AGENDA



PARK TOWNSHIP ZONING BOARD OF APPEALS

Meeting Monday, October 3, 2022 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: 840 5363 3206/ Passcode: 563832/ Phone dial-in +1 301 715 8592

- 1. Call to Order
- 2. Approval of the Agenda
- 3. Approval of Minutes: September 12, 2022
- 4. Appeals

Note: Public notices were mailed to all property owners and occupants within 300 feet on Saturday, September 10 and published in the Holland Sentinel on Tuesday, September 13. Meeting materials were posted on Park Township's website on or around Monday, September 26.

Hearing #1

A request by Thomas Van Wyk to permit an accessory building that is 3240 square feet in size where 2500 square feet is allowed per Sec. 38-491 of the Park Township Code of Ordinances. Said lands and premises are located at 16631 Greenly Street (parcel #70-15-10-100-043), zoned R-1, Rural Estates Residential.

Hearing #2

A request by James Cook to permit a side setback of 4.5 feet where 10 feet is required per Sec. 38-276 of the Park Township Code of Ordinances. Said lands and premises are located at 1424 Waukazoo Dr. (parcel #70-15-26-387-023), zoned R-3, Single-Family Residential District.

5. 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.

- **6.** Next Meeting Scheduled for November 14, 2022.
- 7. Adjourn

MINUTES

PARK TOWNSHIP ZONING BOARD OF APPEALS

September 12, 2022 6:30 pm

CALL TO ORDER:

Chair Doug Dreyer called the meeting of the Park Township Zoning Board of Appeals to order at 6:30 pm, held at the Park Township Office, 52 152nd Ave., Holland, MI 49424 in person and via ZOOM (meeting ID 84053633206)

ATTENDANCE:

Present: Doug Dreyer, Dennis Eade, Dave Fleece, Crystal Morgan and Loran Serne

APPROVAL OF AGENDA:

Morgan moved, supported by Fleece to approve the agenda as presented.

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

APPROVAL OF MINUTES:

Handel moved, supported by Fleece, to approve the August 22, 2022 minutes as amended.

Voice Vote: Ayes 5, Nays 0. Motion carried

HEARING 1

A request by Barb and John Francis Jr. to permit a rear setback of 38 feet where 50 feet is required per Sec. 38-276 of the Park Township Code of Ordinances. Said lands and premises are located at 1019 S. Baywood Dr. (parcel #70-15-25-177-007), zoned R-3 Low-Density Single Family Residence District.

Weiss introduced the item and the nuances of the application.

Barb Frances 1019 S. Baywood Dr., applicant, spoke to the variance. Addition on the back existing concrete pad 12X28. She stated the addition will blend into the existing roofline. The floor will be level with the rest of the house and there will not be a step down. They request the expansion for additional room for care for a terminally ill family member and regional meetings for cancer support/research (Chad Tough).

PUBLIC HEARING

Dreyer opened the public hearing (6:38pm).

2 correspondence letters were received, both stated they are in favor of the addition. Francis gave a letter to the Board from the McLaughlins, neighbors to the east, who are also in favor of the addition. All comments received from neighbors are in favor of the addition.

Joe Rosema, 1022 N. Baywood, neighbor directly behind applicant stated he has no issues with the addition. He feels it would add positively to the neighborhood.

Dreyer asked how high the fence is in the back of the home.

The applicant stated the side is 6ft a fence, and along the back is a 4' fence.

Dreyer closed the public hearing (6:40pm).

Morgan asked if the grandchild lived at the home.

Francis stated her grandchild does not currently live in the home. She currently lives with her parents, but Ms. Francis would care for her if something came up.

Morgan clarified that the room would be used for meetings/gatherings until the possibility of her granddaughter living there.

The Board reviewed the memo from staff.

Handel clarified the additional room would be built off the current living room.

The Board discussed and understood the need and struggled with fitting it into the zoning ordinance. The Board agreed if the variance is granted because it is a corner lot, it should be spelled out in the standards.

They clarified the rear setback is on the north property line.

Handel moved and supported by Fleece to approve the variance to permit a rear setback of 38 feet where 50 feet is required per Sec. 38-276 of the Park Township Code of Ordinances. Said lands and premises are located at 1019 S. Baywood Dr. (parcel #70-15-25-177-007), zoned R-3 Low-Density Single Family Residence District.

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;

The parcel is a corner lot and there is no other place to expand the footprint than to go into the rear yard setback. It is needed for potential medical care for a grandchild. Those items make the restrictions unnecessarily burdensome.

b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the District, the Board of Appeals may grant a lesser variance provided the other standards are met:

The situation is similar as in the first standard. The parcel is on a corner lot and has unique needs. It does justice for the future applicants.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g. an odd shape or a natural feature like a stream or wetland) and not due to general conditions of the zoning district; and

The parcel is a corner lot which poses unique circumstances.

d. That the practical difficulties are not self-created

The corner lot and the unprecedented illness of their granddaughter was not self-created.

Roll Call Vote: Ayes 5, Nays 0. Motion carried

HEARING 2-A

A request by Robert and Mary Trask to permit a front setback of 7.5 feet where 9.5 feet is required per Sec. 38-321 of the Park Township Code of Ordinances. Said lands and premises are located at 2426 Grove Walk (parcel #70-15-33-388-049), zoned R-4 Medium Density Single- and Two-family Residence District and located in the Macatawa Park Overlay District.

Weiss introduced the item.

Dreyer stated the applicant asked for separate motions to each request.

Bill Sikkel, lawyer for the applicant, spoke to the variance request to take the home from a cottage and make the home on Grove Walk their permanent residence.

Dreyer asked that the height according to the elevation is the same as it is now, but the front yard is the same but a different angle.

Sikkel confirmed Dreyer's comments.

Sikkel stated the applicant is looking for two variances. The applicant has a daughter with disabilities and want to meet her needs while respecting the charm and character of the neighborhood. The new cottage will echo the former cottage. Front yard setback will stay the same in the northeast corner. The rest of the home is being pulled back and away from Grove Walk. It is a small portion where they are seeking a front yard setback. By pivoting the home on the lot, a larger side yard was created on the east side from 3' to 5'. A larger setback on the west side going from 7' to 8'. Both the side yard and back yard setbacks meet the requirements in the Macatawa Park Overlay District as do the averaging provisions. The Trasks are seeking relief only with the front yard setback. The family bought more property from the rear yard neighbor to accommodate the rear yard setback. This lot is unique with the steep slope in the rear portion of the lot and the topography in general. The steep slope limits how far back the house can be placed. The dip in the yard relates to the height issue. From the front it would measure about 35' but measuring from all four points around the house the dip in the yard causes the structure to measure over 37.9'. The topography creates unique situations and creating space on the main floor for their daughter means they have to move other spaces they would normally have to the upper levels.

Fleece asked if the swale on the east side will remain intact.

Sikkel confirmed it would remain.

PUBLIC HEARING

Dreyer opened the public hearing (7:13 pm).

Five pieces of correspondence were received by the Township, and all are in favor of the request.

Mary Trask, 2426 Grove Walk, the homeowner stated she is available for questions. Dreyer closed the public hearing (7:14 pm).

Fleece moved and supported by Handel to approve the variance to permit a front setback of 7.5 feet where 9.5 feet is required per Sec. 38-321 of the Park Township Code of Ordinances. Said lands and premises are located at 2426 Grove Walk (parcel #70-15-33-388-049), zoned R-4 Medium Density Single- and Two-family Residence District and located in the Macatawa Park Overlay District

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;

This is a tight area and setbacks are much smaller than elsewhere in the Township. Given the nature of the area and the request, it is reasonable to relax the setback. The house is no closer than the neighbor to the east which is the where the view is. Also because of the steep back yard it

makes it hard to move the house any further to the south.

b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the District, the Board of Appeals may grant a lesser variance provided the other standards are met:

Due to the unique character of the neighborhood and the spacing and setbacks of the existing principal buildings in the area, the requested variance seems to do justice to this owner and the neighbors who want to update their family space in the future. With the placement of the new structure, the applicant is improving the view for the neighbor to the west.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g. an odd shape or a natural feature like a stream or wetland) and not due to general conditions of the zoning district; and

The uniqueness of the site is highly sloped from north to south, the Macatawa Park Overlay District was designed to account for irregular lots and small setbacks and these unusual grades. However, this lot is completely unique because of those characteristics of the slopes.

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

The topography speaks for itself. It is not a self-created issue. The homeowner took what was challenging and did their best to improve the property. The home is not going any closer than the existing structure. The applicant is changing the home placement to fit the lot better. The new structure will not harm the view for anyone else.

Roll Call Vote: Ayes 5, Nays 0. Motion carried

HEARING 2-B

A request by Robert and Mary Trask to permit a height of 38 feet where 35 feet is permitted per Sec. 38-305 of the Park Township Code of Ordinances. Said lands and premises are located at 2426 Grove Walk (parcel #70-15-33-388-049), zoned R-4 Medium Density Single- and Twofamily Residence District and located in the Macatawa Park Overlay District.

Dreyer stated no introduction was necessary as Atty. Sikkel outlined the request in his opening statements regarding the front yard setback request.

Sikkel agreed and had no other comments to add.

Dreyer opened the public hearing (7:22 pm).

Five pieces of correspondence and all are in favor.

Mary Trask, 2426 Grove Walk, the homeowner, stated they are trying to keep it the same as it was originally. It was important for them to not impede other neighbors' views. Dreyer closed the public hearing (7:23 pm)

Handel asked if they could come into compliance by lowering the ceilings inside the house.

Sikkel stated the ceilings are not taller than normal, it mirrors what is in the current homes in the area. Plumbing and insulation requirements in new homes require more height to get similar ceiling heights as a older home.

Fleece moved and supported by Morgan to approve the variance to permit a height of 38 feet where 35 feet is permitted per Sec. 38-305 of the Park Township Code of Ordinances. Said lands and premises are located at 2426 Grove Walk (parcel #70-15-33-388-049), zoned R-4 Medium Density Single- and Two-family Residence District and located in the Macatawa Park Overlay District

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;

The request does justice to the property owners and neighbors given there will be no change in the characteristics of the home. It is identical, just slightly reoriented. The changes improved the views for the property owner to the west. Given the grade change on the site, the fact that the proposed height is not out of keeping with the overlay district and matches the existing structure, the standard is met. The topography staying the same meets the standard as well.

b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the District, the Board of Appeals may grant a lesser variance provided the other standards are met:

Allowing this variance would do substantial justice to the applicant. It doesn't appear there is any negative effect to the neighboring properties. Given the height of the structure is going to match and the topography is not going to change, this standard is met.

c. That the plight of the property owner/applicant is due to the unique

circumstances of the property (e.g. an odd shape or a natural feature like a stream or wetland) and not due to general conditions of the zoning district; and

This is a unique site with the slope. There is a notable grade change that makes it more difficult to meet the height requirements. It's a small parcel with a grade change and the way averages are calculated makes is harder in a house like this where they are not able to change the grade around the house to make it smooth. They are not going to change the topography or go higher than the existing structure, so the standard is met. It is also important to note the swale on the east side of the structure contributes to the calculation of height.

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

The height is unchanged. The topography is the issue and the swale should not be changed to make it come into compliance

Roll Call Vote: Ayes 5, Nays 0. Motion carried

PUBLIC COMMENT:

Dreyer opened the public comment period (7:29 pm). No one spoke.

Dreyer closed the public comment period (7:30 pm).

NEXT MEETING:

Monday, October 3, 2022, 6:30pm

ADJOURNMENT:

Fleece moved, supported by Serne, to adjourn.

Voice Vote: Ayes 5, Nays 0 Motion carried

Meeting adjourned at 7:30 pm



MEMORANDUM

To: Park Township Zoning Board of Appeals

From: Meika Weiss, Community Development Director

Date: 9/9/2022

Re: October applications:

VanWyk, 16631 Greenly

Cook, 1424 Waukazoo Drive

Two applications have been received for the September meeting.

HEARING #1

A request by Thomas Van Wyk to permit an accessory building that is 3240 square feet in size where 2500 square feet is allowed per Sec. 38-491 of the Park Township Code of Ordinances. Said lands and premises are located at 16631 Greenly Street (parcel #70-15-10-100-043), zoned R-1, Rural Estates Residential.

Applicable Ordinance Section (pertinent parts):

Sec. 38-491 Accessory buildings.

- (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.

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

Background

This parcel is located at 16631 Greenly Street, on the north side of the road a little east of 168th Ave. It is in the R-1 Rural Estate Residences District and is approximately 4.75 acres in size (207,040 sq. ft.). Two percent of that lot size is 4,140 sq. ft., however, the maximum size for an accessory building according to Sec. 38-491 of the Park Township Zoning Ordinance is 2,500 sq. ft. Mr. VanWyk is requesting a variance to construct an accessory building that is 3,240 square feet where 2,500 is allowed.

The Board of Appeals granted a size and height variance for this proposed structure in July of this year, at which point the proposed structure was 2,704 square feet in area and 26 feet in height. Since then, Mr. VanWyk has acquired additional equipment and is requesting permission for square footage above what had previously been approved. The minutes for that meeting are included in your packet; this was Hearing #4.





Figure 1. Figure 2.

Zoning Board of Appeals Considerations

Although a similar application was reviewed by the Zoning Board of Appeals a few months ago, the square footage ratio to the maximum permitted by the zoning code is substantially different in this proposal. There isn't an allowance for an amendment to a variance in the Code of Ordinances, so this should be considered as a new application. If the ZBA chooses to deny this variance the approval from July would still stand; if you choose to approve, this approval would supersede the prior approval.

Standards for Review

According to Sec. 38-491 of the Park Township Code of Ordinances, there are five standards to be met:

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

<u>Applicant comments</u>: Lot size is 330 x 660. Proposed building size is 3240 sq ft which is 1.4% of total lot square footage.

<u>Staff comments</u>: Because areas within the right-of-way are not included in lot size calculations, we measure the lot as 330 x 630, and reach a slightly different lot size percentage for this proposal at 1.6%. If the Board of Appeals agrees, this standard may be met.

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;

<u>Applicant comments</u>: Principal building on the site is a large home with 3-stall garage. Accessory building will be lower than height of the house.

<u>Staff comments</u>: According to Township assessing records, the square footage of the existing home is 1,936 square feet, with a 1,260 square foot attached garage. Total square footage of the combined structure is 3,196 square feet. A 3,240 square foot accessory building is larger than the combined structure, and creates a total of 4,500 square feet of garage and accessory storage space. If the Board of Appeals agrees, this standard may not be met.

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

<u>Applicant comments</u>: Building site is 225' from road and 100' from west property line. Neighbor house to the west is 100' from property line. East neighbor will have my house between building and their home. See attached overhead pic (Ottawa County GIS Mapping). [Note: this is included in the application package received from applicant located later in your packet.] Pole barn will be behind current principal building and to the west.

<u>Staff comments</u>: Staff concurs that the building site is a reasonable distance both from structures on neighboring parcels and from the main residential structure on the property. If the Board of Appeals agrees, this standard may be met.

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

<u>Applicant comments</u>: There will be no effect of light or air circulation on the adjoining property when building is complete. Neighbor buildings are too far away for any adverse effect.

<u>Staff comments</u>: The building site is distant enough from adjoining properties that it wouldn't be expected to affect either light or air circulation. If the Board of Appeals agrees, this standard may be met.

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

<u>Applicant comments</u>: There are mature trees surrounding the building site. There is a natural berm that rises 6' and beyond to the west. In addition I have planted 100+ trees for future visible barrier. See Building Site Picture pointing west. [Again included in application materials below.]

<u>Staff comments</u>: This is a large structure but won't affect lake views or similar scenic vistas. If the Board of Appeals agrees, this standard may be met.

Additional staff comments and recommendation

When the Planning Commission created the ordinance to regulate the size of accessory buildings, they both indicated that the accessory building should be proportional to the size of the parcel (the 2% rule) and that they wanted to see an upper boundary to the size of accessory buildings on non-agricultural sites (the 2,500 square foot maximum rule). At the same time, the standards clearly show that exceptions which are unlikely to affect surrounding property owners may be acceptable.

One of the issues we tend to see with oversized accessory buildings is that over time they trend toward business storage, landscaping or repair, or other commercial uses that are then quietly (or not-so-quietly) located in residential districts.

The size of the accessory building requested in this application is just over the edge of what I'm comfortable with; additionally, it's fairly large in relation to the living space of the residential structure. The Board of Appeals might ask if a smaller variance than requested would serve the applicant's purposes; if not, a denial may be appropriate.

HEARING #2

A request by James Cook to permit a side setback of 4.5 feet where 10 feet is required per Sec. 38-276 of the Park Township Code of Ordinances. Said lands and premises are located at 1424 Waukazoo Dr. (parcel #70-15-26-387-023), zoned R-3, Single-Family Residential District.

Applicable Ordinance Section:

Sec. 38-276 Area regulations. R-3, Single-Family Residential 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.

Background

The subject property fronts on Lake Macatawa in Waukazoo Woods, located on the southwest side of the peninsula just east of Dyken Ave. The figures below show aerial views of the parcel in neighborhood context and closer up, with the latter including building outlines.





Figure 3.

Figure 4.

Zoning Board of Appeals Considerations

The applicant is requesting permission to add a living room to the rear of their home where it approaches an angled side lot line. The only applicable ordinance section is 38-273 above, requiring a 10-foot side setback in the R-3 zoning district.

Sections on a rear yard abutting a body of water and rear yard averaging are not applicable in this case.

Standards for Review

According to Sec. 38-70 of the Park Township Code of Ordinances, Zoning Board of Appeals has the authority to grant variances where there are practical difficulties or an unnecessary hardship in the way of carrying out the strict letter of this chapter. For a non-use variance there are four standards to be met.

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;

Applicant comments: The impetus for us building a living room addition off the back of our house is that we would ultimately be looking to convert our current living room into a first floor bedroom. My wife has had rheumatoid arthritis for many years and while she is currently very mobile she does live with daily joint issues. Thus we are looking to the future where she may have much more difficulty with her joints and stairs would be a daily problem. The back west corner of our hosue where we are looking to put the addition is 10 feet off our neighbor's property. However, the property line runs on a diagonal from this point and our property narrows and thus any size addition will be closer than the required 10-foot setback. Since our property is a long diamond shape lot with the widest parts being where our house corners are currently an addition off the front west corner would cause the same issue. Due to the configuration of our house an addition off the east side of our house is not viable.

Staff comments: The front of the parcel is a standard rectangular shape that narrows and becomes irregular to the rear of the existing home. Although there may be architectural challenges that aren't obvious from a site plan view, staff doesn't see that the lot shape poses a problem at the front of the house. Based on measurements from the survey submitted by the applicant it appears that the existing structure could be extended to the rear (west) around 10-12 feet before the point where the lot line draws in and the lot begins to narrow. Other design options, such as stepping back or angling the exterior wall, could preserve the setback while allowing the space the applicant is looking for. If the Board of Appeals agrees, this standard may not be met.

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:

<u>Applicant comments</u>: As noted, the addition will ultimately provide us the ability to have a first-floor bedroom... [I]t should be noted the addition is in the wooded area between our two properties. The closest part of the proposed addition will still be more than 100 feet from their house.

Staff comments: Staff acknowledges the importance of retrofitting homes for accessibility and planning for decreased mobility. The needs of an individual property-owner, however, also need to be balanced with the rights and expectations of neighboring property-owners. Although the neighboring home isn't especially close to this structure, the proposed addition would bring the structure less than 5 feet from the neighboring property line. Our understanding is that this neighboring property has recently sold, so the new owners may not be in a position to offer an opinion on their new neighbors' project. Staff suggests that the Board of Appeals consider exploring whether a lesser relaxation may be adequate to meet the needs both of the owners and neighboring property owners. As it is, this standard may not be met.

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 wetland) and not due to general conditions of the zoning district; and

<u>Applicant comments</u>: As noted above, our property is a long diamond-shape lot and the current size of our house uses the widest part of our lot. Thus, additions off the corners of our house either would impinge on the 10-foot setback requirement or, due to the layout of the house, be unrealistic to build.

<u>Staff comments</u>: The rear of the property begins to narrow about ten feet behind the home. If this were a rectangular lot there may be additional room for expansion of the home. If the Board of Appeals agrees, this standard may be met.

That the practical difficulties alleged are not self-created.

<u>Applicant comments</u>: If we did no addition then certainly this variance request would not be needed. We have tried to come up with the best solution to meeting our long-term desire to remain n this home.

<u>Staff comments</u>: The primary challenge here is where the house intersects with an irregular side lot line. If the Board of Appeals agrees, this standard may be met.

Additional staff comments and recommendation

Although the side lot line does pose a design challenge, it doesn't seem insurmountable. Moreover, drawing so near to the neighboring lot line has the potential to crowd the neighboring landowner in a way they may not have anticipated when they purchased the property. Staff suggests discussing the possibility of a lesser relaxation, but for the aforementioned reasons recommends denial.

Pole Barn Project

Thomas Van Wyk

16631 Greenly

Zoning Variance request

 Building Size Requesting a variance on allowed square footage to accommodate a 40x60 foot building, 2400 square feet and a 14x60 covered porch, 840 square feet, totaling 3240 square feet overall. This is an increase of 536 square feet over the previous zoning approval of 2704 square feet back in July.

Since July I have acquired equipment and will need the additional square footage. Basically, I'm asking to add eight feet to the back of the building.

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-10-100-043	DATE FILED 8-15-22				
PROPERTY ADDRESS 16631 Gree	nly Street				
NAME OF APPLICANT Lomas Van Wy	L PHONE NO. <u>6 (6 -437- (23</u> 3				
OWNER AS PER TAX RECORD	Lee Van Wyk Trust				
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.) A	lso fill out the Dimensional supplement attached.				
Interpretation of Zoning Ordinance. Attach a separa	ate 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 hardsh	ips of complying with the Park Township Zoning				
Ordinance?					
Need a 40 x 60 bu. size notorhome & equip	lding to park full				
size notorhome & equis	ment				
\mathcal{V}					
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 no Further, I agree to comply with the conditions and regulations provided with may be issued is with the understanding all other applicable sections of the I will be complied with. Further, I agree to notify the Park Township Build permission for officials of Park Township, the County of Ottawa and the Stat for purposes of inspection. Finally, I understand this is a Zoning Board of rights, and does not include any representation or conveyance of rights in any	any variance that may be issued. Further, I agree the variance that Park Township Zoning Ordinance, and Michigan Construction Code ling Dept. for inspections when required. Further, I agree to give e of Michigan to enter the property subject to this permit application Appeals application, and any variance issued conveys only land use				
, trans law Wile	8-15-22				
Signature of Property Owner	Date				
thema tom Duyle	8-15-22				
Signature of Applicant	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:
Lot size is 330x660. Troposed Duilois
above: Lot size is 330×660. Proposed Buildi. size is 3240sq ft which is 1.4% of total
lot square ostage
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 here the approach size of the approach; building is not expecsive in volction to the size of the
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:
principal building as described in Standard #2 above.
Trinciple levilating on the sight is a large home with
THE TOTAL PROPERTY OF THE PARTY
a 3 stall garage.
Accessory Building will be lower than height of
the house
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;
the principal building on the lot,

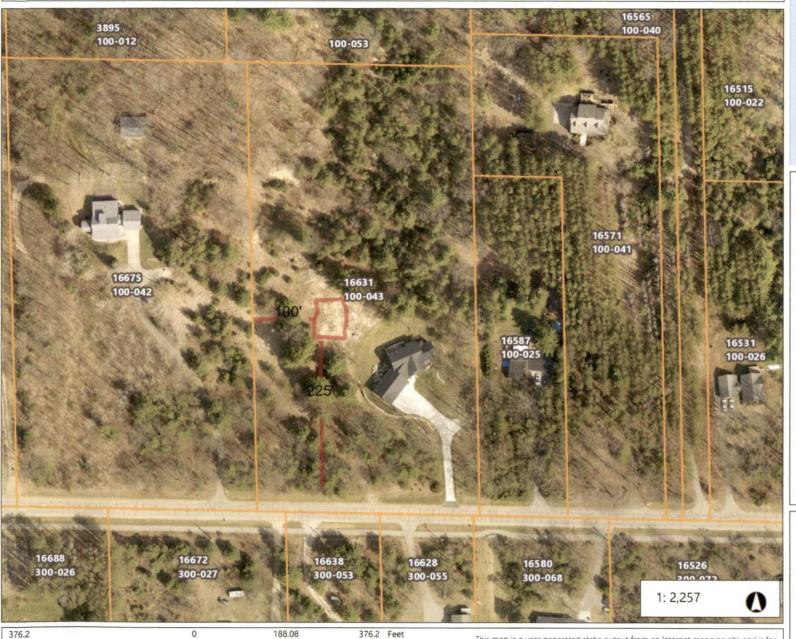
Describe how the proposed building will fit into the area as described in Standard #3 above:
Building site is 225' from road & 100' from west
proper to line. Neighbor house to west is 100' from
property line. East Heighbor will have my house between
building and their home.
Sec attached overhead p.c. Cottawa County GIS Mapping
Pole been will be behind current principle building and
to the was t.
4) Whether or not the accessory building will affect light and air circulation of any adjoining property; and
4) Whether of not the accessory building will affect light and all circulation of any automing property, and
Describe the effect or lack of effect of light and air circulation of any adjoining property.
() (() () () () () () () () (
there will be no affect of light or air
circulation on the adjoining property when building is
complete. Meiglebor buildings are too per away for
anyadverse affect!
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.
A
tere are mature trees surrouding the building ite
tereis a natural byon that +ises (6' and beyond
to the west To abbition & have planted 100 + frees
See Building Site Picture Pointing west.
See Brilding Site Picture Pointing west.

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	, FO O O O D T X		Service Door Ou	thomas Yan W, K 031 Greenly 10 10 10 437-1233
South	0 0			e 616-437-1233 yT-xID# 70-15-10-100-043
				7.2e 330 × 660 = 4 994 Acres
Green Stre 225	ET I	Covered Porch		der BEEBuilders Hamilton, MI
		260'		
		East	APU Development, Inc. 881 Interchange Dr. Holland, MI 49423 Ph: (616) 396-6806 Fax: (616) 396-6837	JOB





Property Mapping Printout



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Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate,

current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS_1984_Web_Mercator_Auxiliary_Sphere © Latitude Geographics Group Ltd.

MINUTES

PARK TOWNSHIP ZONING BOARD OF APPEALS

July 11, 2022 6:30 pm

CALL TO ORDER:

Chair Doug Dreyer called the meeting of the Park Township Zoning Board of Appeals to order at 6:30 pm, held at the Park Township Office, 52 152nd Ave., Holland, MI 49424 in person and via ZOOM (meeting ID 84053633206)

ATTENDANCE:

Present: Doug Dreyer, Kathy Grimm, Loran Serne, Dennis Eade, Dave Fleece

APPROVAL OF AGENDA:

Mr. Eade moved, supported by Mr. Fleece, to approve the agenda as presented.

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

APPROVAL OF MINUTES:

Ms. Grimm moved, supported by Mr. Serne, to approve the minutes as amended.

<u>Voice Vote:</u> Ayes 5, Nays 0. Motion carried.

HEARING 1

A request by Steve Hamberg for an interpretation of Sec. 38-518 of the zoning code to permit removal of unsound trees in a tree preservation area. Said lands and premises are located at 351 N. 160th Ave., Parcel #70-15-23-100-020, zoned R-3 Single Family Residence District.

Mrs. Weiss introduced the application. Mr. Hamberg approached the podium and addressed the Board. This is in reference to dying sassafras trees near the road. He said they are a threat to his property and the safety of the community.

Ms. Grimm asked if there was an opportunity to plant new trees in place of the current trees. Mr. Hamberg said he would consider it, but something smaller. He also stated he needs to get rid of all the sassafras shoots from the ground.

Chair Dreyer voiced against planting new trees, due to the site hazard of the bicycle path. He suggested some smaller trees or bushes in place.

PUBLIC HEARING

Chair Dreyer opened the public hearing (6:36 pm)

None spoke at the public hearing. There was no public correspondence.

Chair Dreyer closed the public hearing (6:36 pm)

Mr. Fleece moved, supported by Mr. Eade, to approve the request and confirm that the standards for Section 38-513 (1), (2), and (4) are met.

(1) That strict compliance with this section would render conformity with those restrictions unnecessarily burdensome.

Strict compliance would require the property owner to retain trees are tall enough to pose a danger to a nearby structure and power lines, and which an arborist has determined are in poor enough health to be of concern. The standard has been met.

(2) That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district.

The plight of the applicant is unique in that it encompasses a situation not addressed by the governing ordinance. The standard has been met.

(4) The location of buildings on adjoining properties.

The nearby residence is around 40' from the tree, and close enough to be at risk if this tree were to fall. The standard has been met.

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

HEARING 2

A request by James Cook to permit a side setback on a corner lot of 25 feet where 40 feet are required, per Sec. 38-276 and Sec. 38-496 of the Park Township Code of Ordinances. Said lands and premises are located at 14665 James St., Parcel #70-15-13-461-031, zoned R-3 Single Family Residence District.

Mrs. Weiss introduced the application. Mr. Cook approached the podium and addressed the Board. Mr. Cook spoke on behalf of Mr. and Mrs. Yonker. The house was destroyed in a fire.

Mr. Fleece asked if the front yard setback would be affected. Mrs. Weiss said it would not.

PUBLIC HEARING

Chair Dreyer opened the public hearing (6:42 pm)

None spoke at the public hearing. There was no public correspondence.

Chair Dreyer closed the public hearing (6:42 pm)

Mr. Eade moved, supported by Mr. Fleece, to approve the request and confirm that the standards for Section 38-276 and 38-496 (a), (b), (c), and (d) are met.

a. That strict compliance with the zoning ordinance regulating the minimum area, yard set backs, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

The outdated shape of the existing parcel, combined with its location on a corner lot that requires front yard setbacks, significantly reduces the buildable area of the lot. Under the circumstances, requiring the homeowners to maintain an older building envelope seems unnecessarily burdensome. The standard is met.

b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met.

This would have very little effect on other property owners in the zoning district, but would do substantial justice to the applicant. The standard is met.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.

The shape of this lot combined with its location on the corner makes this a uniquely difficult lot on which to fit a house. The standard is met.

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

The issue is before the Zoning Board of Appeals because a house fire destroyed the original property, a significant practical difficulty that was not self-created. The standard is met.

<u>Voice Vote</u>: Ayes 5, Nays 0. Motion carried.

HEARING 3

A request by Kurt Drooger to permit a front yard setback of 19 feet where 27 feet is required per Sec. 38-494 of the Park Township Code of Ordinances. Said lands and premises are located at 691 Saunders Ave., Parcel #70-15-34-452-027, zoned R-3 Single Family Residence District.

Mrs. Weiss introduced the application and the nuances of the application.

Mr. Drooger approached the podium and addressed the Board. The applicant stated he is doing a remodel. He wants to construct a front porch.

PUBLIC HEARING

Chair Dreyer opened the public hearing (6:51 pm)

None spoke at the public hearing, although staff received correspondence from a neighbor in support of the request via email.

Chair Dreyer closed the public hearing (6:51 pm)

Mr. Fleece moved, supported by Mr. Eade, to approve the request and confirm that the standards for Section 38-70 (1), (2), (3) and (4) are met.

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

One question to consider in this standard is what constitutes an unnecessary burden. Does the burden created by strict adherence to the ordinance outweigh the benefit achieved? Given that other homes on the block have main structure setbacks similar to what the applicant is requesting for an open porch, there is an argument that the benefit to either the applicant or the neighborhood in adhering strictly to this standard is somewhat limited. The standard can be met.

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.

It would be reasonable for the Board of Appeals to explore whether a lesser relaxation than applied for would give substantial relief to the owner; however, given that there are other near neighbors with a front yard setback equal to what is being requested, it's difficult to argue that this would be an injustice to others in the neighborhood. The standard is met.

3) Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

Because all homes in this neighborhood have both lot sizes and setbacks that do not conform to their zoning district, this is not related to general conditions of the zoning district. The standard is met.

4) Whether the problem is self-created.

This is due to lot size and existing setbacks rather than any previous addition or other action of the homeowner. The standard is met.

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

HEARING 4

A request by Thomas VanWyk to permit an accessory building that is 2704 sq. ft. where 2500 sq. ft. is allowed, and that is 26 feet tall where 24 feet is allowed, per Sec. 38-491 of the Park Township Code of Ordinances. Said lands and premises are located at 16631 Greenly St., Parcel #70-15-10-100-043, zoned R-1 Rural Estates Residence District.

Mrs. Weiss introduced the nuances of the application. Mr. VanWyk approached the podium and addressed the Board.

PUBLIC HEARING

Chair Dreyer opened the public hearing (7:08 pm)

None spoke at the public hearing. There was no public correspondence.

Chair Dreyer closed the public hearing (7:08 pm)

Mr. Eade moved, supported by Mr. Serne, to approve the request and confirm that the following five standards are met.

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.

Staff came to a slightly different percentage calculation because our standards exclude right-of-way from lot size. The building is, however, well under 2% of the lot size. The standard is met.

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.

Both the home and the parcel size are relatively large and reasonably well proportioned to the proposed structure. The standard is met.

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.

The building is sited on the interior of a large lot and none of the neighboring homes are constructed near property lines. The standard is met.

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

As noted above, the siting of this proposed structure is far enough away from other structures and properties that light and air circulation will not be affected. The standard is met.

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

There are no lake views or similar that will be affected by this structure, and the variance requested is small enough that any change in view experienced by the neighbors would be similar to what was permitted by right. The standard is met.

<u>Voice Vote</u>: Ayes 5, Nays 0. Motion carried.

PUBLIC COMMENT:

Mr. Dreyer opened the public comment period (7:11 pm)

Erin Busscher – 413 Big Bay Drive – asked about what is going on with the accessory building on Big Bay Drive. She wants an update. She states there was never a hearing. She wants to know why it was not put in front of the Zoning Board of Appeals.

Chair Dreyer states it was approved administratively. He stated that it never came before the ZBA. He suggested that she speak with someone from the Board of Trustees.

Mr. Dreyer closed the public comment period (7:15 pm)

NEXT MEETING:

Monday, August 1, 2022, 6:30pm

ADJOURNMENT:

Mr. Serne moved, supported by Mr. Fleece, to adjourn.

<u>Voice Vote</u>: Ayes 5, Nays 0 Motion carried

Meeting adjourned at 7:16 pm

Respectfully submitted,

Eric Dykstra Recording Secretary July 17, 2022

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-26 -387-023	DATE FILED	
PROPERTY ADDRESS 1424 Was Kaz	OD DR	
NAME OF APPLICANT JAMES COOK	PHONE NO. 616	-836-5509
Email Address jacook loldrs o yah	onicom	
OWNER AS PER TAX RECORD Keith Vo		
Application is hereby made to the Zoning Board of Ap Ordinance. The variance being applied for		
Describe the nature of the request:		Application of the second seco
Dimensional variance (size, setback, height, etc.)	Also fill out the Dimension	al supplement attached.
Interpretation of Zoning Ordinance. Attach a sepa	rate sheet explaining the int	erpretation you are
seeking.		
Appeal of a Decision of the Zoning Administrator.	Attach a separate sheet ex	plaining the reason
why you feel the decision was in error.		
Use variance. Note: The Use Variance Supplement	nt is a separate form.	
Authorization to Build on Nonconforming Lot, Authorise Setback Exception. Note: Use the proper supplement to What are the practical difficulties or unnecessary hards	zation for Lesser Rear Yard form for each of the precedi	on Lake Macatawa, or ng.
Ordinance?		
The existing frame does not have	e a main floor	Bedroom and
The existing frame does not have due to a health condition	a main floor	Bedroom is
required.		
Eight (8) copies of the appeal with supportive document plan, proposed location) to be supplied with request. AFFIDAVIT: I agree the statements made above are true, and if found not further, I agree to comply with the conditions and regulations provided with may be issued is with the understanding all other applicable sections of the	ot to be true, this application and su h any variance that may be issued. F	bsequent decision may be void.
will be complied with. Further, I agree to notify the Park Township Buil permission for officials of Park Township, the County of Ottawa and the Sta for purposes of inspection. Finally, I understand this is a Zoning Board of rights and does not include any representation or conveyance of rights in any	ding Dept. for inspections when req te of Michigan to enter the property s Appeals application, and any variance	uired. Further, I agree to give subject to this permit application se issued conveys only land use
Signature of Property Owner	Date	
James A. Cook	8/22/22	
Signature of Applicant	Date	MANAGE WAS CONTRACTED TO STATE OF THE STATE

Non-use Dimensional Variance Form

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your dimensional variance request 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.

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

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

The impetus for us building a living room addition off the back of our house is that we would ultimately be looking to convert our current living room into a first floor bedroom. My wife has had rheumatoid arthritis for many years and while she is currently very mobile she does live with daily joint issues. Thus we are looking to the future where she may have much more difficulty with her joints and stairs would be a daily problem. The back west corner of our house where we are looking to put the addition is 10 feet off our neighbor's property. However, the property line runs on a diagonal from this point and our property narrows and thus any size addition will be closer than the required 10-foot setback. Since our property is a long diamond shape lot with the widest parts being where our house corners are currently an addition off the front west corner would cause the same issue. Due to the configuration of our house an addition off the east side off our house is not viable.

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 without doing injustice to the neighbors as described in Standard #2 above:

As noted, the addition will ultimately provide us the ability to have a first floor bedroom.

As for our next door neighbor where the setback variance is being requested, when we first started thinking about this project we spoke with them and discussed the addition and they had no objections to the project. Thus we hired an architect and proceeded with drawing up the project. At the time we were not aware that the project did not have the appropriate setback. However, it should be noted the addition is in the wooded area between our two properties. The closet part of the proposed addition will still be more than 100 feet from their house.

(Note: our neighbors who we originally spoke with have in the meantime moved. We have briefly discussed with the current owners our project.)

3) Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

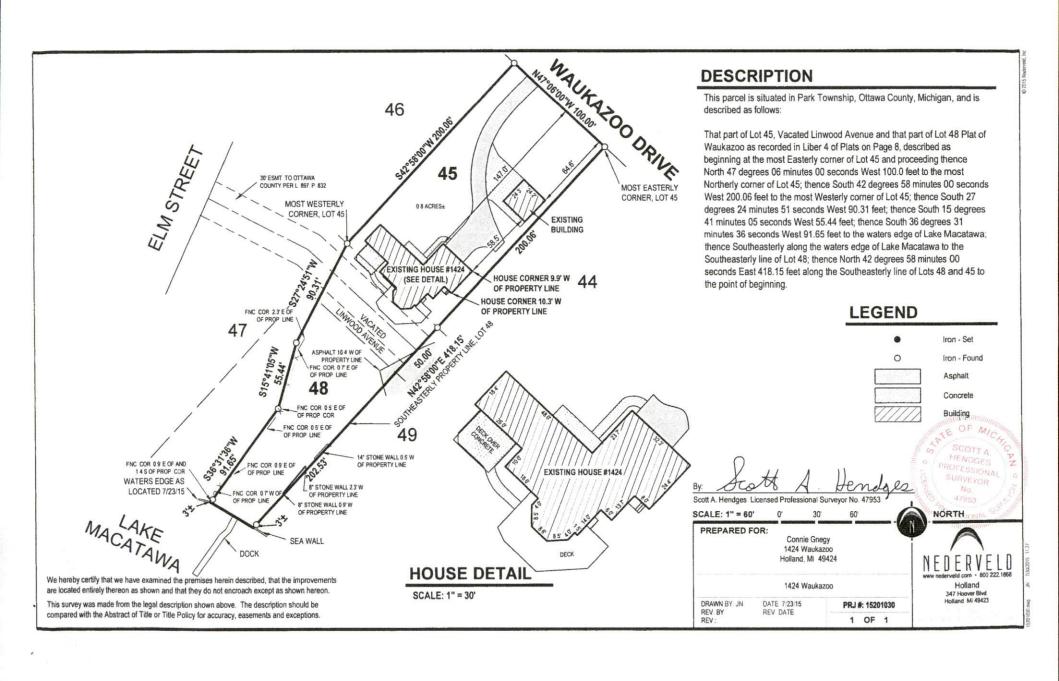
Describe what is unique about your property that warrants a variance as described in Standard #3 above:

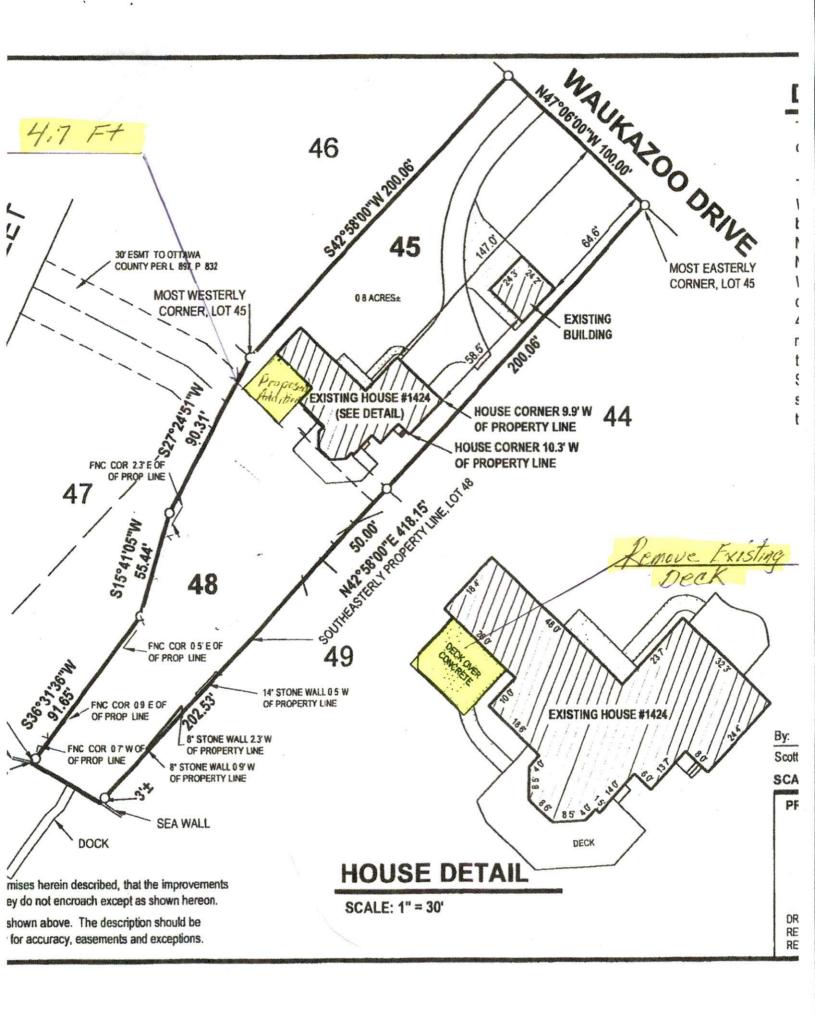
As noted above, our property is a long diamond shape lot and the current size of our house uses the widest part of our lot. Thus, additions off the corners of our house either would imping on the 10-foot setback requirement or, due to the layout of the house, be unrealistic to build.

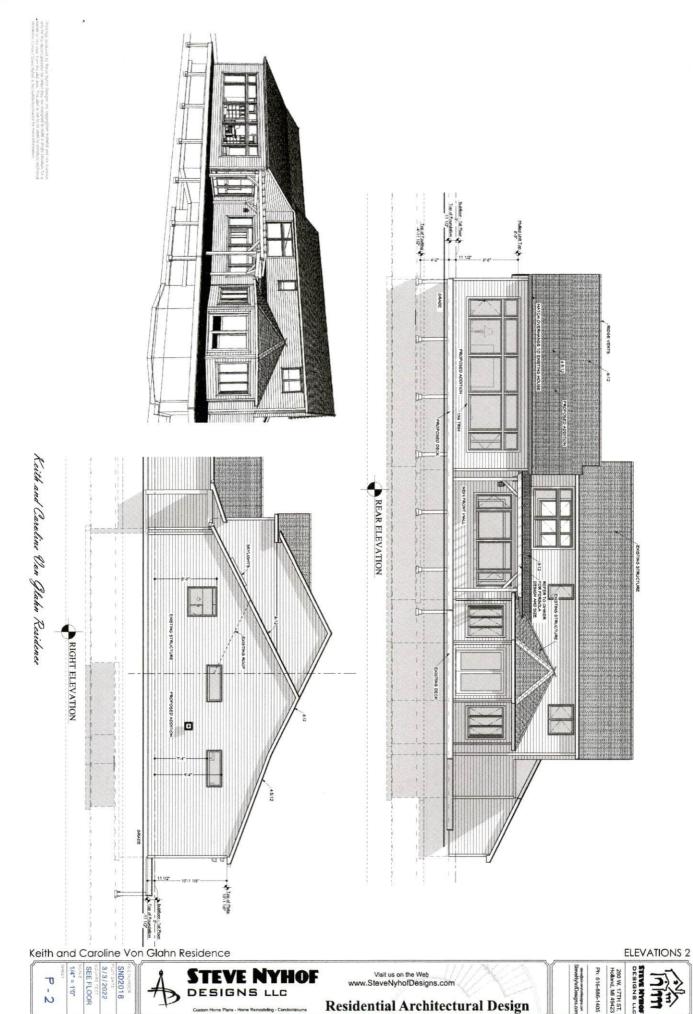
4) Whether the problem is self-created.

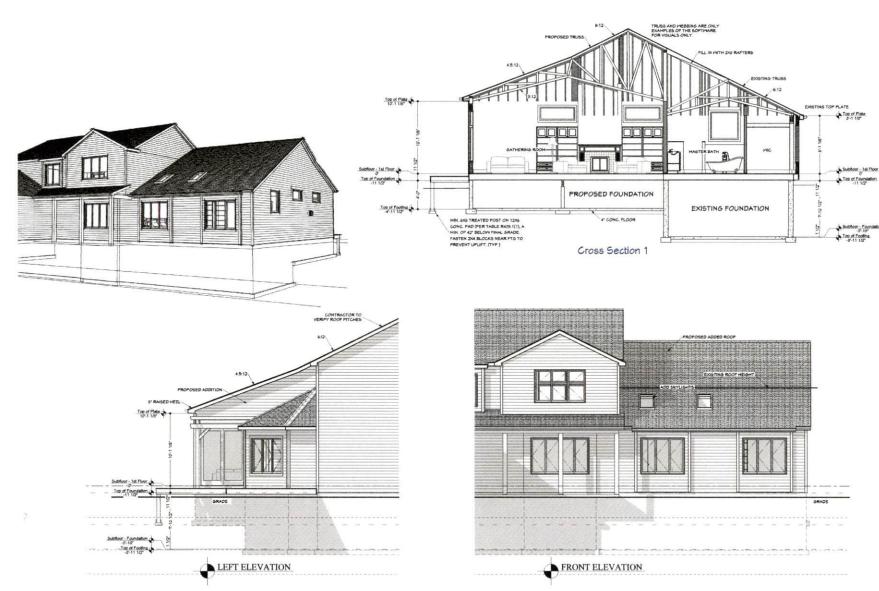
Describe why this problem should not be considered as self-created:

If we did no addition than certainly this variance request would not be needed. We have tried to come up with the best solution to meeting our long-term desire to remain in this home.









STEVE NYHOF

Visit us on the Web www.SteveNyhofDesigns.com

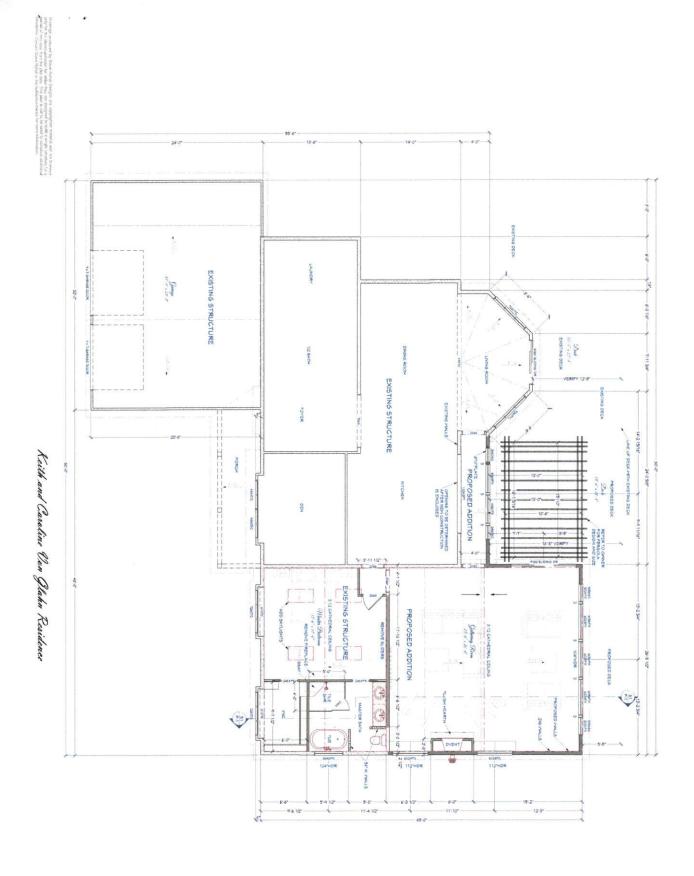
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Ph: 616-886-1405 steveRythofDesigns.com

SND2018 3/3/2022 SEE FLOOR

Caroline Von Glahn Residence

Keith and Keith and Caroline Van Glahn Residence



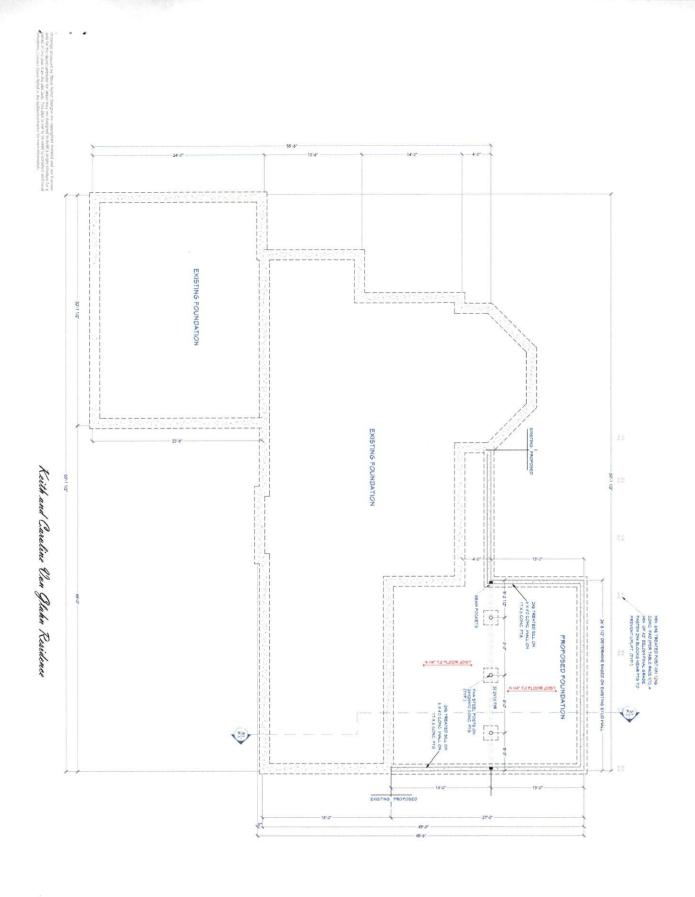
Keith and Caroline Von Glahn Residence

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Keith and Caroline Von Glahn Residence

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LOWER LEVEL