

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
December 23, 2019
6:30 P.M.

DRAFT 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: Dennis Eade, Doug Dreyer, Dave Fleece, John Foster, Jim Gerard

Staff: Emma Posillico, 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:

Gerard had one correction on page 7. In the Roll Call Vote Gerard should be changed to Grimm.

Eade moved, supported by Gerard, to approve the minutes of November 25, 2019 Regular Meeting as corrected.

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

BUSINESS ITEMS:

Item #1 - A request by Harvey Soriano to allow the addition of a porch to a residence with a front yard of 30 feet where 40 feet is required per Section 38-336(1) of the Park Township Zoning Ordinance. Said land and premises are located at 1993 West 32nd Street, Holland, MI 49423. (Parcel 70-15-34-377-054, zoned R-5 Low Density Multiple Family Residence District)

Posillico introduced the item. The property is described as lots 309 & 310 of Jenisons Park Plat, and part of lot 24 in Heneveld's Supervisor Plat No. 26. The property is 0.24 acres, or approximately 10,454 square feet. There is an existing residence on the property, approximately 1,008 square feet in size (excluding the attached garage). In 2006, under different ownership, the residence was raised to add a second floor; it appears that at that time the entrance stairs were added to the 32nd Street side of the residence.

As background, Posillico explained there was a portico constructed without a zoning or building permits. The Code Enforcement Officer sent two letters to the applicant who did not respond. A citation was then issued to Soriano. The applicant submitted photos showing the portico with distances to various points on the property. Posillico noted the construction did not meet the front yard setback requirements from 32nd Street. The portico was constructed to extend 6.5' from the face of the residence, which does not conform with the 40' setback from the property line. Posillico noted that the portico is nonconforming from both a building and zoning perspective, and will have to be corrected. Thus the property owner is asking for a variance to retain the porch addition portico with a front yard of 30' where 40' is required.

Foster asked if the steps were conforming.

Posillico said the steps are conforming as they appear to extend 4 feet from the face of the residence, but the portico extends beyond the steps by at least 2 feet them.

Gerard confirmed the extension is allowed to be 4' from the house. Posillico confirmed that porch steps and porticos are allowed to extend 4 feet from the face of a residence. It appears that the columns supporting the portico roof are within 4 feet from the residence, but it is the overhang extending beyond the columns that is in question.

Posillico said what is allowed is 4' from the face of the residence.

The applicant, Harvey Soriano, said the stairs were already in place when he purchased the property and he just extended the porch two feet from past the stairs.

Dreyer said an extension of two feet is allowed from as the overhang from the residence itself (i.e. the eaves). When you Soriano built the portico, he was you were not in compliance when you added because he added two more feet to the allowed portico four feet. In other words, you Soriano went beyond the allowed four feet. You Soriano now have has the option of returning to the four feet, obtaining the proper permits, and moving forward with construction.

Soriano said he didn't know about the permit and what was not allowed regarding the four feet requirement.

Eade asked Soriano if he built the portico himself. Soriano said he helped his father build the porch. He said it is right up against the house. It is not attached to the house though.

Eade noted the building inspector said it may not be in code. Before Soriano makes any alteration he should be certain it complies with portico standards that are attached to the house.

PUBLIC HEARING

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

Dreyer said there was no correspondence.

Mrs. Soriano spoke. She asked if it was the street side where the change has to be made.

Dreyer confirmed it was the street side. And the change must conform to the allowed four feet from the **face of the** house.

Foster said it is the overhang **of the portico, extending past the support columns**, that needs to be trimmed to meet the four foot requirement.

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

Gerard asked how far out do the stairs extend.

Soriano replied it was 4'.

Dreyer said you can go 4' **from the face of the house to the edge of stairs and/or a portico** according to the standards.

Posillico said if Soriano submits a plan to show the portico to the edge of the steps and not more that would be acceptable.

Foster said it looks like it could be done. He reminded the applicant that the Zoning Board **of Appeals** needs to comply with the **variance standards specified in the zoning** ordinance.

Gerard asked if there is an ordinance regarding the length **of the portico**.

Posillico explained that on the west side **of the lot**, the applicant has to meet the front yard setback **as well, since it is a corner lot**. There is sufficient space on that side so it is just the width **parallel to 32nd Street** that should be reduced in size.

Foster moved, supported by Eade, to deny the variance request.

Foster reviewed the Building Setback Exception Standards for Sec. 38-483(e)(2):

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

The applicant states that the completed portico is 16 ft.-7 in. by 6 ft.-6 in. and is 7 ft..tall. The roofline goes 2' out **further** than what is allowed. When 4' will cover **the steps** there is no reason to go 6'.

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

There are homes further back than this home in the neighborhood. If you go further into the setback you change the overall look of the neighborhood. This can't be allowed. It makes it noncompliant based on the standard.

c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

As constructed, the portico is approximately 30 feet from the front property line along 32nd Street. It appears this consideration has been met.

Gerard asked about the timeline for the applicant to make the necessary changes.

Posillico said, given it is winter, a meeting could be set up with the building inspector to talk about the structure. In the first week of January we can begin the correction process. Perhaps by the ~~end~~ **beginning** of February it will be reasonable to the applicant to make the required change.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried

Dreyer said he wished the applicant had obtained the necessary permit. His request has been denied because the construction did not meet the **setback** standards. If he meets with the building inspector and the Zoning Administrator they will advise him of his options to make it work.

Posillico said she would call the applicant to set up a time for him to meet with the building inspector. The Township staff will work with Soriano to reduce the depth ~~to~~ **and** make it structurally sound.

#2 – Other Business

The Zoning Board of Appeals reviewed the proposed 2020 Meeting Schedule.

Posillico said there are two requests for the January 2020 agenda.

Dreyer said he will not be here. Fleece said he can chair the January meeting. Dreyer noted he will also be gone for the June meeting. Dreyer asked if a **meeting date** change to the first Monday of the month would be better. It would work for Posillico. The members of the Board had no problem with the change so it was proposed to begin the change in schedule starting with the April meeting. **The March meeting will be canceled since the fourth Monday of the month is so close to the first Monday in April.**

Voice Vote:

Dreyer moved, supported by Gerard, to change the meeting schedule to the first Monday of the month beginning in April 2020.

Ayes 5, Nays 0. Motion carried.

Posillico said she will check on availability of the conference room.

ANNOUNCEMENTS

The next meeting date is January 27, 2020.

PUBLIC COMMENT

Dreyer opened Public Comment at 7:05 P.M.

There was no comment.

Dreyer closed Public Comment at 7:05 P.M.

ADJOURNMENT

Foster moved, supported by Fleece, to adjourn the meeting at 7:06 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
December 26, 2019

Approved: