

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

Regular Meeting
Held at the Township Hall and via Zoom Conferencing
May 3, 2021
6:30 P.M.

CALL TO ORDER:

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

ATTENDANCE:

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

Staff: Julie Lovelace, Zoning Administrator

APPROVAL OF AGENDA:

Foster moved, supported by Serne, to approve the agenda.

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

APPROVAL OF MINUTES:

Dreyer noted one change on page 2.

Eade moved, supported by Foster, to approve the minutes of April 5, 2021 Regular Meeting as corrected.

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

BUSINESS ITEMS:

Item #1 – A request by Shawn Jacob to allow construction of an 864 square foot accessory structure with a side yard setback of 5 feet where the minimum setback permitted is 10 feet per Sections 38-491(b)(2)e of the Park Township Zoning Ordinance. Said lands and premises are located at 329 N. Lakeshore Drive (Parcel 70-15-21-200-063), zoned R-3 (Low Density One Family Residence District).

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Lovelace provided background information for the request. This parcel is approximately 2.4 acres or 104,544 square feet. The maximum square footage permitted on a parcel this size for a detached accessory structure is 2,090 square feet. The applicant wishes to place this structure 5' from the side (south) lot line. It will be 864 square feet.

Tony Zahn of Zahn Builders spoke to the application. This parcel is a nonconforming lot with long and narrow dimensions. It's a flag lot that is 125' in width. There is a substantial grade change on the north side. The 60' turnaround for the cul-de-sac is important. There is a row of trees on the north they want to preserve which relates to the garage placement and the 5' variance request.

Dreyer asked about the turnaround circle. With regard to the deed restrictions, is this on the neighbor's property?

Zahn said it is an easement to allow landscaping and prohibit building near the proposed garage. It will be recorded.

Fleece asked about north of the garage for a building site.

Zahn replied that the cul-de-sac turnaround would be impacted at that point.

Foster appreciated the owner maintaining the tree line. What is the main purpose for the building?

Zahn said the applicant wants it for storage for equipment.

Eade asked if the applicant owns the property to the south. Could it be purchased by anyone else?

Zahn said the applicant's family member owns the property. He is familiar with working with landscape easements. He didn't anticipate any problems.

PUBLIC HEARING

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

There was no comment.

Chair Dreyer closed the Public Hearing at 6:43 P.M.

Fleece said the relationship between the area for the cul-de-sac is the only point of concern.

The Board of Appeals agreed a condition be part of the approval that the recorded deed restriction for the neighboring property must be submitted to the Township before a building permit will be released.

Fleece moved, supported by Foster, to approve the variance with the condition that the recorded deed restriction for the neighboring property must be submitted to the Township before a building permit is released to the applicant.

Fleece reviewed the standards for Sec. 38-491(b)(2)g in granting authorization for a side setback of 5 feet:

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

Fleece said with the property to the south and the restrictions of landscaping easement there would be no adverse effect on the adjacent property.

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

There is no issue with any of these considerations.

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

The property is surrounded by a wooded area and there would be no adverse effect on the neighborhood. The shape of the lot is a burden to the owner.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

Item #2 – A request by Gregory and Theresa Eaton, to allow placement of a 106 square foot accessory structure with side and rear yard setbacks of 1 foot where the minimum setback permitted is 5 feet per Section 38-491(b)(2)e of the Park Township Zoning Ordinance. Said lands and premises are located at 405 Pine Street, Parcel 70-15-27-378-002, zoned R-3 (Low Density One Family Residence District).

Lovelace introduced this item. This parcel is 8,000 square feet. The maximum square footage permitted on a parcel this size for a detached accessory structure is 150 square feet. The applicant wishes to build a 106 square foot shed. There is an existing shed approximately the same size that is deteriorating and needs to be replaced. There is very little space on the lot. The lot to the north has been confirmed as common area/park space for the Chippewa Resort Neighborhood.

Greg Eaton spoke to his application. It was built nonconforming and is closer than 10' to the house. He would like to comply with the Township requirement of 10' separation distance. That is the reason he is asking for the one foot setback. He mentioned that the adjoining lot to the north is owned by the Chippewa Homeowners' Association. His neighbor behind his property supports the request. He will comply with the 14' height requirement. The new shed will be much more attractive than the older one.

Fleece asked how close is the shed to the neighboring shed.

Eaton said the offset is 4' or 5'. He will comply with the 10' minimum separation between structures and plans to put in trees.

Lovelace commented the applicant will maintain the 10' separation between the house and the shed by ordinance requirement.

Foster said he appreciated the photos and documentation the applicant provided.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:53 P.M.

He noted there were three letters in support.

There was no comment.

Dreyer closed the Public Hearing at 6:54 P.M.

Fleece asked Eaton if he had written approval for the easement from the neighbor behind him.

Eaton said he did.

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

Foster reviewed the standards for Sec. 38-491(b)(2)g in granting authorization for side and rear setbacks of 1 foot:

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

Because of the lot size and the setback standards this will allow support for the separation between the home and the shed.

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

There is only one neighbor behind the applicant's property who won't be affected and approves the request.

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

The proposed design and size of the shed will not be a problem and won't be out of character to the surrounding neighborhood.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

Item #3 – A request by Eugene Tritenichenko, to allow a 1,200 square foot accessory structure with a front yard setback of 41 feet where a minimum setback permitted is 80 feet per Section 38-491(b)(2)e of the Park Township Zoning Ordinance. Said lands and premises are located at 1501 Jerome Street, Parcel 70-15-35-300-026, zoned R-3 (Low Density One Family Residence District).

Lovelace provided the background information. The parcel is approximately 1.39 acres. The maximum square footage permitted on a parcel this size for a detached accessory structure is 1,208 square feet. The applicant wishes to build a 1200 square foot structure. The applicant wishes to place the structure 41 feet from the front lot line due to a significant portion of the property being covered by wetland. The applicant has been approved for an encroachment agreement from the Ottawa County Water Resources Commissioner for this project. The structure must maintain a distance of 22 feet from the drain. There is currently a small accessory structure on the property that the applicant will remove.

Tritenichenko addressed his request via Zoom. He explained that the reason for the need for approval by the Ottawa County Water Resources Commissioner is because of the location of the wetland on the property. This limits his choice in putting the structure anywhere else. It is far enough from the neighbors that it will not create any issues with noise, or other concerns.

Dreyer asked for the reason for the garage and if the approach would be from the north.

The applicant said it will be for vehicles and confirmed the driveway will be from the north

Dreyer asked for confirmation that the building will be 22' from the easement.

Tritenichenko said that was correct.

PUBLIC HEARING

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

There was no comment.

Dreyer closed the Public Hearing at 7:04 P.M.

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There was no correspondence on this item.

Foster said he appreciated the answer regarding the drain problem.

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

Fleece reviewed the standards for Sec. 38-491(b)(2)g in granting authorization for a 41 foot front yard setback:

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

Fleece said there will be a separation of 23' from the house where 10' is required and it satisfies the Ottawa County Water Resources Commission requirements.

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

The house on the property to the south is oriented to the proposed building by a garage wall and the view is not affected. The neighboring house has a higher elevation so the other factors are not affected.

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

The property is heavily wooded and the parcels are large. There is no adverse effect on the surrounding neighborhood.

Roll Call Vote:

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

Ayes 5, Nays 0.

ANNOUNCEMENTS

The next meeting will be June 7, 2021. Lovelace noted there will be only one agenda item. Foster and Eade said they would be unable to attend so Dreyer requested an alternate.

Lovelace pointed out that the July meeting is on the 5th. Considering this follows the 4th of July holiday weekend would the Board of Appeals prefer to change the date. The Commissioners agreed to schedule the July meeting on the 12th.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:12 P.M.

There was no comment.

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Dreyer closed Public Comment at 7:12 P.M.

ADJOURNMENT

Foster moved, seconded by Serna, to adjourn the meeting at 7:13 P.M.

Respectfully submitted,

Judith Hemwall
Recording Secretary
May 7, 2021

Approved: June 7, 2021