

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

Regular Meeting  
Held at the Township Hall and via Zoom Conferencing  
September 13, 2021  
6:30 P.M.

**DRAFT COPY**

**CALL TO ORDER:**

Chair Dreyer called the regular meeting of the Park Township Zoning Board of Appeals at 6:30 P.M., held at the Township Hall and via Zoom conferencing per Executive Order.

**ATTENDANCE:**

Present: Doug Dreyer, John Foster, Kathy Grimm (Alternate), Sally Pollock (Alternate), Loran Serne

Absent: Dennis Eade, Dave Fleece

Staff: Julie Lovelace, Zoning Administrator

**APPROVAL OF AGENDA:**

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Foster moved, supported by Serne, to approve the minutes of August 2, 2021 Regular Meeting as submitted.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**BUSINESS ITEMS:**

The first agenda item regarding the request **by Brian Bosgraaf, on behalf of Bill and Susan Moya**, was tabled due to the absence of the applicants and their representative.

Foster moved, supported by Grimm, to table the first request until the end of the meeting.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**Hearing #2 – A request by Henry Voetberg**, to allow construction of a residence with a front yard of 13.5 feet where no less than 23.5 feet is permitted per Section 38-494(a) of the Park Township Zoning Ordinance. Said land and premises are located at 1384 Linwood Avenue, Holland, MI 49424. (Parcel 70-15-35-205-025, Zoned R-3 Low Density One Family Residence District)

Lovelace introduced the item. This application was originally heard on August 10, 2020 and was approved. The owner was not able to pull permits within one year, therefore, the applicant submits the same request to renew the variance.

The property is 0.44 acres, or approximately 19,166 square feet. There is an existing residence on the property that the applicant wishes to demolish to construct a new residence.

The existing garage is approximately 6-7 feet from the front property line along Linwood. While the current residence is a nonconforming structure, once it is demolished, the new structure must conform to the requirements of the Zoning Ordinance. The proposed rear and side yard setbacks comply with the requirements of the R-3 Zoning District, but the proposed front yard of 13.5 feet does not comply with the requirements or with front yard averaging provisions.

Voetberg addressed his request. He said it is exactly the same as his previous request. The new structure will not block his neighbor's sight line.

Pollock asked if there has been any change since August 2020.

Voetberg confirmed there had been no changes.

**PUBLIC HEARING**

Chair Dreyer opened the Public Hearing at 6:37 P.M.

There was no comment.

Chair Dreyer closed the Public Hearing at 7:38 P.M.

Lovelace noted the Board of Appeals did not have to review the standards again. The minutes can reference the standards and confirm that they have been met.

Pollock moved, supported by Foster, to approve the request and confirm that the standards for Section 38-70(1) are met.

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

The Zoning Board of Appeals confirmed the above standards have been met.

Roll Call Vote:

Foster, aye; Grimm, aye; Pollock, aye; Serna, aye; Dreyer, aye.

Ayes 5, Nays 0. Motion carried.

**Hearing #3 – A request by Aaron Vander Meulen, on behalf of Mathew and Sarah Comstock**, to permit construction of a dwelling addition with a side setback of 3.4 feet where 5 feet is required per Section 38-251A(2) of the Park Township Zoning Ordinance. Said lands and premises are located at 3767 Lake Ct., Parcel 70-15-09-184-002, zoned R-2 (Lakeshore Residence District) and within the Lake Court Overlay District.

Lovelace reviewed the request. The parcel is approximately .1689 acres or 7,360 square feet with a 46 foot width. The current minimum parcel size for R-2 is one acre with a 100 foot width. The dwelling is estimated to have been built in 1940. It is considered built to the legally-established setback line at that time. Both the parcel and the dwelling are considered legally nonconforming.

The dwelling in question is 3.4 feet from the north lot line at the eastern point and sits slightly farther, up to 3.9 feet at the westernmost point. While the Applicant requests a 3.5 foot setback in their narrative, public notice was written for 3.4 feet to take this into account. The Applicant requests the ability to build upward and will not further encroach upon the north lot line. With exception of the proposed deck (which is not a part of this review), all other proposed setbacks meet the current ordinance.

Vander Meulen, on behalf of the Comstocks, spoke to the application. He explained it's an older cottage and built before zoning regulations were developed. The Comstocks would like to expand the home and add a second story following the vertical line only.

It's only 7400 sq. feet so it is a small lot. There will be no expansion onto the setback or change in the footprint. The extension is only on the north side of the house.

Foster asked about the garage.

Vande Meulen said the garage will not affect the setback.

## **PUBLIC HEARING**

Dreyer opened the Public Hearing at 6:45 P.M.

There was no comment.

Dreyer closed the Public Hearing at 6:46 P.M.

Foster said it is a tight situation since it is such a small lot. He doesn't see a problem with what the applicants want to do with the vertical expansion.

Foster moved, supported by Grimm, to approve the request.

Foster reviewed the standards for Sec.38-483(e)(2):

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

The setback will not be altered. The plan is to build vertically for the second floor. Dreyer asked about height restrictions for Lake Court. Lovelace said it will be restricted to the height of the front wall. The height will be reviewed during the building review to assure it meets the new Lake Court Overlay District height requirements.

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

The proposal does not extend beyond the sight line, and does not block air or sunlight. It will improve the look of the property and be an enhancement to the neighborhood.

c. ***The addition shall not be less than 5' from the side and rear lot lines, and shall not be less than 10' from the front lot line.***

At 3.4' the current setback is less than the 5' requirement, but the applicants will not extend further into the setback and only wish to build upward.

### Roll Call Vote:

Foster, aye; Grimm, Pollock, aye; Serna, aye; Dreyer, aye.

Ayes 5, Nays 0. Motion carried.

Dreyer asked the Board of Appeals if they would consider moving forward with considering the Moya request, although neither the applicants nor their representative have arrived to present it.

He asked for a motion to return the agenda item to the table for consideration.

Grimm moved, supported by Foster, to return the Moya request to the agenda for consideration.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**Hearing #1 – A request by Brian Bosgraaf, on behalf of Bill and Susan Moya**, to permit construction of a dwelling addition with a side setback of 5 feet where 10 feet is required and a front setback of 10 feet where 40 feet is required per Section 38-276(1) and (2) and Section 38-483(b) of the Park Township Zoning Ordinance. Said lands and premises are located at 1754 South Shore Dr., Parcel 70-15-34-426-004, zoned R-3 (Low Density One Family Residence District)

Lovelace provided background information. This house was built in 1945. The Ottawa County GIS shows the parcel size at .0669 acres or 2,914 square feet. The property is legally nonconforming with respect to area and the structure is legally nonconforming with respect to setbacks. The front setback in the R-3 district is 40 feet. The parcel has two front yards, South Shore Drive and Summit Street. The required side setback is 10 feet.

Additionally, South Short Drive is a primary arterial road, therefore, there is a requirement of an 83 foot setback from the centerline (or 40 feet from the end of the right-of-way, whichever is greater). At its closest point the house is 5.5 feet from the South Shore Drive front lot line.

The deck and lattice wall on the side lot line will be removed. The proposed addition would be 5 feet to the side lot line.

Foster observed there should be no problem supporting Standards 3, 4 and 5. The plan is to remain within the setback.

Foster moved to approve, supported by Pollock, to approve the request.

Dreyer requested a condition to the motion that no deck could be placed on the east side of the house.

Foster agreed with the amendment to the motion.

Foster reviewed standards for Section 38-483(b):

(2) The size, character and nature of the residential building and accessory building to be erected and constructed on the lot:

***c. The maximum height of the residential building shall be reduced by the same percentage the total area of the lot or parcel of land bears to 6,500 square feet, or 20 feet, whichever is greater.***

The maximum height of 15.8' based on lot size is the permitted height. This will be reviewed during building permit review.

***d. Side yards may be reduced by the same percentage the total area of the lot or parcel of land bears to the minimum lot area requirement of the zoning district, or five feet, whichever is greater.***

It won't be as far with the 5 feet measurement. The standard is met.

***(3) The effect of the proposed use on adjoining properties and the surrounding neighborhood;***

Because of the street layout, with a neighbor to the east, it meets the standard and won't block the view.

***(4) The effect of the proposed use on light and circulation of adjoining properties;***

The property is back far enough that this won't be a problem. With the addition to the side it will not interfere with the neighboring property.

***(5) The effect of any increased density of the intended use on the surrounding neighborhood; and,***

There will not be an increase in density to the neighborhood and it will not encroach on the neighboring property to the east.

***(6) All off-street parking requirements are met.***

This standard is met..

Roll Call Vote:

Foster, aye; Grimm, aye; Pollock, aye; Serna, aye; Dreyer, aye.

Ayes 5, Nays 0. Motion carried.

## **ANNOUNCEMENTS**

There have been no requests for the October meeting. The next meeting will be November 1, 2021.

## **PUBLIC COMMENT**

Dreyer opened Public Comment at 7: 06 P.M.

There was no comment.

Dreyer closed Public Comment at 7:07 P.M.

**ADJOURNMENT**

Serne moved, seconded by Foster, to adjourn the meeting at 7:07 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
September 15, 2021

Approved: