

**MINUTES  
PARK TOWNSHIP  
ZONING BOARD OF APPEALS  
Holland, MI 49418**

Regular Meeting  
Via Zoom Conferencing  
March 1, 2021  
6:30 P.M.

**APPROVED**

**CALL TO ORDER:**

Chair Dreyer called the regular meeting of the Park Township Zoning Board of Appeals at 6:36 P.M., held via Zoom conferencing per Executive Order.

**ATTENDANCE:**

Present: Doug Dreyer, Dennis Eade, Dave Fleece, John Foster, Loran Serne

Staff: Julie Lovelace, Zoning Administrator

**APPROVAL OF AGENDA:**

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

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

**APPROVAL OF MINUTES:**

Eade moved, supported by Foster, to approve the minutes of February 1, 2020 Regular Meeting as submitted.

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

**BUSINESS ITEMS:**

Because of technical difficulties contacting the spokesman for the first agenda item, Dreyer suggested moving up the second item to first place on the agenda.

**Item #1 – A request by Kevin Burke** to allow construction of a 350 square feet detached accessory structure where the maximum permitted is 312 square feet and a height of 19 feet where a maximum height of 16 feet is permitted per Sections 38-491(b)(1)b and 38-491(b)(2)a, respectively, of the Park Township Zoning Ordinance. Said lands and premises are located at

2379 Orchard Avenue, Holland, MI 49424 (Parcel 70-15-28-138-017), zoned R-2 (Lake Shore Residential).

Lovlace introduced the variance request. The parcel is zoned R-2 (Lakeshore Residence District). The principal structure has an attached garage and no accessory structure. The property is .35677 acres of 15,581 square feet. The maximum square footage permitted on a parcel this size for an accessory structure is 2% of 312 square feet. The applicant requests 350 square feet.

The applicant wishes to construct an accessory structure to accommodate additional storage and off-street parking for a pickup truck. The grade slopes by 7 feet from the front (south) to the northwest corner. Due to topography, the average height from grade to peak would be 19 feet rather than 16 feet.

Kevin Burke spoke to his application. He introduced Rick Uildriks as contractor for the project. His property is located in Idylwood and he wishes to build the accessory structure on the northwest corner of his lot. The reason is he needs additional width for his truck. He is requesting 2.2% extra width. Second, he is looking for an average height of 19' where the ordinance says 16' for a 350 square foot lot. The reason is the unique topography on the northwest corner. On the west side it is higher to the peak. He wants to keep the ridge line consistent with a home remodel he plans for the lot. He shared the drawing where the ridge line and pitch would be for the accessory and home structures.

Uildriks said they aren't asking for side yard variances. The septic is in the rear yard so they can only build to the northwest part of the lot.

Foster asked if the septic area is located in the designated fill area on the drawing.

Burke said the fill area is to be used for construction. The septic is in the upper right-hand corner of the lot.

Foster asked if he will keep the two-stall garage for the remodel.

Burke replied he has four vehicles and wants to keep them off the road since there is limited street parking in the Idylwood area.

Foster said he visited the property and had a concern about the long driveway to the proposed building. It appears to be close to the neighbor's lot line and some trees have been taken down in preparation for it. How close does this have to be to the lot line?

Burke says the intent on the west side is to keep as much of the natural grass as a ribbon along the drive. There will be a honeycomb material laid to allow water runoff.

Dreyer reminded the Zoning Board of Appeals this variance is only about the size and height, no side yard setback considerations.

Fleece asked if 38 square feet is what is at issue here. He asked about options. Could the width be brought in closer and keep the depth at 22'.

Burke replied the larger request is for his truck.

Fleece asked if the garage is a single car garage. Also, he asked if 3' renders the upper level useless.

Burke said it was a single car garage and would be used for storage.

## **PUBLIC HEARING**

Chair Dreyer opened at the Public Hearing at 6:57 P.M.

There was no comment.

Chair Dreyer closed the Public Hearing at 6:57 P.M.

Dreyer noted there were two items of correspondence, both in support of the applicant.

Foster referred to the aerial picture included in packet and asked if there will be site line issues. He doesn't see any effect to other properties.

Burke said the northwest corner is the least obtrusive and is to the rear of the other homes.

Fleece asked about the width of the walls. Given the size of the structure, are 8" walls planned? He sees this as legitimate for this request.

Burke said that was the case.

Fleece moved, supported by Eade, to support the request for additional square footage and height.

Fleece reviewed the following standards pursuant to Section 38-491(b)(2)h in granting authorization for relief from maximum square footage and height restrictions:

- a. The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;***

The accessory building is approximately 2.5' above the overall lot size. It will meet setback requirements.

- b. The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;***

In order to achieve similar roof pitch between the structures makes sense, aesthetically, and the view from the street won't hinder the site line. The lower portion will be out of view. This standard is met.

**c. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;**

The distance between the structures and the adjacent properties is satisfactory. The distance between the accessory building and the principal structures greater than 10' so the requirement is met.

**d. Whether or not the accessory building will affect light and air circulation of any adjoining property; and,**

There are no issues so the requirement is met. The proposed building will not affect light or air circulation of the adjoining lots.

**e. Whether the accessory building will adversely affect the view of any adjoining property.**

It should be well screened and views won't be affected. It is important to preserve as many trees as possible.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

**Item #2 – A request by Joe Filippelli, on behalf of Stephanie Snyder and David Eckart to allow construction of a single-family residence on a corner lot with a rear yard setback of approximately 24 feet where 50 feet is required, a front yard setback from Lake Street of 23 feet, 10 inches where 40 feet is required, and a front yard setback from Ash Street of 11 feet, 5 inches where 40 feet is required per Section 38-276(1) and (3) of the Park Township Zoning Ordinance. Said lands and premises are located at 2020 Lake Street, Holland, MI 49424 (Parcel 70-15-27-356-001), zoned R-3 (Low Density Single-Family).**

Lovelace introduced the agenda item and provided background information. The parcel is nonconforming with regard to current minimum width and area requirements. The parcel is 50 feet wide where 90 feet is required, and 8,838 square feet where 15,000 square feet is required. Thus, current yard side setback requirements for a corner lot render the parcel unbuildable without a variance.

The existing principal structure on the parcel was built in 1960. The minimum building opening of the structure does not sit one foot above the 100-year flood elevation as currently required, therefore, it is prone to flooding. The existing carport encroaches into the Lake Street right-of-way by 1.4 feet. The house sits 1.2 feet from the east lot line at the northeast corner.

According to the GIS measurement the house sits approximately 9 feet from the west lot line/Ash Street right-of-way and 25 feet to the 100-year flood elevation in the rear yard.

The applicants want to demolish the existing structure and build a new structure that is more conforming. They estimate a usable floor area of 1,000 square feet for the main floor which meets the R-3 zoning district minimum.

Front setback on Lake Street: the applicant suggests moving the new structure back from the road right-of-way by 23 feet, 10 inches.

Front setback on Ash Street: the applicant suggests a setback of 11 feet, 5 inches.

East side setback: Given that the neighboring structure to the east sits five feet from the lot line, the applicants propose a conforming east side setback of 10 feet allowing 15 feet between the structures. The Zoning Ordinance requires of minimum of 10 feet between structures.

Rear setback: 24 feet from the 100-year flood elevation.

Joe Filippelli, architect, spoke to the application on behalf of his clients, Stephanie Snyder and David Eckart. The goal is to redirect the property for the client and the neighborhood, decrease the current nonconformity of the existing house, and rebuild according to current environmental standards. The owner intends to relocate what is now an unusable garage and driveway. This will accommodate off-street parking. The garage will be moved into the setback area. The setback to the east will be pushed back with no impact on the neighboring lot. The lot is under-size, so they need the variance along Ash and Lake Streets, and Lake Macatawa. This will keep it 10' from the neighbor.

He referred to the space of the existing house. The requested amount of proposed square footage based on 1000 square feet of usable space is minimum for any lot. 2,033' is the proposed square footage. He pointed out the site is a parallelogram in shape. He wants to square it off giving the owner an extra 84 square feet on the lakeside. This leaves 1000 square feet of usable area.

Fleece asked about the 2310 square feet dimension. He referred to the diagonal line on the drawing that raised his concern. It's just a matter of interpretation.

Filippelli said 2310 square feet would be the worst case scenario. It comes down to a few inches on Ash Street.

## **PUBLIC HEARING**

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

Bob Becker asked if the site plan is available for public view.

Lovelace displayed it on the screen for view.

Becker asked if this is a single-story home.

Filippelli said it was planned to be a tri-level.

Becker asked about the height to peak of the tri-level.

Filippelli said the tri-level plan will meet the height ordinance.

Becker said he wanted to know the height for viewing purposes when he looks out from his house.

Lovelace said the elevation hasn't been determined.

Filippelli said they haven't designed the house yet – they are just working on the footprint.

Dreyer said this would be a future situation.

Becker asked about the maximum height allowed.

Lovelace said the maximum height is 35' to the highest point.

Annette, a neighbor, wondered about height and encroachment onto Ash Street. Will it be closer than the existing building?

Filippelli said he is requesting less than 2' to Ash Street. This would provide space to the east neighboring lot. If the Zoning Board of Appeals wants to maintain the setback on Ash Street and encroach on the neighbor's lot on the east side it could be moved.

Foster asked if he knew what the neighbor felt about that change.

Dreyer said this could not be approved at this point without another public notice.

Annette said the shoreline is already susceptible to high water. Moving in that direction on Ash Street would affect the environment. This should be considered.

Foster asked if the State has to give approval for this project since it is lakeshore property.

Lovelace confirmed that is correct.

Dreyer closed the Public Hearing at 7:25 P.M.

Dreyer noted there was one letter submitted to the Township which was in support. A second comment was submitted which didn't state either a positive or negative position.

Foster asked Filippelli if EGLE has to give approval for the project.

Filippelli said he will have to get approval. The main floor level has to be one foot above the 100-year flood plain.

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

Fleece reviewed the standards pursuant to Section 38-483 in granting authorization for relief from the front and rear setbacks:

- a. The size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot;**

This standard is not applicable.

- b. The effect of the proposed use on adjoining properties and the surrounding neighborhood;**

The adjoining properties aren't affected. The proposal improves the lot and makes less it less hazardous. It will be a buildable lot.

- c. The effect of the proposed use on light and air circulation of adjoining properties;**

Light and air circulation aren't negatively affected. It actually improves this for the neighbor to the east and another 5 feet is gained with the proposal.

- d. The effect of any increased density of the intended use on the surrounding neighborhood; and,**

The existing home is to be replaced and thus there is no increase in density.

- e. All off-street parking requirements are met.**

The proposed plan decreases roadway parking which is a safer design for the entire neighborhood.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

## **ANNOUNCEMENTS**

The next meeting will be April 5, 2021. Lovelace said there will be two applications for the meeting.

Dreyer asked if Zoom will be required for the next meeting. Lovelace said the current executive order is until the end of March.

## **PUBLIC COMMENT**

Dreyer opened Public Comment at 7:35P.M.

There was no comment.

Dreyer closed Public Comment at 7:35 P.M.

**ADJOURNMENT**

Foster moved, seconded by Eade, to adjourn the meeting at 7:37 P.M.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
March 3, 2021

Approved: