



AGENDA

PARK TOWNSHIP ZONING BOARD OF APPEALS

Monday, May 5, 2025

6:30 p.m.

Board members, applicants, and anyone wishing to speak during public comment must attend in person. Members of the public may watch the meeting via [Zoom](#).

Zoom Access Information:

Webinar ID: 870 8242 3954/ Passcode: 288703/ Phone dial-in +1 301 715 8592

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1. Call to Order
 2. Approval of the Agenda
 3. Approval of Minutes: April 21, 2025
 4. Discussion and Decision: Short-Term Rental Appeal Resolution/Report
 5. Public Hearing #1:
A request by William Sikkel for a front yard setback of 5 feet, where 40 feet is required, per Sec. 38-491(b)(2) of the Park Township Code of Ordinances. And also, for an accessory building area of 240 square feet, where 229 square feet is permitted, per Sec. 38-491(b)(1) of the Park Township Code of Ordinances. Said lands and premises are located at 1930 Ottawa Beach Road (Parcel #70-15-27-333-011) and in the R-3 Low Density Single-Family Residence District.
 6. Public Hearing #2
A request by William Sikkel for a rear yard setback of 46.13 feet, where 50 feet is required, per Sec. 38-276 of the Park Township Code of Ordinances. Said lands and premises are located at 0 Waukazoo Drive (Parcel #70-15-27-296-017) and in the R-3 Low Density Single-Family Residence District.
 7. Public Hearing #3
A request by Jeffrey Kuyers, for a rear setback of 10 feet, where 25 feet is required, per Sec. 38-491(b)(2) of the Park Township Code of Ordinances. And also, for an accessory building area of 616 feet, where 384 feet is permitted, per Sec. 38-491(b)(1) of the Park Township Code of Ordinances. Said lands and premises are located at 2620 Prairie Avenue (Parcel #70-15-13-461-032) and in the R-3 Low Density Single-Family Residence District.
 8. Public Hearing #4
A request by Kelly Anwiler for a side setback of 10.5 feet, where 20 feet is required, per Sec. 38-216 of the Park Township Code of Ordinances. Said lands and premises are located at 16865 Quincy Street (Parcel #70-15-04-400-031) and in the R-1 Rural Estates District.
 9. Public Hearing #5
A request by D-Sign for an electronic sign, per Sec. 38-569 of the Park Township Code of Ordinances. Said lands and premises are located at 15793 James Street (Parcel #70-15-14-300-002) and in the AG Agricultural and Permanent Open Space District.
 10. Public Comment
This is an opportunity for the public to address the Board and to make any appropriate comments.
Please limit your comments to 2-3 minutes per person.
 11. Next Meeting – The next meeting is scheduled for Monday, June 2, 2025.
 12. Adjourn



PARK TOWNSHIP ZONING BOARD OF APPEALS

MEETING MINUTES – DRAFT

of April 21, 2025

CALL TO ORDER

Dave Fleece called the meeting of the Park Township Zoning Board of Appeals to order at 5:30 on April 21, 2025, at the Park Township Offices (54 152nd Avenue Holland, MI 49424).

ATTENDANCE

Dennis Eade	Present	Member
Dave Fleece	Present	Chairperson
Loren Serne	Present	Member
Kim Payne-Naik	Present	Member
Crystal Morgan	Present	Member
Dan Martin	Present	Legal Counsel
Meika Weiss	Present	Community Development Director

APPROVAL OF AGENDA

Motion made by Eade
Motion supported by Serne
Voice vote: Ayes 5; Nays 0
Motion carried.

APPROVAL OF MINUTES

Approval of the March 31, 2025 Minutes.

The ZBA discussed a couple amendments to the March 31 minutes. Morgan states that staff provided a revised page 1 to the March 31 minutes, which clarifies that there was a motion to amend the agenda to add an item 4, and that this motion was made by Morgan and Serne. A second correction is for the March 31 minutes to reflect that the meeting ended at 9:55p.m. Finally, on page 2, in the second to last paragraph, a statement is made in part that the chairperson seeks to ensure that comments are addressing the issues raised by the applicant. Morgan believes this slightly mischaracterizes Fleece's comments at the meeting, because the chairperson had been reminding them of the questions posed by the applicant directing specific comments. Morgan proposes that the paragraph be replaced with "the chairperson reminded the audience of the four questions posed by the applicant so the speakers could address those items in their comments if desired."

Motion made to approve as amended by Morgan.

Motion supported by Serne.

Voice vote: Ayes 5; Nays 0

Motion carried. Approved as amended.

DISCUSSION OF APPEAL

Attorney Kyle Konwinski, on behalf of short-term rental owners, has presented an application which seeks an interpretation of the Park Township Zoning Ordinance, including Section 38-631 Continuance of nonconforming uses, buildings, or structures. The application seeks an interpretation regarding the lawfulness of short-term rentals (STRs) in residential districts prior to Zoning Ordinance Amendment No. 2024-01 (as well as Zoning Ordinance Amendment 2023-02), as to whether a nonconforming use exists under Sec. 38-631. More specifically, the application seeks interpretation from the ZBA on four sub-issues:

Did the 1974 Zoning Ordinance permit the use of short-term rentals in residential zoning districts (in other words, did STRs fall under the definition of a “single-family dwelling”)?

Notwithstanding how the ZBA currently interprets the 1974 Zoning Ordinance, is Park Township estopped from enforcing its amended ordinance, Zoning Ordinance 2024-01, such that the use of single-family dwellings as STRs can continue as a nonconforming use despite Amendments 2023-02 and 2024-01?

Notwithstanding how the ZBA currently interprets the 1974 Zoning Ordinance, was the 1974 Zoning Ordinance unconstitutionally vague, such that the use of STRs was lawful prior to Amendments 2023-02 and 2024-01 and therefore can continue as a nonconforming use?

Did the Township’s Zoning Ordinance in effect from 1963 until 1974 permit the use of STRs in residential zoning districts?

Fleece states that this is a continuation of the appeal and that the public hearing was closed at the March 31 meeting. This time will be used for the Board members to discuss and determine what decision will be made.

Fleece opens Board discussion and recommends going in chronological order and starting with item 4, as suggested in the staff report. The order of discussion will be question 4, question 1, question 2 and question 3.

Did the Township’s Zoning Ordinance in effect from 1963 until 1974 permit the use of STRs in residential zoning districts?

Before discussion, Fleece acknowledges the email conversations received between the March 31st meeting and the April 21st meeting. He asks Martin to confirm when these should be addressed.

Weiss and Martin confirm that emails received for public comment will be included in the public comment portion of the evening.

Fleece begins by acknowledging the amount of information that was provided in both the application and staff report, and states that they have had time to digest it. With his experiences as an architect, he looked at the dilemma as a question of “what is an STR?”. His method was to look at how, as an architect, he would go about having something like this built in today’s world. He states that it would have to go through a process of review, plan review, and that feedback would be received regarding the area in which it was built, as well as the impact on life, safety, health, and so on. Of course, things change over time, and that process has evolved significantly since the inception of the Ordinance in 1946.

Fleece asked himself what an STR was in 1946 and what it was in 1963. He states that there are no definitions of an STR in the Ordinance other than what was added in 2023 by the Township, but he wanted to relate it back to this time and define it for himself. Since it wasn’t defined, what use or structure could an STR be construed to be that allows it to be something that was similarly defined and found prior to the 1974 Ordinance, to provide the most reasonably fair comparison while also being aligned with the purpose of the Township’s Ordinance as defined in the preamble of Article 1. The preamble talks about the fundamental purposes of what an ordinance is, which is to promote health and safety of the general public. In his interpretation, the two are parallel and should be considered moving forward.

Fleece filtered through terminologies and produced the following definition: the renting of a secondary or non-homesteaded property, owner’s primary dwelling or structure for the purpose of serving of short-term lodging where amenities like water, sewer and kitchen are provided and customarily integrated, that may or may not mimic the aesthetic and design of a standard family dwelling unit. He states that this is the parameter he established for himself as he looked through the materials.

With this definition, he felt that he disagreed with the staff report’s comparison of an STR to a cabin, cabin park, and dwelling. All of those fit the usage of transient nature but do not explicitly state that they are a usage provided for compensation, and he felt that this was something that needed to be part of the equation. The term hotel is also void, as there are no cooking facilities in that definition. He states that it is the purpose and intent of a building type and its usage that is critical for how and where it is permitted to be built. He believes that both “transient usage” and “for compensation” are the defining elements required for comparing anything to an STR.

Considering this, he states that he found one term that includes the elements of “transient usage” and “for compensation,” and that is tourist home. He states

that a tourist home is permitted in Residential District B, the commercial district and the agricultural district.

Payne-Naik states that she came to a similar conclusion through a different path. While it is unrelated, she looked at the process in which mobile homes were introduced into the Ordinance. She wanted to explore how, in the past, new categories of housing were introduced into the Ordinance and how the rules were altered to make them fit in the Township. She also looked back at the Ordinance to understand what transient meant compared to tourist, to make sense of what was permitted. She came to the conclusion that a tourist home is the closest residence category to STR in the 1963 Ordinance. She had questions about certain situations that had not been addressed, such as a family leaving their home short-term and renting it out during that period of absence. It is their primary residences, but they leave for a couple of months and rent for that period of time. She states that she currently lives in a house that was very clearly a cottage previously. They had to install insulation and there are 7 bedrooms. Looking at the parking requirements for a tourist home, her single driveway would not meet the parking requirements. She states that many houses would be removed from the equation based on parking requirements alone.

Fleece states that this is something that is in the Ordinance to understand what allows a usage to be functional, practical, and allowable. All these areas are zoned to create harmony.

Eade states that he took a pragmatic approach, as when he was serving on the ZBA [Planning Commission], they went through an exercise to determine if there was substantial interest and how it would come about. He states that they started out with a clear understanding that STRs were not allowed as a proper use in a residential zoning district, but tried to come up with solutions that might accommodate. He states that they went through a year and a half of meetings, which included public participation. There were strong arguments from both sides, and the Planning Commission, along with the Board of Trustees, came to the conclusion that it was just too complicated and did not fit the Township's Master Plan. He states that he was never under the impression that STRs were an allowed use in a residential district.

Morgan states that, to answer question 4, it is necessary to look at the language of the Ordinance as it existed at the time. They are not considering the desirability or wisdom of the Ordinance, but the language itself to see what the Ordinance says. She states that she agrees with comments made about the distinction between single-family dwellings and STRs as they are known today and as they would have existed in the 1960s. She agrees that the distinctions are the elements of "transient use" and "for compensation," and states that she arrived at the same conclusion. She states that it is clearly spelled out in the Ordinance leading up to the 1974 amendment. She agrees that, based on the

definition of a tourist home, that a tourist home would encompass what we currently think of as an STR and that it would have been permitted in Residence District B. She believes that the definition of a tourist home, and seeing how the Ordinance treated transient uses, cabins, lodging houses, and so on, that the Township clearly distinguished those from single-family buildings. So, she reached the same conclusion that the Township Zoning Ordinance in effect 1963-1974 did permit the use of STRs today as tourist homes in Residence District B. Looking at the definition of tourist home, it is “for compensation chiefly on an overnight basis and mainly to transients.” It states that it is excluded from the definition of a single-family home, and that this clearly shows the Township’s intent to call out what would now be referred to as a STR and to exclude that from a use in the residential districts.

Fleece asks if the Board should to answer the question formally or make a motion.

Martin states that his recommendation for contentious issues that are likely to go to court is to make a tentative decision and direct staff, the attorney, and maybe Morgan to work together and prepare a written report for the Board. This can be reviewed, modified, rejected, or accepted before being presented at an upcoming meeting. Knowing that it will be highly scrutinized, it is best to put it into words to review and alter. This is what is typically done in the case of Planned Unit Developments and ponds in the past.

Morgan clarifies that she was specifically named because she has worked as a municipal attorney for 20 years.

Martin confirms this and states that it would allow a member of the ZBA to be closely involved in the process of producing this report.

Morgan states that it is her opinion that, rather than coming to a consensus about each individual question, it might be best to discuss the issues first, as their discussion may relate back to previous questions and their answers could change.

Fleece proposes that the Board moves on to question 1.

Did the 1974 Zoning Ordinance permit the use of short-term rentals in residential zoning districts (in other words, did STRs fall under the definition of a “single-family dwelling”)?

Fleece states that he applied the same process here as the previous question. He used the same definition to determine which building types would be most applicable. He came up with two terms, one still being tourist home, and the other being motel. Those are the two terms he found himself coming back to, as they made the most sense to categorically compare to STR. His conclusion, based on that comparison, is that tourist homes are permitted in PUDs and C-2 resort district, and that motels were permitted in the C-2 resort district as well.

Morgan states that she agrees. The definition of dwelling in Sec. 3.13 of the 1974 Ordinance states that “a dwelling is any building or portion thereof which is occupied in whole or in part as a home residence or sleeping place, either permanently or temporarily by one or more families, but not including motels, hotels, tourist homes, cabins, or mobile homes” and goes on to define single-family, two-family, and multi-family dwellings. Looking at the definition of a tourist home in Sec 3.40, it is defined as “a building other than a hotel, boarding house, lodging house, or motel where lodging is provided by a resident family in its home for compensation mainly for transients.” She emphasizes the elements of “transient use” and “for compensation” that are in this definition. She states that there was some discussion by the applicant about the requirement that there be a resident family in the homes. However, if the family is removed, STRs match the definition of a motel as it was defined in 1974 in Sec. 3.27, which states that a motel “is a building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside of the garage or parking spaces located on the lot and designed for or occupied by automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging with or without meals or compensation on a transient basis.”

Morgan states that there was discussion about motels at the last meeting, but it primarily focused on the current definition of motel, or the definition that was amended in the 2000s. There was some reference to the US Code 17 US Code 119 to try to draw from that a conclusion as to what it means to be a commercial establishment, which is what we see in a more current definition of a motel. That US Code section is taken from the Copyright Act. It addresses licenses for TV satellites. Morgan states she was unable to find anywhere that was utilized for zoning purposes under Michigan law. In fact, even in that code section where it defines commercial establishment as “establishments with a common business area,” it goes onto say that it does not include a multi-unit permanent or temporary dwelling where private viewing occurs, such as a hotel. Morgan believes that this is not relevant, given the purpose served by this code section, copyright and not zoning.

The applicant’s focus when addressing motel is on more recent definitions of motel. The motel definition in 1974 was broader and would include what would be considered an STR in today’s vernacular, even one that is not utilized by a resident family which would fall under motel.

When looking at the language in the ordinance to determine its meaning, Morgan also looked at the C-2 District where these transient type uses are allowed, and there is specific reference in this section to tourists and seasonal residents with express parking requirements for motels and tourist homes. In her opinion, this is another indication that these uses were limited to the C-2 district, and she agrees that they would have been allowed under PUDs, but not

in residential districts. The language of the Ordinance itself indicates that the 1974 amendment of the Zoning Ordinance became more, not less, restrictive as it pertained to what is now referred to as STRs.

Fleece moves on to question 2. He states that he feels this is out of the ZBA's jurisdiction and is curious what others may think about that.

Notwithstanding how the ZBA currently interprets the 1974 Zoning Ordinance, is Park Township estopped from enforcing its amended ordinance, Zoning Ordinance 2024-01, such that the use of single-family dwellings as STRs can continue as a nonconforming use despite Amendments 2023-02 and 2024-01?

Morgan agrees with Fleece and the staff comments that this is not a question the ZBA can answer, as estoppel is a judicial doctrine, and this is a legal question that should be addressed by the court. She recognizes that there will be people disappointed with the decision made by the Board, and that this decision will not answer all of the questions presented by the applicant. She states that there are reasons that questions 2 and 3 cannot be answered. With regards specifically to question 2, estoppel is a question for the court to decide, and she notes that it is decided on a case-by-case basis. This is not a doctrine used to invalidate an entire zoning ordinance or to apply township-wide, or even to 100 properties. It's simply not the intent of this doctrine. If a property owner brings an estoppel claim or defense, that is something the court can determine based on the facts and circumstances as it relates to a specific person or property. She states that they understand the comments from the public hearing and aren't here to dispute their experiences, but the ZBA is not able to make a decision on this. It is outside of the ZBA's jurisdiction to render a decision on estoppel. She states that she is not inclined to venture a guess as to what a court would decide. This is a decision for another day in a different form.

Fleece asks the ZBA to discuss whether question 3 is a similar case.

Notwithstanding how the ZBA currently interprets the 1974 Zoning Ordinance, was the 1974 Zoning Ordinance unconstitutionally vague, such that the use of STRs was lawful prior to Amendments 2023-02 and 2024-01 and therefore can continue as a nonconforming use?

Morgan states that question 3 brings up some of the same concerns from her perspective that, number one, this is a question for a court to answer, a constitutional issue. She states that this is outside of the jurisdiction of the ZBA. Additionally, a non-conforming use is again property-specific and this application does not seek a determination as to any specific property. With regards to non-conforming uses, that is a fact-sensitive inquiry and a property-specific inquiry. Non-conforming uses are subject to local ordinances and state laws that prohibit things like expanding lawful non-conforming uses and

continuing lawful non-conforming uses. There are specific facts and circumstances that must be reviewed in reaching a determination as to whether something can continue as a non-conforming use. Whether that is the appropriate remedy for an unconstitutionally vague ordinance is not something that is within the jurisdiction of the ZBA to determine. Also, whether the Ordinance itself is unconstitutionally vague is also not within the ZBA's jurisdiction. The circuit court in its decision indicated that the plaintiff's claims did not amount to a facial challenge. In other words, the applicant did not put before the court a claim that the ordinance was unconstitutional on its face, meaning that in order to prove the unconstitutionality of it, it would be on an as-applied basis. What the court had indicated was that there has not been a determination. There has been no application to a specific property. So, again, question 2 and 3 are both very broad, overarching legal issues that are outside the ZBA's jurisdiction in Morgan's opinion, and outside the scope of this application.

Morgan states that, with regard to unconstitutional vagueness, with what was discussed based on the plain language, she thinks the applicant would have a hard time establishing that something is unconstitutionally vague, even if there was an error made in the past.

Martin states that he made his legal opinion clear in closed session, and that the board members know what his opinion is regarding their authority and jurisdiction to answer questions 2 and 3.

Morgan states that the ZBA is constrained by the Zoning Act and the Zoning Ordinance, and that their powers are clearly spelled out. Questions 2 and 3 do not fit within the parameters of what the ZBA is charged with or authorized to do. Even if they had all the evidence necessary to render a decision on those two items, which she does not believe they do, it would still be out of the scope of the ZBA. She states that she would venture a guess that if the ZBA made a determination on those two questions and the applicant disagreed, that in a potential appeal they would argue in court that the ZBA can be disregarded because they acted outside of their jurisdiction.

Morgan's final comment in regard to estoppel and non-conforming use is that in the last meeting, the applicant states that this application is not to determine whether any property is or was a non-conforming use at any time. If the ZBA does not answer these questions, it may actually benefit some of the property owners, in the sense that it does not foreclose any process that they may attempt to utilize to obtain a decision on that.

Fleece states that they have been talking for 45 minutes at this point, and he feels they've come to a consensus for their response. He states that the Township attorney and staff should formulate an official response to be reviewed by the board.

Morgan agrees that this would be appropriate and consistent with how the Township has handled other items, to have staff and Township legal counsel draft and present to the ZBA a draft resolution for them to consider at the next meeting, provided it is enough time

Martin states that it would likely be enough time, but he has jury duty so it might be delayed.

Martin recommends the chairperson to make a motion to direct the Township staff and attorney, along with Morgan, to prepare a resolution report decision to decide, based on the consensus reached at the meeting, which would be subject to review, modification, rejection, or approval at a subsequent meeting. He states that he gets the sense that on question 1 and 4 that the prior Ordinance allowed STRs within the R-2 district but under the 1974 Ordinance they were not allowed in any residential district. In question 2 and 3, the board is taking the perspective that the ZBA does not have the authority and jurisdiction to answer those questions. He states that he would prefer it to be a motion so the ZBA would be giving the Township the authority to carry this out.

Morgan agrees and clarifies that they believe STRs under the 1963 Ordinance would have been permitted in Residence District B, rather than R-2.

Motion made by Morgan to request staff and Township attorney prepare a draft resolution consistent with the decisions made by the Board, to be reviewed at the next meeting,

Motion supported by Serne

Voice Vote: Aye 5; Nay 0

Motion passed.

Morgan states that she has one other item to discuss. There are excerpts of the depositions given by Briggs, DeVries, and Posillico in the printed materials provided to the ZBA, just as there are excerpts of the Zoning Ordinance. She believes that the full depositions were made available and requests that the full depositions of Briggs, DeVries, and Posillico be made available for the record.

Motion made by Morgan that the full depositions of Briggs, DeVries, and Posillico be included in the record, as well as full transcripts of any other depositions that may have been referenced in the presentation by the applicant.

Supported by Fleece

Voice Vote: Aye 5 Nay 0

Motion passed.

PUBLIC COMMENT Fleece opened public comment at 6:19.

Peter Smyk, 79 Cheyenne Avenue.

Smyk states that he appreciates the Board members' time and everything they're doing. It's a difficult decision and there is a lot to consider. He states that his one comment was that in the last meeting, there was a lot of overriding comments stating that there is not an STR problem, but rather a landlord problem. His issue is that STR owners make money, the townships do make some money through taxes, businesses do make some money, but as a resident in a residential area, he has to be a policeman on this, and he doesn't want to do that. He doesn't want to call in on people and look in on his neighbors. He just wants to go home and live his life. He hopes that the board finds in zoning these, that they are commercial use and should not be in residential zones and neighborhoods, and that he would like to keep those residential. He thanks the board for their time.

Jayne Geribo, 3541 Hollywood Drive

Geribo states that her big concern was the last meeting where STRs were being called single-family dwellings. She states that it sounds like the board is questioning this, and she wants it to be known that she objects. Geribo moved here around 27 years ago and states that her home is on a great block with diverse people and ages. Suddenly, one of the homes was sold as an STR. There are 12 houses on the street with 2-4 people living in each. During the period when this house was on the market, a realtor suggested online that this home for sale could sleep up to 16 people, as the family room upstairs could be used as a dorm. She states this is what was done. They have large groups of people there only for weekends. She states that they've had a full-size bus with lacrosse teams, as well as other smaller buses. She states that this is just a small home built in the 40s and remodeled to add garage and upstairs level. It is operating as a mini motel. She wonders about fire safety of the upstairs room with that many people and asks how they would get down the old stairway. She states that STRs allow things that hotels like Marriott would not allow. She states that they bring in large groups of people for bachelor parties, wedding parties, reunions, homecoming events, and that they have even had bagpipers, along with the previously mentioned lacrosse team. She hopes the board did not believe these STRs are single-family homes. She states that, like Smyk, she moved to a comfortable residential neighborhood that has been changed by a flow of strangers going in and out of this place, and that she would like her residence back.

Bill Ryckbost, 1767 South Shore Drive.

Ryckbost thanks the board for their work and for hearing the audience's input. He states that he and his wife have lived in 1767 South Shore since May 2001. As he hears recent comments, Ryckbost has empathy for the long-term cottage owners that have occasionally rented to family or close friends but will no longer be able to do so. Enforcement of the Ordinance will bring that to an end. However, the reality is that when the use of internet-based rental sites, either directly by a business owner or through third-party property management companies, came into vogue neighborhoods were transformed into something entirely different from their original character. The ability to rent to people on a weekly or even shorter basis via this avenue created an opportunity for business people which were not living on site to buy houses and turn them into businesses, renting to multiple weekly, whether they were extended nuclear families or connected groups of friends, generating thousands of dollars in revenue. This, to Ryckbost, is the business model that equates to running a motel, hotel, or resort, and those businesses should not be allowed in a residential zone in accordance with the Ordinance, and to preserve the community of the Township. He respectfully requests the Board not to grant exceptions or exemptions to the Ordinance as is being requested. He thanks the Board.

Kyle Konwinski, attorney for applicant.

Konwinski states that he wishes to address an issue with respect to issue 1. He states that there was a discussion about whether the amendment in 2003 changed the definition, which it did. He thinks it was perhaps suggested that pre-2003, the definition of motel was broad enough to include STRs, and even if that is the Board's decision, he thinks the application seeks more than that. He states that question 1 is did the 1974 Zoning Ordinance, which, as the Board has seen, isn't defined but up above is defined up until pre-2023, did it allow STRs in residential districts. He states that his point is, if the Board's decision is based on the definition of motel prior to 2003, they will be leaving a donut hole of 20 years of "well, it was a motel after the definition was changed," which he states was the entirety of his brief. He advocates for the ZBA, if nothing else, for the sake of the community and being sent back here on the basis of the 2003 definition of motel to address in its opinion whether or not, under the 2003 definition, STRs are allowed, because that would be the relevant inquiry for a non-conforming use anyways. It would be what happened from 2003 to 2023. He thinks not only that's what the application seeks, by that's the only definition used, but he thinks, again,

for the sake of answering the question whether non-conforming use could exist, that's got to be addressed as well. He thanks the board.

Judith Bergsma, 2397 North Walk

Bergsma states that Weiss said at the last meeting that the objective of Park Township was to not change the character of the neighborhood. This surprises her, because she's lived in Macatawa Park since 1957, in a two-family home, and she has always lived in the downstairs and rented out the upstairs. She states that it was always rented out before she bought it, because it's a tourist area. It's a summer resort home, so when she first moved there, all the cottages were rented out over winter. She states that they had a lively neighborhood. She states that over time, the hotel and motel Point West was sold and was dormant, before the Township issued permits for fancy homes instead of having a destination for people to come in and use a hotel or motel or a restaurant. So, it became a very private area. Then, her neighbor decided to have a helicopter pad put in. She states that there's the internet and all these other changes, but boats have changed. She states that they didn't used to have big boats that make all the noise. She states that everything changes, and she doesn't think she's the noisemaker with her two bedrooms that she rents out. She's been doing it for over 40 years. It's always happened as it's a summer resort. She states that now, several of the cottages have been abandoned and torn down in the last three years, and now there are only 3 of the cottages remaining. She states that she did not change the character of the neighborhood, but the neighborhood changed around her, and it wasn't due to STRs.

Fleece closed public comment at 6:32.

NEXT MEETING **The next meeting is a regularly scheduled meeting on May 5, 2025 at 6:30 p.m. at the Park Township office (52 152nd Avenue Holland, MI 49424).**

ADJOURN **Motion made by Eade.**
Motion supported by Serne.
Voice vote: Ayes 5 Nays 0
Motion carried.
Meeting is adjourned at 6:33.

Respectfully submitted by Meika Weiss and Lorna Milstead



MEMORANDUM

To: Park Township Zoning Board of Appeals
From: Meika Weiss, Community Development Director
Date: 05/05/2025
Re: **1930 Ottawa Beach Road**
0 Waukazoo Drive (70-15-27-296-017)
2620 Prairie
16965 Quincy
15793 James

There are five applications for the May meeting.

Public Hearing #1: 1930 Ottawa Beach Road

A request by William Sikkel for a front yard setback of 5 feet, where 40 feet is required, per Sec. 38-491(b)(2) of the Park Township Code of Ordinances. And also, for an accessory building area of 240 square feet, where 229 square feet is permitted, per Sec. 38-491(b)(1) of the Park Township Code of Ordinances. Said lands and premises are located at 1930 Ottawa Beach Road (Parcel #70-15-27-333-011) and in the R-3 Low Density Single-Family Residence District.

Background

This is a primary residential structure on a double-frontage lot near Lake Macatawa on the north side of Park Township. The surrounding context is mostly standard single-family low density residential, with some surrounding R-4 Medium Density Single- and Two-Family Residence District use. Many of the surrounding homes appear to be non-conforming.



Figure 1. Aerial view of parcel.



Figure 2. Aerial view in neighborhood context.



Figure 3. Photo of parcel, front view.



Figure 4. Photo of parcel, rear view.



Figure 3. Photo of parcel, side view.

Board of Appeals Considerations

There are two sets of standards for this application, both non-use variances; one for a front yard setback for an accessory building, and the other for an accessory structure larger than permitted.

Standards for Review

Setback Variance: 40 feet front yard setback required, 5 feet requested.

Non-use variance standards

According to Section 38-70 of the Park Township Code of Ordinances, a simple-majority vote of the members of the Board of Appeals is necessary to authorize a non-use variance. In determining whether there are practical difficulties in the way of carrying out the strict letter of this article, the Board of Appeals shall consider the following standards and shall make an affirmative finding as to each standard to authorize a non-use variance.

There are four standards to review.

Standards – Sec. 38-70	Comments
<p>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.</p>	<p><u>Applicant comments:</u> Strict conformance with the zoning ordinance provisions regarding front yard setbacks would be unnecessarily burdensome. Given the small size of the lot, the fact that it is a double frontage lot, and the even smaller existing rear yard, there is very little room for any accessory building. The property's rear yard ranges from 18' to 30' deep, which leaves very little room for an accessory building. Complying with the strict requirements of the zoning ordinance for the double-frontage front yard would be burdensome to Mr. Johnson.</p> <p><u>Staff comments:</u> Staff agrees that strict compliance with regard to setback would be burdensome and that it may not even be possible to place an accessory structure of any size on this property and meet setback requirements both from property lines and the residence. This standard appears to have been met.</p>
<p>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.</p>	<p><u>Applicant comments:</u> The small house has no basement, and very little storage. Most homes in the area have accessory buildings, or other adequate storage. Allowing for an accessory building would be in keeping with other homes in the area. Locating the building in the northeast corner (five feet off both property lines) would place the building nearly on top of the patio for the neighbor to the north. The neighbor to the north also has almost no back yard, and their patio is located only a few feet from the property line. It would be much better for all of the neighbors if the building were located in the southeast corner, rather than the northeast corner.</p> <p><u>Staff comments:</u> Permitting an accessory building on this nonconforming parcel would do justice to the applicant and without creating a hardship for neighboring properties. As five feet is quite close to a street-facing parcel boundary, the Board of</p>

	<p>Appeals may wish to discuss whether a lesser variance may be more appropriate.</p>
<p>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.</p>	<p><u>Applicant comments:</u> The need for the variance is the result of the small size of the lot, the application of double front yard setbacks, and the location of the home on the lot leaving almost no rear yard area. With the lot being only a little over 100' deep, and the home situated approximately 40' from Ottawa Beach Road (as required), the property was left with little to no rear yard. The size of the lot, the application of the double frontage requirements, and location of the home on the lot and resulting small rear yard are unique to the property in question and not due to the general conditions of the R-3 Zoning District.</p> <p><u>Staff comments:</u> As noted by the applicant, this parcel is slightly nonconforming with regard to size and on a double-frontage lot with exceptionally small rear yard setback. The parcel is approximately 11,325 sq. ft. where the zoning district requires a minimum of 15,000 sq. ft., and the rear yard setback is around 17' where 50' is required. If the Board of Appeals agrees, this standard appears to be met.</p>
<p>That the practical difficulties alleged are not self-created.</p>	<p><u>Applicant comments:</u> The need for the variance is the result of the small size of the lot, the application of double front yard setbacks, and lack of room in the rear yard, none of which were created by Mr. Johnson who only recently purchased the property.</p> <p><u>Staff comments:</u> This application is the result of a corner lot location on a non-conforming parcel where the primary structure has a similarly non-conforming rear yard setback. The applicant's actions did not create the situation. This standard appears to be met.</p>

Additional staff comments and recommendation

Staff recommends that the ZBA discuss the location of the accessory structure in relation to the street and take lake view into consideration. If satisfied, staff recommends approval.

Accessory Building Area: 229 square feet permitted, 240 square feet requested.

This is a request that, taken by itself, would normally be determined by the zoning administrator. Due to the request being paired with the setback relief (above), it is included as well for ZBA review.

There are five standards for approval.

Standards – Sec. 38-491	Comments
The area of the accessory building in relation to the size of the lot on which it is to be placed;	<p><u>Applicant comments:</u> Here, the request is only slightly above (11 sq ft) from what would normally be allowed. The building would be 2.09% of the total lot area.</p> <p><u>Staff comments:</u> The additional square footage requested is minimal, even on a smaller lot. This standard appears to be met.</p>
The area of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;	<p><u>Applicant comments:</u> Mr. Johnson proposed to install the accessory building in the southeast corner of the property, away from the principal building. The current accessory building, which is located only inches from the home, would be removed.</p> <p><u>Staff comments:</u> The proposed accessory structure is proportional to the primary structure. This standard appears to be met.</p>
The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;	<p><u>Applicant comments:</u> If the setback variance is approved, the accessory building would be more than 100' away from the home to the east, and would be across the street and a distance of more than 88' away from the home to the south.</p> <p><u>Staff comments:</u> The proposed accessory building is not located near other structures. This standard appears to be met.</p>

Whether or not the accessory building will affect light and air circulation of any adjoining property; and	<p><u>Applicant comments:</u> Because of the distances away from the neighboring properties, the proposed accessory building will not have any effect on light or air circulation on any adjoining properties.</p> <p><u>Staff comments:</u> As above, the proposed accessory building is not located near other structures and will not affect light or air circulation on any adjoining property. This standard appears to be met.</p>
Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.	<p><u>Applicant comments:</u> Because of the distances away from the neighboring properties, the proposed accessory building will not have adversely affect the adjoining properties, or their view.</p> <p><u>Staff comments:</u> As noted above, the location of the structure near the road may affect sight lines in the neighborhood. It does not appear that it will affect traffic safety. If the ZBA is satisfied with location, this standard appears to be met.</p>

Additional staff comments and recommendation

Staff recommends approval.

Applicable Ordinance Sections

Park Township Code of Ordinances

Sec. 38-491 Accessory Buildings.

(a) Attached garages.

(1) Attached garages are permitted in any zone district. A garage shall be considered an attached garage when it is connected to the principal building with a roof structure.

(2) An attached garage shall meet the setback and yard requirements for a principal building of the zone district in which it is located.

(3) The footprint of an attached garage must not exceed 75% of the footprint of the usable floor area of the dwelling unit to which it is attached.

(b) Detached accessory buildings.

(1) General requirements.

a. No accessory building shall be allowed on any lot that does not have a principal structure located on the lot.

b. Except as provided in Subsection (b)(1)b.1 through 5 of this section, only one accessory building will be allowed on any lot, provided that the accessory building does not exceed the greater of 200 square feet or 2% of the calculated lot size, up to a maximum accessory building size of 2,500 square feet.

1. On lots equal to or greater than two acres, the total allowable accessory building square footage may be split into two accessory buildings.

2. One additional accessory building used exclusively as a pool storage building (i.e., to house equipment and supplies necessary to operate and maintain an on-site swimming pool and for a toilet and/or shower) is permitted, provided the pool storage building has a maximum height of 16 feet, and a maximum area of 100 square feet for lots equal to one acre or less in size and 200 square feet for lots exceeding one acre in size.

3. One additional accessory building used exclusively as a pump house (i.e., to house a pump and related equipment for sprinkling purposes) is permitted, provided the pump house has a maximum height of 16 feet, and a maximum area of 16 square feet for lots equal to one acre or less in size and 36 square feet for lots exceeding one acre in size.

4. One additional accessory building used exclusively as a decorative gazebo is permitted, provided the gazebo has a maximum area of 144 square feet and a maximum height of 12 feet. For purposes of this subsection, an accessory building will be deemed a gazebo only if a minimum of 50% of each sidewall is left open and/or is covered only with either a screen or transparent glass.

5. An additional 576 square feet is permitted on a lot when there is not an attached garage on the principal building. This may be as an additional accessory building, or additional square footage allowed to an accessory building.

c. No accessory building or structure shall include residential or living quarters for human beings.

(2) Location and height limitations.

a. The height of an accessory building shall not exceed that listed in the table in Subsection (b)(2)e of this section.

- b. The roof pitch of an accessory building shall not be less than 3/12.
- c. An accessory building must be at least 10 feet away from any other building.
- d. An accessory building shall meet the setback requirements listed in the table in Subsection (b)(2)e of this section.
- e. Table.

Building Size (square feet)	Maximum Height of Building (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
< 240	14	40	5	5
240 - 350	16	40	5	5
351 - 700	18	40	10	25
701 - 1,050	20	60	10	25
1,051 - 1,400	22	80	25	35
> 1,400	24	100	25	50

f. On lots abutting Lake Michigan and Lake Macatawa, no accessory building shall be placed between the principal building and the water's edge.

g. The Zoning Board of Appeals may authorize lesser front, rear, or side yard setbacks or the placement of an accessory building between the principal building and the water's edge as an administrative approval on lots abutting Lake Michigan or Lake Macatawa. In establishing such yard requirements, the Zoning Board of Appeals shall consider the following standards:

1. The location of buildings on the lot or adjoining properties;
2. The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.; and
3. The character of the proposed accessory building and the effect on the surrounding neighborhood.

h. The Zoning Board of Appeals may authorize an accessory building in excess of the height limitations as an administrative approval. In considering such a request, the Zoning Board of Appeals shall consider the following standards:
[Amended by Ord. No. 2021-07, eff.11-2-2021]

1. The height of the accessory building in relation to the size of the lot on which it is to be placed;
2. The height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed.

3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
5. Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.

i. Exceeding square foot limitations. [Added by Ord. No. 2021-07, eff.11-2-2021]

1. The Zoning Administrator may authorize one or more accessory buildings in excess of the square footage limitations as an administrative approval. In considering such a request, the Zoning Administrator shall consider the following standards:

[a] The area of the accessory building in relation to the size of the lot on which it is to be placed;

[b] The area of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;

[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;

[d] Whether or not the accessory building will affect light and air circulation of any adjoining property; and

[e] Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.

2. Prior to reviewing the request, the Zoning Administrator shall mail a notice of the request to all real properties within 300 feet of the subject lot informing them of their option to request a public hearing within 15 days of the date of the letter. The notice shall indicate that if a request is not provided, the Zoning Administrator shall proceed without public comment.

3. The Zoning Administrator may defer any request to the Zoning Board of Appeals.

Sec. 38-496 Double Frontage Lots.

Buildings on lots having frontage on two intersecting or nonintersecting streets or private roads, or combination of streets and private roads, shall comply with front yard requirements on both such streets or roads.

SIKKEL

& ASSOCIATES PLC

WILLIAM A. SIKKEL, IV
bsikkel@sikkellaw.com

320 N 120th Ave, Ste 150
Holland, Michigan 49424
616 394 3025

March 21, 2025

Ms. Meika Weiss
Park Township Zoning Administrator
52 152nd Avenue
Holland, Michigan 49424

Re: Zoning Application for Accessory Building at 1930 Ottawa Beach Road

Dear Ms. Weiss:

Enclosed please find an application for the Zoning Board of Appeals regarding the property located at 1930 Ottawa Beach Road, filed on behalf of my client Robert Johnson. Mr. Johnson is seeking approval for (i) a variance from the front yard set back requirements of Section 38-246(1) to allow construction of a new detached accessory building; and (ii) administrative approval by the Zoning Administrator for a detached accessory building that exceeds the normal square footage requirements.

The property is a small 11,476 square foot lot located at the corner of Ottawa Beach Road and Birch Street. Situated on the property is a small two-bedroom, one bath home that measures 943 square feet. The home does not have a basement. There is a small attached garage (19x19) and a small accessory building (8x8) located only 17 inches behind the home in the rear yard. This accessory building is non-conforming as it is located closer than the required 10' separation from the home, as required under Section 38-491(b)(2)(c).

Mr. Johnson desires to remove the existing non-conforming accessory building, and replace it with a new 12x20 accessory building. Because the home is on a corner, it is a double frontage lot. As a result, the yards along both Ottawa Beach Road and Birch Street are considered front yards, and normally require a 40' setback. Mr. Johnson is proposing to install the new accessory building in the southeast corner of the property, at a distance of five (5) feet from the east property line, and five (5) feet from the south property line. Section 38-491(b)(2) allows for the accessory building to be installed up to five feet from the side or rear yards. So the proposed distance from the east property line would be in compliance with this section. Because the south property line is considered a front yard, however, a variance is required to locate the building within five (5) feet of the south property line along Birch Street.

Attached is a survey of the property. The lot ranges from 103.4' deep to 116.65' deep. The home is situated approximately 40' from Ottawa Beach Road. The existing rear yard, however, ranges from only 18' to 30' deep. This leaves very little room for an accessory building in the rear yard, which is why Mr. Johnson desires to place the accessory building in the southeast

corner. The southeast corner location also provides considerably more separation distance from the neighboring property owners.

REQUEST FOR DIMENSIONAL SETBACK VARIANCE:

With regard to the front yard setback variance request, the following standards must be considered:

1. That strict compliance with the zoning ordinance is unnecessarily burdensome.

Strict conformance with the zoning ordinance provisions regarding front yard setbacks would be unnecessarily burdensome. Given the small size of the lot, the fact that it is a double frontage lot, and the even smaller existing rear yard, there is very little room for any accessory building. The property's rear yard is ranges from 18' to 30' deep, which leaves very little room for an accessory building. Complying with the strict requirements of the zoning ordinance for the double frontage front yard would be burdensome to Mr. Johnson.

2. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district. A lesser relaxation than what is applied for would not give substantial relief to the property owner or be more consistent with justice to other property owners.

The small house has no basement, and very little storage. Most homes in the area have accessory buildings, or other adequate storage. Allowing for an accessory building would be in keeping with other homes in the area. Locating the building in the northeast corner (five feet off both property lines) would place the building nearly ontop of the patio for the neighbor to the north. The neighbor to the north also has almost no back yard, and their patio is located only a few feet from the property line. It would be much better for all of the neighbors if the building were located in the southeast corner, rather than the northeast corner.

3. That the plight of the property owner 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.

The need for the variance is the result of the small size of the lot, the application of double front yard setbacks, and the location of the home on the lot leaving almost no rear yard area. With the lot being only a little over 100' deep, and the home situated approximately 40' from Ottawa Beach Road (as required), the property was left with little to no rear yard. The size of the lot, the application of the double frontage requirements, and location of the home on the lot and resulting small rear yard are unique to the property in question and not due to the general conditions of the R-3 Zoning District.

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

The need for the variance is the result of the small size of the lot, the application of double front yard setbacks, and lack of room in the rear yard, none of which were created by Mr. Johnson who only recently purchased the property.

REQUEST FOR ADMINISTRATIVE APPROVAL FOR SIZE OF BUILDING:

With regard to the size of the accessory building, Section 38-491(b)(1)(b) limits the size to the greater of 200 square feet or 2% of the calculated lot size. The property is 11,476 square feet, which would therefore normally allow for an accessory building of 229 sq. ft. Mr. Johnson is proposing an accessory building that is 12x20 or 240 sq. ft, which would be 11 sq ft more than is normally allowed. The reason for the desire to have a slightly larger building is because of the small size of the home, lack of a basement, and overall lack of storage in the home.

Under Section 38-491(b)(2)(i) the Zoning Administrator may authorize an accessory building in excess of the square footage limitations based on the following standards:

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

Here, the request is only slightly above (11 sq ft) from what would normally be allowed. The building would be 2.09% of the total lot area.

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

Mr. Johnson proposed to install the accessory building in the southeast corner of the property, away from the principal building. The current accessory building, which is located only inches from the home, would be removed.

- 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;**

If the setback variance is approved, the accessory building would be more than 100' away from the home to the east, and would be across the street and a distance of more than 88' away from the home to the south.

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

Because of the distances away from the neighboring properties, the proposed accessory building will not have any effect on light or air circulation on any adjoining properties.

- e. Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.**

Because of the distances away from the neighboring properties, the proposed accessory building will not have adversely affect the adjoining properties, or their view.

We would ask that you administratively approve the size request, and that the location request be placed on the agenda for the May 5, 2025 Zoning Board of Appeals Meeting. Please let me know if you have any questions or need any further information.

Very truly yours,

William A. Sikkel

William A. Sikkel

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 27 333 011

DATE FILED March 21, 2025

PROPERTY ADDRESS 1930 Ottawa Beach Road

NAME OF APPLICANT William Sikkel PHONE NO. 616-394-3025

Email Address bsikkel@sikkellaw.com

OWNER AS PER TAX RECORD Robert W. Johnson

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S) _____

Describe the nature of the request:

☒ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

___ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

___ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

___ Use variance. **Note:** The Use Variance Supplement is a separate form.

☒ Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization, Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception. **Note:** Use the proper supplement form for each of the preceding.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

See attached letter

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Robert W. Johnson
Signature of Property Owner

William A. Sikkel
Signature of Applicant

March 21, 2025

Date

March 21, 2025

Date

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 27 - 333 - 011

DATE FILED March 21, 2025

PROPERTY ADDRESS 1930 Ottawa Beach Road

NAME OF APPLICANT William Sikkel PHONE NO. 616-394-3025

Email Address bsikkel@sikkellaw.com

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Robert W. Johnson
Signature of Property Owner

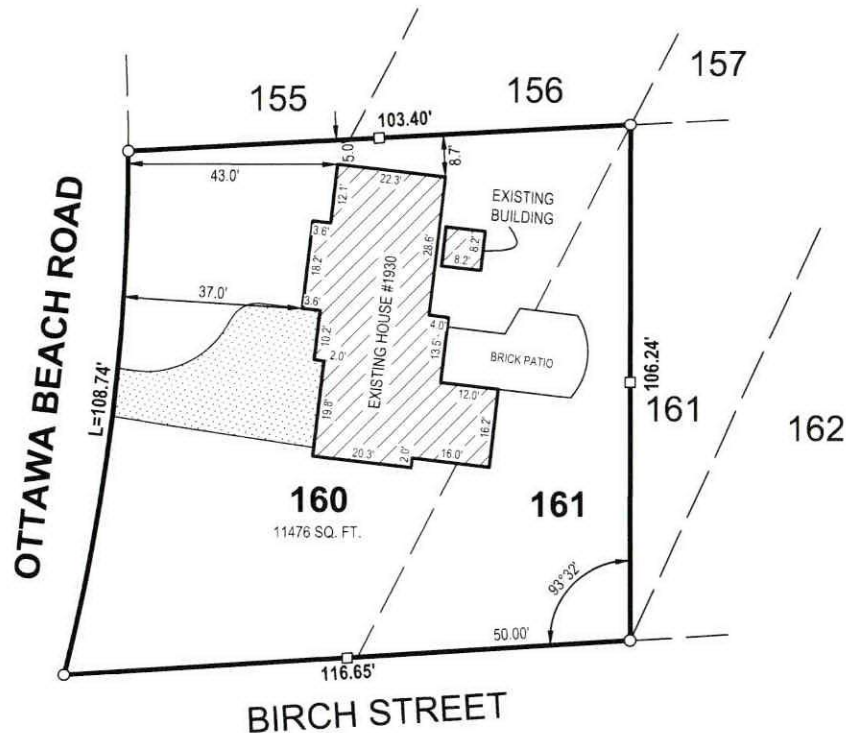
March 21, 2025

Date

William A. Sikkel
Signature of Applicant

March 21, 2025

Date



LEGEND

- Iron-Found
- Set Wood Stake
- Existing Building
- Concrete

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

DESCRIPTION

Land Situated in the State of Michigan, County of Ottawa, Township of Park.

Lot 160 of Chippewa Resort, according to the recorded plat thereof on record in the Office of the Register of Deeds for Ottawa County, Michigan, and all that part of Lot 161 of Chippewa Resort, described as commencing at the Southeasterly corner of said Lot; running thence Northerly to the Northwestern corner of said Lot which is also the Northeast corner of Lot 160; running thence Southwesterly on the division line between Lots 160 and 161 to the Southwesterly corner of Lot 161, which is also the Southeast corner of Lot 160; running thence thence Easterly 50 feet to the place of beginning, all according to the recorded plat thereof as recorded in Liber 7 of Plats on Page 7 on record in the office of the Register of Deeds for Ottawa County, Michigan, Park Township.

(Warranty Deed, Document No. 2019-0010586, dated April 9, 2019, Ottawa County Register of Deeds)

By:

Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 30'

0' 15' 30'

NORTH

Summer Place Resort Properties
Bob Johnson
13097 Reflections Drive
Holland, MI 49424

1930 Ottawa Beach Rd

DRAWN BY: FJ
REV. BY:
REV.:

DATE: 11-27-2024
REV. DATE:

PRJ #: 24201976

1 OF 1

NEDERVELD
www.nederveld.com • 800.222.1868
Holland
730 Chicago Dr.
Holland, MI 49423
Phone: 616.393.0449
Grand Rapids • Ann Arbor

PARK TOWNSHIP

Receipt: 348746

03/21/25

52 152ND AVE
HOLLAND, MI 49424

Cashier: sdotson
Received Of: WILLIAM SIKKEL

(616) 399-4520

The sum of: 350.00

ZBA 1930 OB RD - 5/5/25 MEETING

Total

350.00

350.00

CHECK

2456

350.00

ORIGINAL DOCUMENT PRINTED WITH MICROPRINTED BORDER ON FRONT AND SECURE DOCUMENT WATERMARKS ON BACK - HOLD AT ANGLE TO VIEW.

SIKKEL & ASSOCIATES, PLC
DBA PROPERTY LAW SOLUTIONS, PLC
320 N. 120TH AVE., STE. 150
HOLLAND, MI 49424

WEST MICHIGAN COMMUNITY BANK
74-1310/724

2456

PAY
TO THE
ORDER OF Park Township

DATE 03/20/2025

Three hundred fifty and 00/100***** \$ **350.00

Park Township

DOLLARS

AUTHORIZED SIGNATURE

MEMO Application Fee

⑈002456⑈ ⑆072413104⑆ 6035998⑈

Signed: _____

1930 Ottawa Beach Rd
Holland, MI 49424

Title: L-100 draft		
Drawn: JM	Checked: JM	Date: 2.14.25
Title: Plan review set		
Drawn: JM	Checked: JM	Date: 2.28.25
Title: Updates-Add Prop Shed		
Drawn: JM	Checked: JM	Date: 3.12.25







The diagram illustrates a cross-section of a driveway and its connection to an existing roadway. Key features include:

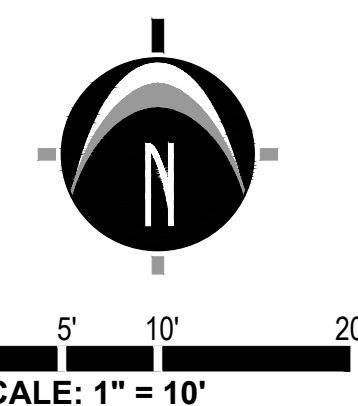
- UNCURLED ROAD:** The vertical line on the left representing the existing roadway.
- ROW CL:** Right-of-Way Center Line, indicated by a horizontal line at the top left.
- EXISTING ROADWAY:** The paved area on the left, with a **2-4%** slope indicated.
- EXISTING ROADWAY PAVEMENT EDGE:** The boundary between the existing road and the driveway.
- 33' RIGHT OF WAY:** The total width of the driveway area from the ROW CL to the ROW LINE.
- 8' MIN:** Minimum width of the driveway apron.
- SURFACE ③:** The surface of the driveway apron.
- VERTICAL S/C CURVE:** A vertical curve with a **1' MIN** length, connecting the driveway apron to the driveway grade.
- LOW POINT:** The lowest point of the driveway grade, marked with a green circle.
- DRIVEWAY GRADE ②:** The sloped portion of the driveway.
- AGGREGATE BASE:** The base layer beneath the driveway surface.
- DRIVEWAY CULVERT AS DETERMINED BY COUNTY ENGINEER:** A culvert structure shown beneath the driveway grade.
- ROW LINE:** Right-of-Way Line, indicated by a horizontal line at the top right.

NOTES:

- ① ALL DRIVEWAY GRADES SHALL SLOPE AWAY FROM ROAD BETWEEN 2% AND 4%.
- ② MAXIMUM DRIVEWAY GRADES SHALL BE LIMITED TO 10% FOR RESIDENTIAL AND TO 8% FOR COMMERCIAL DRIVEWAYS WHERE GRADES WOULD INFLUENCE THE ROW.
- ③ HMA OR GRAVEL SURFACE PERMITTED. CONCRETE SURFACE NOT PERMITTED WITHIN 10 FEET OF EXISTING ROADWAY PAVEMENT TO THE USE OF HEADWALLS AT DRIVEWAY CULVERT ENDS IS PROHIBITED.

N.T.S.

- | | |
|---|--|
|  | EXISTING BITUMINOUS |
|  | EXISTING CONCRETE |
|  | PROPOSED BITUMINOUS
(STANDARD DUTY) |
|  | PROPOSED CONCRETE
(STANDARD DUTY) |



JOHNSON RESIDENCE

Site Layout Plan

1930 OTTAWA BEACH ROAD
PART OF THE SOUTHWEST 1/4 OF SECTION 27, T5N, R16W,
DAKE TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

STAMP:

PROJECT NO:
24202054

SHEET NO:
C-205



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE
OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE
CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL
UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.



NEDERVELD

www.nederveld.com
800.222.1868

HOLLAND
730 Chicago Dr.
Holland, MI 49423
Phone: 616.393.0449

GRAND RAPIDS
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Phone: 616.375.5150

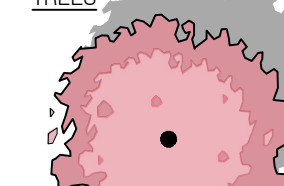

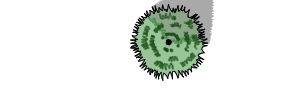


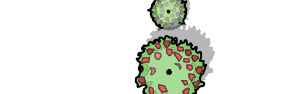



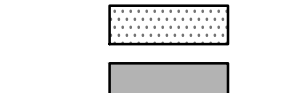
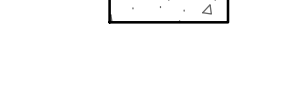

ANN ARBOR
3037 Miller Rd.
Ann Arbor, MI 48103
Phone: 734.929.6963





PREPARED FOR:
Bob Johnson

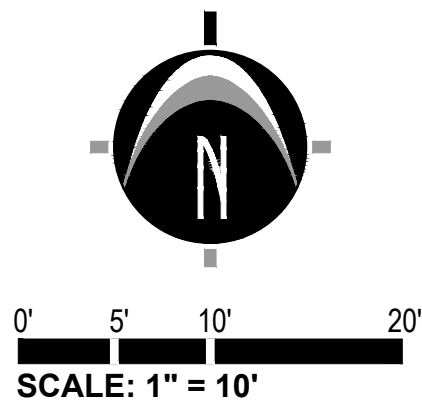
1930 Ottawa Beach Rd
Holland, MI 49424


REVISIONS:		
Title: L-100 draft		
Drawn: JM	Checked: JM	Date: 2.14.25
Title: Plan review set		
Drawn: JM	Checked: JM	Date: 2.28.25
Title: Updates-Add Prop Shed		
Drawn: JM	Checked: JM	Date: 3.12.25

LANDSCAPE SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE
TREES					
	Ab	3	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	1.75" cal. min.
	Ay	3	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	1.75" cal. min.
SHRUBS / PERENNIALS					
	Js	5	Juniperus chinensis 'Spartan'	Spartan Juniper	6' hgt. avg.
	Ax	33	Allium x 'Lavender Bubbles'	Lavender Bubbles Ornamental Onion	#1
	Bg	16	Buxus x 'Green Velvet'	Green Velvet Boxwood	#3
	Hb	16	Hydrangea paniculata 'TLVOBO'	Bobo® Panicle Hydrangeas	#3
	Hc	32	Heuchera x 'Caramel'	Caramel Coral Bells	#1
	Is	16	Ilex crenata 'Sky Pencil'	Sky Pencil Japanese Holly	#3
	Nw	28	Nepeta x faassenii 'Walker's Low'	Walker's Low Catmint	#1
	Sg	8	Spiraea japonica 'Goldflame'	Goldflame Japanese Spirea	#3
	Tg	15	Taxus x media 'Dark Green'	Dark Green Anglo-Japanese Yew	#5
	Ws	7	Weigela florida 'Spilt Wine'	Spilt Wine Weigela	#1

LEGEND	
	EXISTING BITUMINOUS
	EXISTING CONCRETE
	PROPOSED BITUMINOUS (STANDARD DUTY)
	PROPOSED CONCRETE (STANDARD DUTY)





**Know what's below.
CALL before you dig.**

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JOHNSON RESIDENCE

Landscape Plan

1930 OTTAWA BEACH ROAD
PART OF THE SOUTHWEST 1/4 OF SECTION 27, T5N, R18W,
PARK TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STAMP:

PROJECT NO:
24202054

SHEET NO:
L-100

Public Hearing #2: 0 Waukazoo Drive

A request by William Sikkel for a rear yard setback of 46.13 feet, where 50 feet is required, per Sec. 38-276 of the Park Township Code of Ordinances. Said lands and premises are located at 0 Waukazoo Drive (Parcel #70-15-27-296-017) and in the R-3 Low Density Single-Family Residence District.

Background

This is a waterfront lot on the north side of Park Township, between Ottawa Beach Road and Shelby Lane. The surrounding context is single-family low density residential. Two of the neighboring properties have rear setbacks less than the required 50 feet in the R-3 zoning district. This lot is non-conforming, as it is approximately 7,840 sq. ft. where 15,000 sq. ft. is required. It also only has about 50' in frontage, where 90' is required. The applicant is proposing a home that is just under 29' wide and 81' in length. The front yard is averaged, the side yards meet setback requirements, and the applicant is requesting a setback that is just under 4' less than the requirement for lots in this zoning district.



Figure 1. Aerial view of parcel.

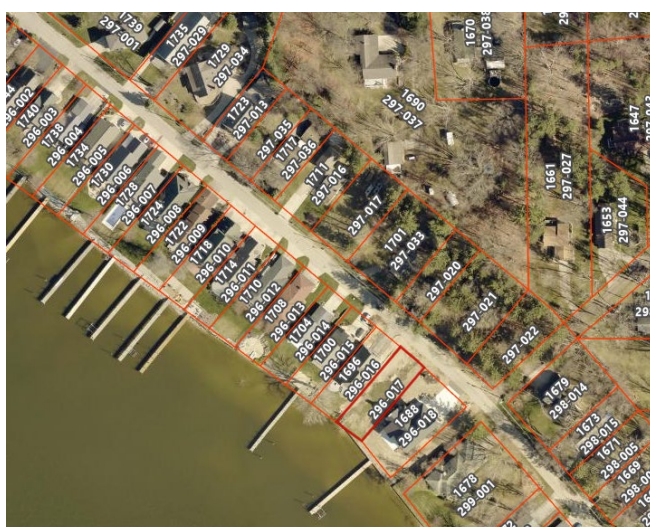


Figure 2. Aerial view in neighborhood context.



Figure 3. Photo of parcel, street view.



Figure 4. Photo of parcel, rear view.



Figure 5. Photo of parcel, west side.



Figure 6. Photo of parcel, east side.



Figure 7. FEMA flood hazard map. Special Flood Hazard Area with 1% annual flood risk (100-year flood) in blue, 0.2% annual flood risk (500-year flood) in brown.

Board of Appeals Considerations

The zoning ordinance has specific standards for rear setback relief on Lake Macatawa. There is one set of standards for this application and six standards for review.

Standards for Review

Setback Variance: 50 feet rear yard setback required, 46.13 feet requested.

Standards – Sec. 38-495 (2)	Comments
Describe the location of buildings on adjoining properties.	<p><u>Applicant comments:</u> The home to the west located at 1696 Waukazoo Drive is setback 44.21' from Lake Macatawa. The home to the east located at 1688 Waukazoo Drive is setback 47.21' from Lake Macatawa.</p> <p><u>Staff comments:</u> Taking the average of these two properties' rear setbacks based on GIS measurements, the requested 46.13 feet is 1-foot more than that number. Per Sec. 38-494, Front yard and rear yard averaging, the required rear yard can be "modified to be no less than the average depth of the existing adjacent buildings." If the Board of Appeals agrees, this standard may be met.</p>
The effects of construction on the lot in question on the view from adjoining properties.	<p><u>Applicant comments:</u> If the requested setback is approved, the proposed new home will line up with the homes on either side, and will not block or impact the view of existing homes.</p> <p><u>Staff comments:</u> With the lot being unoccupied currently, it is difficult to determine whether neighbors will have their view significantly impacted. The presence of a new structure will understandably alter their view, but the few feet requested seem unlikely to make a substantial difference from that which is allowed by right. If the Board of Appeals agrees, this standard appears to be met.</p>
The potential effect of erosion and flooding from high water on the lot in question.	<p><u>Applicant comments:</u> As shown on the site plan, the home will be above the floodplain.</p> <p><u>Staff comments:</u> There is a seawall in this location, so erosion is not expected to be an</p>

	<p>issue. As seen in Figure 7 above, the proposed location of the home would be outside the Special Flood Hazard Area although the elevation of the property is fairly low. If the Board of Appeals agrees, this standard appears to be met.</p>
<p>The effect, if any, of the proposed building and any related improvements on existing sea wall or other flood control or erosion devices located on adjoining properties.</p>	<p><u>Applicant comments:</u> The existing sea wall will remain in place. The proposed building will not have any negative effect on the existing sea wall.</p> <p><u>Staff comments:</u> The proposed structure is not intended to be placed near the sea wall and there are no plans to alter the sea wall. If the Board of Appeals agrees, this standard appears to be met.</p>
<p>The relative proximity of the proposed building to adjoining properties specifically including proximity to occupied dwellings.</p>	<p><u>Applicant comments:</u> The proposed building will comply with the required 10' side yard setback. The neighboring properties also comply with the required side yard setbacks.</p> <p><u>Staff comments:</u> The proposed home follows side yard setback requirements and will not impact adjoining properties in that way. If the Board of Appeals agrees, this standard appears to be met.</p>
<p>The effect of the proposed building on adjoining properties and the surrounding neighborhood.</p>	<p><u>Applicant comments:</u> The proposed building will be similar to other buildings in the neighborhood in terms of size and scale and will not have any negative effects on the surrounding neighborhood.</p> <p><u>Staff comments:</u> The home is a similar size to neighboring homes. The proposed home has an approximate footprint of 2,440 sq. ft., and the adjacent home to the west, 1696 Waukazoo, is just above 2,500 sq. ft., and 1700 Waukazoo to the west has a footprint of approximately 2,370 sq. ft. The adjacent home to the east, 1688 Waukazoo, has a footprint of approximately 4,200 sq. ft. The proposed home is also situated similarly on the property to neighboring homes. The home to the east has a rear setback of approximately 40' and the two to the west are just above 50'. The front setbacks of many of the surrounding homes are shy of the 40' setback requirement. The degree to which the proposed building would affect the surrounding</p>

	neighborhood beyond that which is permitted by right is negligible. If the Board of Appeals agrees, this standard appears to be met.
--	--

Additional staff comments and recommendation

Staff recommends approval.

Applicable Ordinance Sections

Park Township Code of Ordinances

Sec. 38-276. Area regulations (R-3 Zoning District).

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. No side yard shall be less than 10 feet.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet.
- (4) Lot area and width. The minimum lot area and width for residential uses shall be 15,000 square feet and 90 feet, respectively. The minimum lot area for all other permitted uses shall be 15,000 square feet.

SIKKEL

& ASSOCIATES PLC

WILLIAM A. SIKKEL, IV
bsikkel@sikkellaw.com

320 N 120th Ave, Ste 150
Holland, Michigan 49424
616 394 3025

February 13, 2025

Ms. Meika Weiss
Park Township Zoning Administrator
52 152nd Avenue
Holland, Michigan 49424

**Re: ZBA Application for Parcel 70-15-27-296-017
0 Waukazoo Dr, Holland, MI 49424**

Dear Ms. Weiss:

Enclosed please find an application for the Zoning Board of Appeals for a lesser rear yard setback for lots abutting Lake Macatawa, pursuant to Section 38-495(2), regarding the above referenced property.

The property is zoned R-3 which normally requires a 50-foot rear yard setback. We are requesting the setback be reduced to allow the southwest corner of the house to 46.13 feet from the existing seawall. The southeast corner of the home would be 51.16 feet from the existing seawall.

The attached drawing shows the proposed setback relative to the typically required 50-foot setback. As shown on the drawing, if approved the home would line up with the house to the west, and be set slightly farther back than the home to east. The new home would not block the existing views of either home.

We would appreciate this matter being placed on the agenda for the March 31, 2025 Board of Appeals meeting. Please let me know if you have any questions or need any additional information.

Very truly yours,



William A. Sikkel

c.c. Dan Treffers
enc.

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 27 296 017 DATE FILED February 14, 2025

PROPERTY ADDRESS 0 Waukazoo Dr, Holland, MI 49424

NAME OF APPLICANT William A Sikkel PHONE NO. 616-836-7504

Email Address bsikkel@sikkellaw.com

OWNER AS PER TAX RECORD Andrew and Sabina Otteman

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

☐ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☐ Use variance. **Note:** The Use Variance Supplement is a separate form.

☒ Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization, Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception. **Note:** Use the proper supplement form for each of the preceding.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.


Andrew Otteman Digitally signed by Andrew Otteman
Date: 2025.02.13 10:59:21 -05'00'

February 13, 2025

Signature of Property Owner

Date


Signature of Applicant


Date

Authorization for Lesser Rear Yard Setback
for Lots Abutting Lake Macatawa

The following standards are reviewed by the Zoning Board of Appeals upon a request for a lesser rear yard setback for properties abutting Lake Macatawa. Please explain how you meet each standard in the space provided. You may use additional sheets if necessary. Please be sure to provide an answer for each standard.

Park Township Zoning Ordinance
Section 38-495 (2)

Lake Macatawa. In an area of non-conforming lots abutting Lake Macatawa, the Zoning Board of Appeals may authorize a lesser rear yard setback. In establishing the setback, the Zoning Board of Appeals shall consider the following standards:

- (A) Describe the location of buildings on adjoining properties

The home to the west located at 1696 Waukazoo Drive is setback 44.21' from Lake Macatawa. The home to the east located at 1688 Waukazoo Drive is setback 47.21' from Lake Macatawa

- (B) The effect of construction on the lot in question on the view from adjoining properties:

If the requested setback is approved, the proposed new home will line up with the homes on either side, and will not block or impact the view of the existing homes.

- (C) The potential effect of erosion and flooding from high water on the lot in question:

As shown on the attached site plan, the home will be above the flood plain.

Continued →

- (D) The effect, if any, of the proposed building and any related improvements on existing sea wall or other flood control or erosion devices located on adjoining properties:

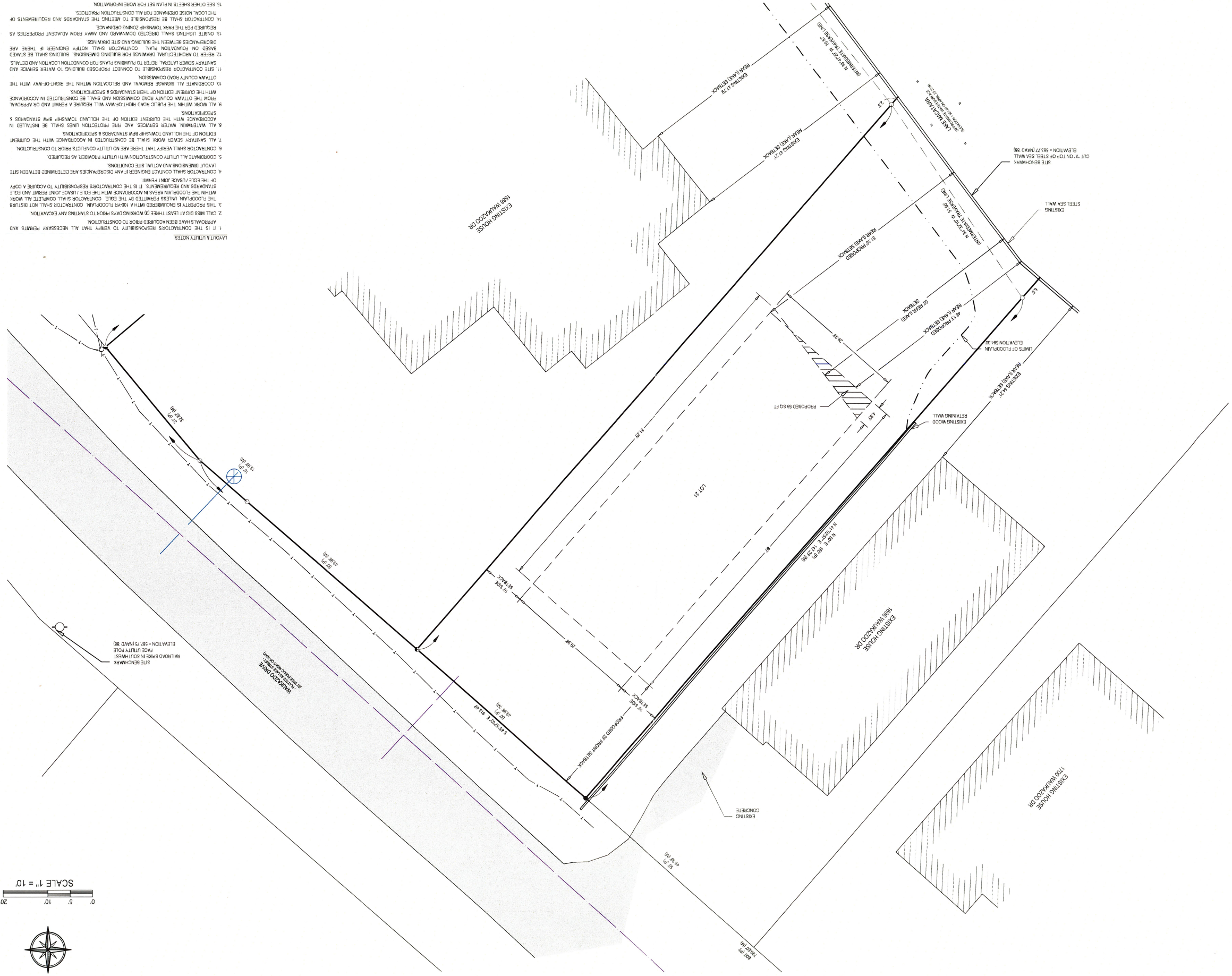
The existing sea wall will remain in place. The proposed building will not have any negative effect on the existing sea walls.

- (E) The relative proximity of the proposed building to adjoining properties specifically including proximity to occupied dwellings:

The proposed building will comply with the required 10' side yard setback. The neighboring properties also comply with the required side yard setbacks.

- (F) The effect of the proposed building on adjoining properties and the surrounding neighborhood:

The proposed building will be similar to other buildings in the neighborhood in terms of size and scale, and will not have any negative effects on the surrounding neighborhood.



1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION.

2. THIS PROPERTY IS ENCLAVED WITH A 100' WIDE FLOODPLAIN. CONTRACTOR SHALL NOT DISTURB THE FLOODPLAIN UNLESS PERMITTED BY THE EGE. CONTRACTOR SHALL COMPLETE ALL WORK WITHIN THE FLOODPLAIN IN ACCORDANCE WITH THE EGE. CONTRACTOR SHALL ACQUIRE A COPY OF THE EGE / USACE JOINT PERMIT.

3. STANDARDS AND REQUIREMENTS: IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACQUIRE A COPY OF THE EGE / USACE JOINT PERMIT.

4. CONTRACTOR SHALL CONTACT ENGINEERS IF ANY DISCREPANCIES ARE DETERMINED BETWEEN SITE LAYOUT DIMENSIONS AND ACTUAL SITE CONDITIONS.

5. COORDINATE ALL UTILITY CONSTRUCTION WITH UTILITY PROVIDERS AS REQUIRED.

6. CONTRACTOR SHALL VERIFY THAT THERE ARE NO UTILITY CONFLICTS PRIOR TO CONSTRUCTION.

7. ALL SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE HOLLAND TOWNSHIP SPW STANDARDS & SPECIFICATIONS.

8. ALL WATERMAIN, WATER SERVICES AND FIRE PROTECTION LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE HOLLAND TOWNSHIP SPW STANDARDS & SPECIFICATIONS.

9. ALL WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY WILL REQUIRE A PERMIT AND OR APPROVAL FROM THE OTTAWA COUNTY ROAD COMMISSION AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THEIR STANDARDS & SPECIFICATIONS.

10. COORDINATE ALL SIGNAGE REMOVAL AND RELOCATION WITHIN THE RIGHT-OF-WAY WITH THE OTTAWA COUNTY ROAD COMMISSION.

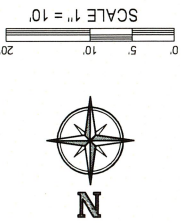
11. SITE CONTRACTOR RESPONSIBLE TO CONTACT PROPOSED BUILDING TO WATER SERVICE AND SANITARY SEWER LATERAL, REFER TO PLUMBING PLANS FOR CONNECTION LOCATION AND DETAILS.

12. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS. BUILDING SHALL BE STAKED BASED ON FOUNDATION PLAN. CONTRACTOR SHALL NOTIFY ENGINEER IF THERE ARE DISCREPANCIES BETWEEN THE BUILDING AND SITE DRAWINGS.

13. CONSTRUCTION SHALL PROCEED DOWNSLOPE AND AWAY FROM ADJACENT PROPERTIES AS REQUIRED PER THE PAVK TOWNSHIP ZONING ORDINANCE.

14. CONTRACTOR SHALL BE RESPONSIBLE TO MEETING THE STANDARDS AND REQUIREMENTS OF THE LOCAL NOISE ORDINANCE FOR ALL CONSTRUCTION PRACTICES.

15. SEE OTHER SHEETS IN PLAN SET FOR MORE INFORMATION.



Sheet No. C-101

SITE LAYOUT PLAN

HEI Project Number 19-03-051

Sheet Title

Drawn by AARON VENEMA

Checked by

Survey by

Civil

Struct.

L. A.

Project Manager RYAN VSSELDYKE, P.E.

Vertical Datum NAVD 88

Horizontal Datum HEI-96

Issued for:

Date	Description	No.
03/03/2025	BEACH EASEMENT	A
07/12/2025	RETRACTED PARK SETBACK	B

ELM GROVE PARK LOT 21

LOT 21, ELM GROVE PARK

HOLLAND, MI 49424

PT. OF THE NE 1/4 SECT. 27 T5N, R16W

PARK TWP, OTTAWA COUNTY, MI

DAN TREFFERS

ATTN: MR. TREFFERS

2029 OTTAWA BEACH RD

HOLLAND, MI 49424

The Surveyor's Engineer's liability for any and all claims, including those arising out of the use of the Surveyor's / Engineer's professional services, professional seal, and any misrepresentation shall amount no greater than the service fee.

HOLLAND ENGINEERING

220 Hoover Boulevard

Holland, Michigan 49423-3796

www.hollandengineering.com

T 616-582-5838 F 616-582-2178

Public Hearing #3: 2620 Prairie Ave.

A request by Jeffrey Kuyers, for a rear setback of 10 feet, where 25 feet is required, per Sec. 38-491(b)(2) of the Park Township Code of Ordinances. And also, for an accessory building area of 616 feet, where 384 feet is permitted, per Sec. 38-491(b)(1) of the Park Township Code of Ordinances. Said lands and premises are located at 2620 Prairie Avenue (Parcel #70-15-13-461-032) and in the R-3 Low Density Single-Family Residence District.

Background

This is a primary residential structure on a corner lot on the North Side of Park Township, at the intersection of Prairie Avenue and Venessa Avenue. The surrounding context is standard single-family low density residential. The applicant is hoping to build an accessory building and is seeking a variance for both the area of the building and the rear setback.

The adjacent property, 2621 William Avenue, has an accessory building of a similar size with similar placement. Both lots are around 19,000 sq. ft. and are both corner lots.



Figure 1. Aerial view of parcel.

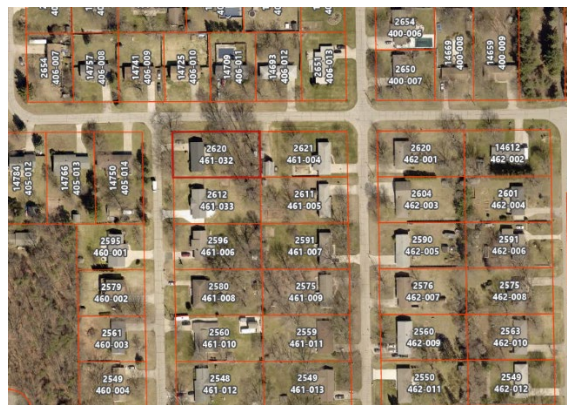


Figure 2. Aerial view in neighborhood context.



Figure 3. Photo of parcel, front view.



Figure 4. Photo of parcel, rear view.



Figure 5. Photo of adjacent parcel with neighboring accessory building.

Board of Appeals Considerations

There are two sets of standards for this application: one for accessory building size, and the other for a rear yard setback.

Accessory Building Area: 384 square feet permitted, 616 square feet requested.

There are five standards for review.

Standards – Sec. 38-491	Comments
The area of the accessory building in relation to the size of the lot on which it is to be placed;	<p><u>Applicant comments:</u> We believe that the size of the accessory building is not excessive in relation to the lot size because the building (616 square feet) will only occupy 3.2% of the lot (19,200 square feet).</p> <p><u>Staff comments:</u> This is somewhat large in comparison with past approvals in the neighborhood, based on percentage of lot size.</p> <p>In October of 2024, the ZBA approved a request at 14741 Venessa for an accessory structure that was 2.6% of the parcel size at 392 sq. ft., with a 10' rear setback. This was a downward revision from the original request that had been for 900 sq. ft., 6% of that parcel size.</p>

	<p>In June of 2022, the ZBA approved a request for an addition to an accessory building that totaled 810 sq. ft., which was 3% of that parcel size. This was also a downward revision as the original request was for 876 sq. ft.</p> <p>The ZBA may wish to discuss what size accessory structure is most appropriate for this parcel and location. To compare with past approvals, 3% of the parcel size would be 576 sq. ft. and 2.6% would be 499 sq. ft.</p>
The area of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;	<p><u>Applicant comments:</u> The area of the accessory building (616 square feet) is less than the livable area of the principal building. The livable area of the principal building is 1850 square feet.</p> <p><u>Staff comments:</u> The area of accessory building is on the higher end, but in line with others in Park Township. If the Board of Appeals agrees, this standard may be met.</p>
The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;	<p><u>Applicant comments:</u> The new accessory building will be in the southeast corner of the lot. There is a 6-foot fence on the east side. On the other side of the fence is a neighbor's accessory building.</p> <p>If we can place the building 10 feet from the east and 10 feet from the south property lines, it will be in good proximity from the main home.</p> <p><u>Staff comments:</u> The proposed location is at a distance from other primary residential structures. Accessory structures on adjacent parcels appear to be 5' to 10' from the property line as measured on GIS. The location does not appear disruptive and if the Board of Appeals agrees, this standard may be met.</p>
Whether or not the accessory building will affect light and air circulation of any adjoining property; and	<p><u>Applicant comments:</u> This new accessory building will not affect light or air circulation on any adjoining building.</p> <p><u>Staff comments:</u> Placing the structure at the requested distance from the property line would</p>

	meet building code requirements and allow for the free movement of air without significant impact on light. If the Board of Appeals agrees, this standard may be met.
Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.	<p><u>Applicant comments:</u> The new accessory building will not affect the view of any adjoining property due to already existing trees, fence, and neighboring outbuilding.</p> <p><u>Staff comments:</u> There are not notable views to protect in this neighborhood and the proposed structure would be set at a distance from primary residential structures. If the Board of Appeals agrees, this standard may be met.</p>

Standards for Review

Setback Variance: 25 feet rear yard setback required, 10 feet requested.

There are four standards to review for this portion of request.

Standards – Sec. 38-70	Comments
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.	<p><u>Applicant comments:</u> Strict compliance would mean that we can only have an outbuilding of only 384 square feet. This is burdensome because I have lawn-mowing and hunting equipment as well as a fishing boat. Currently, all equipment is in the house garage and the boat is in the yard. We are unable to park our vehicles in the garage due to the need of additional storage.</p> <p><u>Staff comments:</u> As seen in the table found below, 350 sq. ft. is the dividing line between a required 5' setback for an accessory building and a required 25' setback. In the context of this neighborhood, a 25' rear setback is more likely to be disruptive to the sight lines of neighboring properties than is a 10' rear setback. If the Board of Appeals agrees, this standard may be met.</p>

<p>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.</p>	<p><u>Applicant comments:</u> This variance will allow us to store tools, equipment, and personal property inside, out of the house garage. It will keep all things secure and out of the yard. It will allow us to park our vehicles in the garage. We do not believe this building will do any injustice to our neighbors.</p> <p><u>Staff comments:</u> As noted above, other accessory structures in the neighborhood are located nearer to the property line than would be required for a structure over 350 sq. ft. It seems likely that justice would be done for neighboring property owners to see an accessory building that is placed in a similar way to others already in the neighborhood. If the Board of Appeals agrees, this standard may be met.</p>
<p>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.</p>	<p><u>Applicant comments:</u> The variance for 10 feet from the property line would make it so the new accessory building is not in the middle of our backyard. It would keep us from having to cut down additional trees as well.</p> <p>It looks like other accessory buildings in the area are also 5-10 feet from property lines. Aesthetically, we want our building to fit in similarly.</p> <p><u>Staff comments:</u> The location on a corner would make the placement of this accessory building further from the property line more obtrusive than in other areas. If the Board of Appeals agrees, this standard may be met.</p>
<p>That the practical difficulties alleged are not self-created.</p>	<p><u>Applicant comments:</u> We like to keep our property and possessions neat and organized. Storage in just the house garage is not enough. We have accumulated many things that need indoor storage and do not wish to keep items out in the yard.</p> <p><u>Staff comments:</u> The corner lot location was not self-created. If the Board of Appeals agrees, this standard may be met.</p>

Additional staff comments and recommendation

The proposed structure is a little large for the neighborhood, while acknowledging that there is an existing non-conforming accessory building just on the other side of the lot line that is similar to the proposal. There is precedent for additional size in the neighborhood. Given the location, setback relief seems reasonable and likely to do justice to neighboring property owners in particular. The Board of Appeals may wish to consider whether lesser relief would be appropriate.

Applicable Ordinance Sections

Park Township Code of Ordinances

Sec. 38-491 Accessory Buildings.

(a) Attached garages.

- (1) Attached garages are permitted in any zone district. A garage shall be considered an attached garage when it is connected to the principal building with a roof structure.
- (2) An attached garage shall meet the setback and yard requirements for a principal building of the zone district in which it is located.
- (3) The footprint of an attached garage must not exceed 75% of the footprint of the usable floor area of the dwelling unit to which it is attached.

(b) Detached accessory buildings.

(1) General requirements.

- a. No accessory building shall be allowed on any lot that does not have a principal structure located on the lot.
- b. Except as provided in Subsection (b)(1)b.1 through 5 of this section, only one accessory building will be allowed on any lot, provided that the accessory building does not exceed the greater of 200 square feet or 2% of the calculated lot size, up to a maximum accessory building size of 2,500 square feet.
 1. On lots equal to or greater than two acres, the total allowable accessory building square footage may be split into two accessory buildings.
 2. One additional accessory building used exclusively as a pool storage building (i.e., to house equipment and supplies necessary to operate and maintain an on-site swimming pool and for a toilet and/or shower) is permitted, provided the pool storage building has a maximum height of 16 feet, and a maximum area of 100 square feet for lots equal to one

acre or less in size and 200 square feet for lots exceeding one acre in size.

3. One additional accessory building used exclusively as a pump house (i.e., to house a pump and related equipment for sprinkling purposes) feet, and a maximum area of 16 square feet for lots equal to one acre or less in size and 36 square feet for lots exceeding one acre in size.

4. One additional accessory building used exclusively as a decorative gazebo is permitted, provided the gazebo has a maximum area of 144 square feet and a maximum height of 12 feet. For purposes of this subsection, an accessory building will be deemed a gazebo only if a minimum of 50% of each sidewall is left open and/or is covered only with either a screen or transparent glass.

5. An additional 576 square feet is permitted on a lot when there is not an attached garage on the principal building. This may be as an additional accessory building, or additional square footage allowed to an accessory building.

c. No accessory building or structure shall include residential or living quarters for human beings.

(2) Location and height limitations.

a. The height of an accessory building shall not exceed that listed in the table in Subsection (b)(2)e of this section.

b. The roof pitch of an accessory building shall not be less than 3/12.

c. An accessory building must be at least 10 feet away from any other building.

d. An accessory building shall meet the setback requirements listed in the table in Subsection (b)(2)e of this section.

e. Table.

Building Size (square feet)	Maximum Height of Building (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
< 240	14	40	5	5
240 - 350	16	40	5	5
351 - 700	18	40	10	25
701 - 1,050	20	60	10	25
1,051 - 1,400	22	80	25	35
> 1,400	24	100	25	50

f. On lots abutting Lake Michigan and Lake Macatawa, no accessory building shall be placed between the principal building and the water's edge.

g. The Zoning Board of Appeals may authorize lesser front, rear, or side yard setbacks or the placement of an accessory building between the principal building and the water's edge as an administrative approval on lots abutting Lake Michigan or Lake Macatawa. In establishing such yard requirements, the Zoning Board of Appeals shall consider the following standards:

1. The location of buildings on the lot or adjoining properties;
2. The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.; and
3. The character of the proposed accessory building and the effect on the surrounding neighborhood.

h. The Zoning Board of Appeals may authorize an accessory building in excess of the height limitations as an administrative approval. In considering such a request, the Zoning Board of Appeals shall consider the following standards:
[Amended by Ord. No. 2021-07, eff.11-2-2021]

1. The height of the accessory building in relation to the size of the lot on which it is to be placed;
2. The height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed.
3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
5. Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.

i. Exceeding square foot limitations. [Added by Ord. No. 2021-07, eff.11-2-2021]

1. The Zoning Administrator may authorize one or more accessory buildings in excess of the square footage limitations as an administrative approval. In considering such a request, the Zoning Administrator shall consider the following standards:

[a] The area of the accessory building in relation to the size of the lot on which it is to be placed;

[b] The area of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;

[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;

[d] Whether or not the accessory building will affect light and air circulation of any adjoining property; and

[e] Whether the accessory building will adversely affect the adjoining property or the view from the adjoining property.

2. Prior to reviewing the request, the Zoning Administrator shall mail a notice of the request to all real properties within 300 feet of the subject lot informing them of their option to request a public hearing within 15 days of the date of the letter. The notice shall indicate that if a request is not provided, the Zoning Administrator shall proceed without public comment.

3. The Zoning Administrator may defer any request to the Zoning Board of Appeals.

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 13-461-R32

DATE FILED 3-21-2025

PROPERTY ADDRESS 2620 Prairie Ave, Holland MI 49424

NAME OF APPLICANT Jeffrey Lane Kuyers PHONE NO. 616-312-6603

Email Address jkuyers@gmail.com

OWNER AS PER TAX RECORD Jeffrey Lane Kuyers

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

☒ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☐ Use variance. **Note:** The Use Variance Supplement is a separate form.

☐ Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization, Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception. **Note:** Use the proper supplement form for each of the preceding.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

If we comply with Park Twp. accessory building size, we will not have enough room for storage of equipment. In addition, if we comply with Park Twp. accessory building placement, the building would be closer to the main home, in the middle of the back yard, and we would have to remove many more trees.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Jeffrey Lane Kuyers
Signature of Property Owner

3-21-25

Date

Jeffrey Lane Kuyers
Signature of Applicant

3-21-25

Date

Accessory Building Approval Request

Following are the five (5) standards which the Zoning Board of Appeals must use in considering your request for additional square footage or height, and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

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

Describe how the size or height is not excessive in relation to the lot size as described in Standard #1 above:

We believe that the size of the accessory building is not excessive in relation to the lot size because the building (1016 sq. ft.) will only occupy 3.2% of the lot (19,200 sq. ft.).

- 2) 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;

Describe how the proposed size of the accessory building is not excessive in relation to the size of the principal building as described in Standard #2 above:

The area of the accessory building (1016 sq. ft.) is less than the livable area of the principal building. The livable area of the principal building is approximately 1850 sq. ft.

- 3) The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;

Describe how the proposed building will fit into the area as described in Standard #3 above:

The new accessory building will be in the southeast corner of the lot. There is a left fence on the east side. On the other side of the fence is a neighbor's accessory building.

If we can place the building 10 ft. from the east and 10 ft. from the south property lines, it will be in good proximity from the main home.

4) Whether or not the accessory building will affect light and air circulation of any adjoining property; and

Describe the effect or lack of effect of light and air circulation of any adjoining property.

This new accessory building will not effect light or air circulation on any adjoining property.

5) Whether the accessory building will adversely affect the view of any adjoining property.

Describe the effect the accessory building may have on the view from any adjoining property.

This new accessory building will not effect the view of any adjoining property due to already existing trees, fencing, and neighboring outbuilding.



Non-use Variance Supplemental Form

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your variance request and a place for you to explain how your request meets these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

- 1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, density, or other regulation would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

Strict compliance would mean that we can only have an out-building 384 sq. ft. This is burdensome because I have lawn-mowing and hunting equipment as well as a fishing boat. Currently, all equipment is in the house garage & the boat is in the yard. We are unable to park our vehicles in the garage due to need of additional storage.

- 2) Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Describe how this variance will do justice to you as well as your neighbors as described in Standard #2 above:

This variance will allow us to store tools, equipment & personal property inside, out of the house garage. It will ~~allow us to~~ keep all things secure & out of the yard. It will allow us to park our vehicles in the garage. We do not believe this building will do any injustice to our neighbors.

- 3) Whether the plight of the owner / applicant is due to unique circumstances of the property (such as an odd shape or natural feature like a stream or wetland) and not to general conditions of the zoning district.

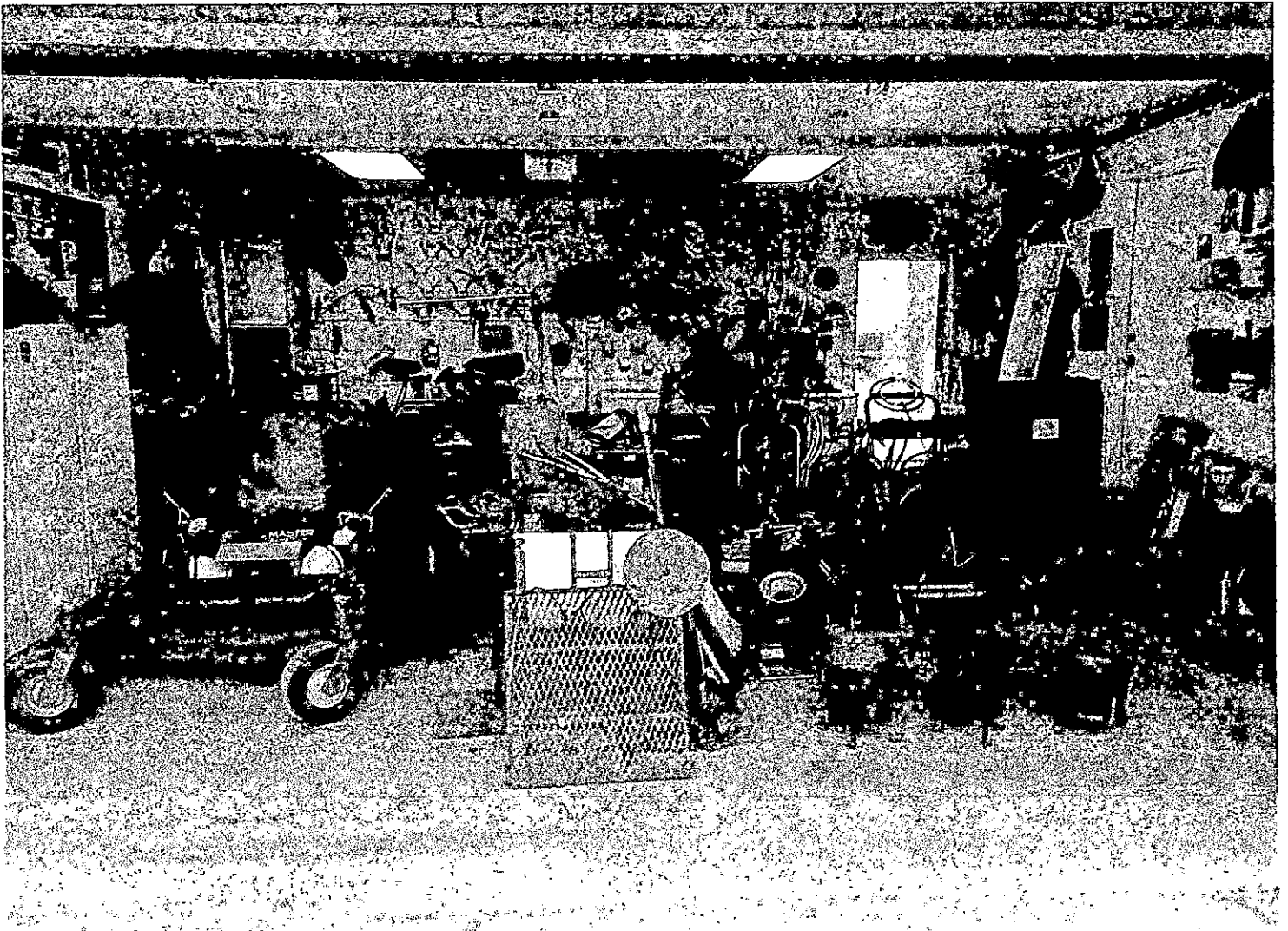
Describe what is unique about your property that warrants a variance as described in Standard #3 above:

The variance for 10 ft. from the property line would make it so the new accessory building is not in the middle of our back yard. It would keep us from having to cut down additional trees as well.

It looks like other accessory buildings in the area are also 5-10 ft. from property lines. Aesthetically, we want our building to fit in similarly.

- 4) Whether the problem is self-created. Describe why this problem should not be considered self-created:

We like to keep our property & possessions neat & organized. Storage in just the house garage is not enough space. We have accumulated many things that need indoor storage & do not wish to keep items out in the yard.



Jeff Kinyers

22x28x10 (14g)

Base Price	5300
Hgt	500
Sides	1060
Ends	2,540
14x10	2,000
WID	450
(2) 2x3 windows	500
colored screws	282
50 pound snowload trusses	900
Anchors/seabent	420

\$ 13,952

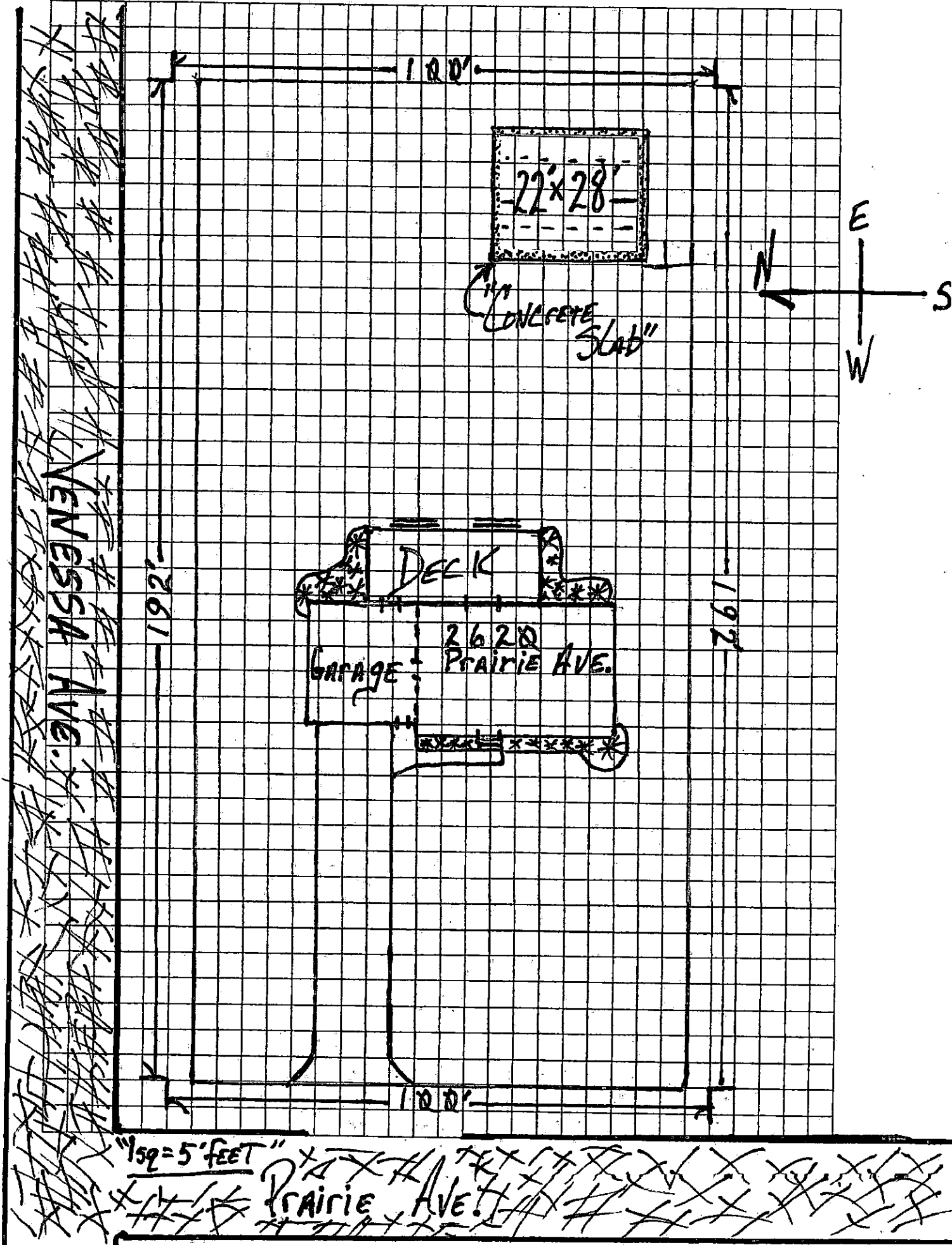
- 15% Discount - \$ 2,092.80

\$ 11,859.20

6% Sales tax \$ 711.55

\$ 12,570.75 delivered & installed

GRAPH PAPER



Gambrel Style

MANUFACTURED BY:
AMC
STEEL BUILDING

22X28X10

15% OFF!

A-FRAME TRUSSES FOR 32W +



INCLUDED IN PRICE:

- 14X10 ROLL UP DOOR**
- (2) 2'X3' WINDOWS**
- ENTRY DOOR**
- COLOR SCREWS**
- DELIVERY/INSTALLATION**

\$12,580
\$10,603
PLUS TAX

Fwd: Customer Request

1 message

eff kuyers <jkuyers@gmail.com>
To: hastings5225@gmail.com

Fri, Mar 21, 2025 at 11:29 AM

----- Forwarded message -----

From: **ANS Steel Buildings** <anssteelbuildingsllc@gmail.com>
Date: Fri, Mar 21, 2025, 11:00 AM
Subject: Re: Customer Request
To: <JKUYERS@gmail.com>

We release a generic set of plans, after you have signed a contract with your sales rep and paid your 10% deposit. WE WOULD DISCLOSE THAT YOUR DOWN PAYMENT IS REFUNDABLE IF YOU ARE NOT ABLE TO OBTAIN A PERMIT. If the township requires you to buy a set and have it made to your specific building then you would be responsible for that cost and those could take 4-6 to receive.

Thank you,

Erica Salazar
CFO
Ph: 419-785-4005
Cell: 517-610-1074



ANS Steel Buildings, LLC.
945 Cleveland Ave.
Defiance, OH. 43512

Main / Ph: 419-785-4005
Email: anssteelbuildingsllc@gmail.com
Website: www.anssteelbuildings.com

On Thu, Mar 20, 2025 at 11:26 PM www.anssteelbuildings.com <no-reply@multiscreensite.com> wrote:
Form Response Notification

You've received the following form submission from the Contact Us form on the Contact Us page of your website -
<https://www.anssteelbuildings.com>.

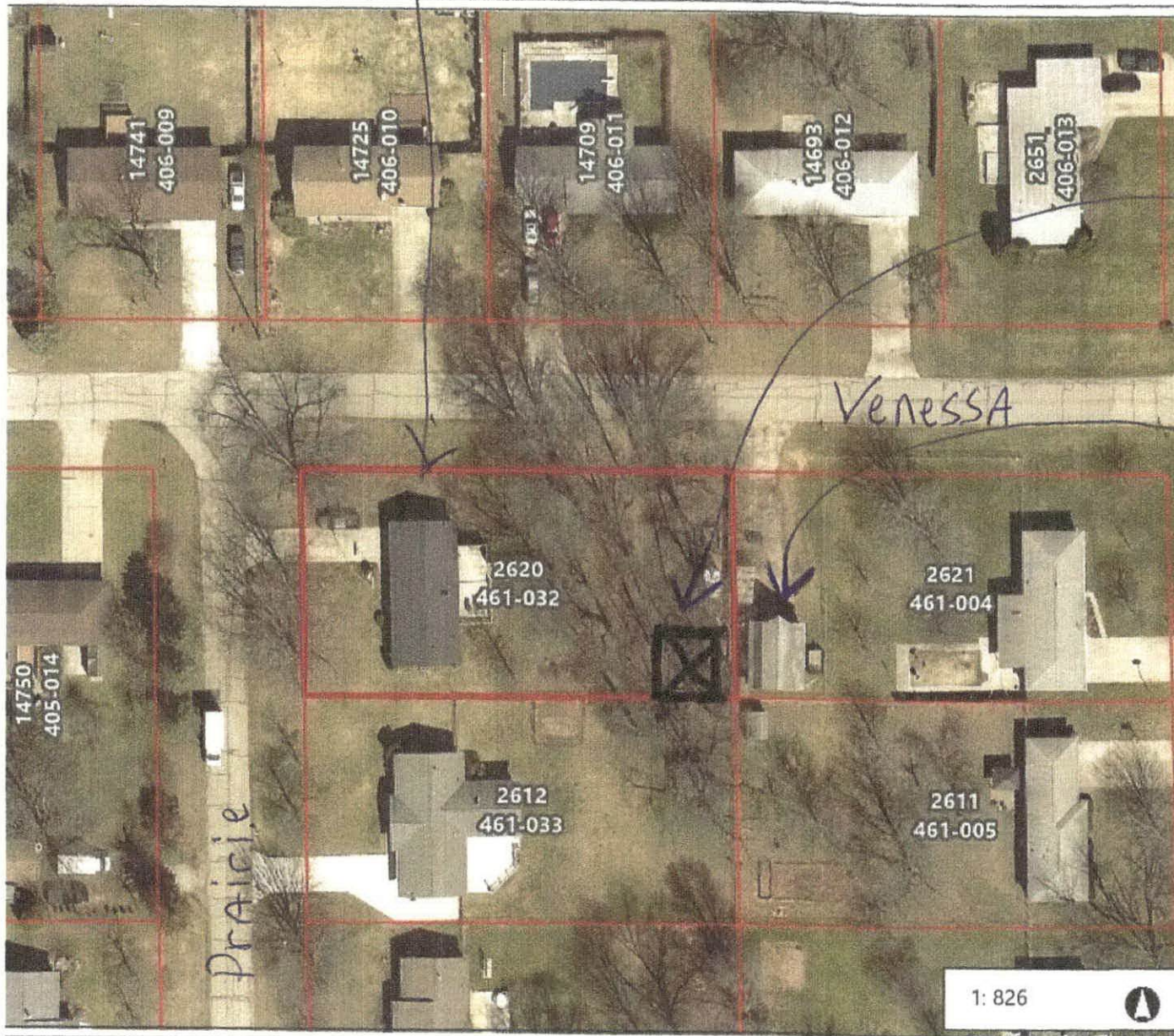
Name: Jeff Kuyers

Email: JKUYERS@GMAIL.COM

Phone: 6163126603

Message: Erica, could you please email blueprints for the 22x28x10 Gambrel Barn to mweiss@parktownship.org. I have the application ready to turn in Friday 3/21/25. They require plans along with the application. Thank you. Please confirm

2620 Prairie Printout



SAME SIZE AS
Neighbors
22x28x10
Proposed
Location

Legend

Parcels

Neighbor's Barn
SAME SIZE AS
Applicant's Request
22x28x10

Notes

PARK TOWNSHIP

Receipt: 348749

03/21/25

52 152ND AVE
HOLLAND, MI 49424

Cashier: Susan Barkel

Received Of: KUYERS JEFFREY

(616) 399-4520

2620 PRAIRIE AVE
HOLLAND MI 49424

The sum of: 350.00

ZONING

ZBA APP

Total

350.00

350.00

CASH

350.00

Signed: _____

4/12 pitch

6/12 pitch

TRANS Steel Buildings

18' from peak to floor-10'
sidewalls



Public Hearing #4: 16865 Quincy St.

A request by Kelly Anwiler for a side setback of 10.5 feet, where 20 feet is required, per Sec. 38-216 of the Park Township Code of Ordinances. Said lands and premises are located at 16865 Quincy Street (Parcel #70-15-04-400-031) and in the R-1 Rural Estate District.

Background

This is a residence in a Rural Estate District, near the intersection of Quincy and 168th. The lot, along with several surrounding properties, are less than the required 2 acre minimum for this district. The home is established near the east lot line, with a 104' side setback to the west, and a 27.8' side setback to the east. The applicant is proposing an addition to the east side of their home to serve as a living area for her elderly parents. The addition is designed to be incorporated as an addition to the primary residence and not as a separate accessory dwelling unit (which is not currently permitted in Park Township). This addition would sit 10.5' from the east side boundary, where 20' is typically required.

Property



Figure 1. Aerial view of parcel.



Figure 2. Aerial view in neighborhood context.



Figure 3. Photo of parcel, front view.

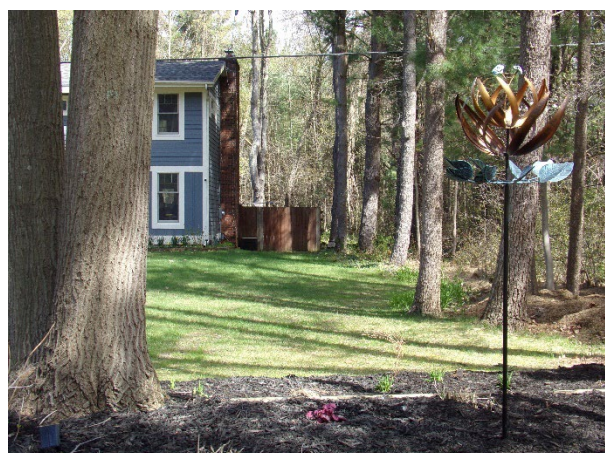


Figure 4. Photo of parcel, east side view.



Figure 3. Photo of parcel, west side view.

Board of Appeals Considerations

There is one set of standards for this application.

Standards for Review

Setback Variance: 20 feet side yard setback required, 10.5 feet requested.

Standards – Sec. 38-70	Comments
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.	<p><u>Applicant comments:</u> Unnecessarily burdensome is admittedly a strong phrase. It is more that the zoning setback requirements are very difficult to apply due to the small size of the lot (less than one acre when two acres are required), the positioning on the house on the piece of property (set far to the east side), combined with the location of the garage, make it difficult to affordably add to the house to make room for aging parents.</p> <p><u>Staff comments:</u> The positioning of the home on the already small (nonconforming) lot does make the positioning of this addition difficult. However, there is a significant amount of space on the west side of the property, where the garage, driveway, and accessory building are situated. The applicant has indicated that there are design challenges involved in placing the addition elsewhere, so it is suggested that the ZBA discuss with the applicant whether other options are viable.</p>

<p>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.</p>	<p><u>Applicant comments:</u> Approving the request would give the owners and similar applicants with a lot that is ½ the size of what it should be and a house built far to one side, the flexibility to add on to their house for aging parents in a way that is more affordable than they'd otherwise be able to do.</p> <p><u>Staff comments:</u> Several of the neighboring properties are also situated far to one side, including the property directly to the east, 16845 Quincy, creating distance from this property. The adjacent home to the west, 16895 Quincy, has side setbacks of around 10' on each side. This part of Quincy has a number of similarly nonconforming parcels with side setbacks less than required for the R-1 district. The relief requested is in line with what is seen elsewhere in the neighborhood and appears consistent with justice in that it aligns with other homes in the area. If the Board of Appeals agrees, this standard may be met.</p>
<p>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.</p>	<p><u>Applicant comments:</u> Substandard lot size and placement of the existing house are why we are requesting a variance.</p> <p><u>Staff comments:</u> The lot size does not reflect the general conditions of the zoning district. If the Board of Appeals agrees, this standard may be met.</p>
<p>That the practical difficulties alleged are not self-created.</p>	<p><u>Applicant comments:</u> The problem isn't self-created because the owner did not have anything to do with the original approval of the substandard lot size or the placement of the home on the property. While not exactly related, she also didn't anticipate housing costs being so high that her aging parents couldn't afford to move back to the area unless they were able to move in with her.</p> <p><u>Staff comments:</u> The owner did not take any kind of affirmative action that created the need for the variance. The practical difficulties were not</p>

	self-created. If the Board of Appeals agrees, this standard appears to be met.
--	--

Additional staff comments and recommendation

Staff suggests that the ZBA discuss alternative placements of the addition with the applicant. Given the non-conforming lot size both of this parcel and neighboring properties, a variance may be appropriate if the exploration of other avenues is not fruitful.

Applicable Ordinance Sections

Park Township Code of Ordinances

Sec. 38-216 Area regulations (R-1 Zoning District).

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- (1) Front yard. There shall be a front yard of not less than 40 feet; provided, however, that there shall be a front yard of not less than 150 feet for all farm buildings and structures.
- (2) Side yard. For residential buildings and structures, there shall be a total side yard of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 60 feet each.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet.
- (4) Lot area. The minimum lot area and width for all uses shall be two acres and 100 feet respectively; provided, however, that any lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived may be used for one single-family dwelling if it complies with all the R-3 Low Density Single-Family Residence District requirements for side yards.

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 04-400-031

DATE FILED _____

PROPERTY ADDRESS 16865 QUEENLY ST.

NAME OF APPLICANT KELLY ANWILER PHONE NO. 616-610-5016

Email Address KellyAnwiler@gmail.com / josh@bruggenhousc.com.

OWNER AS PER TAX RECORD KELLY ANWILER please cc J

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S) Builder who is assisting.

Describe the nature of the request:

☒ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☐ Use variance. **Note:** The Use Variance Supplement is a separate form.

☐ Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization, Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception. **Note:** Use the proper supplement form for each of the preceding.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

NON-CONFORMING LOT SIZE (LESS THAN 2 ACRES), HOUSE
BUILT FAR TO EAST SIDE OF PROPERTY, COST TO MOVE/
RELOCATE GARAGE FOR ADDITION.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

K. Anwiler
Signature of Property Owner

3-12-25
Date

K. Anwiler
Signature of Applicant

3-12-25
Date



Non-use Variance Supplemental Form

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your variance request and a place for you to explain how your request meets these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, density, or other regulation would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

SEE ATTACHED

2) Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Describe how this variance will do justice to you as well as your neighbors as described in Standard #2 above:

3) Whether the plight of the owner / applicant is due to unique circumstances of the property (such as an odd shape or natural feature like a stream or wetland) and not to general conditions of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

4) Whether the problem is self-created. Describe why this problem should not be considered self-created:

Answers to Non-use Variance Supplemental Form

1. Unnecessarily burdensome is admittedly a strong phrase. It is more that the zoning setback requirements are very difficult to apply due to the small size of the lot (less than one acre when two acres are required), the positioning of the house on the piece of property (set far to the east side), and the location of the septic system behind the house. These three challenges, combined with the location of the garage, make it difficult to affordably add to the house to make room for an aging parent.
2. Approving the request would give the owners and similar applicants with a lot that is $\frac{1}{2}$ the size of what it should be and a house built far to one side, the flexibility to add on to their house for an aging parent in a way that is more affordable than they'd otherwise be able to do.
3. Substandard lot size & placement of the existing house are why we are requesting a variance.
4. This problem isn't self-created because the owner did not have anything to do with the original approval of the substandard lot size or the placement of the home on the property. While not exactly related, she also didn't anticipate housing costs being so high that her aging parents couldn't afford to move back to the area unless they were able to move in with her.

PARK TOWNSHIP

Receipt: 348713

03/14/25

52 152ND AVE
HOLLAND, MI 49424

Cashier: sdotson
Received Of: KELLY ANWILER

(616) 399-4520

The sum of: 350.00

ZBA

16865 QUINCY ST - ZBA FEE

Total

350.00

350.00

CHECK

1369

350.00



Kelly Anwiler
16865 Quincy St
Holland, MI 49424

1369

74-347/724

Date 3-5-25

Pay to the
Order of

Park Township

Three hundred fifty + 00/100

\$ 350.00

Huntington

Dollars

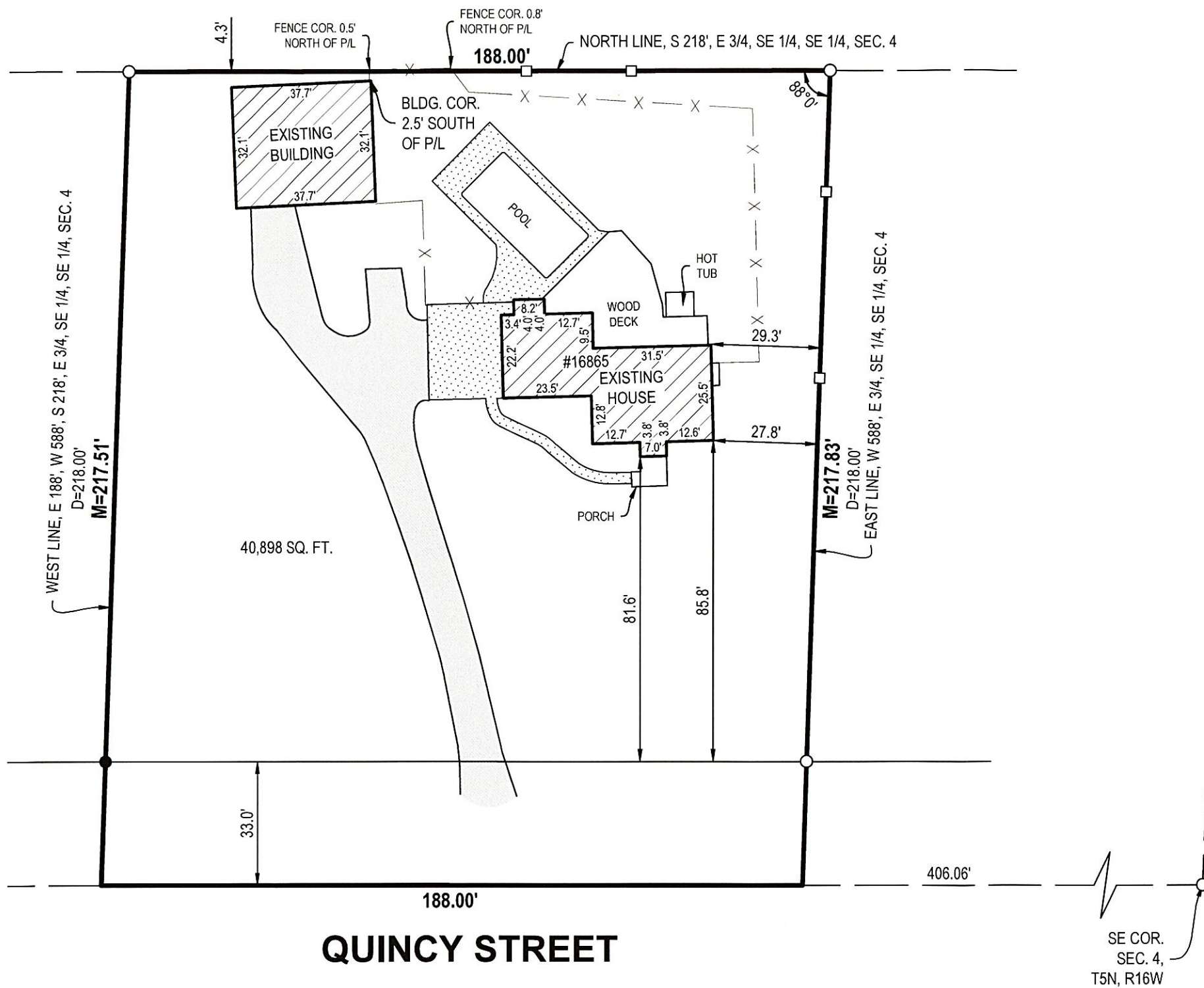


Memo

MP

⑆072403473⑆ 02155399826⑆01369

Signed: _____



DESCRIPTION

Part of the Southeast 1/4 of Section 4, Town 5 North, Range 16 West, the East 188.00 feet of the West 588.00 feet of the South 218.00 feet of the East 3/4 of the Southeast 1/4 of the Southeast 1/4, Park Township, Ottawa County, Michigan.

(Tax Description)

LEGEND

○	Iron-Found		Concrete
●	Iron-Set	P/L	Property Line
□	Set Wood Stake	M=	Measured
— X — X —	Fence	D=	Described
	Asphalt		
	Existing Building		



By: *Scott A. Hendges*
Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 40' 0' 20' 40' NORTH

Bruggerhouse Builders LLC
Josh Brugger
626 Slayton
Grand Haven, MI 49417

16865 Quincy St

DRAWN BY: JH
REV. BY:
REV.:

DATE: 9.5.2024
REV. DATE:

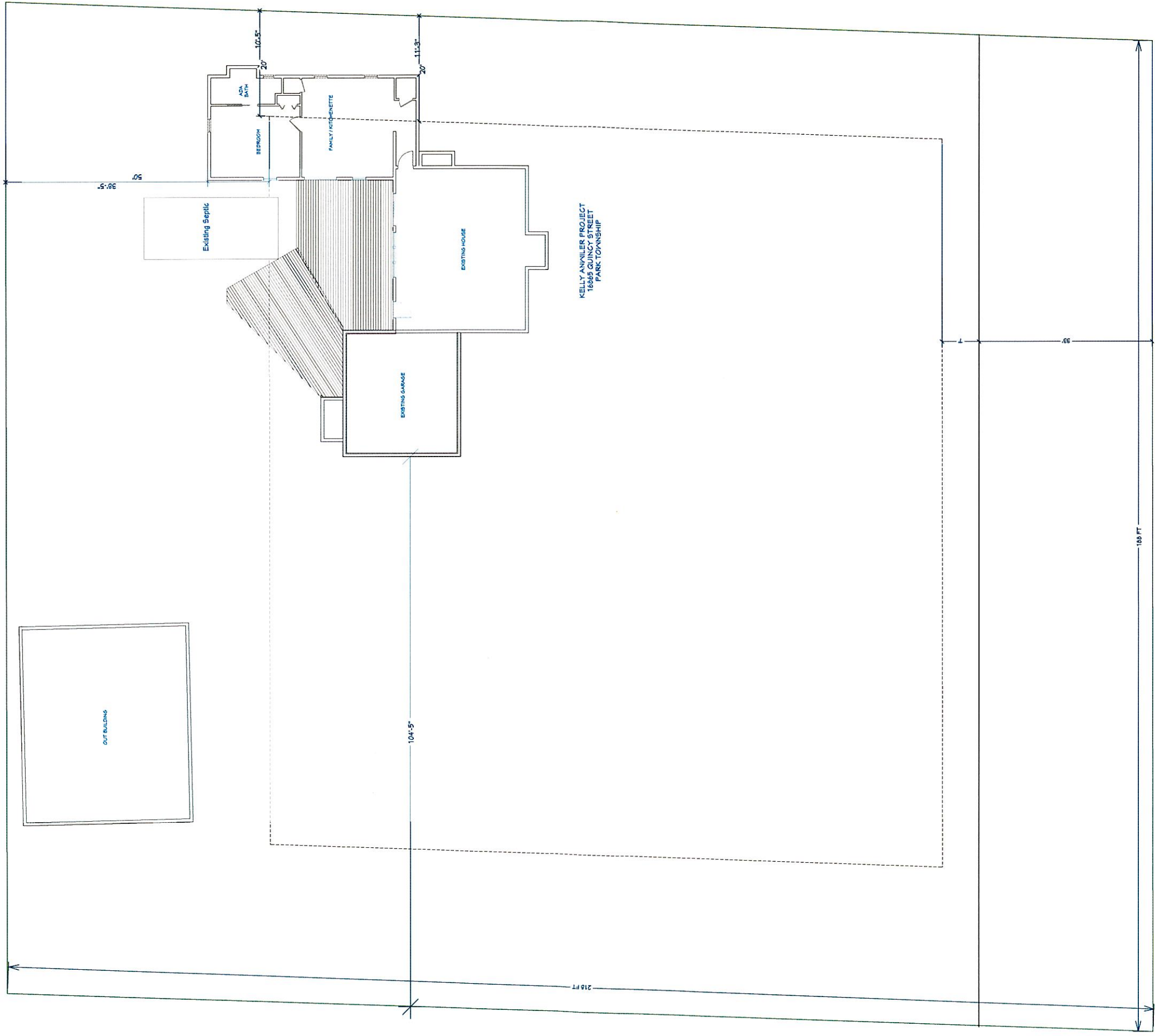
PRJ #: 24201451

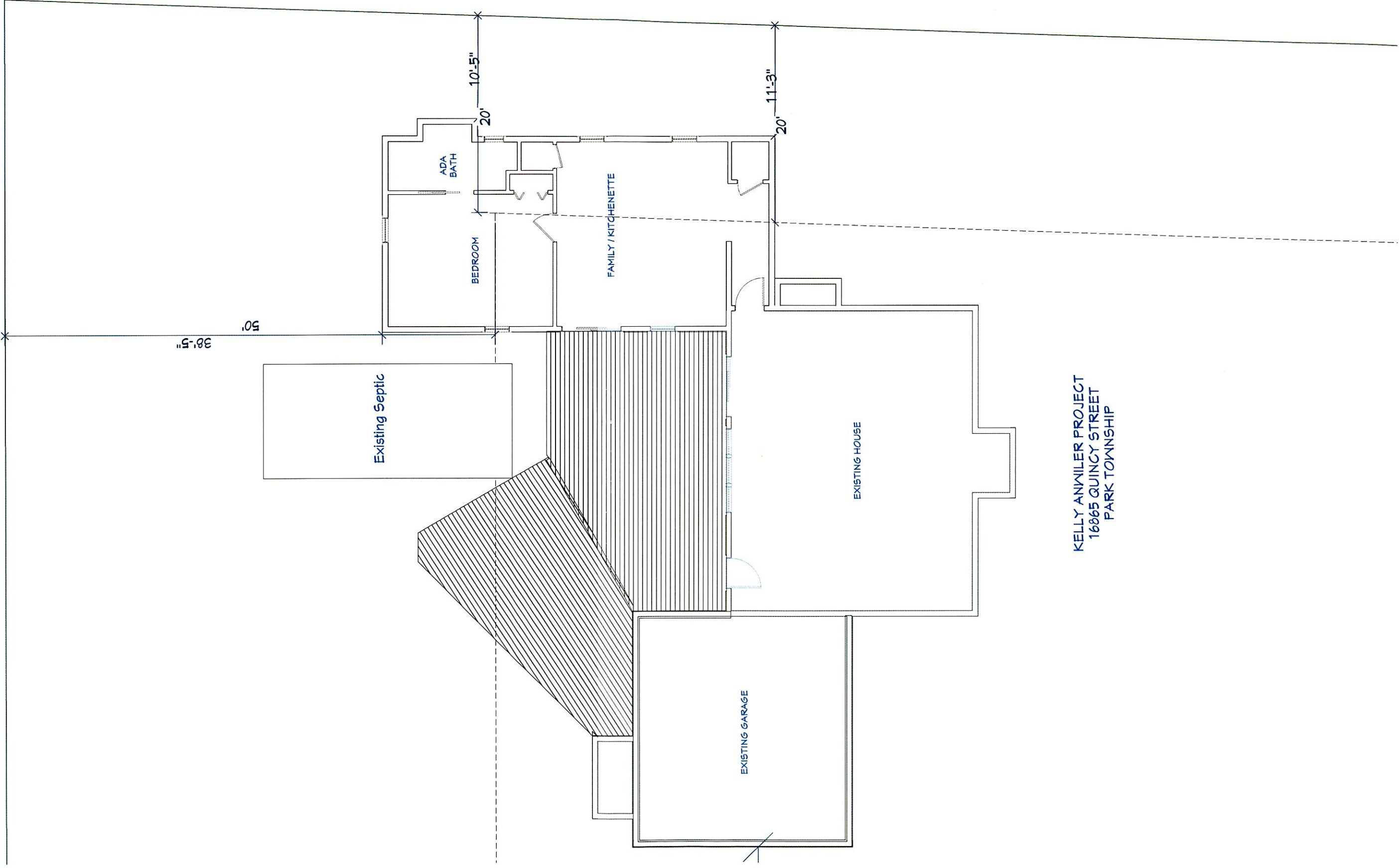
1 OF 1

NEDERVELD
www.nederveld.com • 800.222.1868
Grand Rapids
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Phone: 616.575.5190
Ann Arbor • Holland

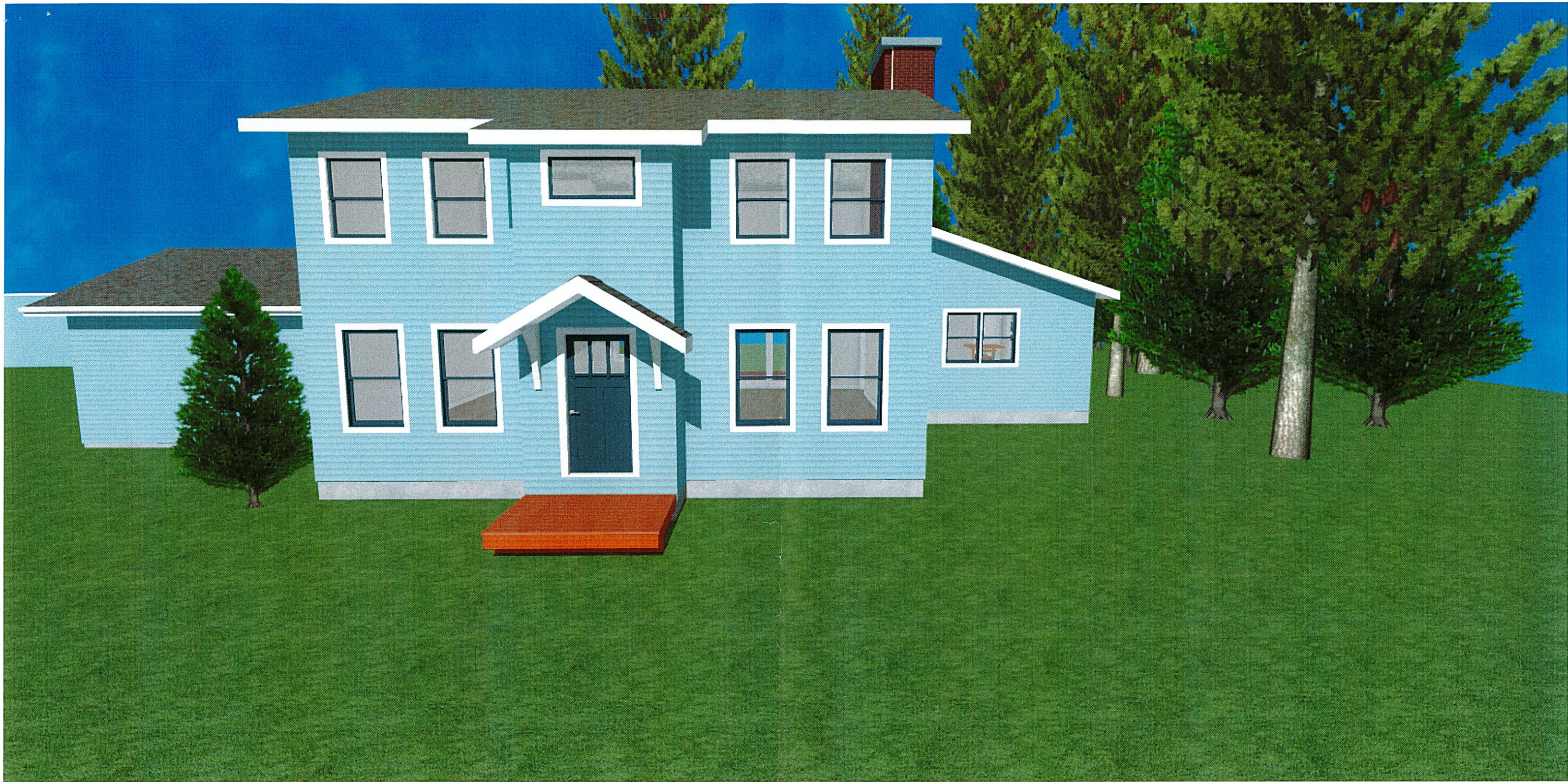
We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

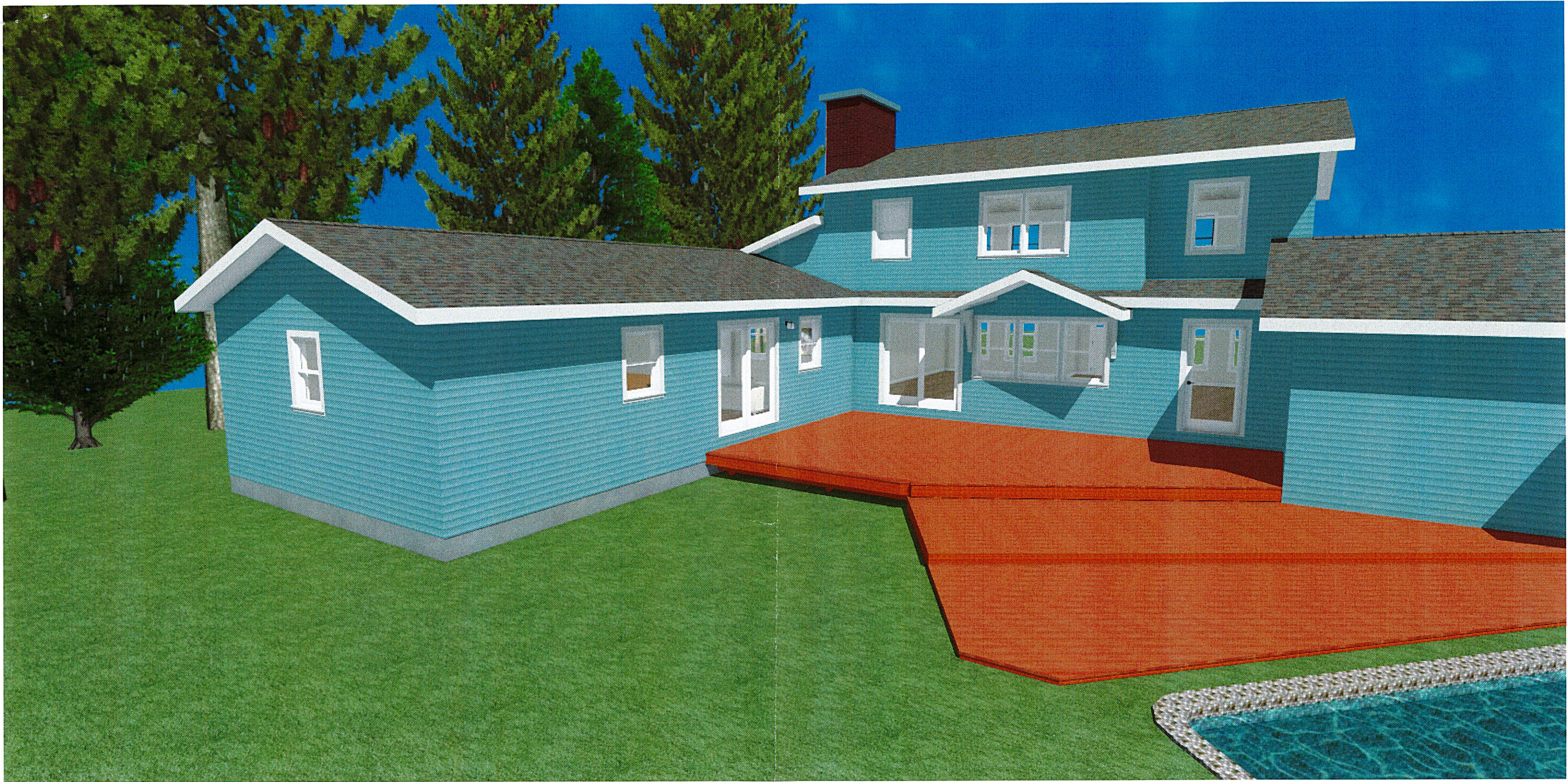
This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.





KELLY ANWILER PROJECT
16865 QUINCY STREET
PARK TOWNSHIP





Public Hearing #5:

A request by D-Sign for a dynamic electronic sign, per Sec. 38-569 of the Park Township Code of Ordinances. Said lands and premises are located at 15793 James Street (Parcel #70-15-14-300-002) and in the AG Agricultural and Permanent Open Space District.

Background

This property, better known as Bowerman Blueberries Farm Market, is in the Agricultural and Permanent Open Space District. The storefront faces homes that are also zoned for AG – they are, however, outliers in this zoning designation as all other properties on the south side of James are zoned R-3 until the street approaches the lakeshore (the Township does not proactively rezone). The neighboring property to the west is also owned by Bowerman.

The Park Township Zoning Ordinance permits movable letter signs in commercial districts, but not in the AG district. The Bowerman's store is considered a under Michigan's Right-to-Farm Act, which exempts the property from certain zoning regulations, but signage specifically is still subject to local ordinance requirements. The size and location of the sign meet requirements. The movable letter design is what is under review.



Figure 1. Aerial view of parcel.



Figure 2. Aerial view in neighborhood context.



Figure 3. Sign with context.



Figure 4. Sign, closer up.

Board of Appeals Considerations

There is one set of standards for this application.

Standards for Review

Electronic sign request.

There are four standards for review.

Standards – Sec. 38-70	Comments
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.	<p><u>Applicant comments:</u> We are looking to replace our dated static reader board with a smaller electronic message sign. – Section 38-569 (specifically flashing, blinking, etc) was the reason given for denial of the permit. We fully intend to abide by all the regulations regarding the acceptable operation of EMCs. Due to the unique nature of our farm outlet business, denial of our ability to visually communicate products, as well as our business name to local traffic is unnecessarily burdensome.</p> <p><u>Staff comments:</u> The current sign is customizable to advertise specific products, and the business name is visually communicated through the signage on the storefront. This is, however, a commercial enterprise in an AG district and agricultural-residential area, meaning that regulations are not designed for the use taking place on that parcel, though permitted by the Right-to-Farm Act. ...</p>
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.	<p><u>Applicant comments:</u> We currently have a message sign in place and are simply requesting to update it to 21st Century technology. Doing so would provide justice to us in terms of freedom of speech and also improving our operation's street appearance which arguably would enhance the overall neighborhood's appearance.</p> <p><u>Staff comments:</u> While the convenience of 21st Century technology is undeniable, free speech is granted through the current static reader sign. Justice to nearby residents requires considering whether the proposed electronic sign might shine</p>

	<p>or reflect glares into the neighboring properties.</p> <p>...</p>
<p>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.</p>	<p><u>Applicant comments:</u> This farm outlet operation was established years ago and we have always strived to maintain a first class high quality profile but with the on-going changes in both ordinances and modern advances in signage, this makes our plight unique.</p> <p><u>Staff comments:</u> The applicant is a public-facing retail operation located in the AG district. While permitted by the Right-to-Farm Act, this does not appear to be a use contemplated by the zoning ordinance and as a result is unique. If the Board of Appeals agrees, this standard may be met.</p>
<p>That the practical difficulties alleged are not self-created.</p>	<p><u>Applicant comments:</u> At one point in time, the location and size of our current sign was obviously acceptable. However, since that time, apparently a change in the rules was adopted. We feel that, to a certain degree, the grandfather clause regarding the current placement of the sign should come into play, as well as a reasonable amount of leniency in allowing us to employ some modern methods in our signage.</p> <p><u>Staff comments:</u> The request is a result of a mismatch between a state-permitted use and the township zoning ordinance, and not the result of an unpermitted action by the owners. If the Board of Appeals agrees, this standard appears to be met.</p>

Additional staff comments and recommendation

This use is permitted due to state-level requirements but at this point uncommon in the zoning district. It's more than reasonable to consider whether this warrants a variance. In conversation with staff, however, the sign was described as being able to play a football game. Ensuring that this does not detract from neighbors' enjoyment of their property may be a point of discussion for the ZBA.

Applicable Ordinance Sections

Park Township Code of Ordinances

Sec. 38-565 General Conditions (Signs).

(a) No sign shall be erected, constructed or reconstructed in any location where it may interfere with, or obscure the view of, or be confused with, an authorized traffic sign.

(b) No sign shall have any visible moving components, or a moving or changing message, either constantly or at intervals, regardless of whether the motion or change is caused by artificial or physical means, except as permitted by Section 38-569 and Section 38-575(g)(4).

(c) A sign which is an integral part of a building may not extend higher than the sidewall of the building on which it is mounted.

(d) No freestanding sign shall exceed eight feet in height. The Zoning Administrator may authorize freestanding signs of a greater height. The Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, either by the Zoning Administrator, or the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603), the following standards shall be considered:

- (1) The number of businesses using the building and/or sign;
- (2) The sign height related to the height of the principal buildings on the lot and neighboring lots;
- (3) The effect of the sign on the surrounding neighborhood; and
- (4) How the sign affects light, visibility and the circulation of air.

(e) No sign, temporary or permanent, shall be erected, constructed, installed or located on private property without the written consent of the owner of such property; provided, however, the requirement that the consent be written shall not apply to political and real estate signs. Real estate signs may only be placed on the property that is for sale, rental or lease.

(f) No sign, including, without limitation, political signs, shall be located in the public right-of-way or attached to any tree, utility pole, street sign, traffic control device or other similar object or installed, attached or affixed to any public building or structure.

(g) No sign, or any part thereof, attached to a wall shall extend more than 12 inches therefrom.

(h) No item or article of tangible personal property, including, but without limitation, a vehicle, trailer, snowmobile, or watercraft, including personal watercraft, shall be used as a sign by displaying or placing thereon or attaching thereto letters or words, figures, or pictures or any type or kind of promotional material which provides information about or advertises a business, service, entertainment or any other activity or enterprise and locating or parking this item or article of tangible personal property at a location or place where such item or article of tangible personal property can be viewed by members of

the general public. As examples of the application of this subsection, but without limitation, the following described circumstances constitute violations of this subsection:

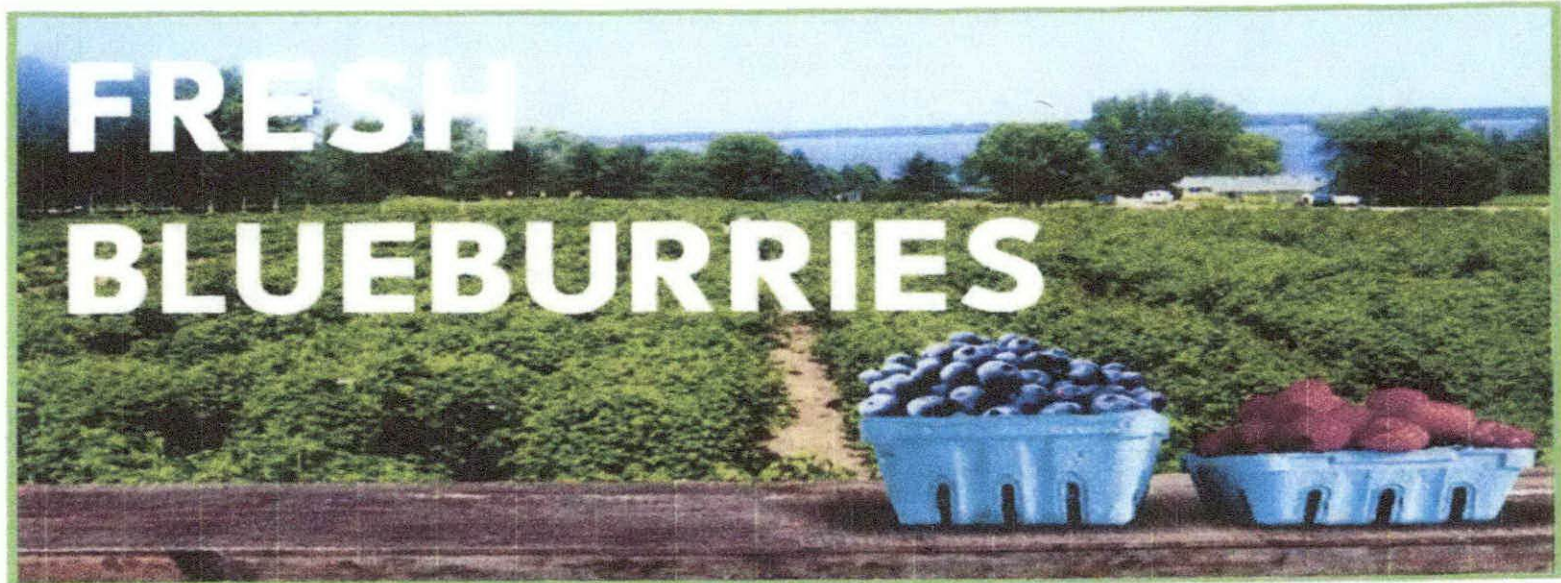
- (1) Watercraft with temporary vinyl lettering used as signs and parked in a commercial lot.
- (2) Vehicles with temporary vinyl lettering used as signs and parked in a commercial lot.
- (3) Signs mounted on trailers.
- (4) Banners hung on watercraft.
- (5) A personal watercraft with a vinyl or fabric "For Rent" sign on it.

Sec. 38-569 Illumination.

All signs that are to be illuminated shall be illuminated by electrical power. All electrical wiring and electrical installation shall be in conformance with the electrical code currently in force in the Township. Time and/or temperature signs and changeable letter signs are only permitted as is provided by Section 38-575(g)(4). No other type of sign shall be illuminated with flashing, blinking, intermittent or on and off lighting. Open neon lights are prohibited. All sign illumination shall be employed in such a manner so as to prevent intense or brilliant glares or rays of light from being directed at any street, private road, or at any adjoining property.

100.8 in

37.8 in



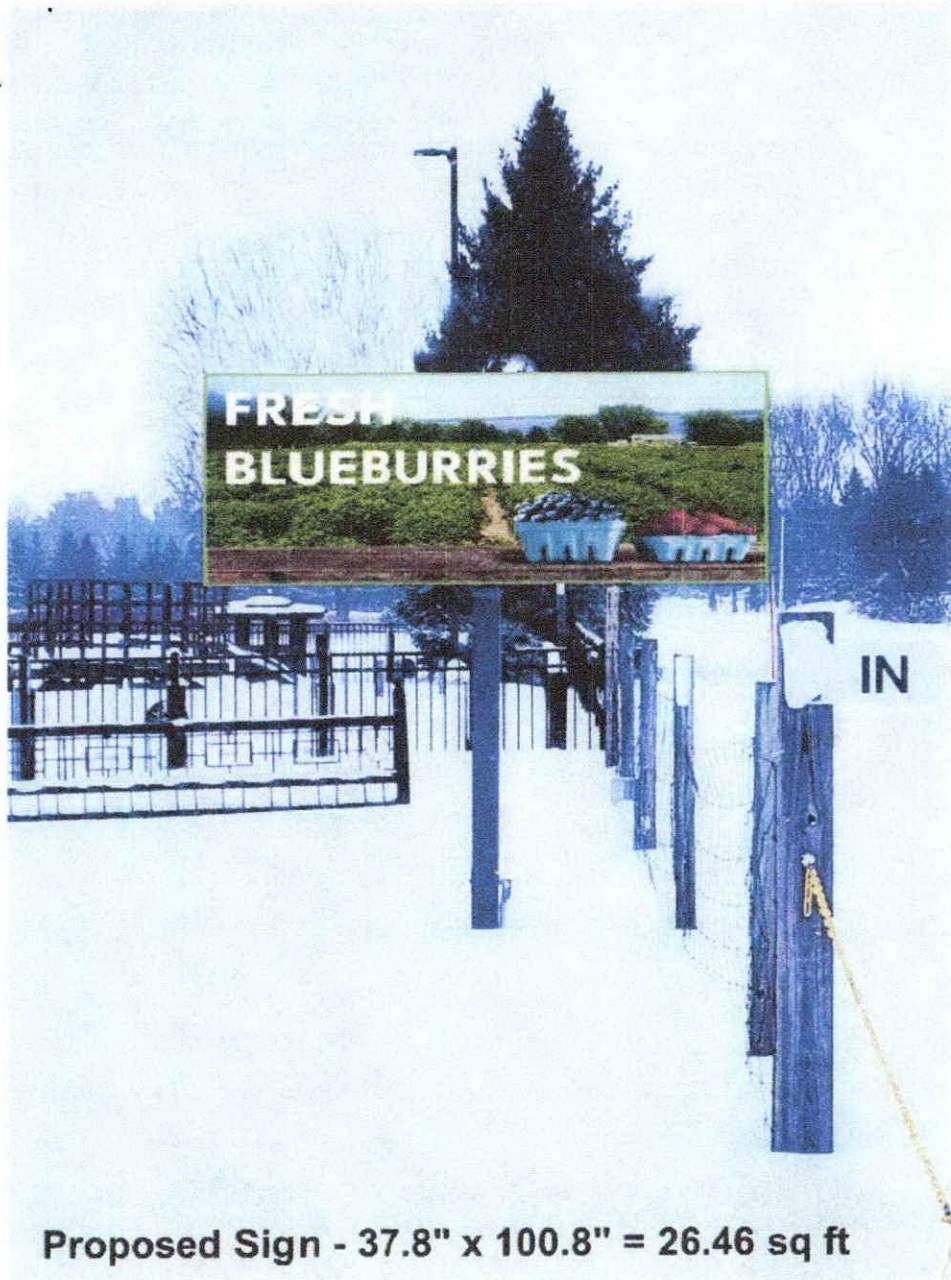
SIGN CO.

PREPARED EXCLUSIVELY FOR:

1-23-25

Bowerman's Blueberries - Electronic Message Sign

\$1000.00



Proposed Sign - 37.8" x 100.8" = 26.46 sq ft



Existing Sign - 50.5" x 96" = 33.66 sq ft



SIGN CO.

PREPARED EXCLUSIVELY FOR:

1-23-25

Bowerman's Blueberries - Electronic Message Sign

\$1000.00



Park Township

Fifty-Two One Hundred Fifty Second Avenue, Holland, Michigan 49424-6201

Phone (616) 399-4520 • FAX: (616) 399-8540

Website: www.parktownship.org • E-mail: info@parktownship.org

Zoning Board of Appeals Note to Applicants

You have expressed interest in applying to the Park Township Zoning Board of Appeals for a variance, an administrative approval, or other interpretation of a specific section of the Township Zoning Code. You are about to embark on a process that is regulated by state law but administered by Park Township.

The Zoning Code is a document that establishes the rules or standards that regulate the use of property with the township. The Zoning Code is an ordinance, or law, that is approved by the Township Board in conformance with state laws. In our specific instance, we have nine separate designations, or zoning classifications, for properties, each with a separate set of regulations. There are two commercial zoning classifications, five residential classifications, one agricultural classification and one special classification entitled "Planned Unit Development." Each of these classifications is also identified on a map, called the Zoning Map. Every property within the township is identified on the map that determines its specific classification.

If you are applying for a variance, you are in essence asking to "break the law" that regulates the development or use of your property. To do so, you must follow the process established by state law and "present your case" before the Zoning Board of Appeals. In order for you to be granted a variance from the applicable laws, your request must comply with, or satisfy, standards set forth in the law. The standards vary depending on the type of appeal. The most common is a non-use or dimensional variance (size, setbacks, etc.). Occasionally there may be a request for an interpretation of an ordinance, an appeal from the decision of the zoning administrator, lakefront accessory building placement, accessory building size, a setback exception for existing non-conforming structures, or a use variance.

The process includes completing an application, attending a required public hearing, and explaining how you meet the standards.

As to the process itself, state law requires that we conduct a public hearing. The notice for the hearing must be mailed to all of your neighbors within 300 feet and be published in the local newspaper "of general circulation." This must be done at least 15 days prior to the scheduled hearing. Most of your application fee is used to offset the cost of mailing and publishing the notice in the Holland Sentinel. Public comment is invited and it is not uncommon for the neighbors to write letters commenting on a particular application. We forward all letters and emails we receive to the Zoning Board of Appeals prior to the hearing.

State law also dictates that you meet the standards as listed in the ordinance for the applicable request. The standards are listed on the applicable forms depending on the type of request.

In order for the Zoning Board of Appeals to grant your request, you must be able to convince the members that you have met the applicable standards. At this point, although not required, you may wish to consult with an engineer, an attorney or an architect to assist you in preparing the application and in providing the evidence needed to prove conformity with the standards. If a variance is granted but the standards are not met, the regulations within the Zoning Code can become compromised and your particular variance could be overturned by a court if the decision is challenged.

At the public hearing, you will be given time to address the members and "present your case." After you have done so, the public will be offered an opportunity to comment on your request and any letters received will be entered into the "record" of the proceedings. Once all attending have had an opportunity to speak, the members of the Zoning Board of Appeals will then deliberate and discuss the merits of your appeal and the degree to which you comply with the standards as outlined. After the deliberations are completed, the members will vote and either grant or deny your request based upon their opinion as to whether the standards have been met. The decision of the members is final. Any appeals must then be made to the Circuit Court.

With the above information, please take your time to complete the application. You may add additional pages with maps, drawings or any other information that you wish the Zoning Board of Appeals to consider as they deliberate the standards. Remember, this is your opportunity to "present your case."

If you have any additional questions, please contact the Township zoning office for more assistance.

The application form contains the standards for a non-use, or dimensional variance, which is the most common type of request. There are separate supplements to fill out for a request to authorize placement of an accessory building on a lakefront lot, authorization for an additional or larger accessory building, setback exception for an existing non-conforming building, or a use variance.

**Zoning Board of Appeals
Procedures and Deadlines**

Deadline: The deadline to submit materials for a ZBA Meeting is by 5:00 pm, 45 days prior to the next scheduled meeting date. The materials must be dropped off at the Park Township Office, 52 S. 152nd Avenue, Holland, MI 49424.

For the next meeting that will be _____.

Meeting: The meeting is held the first Monday of the month at 6:30 pm at the Park Township Office Board Room. If there is no agenda by the deadline, there is no meeting that month.

The next meeting will be _____.

Cost: \$350.00 due with submittal by the deadline.

Submittal: Eight (8) identical packets must be submitted along with the fee by the deadline. They should be folded in 8 1/2" by 11" sizes. These packets must contain a signed ZBA application. They should also contain any supporting documents such as proof of ownership, surveys, site plans, drawings, pictures, narratives, etc.

Please refer to site plan requirements

Please call the Zoning Department with any questions. Phone 616-738-4238

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- 20-008 630

DATE FILED 3/4/25

PROPERTY ADDRESS 15793 JAMES ST

NAME OF APPLICANT D- Sign

PHONE NO. 616-392-3841

Email Address miguel@dsignllc.com

OWNER AS PER TAX RECORD Randy & Carol Bowman

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

☐ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☒ Use variance. Note: The Use Variance Supplement is a separate form.

☐ Other Request. Lakefront Accessory Building Placement, Accessory Building Authorization, Authorization to Build on Nonconforming Lot, Authorization for Lesser Rear Yard on Lake Macatawa, or Setback Exception. Note: Use the proper supplement form for each of the preceding.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

No electronic message center are
allowed.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.



Randy Bowman Carol Bowman
Signature of Property Owner

3/5/25

Date

[Signature]
Signature of Applicant

3/14/25

Date



PARK TOWNSHIP
52 - 152ND AVENUE HOLLAND, MI 49424
PHONE (616) 738-4244

APPLICATION FOR BUILDING PERMIT

OFFICE USE ONLY

Permit: _____

Date: _____

General Information

Owners Name: Tom Parker Owners Phone: 616-738-3049

Property Address: 15793 James Street Holland

Contractor Information

Contractor Business Name: D-Sign LLC Office Phone: 616-392-3841

Contractor Address: 511 Chicago Dr City: Holland State: MI Zip: 49423

Contact Person: Miguel Gonzalez Cell Phone: 616-516-0512

Contractor License No. 5306129 Exp. Date: 12/31/25

E-Mail Address: miguel@dsignllc.com

Value of Construction (Labor Included) \$21,000.00

Describe Construction Remove Top cabinet & replace with Electronic Message Sign

Section 23A of the State Construction Code Act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this State regulating to persons who are to perform work on a residential structure. Violators of Section 23A are subject to civil fines.

Basic Information Required

____ 2 copies of detailed construction plans drawn to scale and a site plan showing exact location of construction, existing buildings and property lines.

____ Septic Permit No. Jan Municipal Sewer Service: _____

____ Well Permit No. _____ Municipal Water Service Size: _____ Meter Size: _____

____ D.E.Q. permit number if applicable _____

____ Soil Erosion Permit (Ottawa County) if within 500 ft of a lake, stream or county drain. (attach copy) _____

____ Ottawa County Driveway Permit (attach copy) _____

____ Energy Code Worksheet (attach copy) _____

____ Parcel No: 70-15- _____

COPY

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any building permit that may be issued may be void. Further, I agree to comply with the conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a building permit application, and any permit issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signature of Applicant: Tom Parker Date: 1/23/25

Zoning Official: _____

Building Inspector/ Plan Reviewer: _____

PARK TOWNSHIP

Receipt: 348752

03/21/25

52 152ND AVE
HOLLAND, MI 49424

Cashier: sdotson
Received Of: D SIGN LLC

(616) 399-4520

The sum of: 350.00




ZBA 15793 JAMES ST 5/5/25 MEETIN

350.00
Total 350.00

CHECK

271

350.00

D SIGN LLC 511 CHICAGO DR HOLLAND, MI 49423		<u>3/21/25</u> Date		271 74-5/724
Pay to the Order of <u>Park Township</u>		\$ <u>350.00</u>		
<u>Three Hundred and Fifty</u>		Dollars		Photo Safe Deposit Details on back
 FIFTH THIRD BANK				
For <u>Variance application</u>				
⑆072400052⑆ 7981488070⑆ 00271				

Signed: _____



Non-use Variance Supplemental Form

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your variance request and a place for you to explain how your request meets these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, density, or other regulation would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

We are looking to replace our dated static reader board with a smaller electronic message sign. -

Section 38-569 (specificly flashing, blinking, etc) was the reason given for denial of the permit. We fully intend to abide by all the regulations regarding the acceptable operation of EMCs. Due to the unique nature of our farm outlet business, denial of our ability to visually communicate products, as well as our business name to local traffic is unnecessarily burdensome.

2) Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Describe how this variance will do justice to you as well as your neighbors as described in Standard #2 above:

We currently have a message sign in place and are simply requesting to update it to 21st century technology. Doing so would provide justice to us in terms of freedom of speech and also improving our operation's street appearance which arguably would enhance the overall neighborhood's appearance.

3) Whether the plight of the owner / applicant is due to unique circumstances of the property (such as an odd shape or natural feature like a stream or wetland) and not to general conditions of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

This farm outlet operation was established years ago and we have always strived to maintain a first class high quality profile but with the on-going changes in both ordinances and modern advances in signage, this makes our plight unique.

4) Whether the problem is self-created. Describe why this problem should not be considered self-created:

At one point in time, the location and size of our current sign was obviously acceptable. However, since that time, apparantly a change in the rules was adopted. So, that was not a situation we had any part in creating. We feel that to a certain degree, the grandfather clause regarding the current placement of the sign should come into play, as well a a reasonable amount of leniency in allowing us to employ some modern methods in our signage.



