer address runoff potential and creation of trough effects by water.

Roll Call Vote

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

Ayes 5, Nays 0. Motion carried.

Ransford will share the information with Posillico who will contact the Township engineer.

#2 – A request by Tom Barz, on behalf of Katherine Green, to allow construction of an addition to a single-family residence with a rear yard of approximately 43 feet where 50 feet is required per Section 38-216(3), and with a side yard of 15 feet where no less than 20 feet is permitted per Section 38-216(2) of the Park Township Zoning Ordinance. Said land and premises are located at 17125 Fifth Street, Holland, MI 49424 (Parcel 70-15-09-256-008, Zoned R-1 Rural Estate District).

Ransford provided the background information for this request. There is a standard dimensional rear yard request and a side yard request because the home was established before 2016. There are supplemental standards for the side yard request. The rear yard request is for a 7 feet variance at 43' rather than 50'. The side yard variance request is for 15' rather than the required 20'.. The deck will be replaced by a 150 square foot three season room. The lot is 10,400 square feet where two acres is required. He noted the applicant is on about 1/10th of the two acre requirement. The lot and home were created in the 1990s.

Katherine Green spoke to her request. They have cramped space and want to add a room to increase the living area.

PUBLIC HEARING

Fleece opened the Public Hearing at 7:35 P.M.

Tom Barz, builder, spoke to the proposal. The concern is to try to preserve trees over 100 years old that are on the property. He has looked at a pergola and awnings which are expensive. The wind is a factor in considering the life of an awning. Adding the room was the best alternative since the family needed additional space. It will follow the existing building wall on the east side of the house.

Foster asked about the retractable type of awning.

Barz said the retractable type can still be affected by wind.

Fleece noted one letter was received by the Township in support of the proposal.

Green said another neighbor is in support.

Fleece closed the Public Hearing at 7:40 P.M.

Foster said because of the lot size and the expense of any options he has no problem with the request.

Ransford said there are two sets of standards that must be reviewed: four for the rear yard setback request and three for the side yard setback request. They should be considered separately.

Gerard moved, supported by Eade, to approve the rear yard setback.

Gerard reviewed the Non-Use (Dimensional) Variance Standards Review (rear yard setback):

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 burden is the small lot size which is also nonconforming.

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;

Due to the nature of the lot it will be constructed in a manner consistent with existing dwelling and, with the support of the neighbor, the request will provide justice to everyone involved.

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 wetland) and not due to general conditions of the zoning district;

The property is unique because of the nonconforming lot size.

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

The property owner did not create the small, nonconforming lot or plant the trees.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

Foster moved, supported by Eade, to approve the variance request for the side yard setback.

Foster reviewed the Building Setback Exception Standards Review (side yard setback):

a. *The proportion of the main wall which has been altered by the addition,*

The main wall of the house is not affected since the extension is to the back. It blends with the existing roof.

b. *The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and,*

There would not be any detrimental effect to the neighbors. The property owner has one written and one oral support from two neighbors. The request will not alter airflow or the view.

c. *The addition shall not be less than five feet from the side and rear lot lines and shall not be less than ten feet from the front lot line.*

The setback will be 15'.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

#3 – Other Business – Revised 2020 Meeting Schedule

Pollock moved, supported by Foster, to approve the revised 2020 Meeting Schedule.

Voice Vote:

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

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS

The next meeting date is February 24, 2020. Ransford said there are two requests to date.

PUBLIC COMMENT

Fleece opened Public Comment at 7:52 P.M.

There was no comment.

Fleece closed Public Comment at 7:52 P.M.

ADJOURNMENT

Pollock moved, supported by Foster, to adjourn the meeting 7:53 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
January 29, 2020

Approved: