

PROPOSED MINUTES
LAKETOWN TOWNSHIP
ZONING BOARD OF APPEALS
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 3353050

April 27, 2009

ARTICLE I. CALL TO ORDER

Herb Johnson called the regular monthly Zoning Board of Appeals meeting to order at 7:00 P.M. Mr. Johnson introduced the members of the board and staff to the audience.

MEMBERS PRESENT: Herb Johnson, David Weishaar, Bob Scanlan, Bob Slikkers,
Steve Brunink, Carl Blauwkamp

MEMBERS ABSENT: Glenn Vos

STAFF PRESENT: Al Meshkin – Township Manager
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Zoning Board of Appeals members reviewed the minutes of the February 23, 2009 meeting. Following discussion, **a motion was made by Dave Weishaar and seconded by Steve Brunink to approve the minutes as submitted. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE IV. NEW BUSINESS

A. NYKERK VARIANCE REQUEST

Mr. Todd Nykerk, owner or agent of property located at 2372 Belmont Way, that being tax parcel #0311-340-325-00, requests a variance from section 7.04(a) and 7.04(b) of the Zoning Ordinance. Section 7.04(a) requires 40' front yard setback. Section 7.04(b) requires a 10' side yard setback.

Mr. Nykerk would like to enlarge the existing structure by adding two lower levels. The building would not meet the required minimum front and rear setbacks. The applicant expects to have a Critical Dune permit in hand by the meeting date.

Mr. Nykerk was granted a variance on this property on February 23, 2009, but has now changed his plans. The revised plan would add an addition over the current footprint of the house and a deck to the west.

Bob Slikkers clarified that the new deck is the only piece of the structure outside of the current footprint. Mr. Nykerk confirmed that it is. David Weishaar reviewed the previously approved plan. The new plan does not move the house at all and will remain as is with the current footprint. Chairman Herb Johnson stated the current footprint does not conform with the ordinance as it is too close to the road. The side yard setbacks are not an issue this evening. David Weishaar asked if the porch on the front of the home could be reduced. Mr. Nykerk explained to reduce the porch would complicate the stairway entry to the cottage.

Secretary Bob Slikkers read onto record a letter of opposition received from Molly Klucznik and three other heirs to the Mary Cleary Fleener Estate.

Chairman Herb Johnson opened for public hearing. No public comment.

Chairman Herb John closed the public hearing.

Herb Johnson reiterated that the variance would be within the required 40' front yard setback. Accessibility for emergency response vehicles and general public safety should be taken into consideration when considering this request. Bob Slikkers stated that there is a hardship on the part of the applicant and the Board. It would be difficult to incorporate an entrance on the side of the structure. The Board's hardship is to uphold the ordinance and keep the residents' best interest relative to safety in the area. David Weishaar asked if the porch was removed and placement of steps only, would that suffice?

Following discussion, **a motion was made by Bob Slikkers and seconded by Carl Blauwkamp to approve the request for variance per the application for a second story addition and a deck to the west. Vote 2 yea, 3 nay – MOTION FAILED – REQUEST DENIED**

B. MOLENGRAFF VARIANCE REQUEST

Mr. Gary Molengraff, owner or agent of property located at 6113 138th Street, that being tax parcel

#0311-025-019-00, requests variances from sections 6.04 (d) and 14.09 (a) and (d) of the Zoning Ordinance. Mr. Molengraff would like to divide his property into five parcels.

Section 6.04(d) requires a minimum 200' frontage on a publicly maintained road. Two of the parcels created would have frontage on 61st Street. 61st Street is classified as a seasonal street by the Allegan County Road Commission, and as such is not publicly maintained. The two parcels created on 61st Street will meet or exceed minimum width and area requirements.

Section 14.09(a) and (d) concern accessory buildings. One of the new parcels created would have an existing barn on the parcel, but no principal building. Section 14.09(a) requires a principal building. Section 14.09(d) requires an accessory building to have a minimum side yard setback equal to the height of the accessory building. This existing barn would not meet that minimum side yard setback.

Mr. Gary Molengraff explained the application as proposed was written after a very lengthy conversation with Township Manager Al Meshkin based on what might be allowed per a variance. It is not what he feels to be the best use of the property. He would prefer not to separate the barn from the home, but rather create a lot of less than 200' width west of the barn.

Chairman Herb Johnson asked for clarification of the lot sizes and locations. David Weishaar suggested subdivide into four lots and eliminate the issue of the barn. Bob Slikkers asked what the reason is for five versus four lots. Mr. Molengraff responded it is for financial reasons.

Al Meshkin stated that the seasonal road situation is somewhat unusual. Carl Blauwkamp stated that if someone had a permanent residence, would it have to be maintained by the Allegan County Road Commission? Al Meshkin stated the ACRC may change the status of the road if there were homes constructed on the road.

Chairman Herb Johnson opened for public hearing. No public comment.

Chairman Herb Johnson closed the public hearing.

Following discussion, **a motion was made by Bob Slikkers and seconded by Steve Brunink to table the request until the applicant can further research alternate options. UNANIMOUS DECISION-MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. BUDDEN-BRONSINK VARIANCE

Ms. Budden- Bronsink, owner or agent of property located at 4529 Amphitheater Drive, that being tax parcel #0311-380-013-16, requests variances from sections 7.04(a), (b) and (c) of the Zoning Ordinance. These sections require a minimum 40' front, 10' side, and 40' rear setback. Ms. Budden-Bronsink requests permission to raze the existing home on this property and construct a new home that would not meet these minimum required setbacks. This property is not in the Critical Dune Area.

Al Meshkin provided a background on the previously approved variance in June of 2007. Al has received numerous complaints about how close the home is to the front of the property. The complaints prompted a closer review of the project and brought into question the proposed steps on the front of the home. Al doesn't believe the ZBA approved steps on the front of the home when they approved the variance in 2007.

Gordon Cunningham represented Ms. Julianne Budden-Bronsink. He reviewed his concerns about the need for variance review. Mr. Cunningham reviewed the details of the 2007 meeting at which time there was a detailed rendition of the proposed structure including the steps. Mr. Cunningham does not feel it is proper to discuss and rehash the previous approval as proper advice to the public has not been given.

Ms. Budden-Bronsink provided a document of further detail to the Board. Carl Blauwkamp and David Weishaar do not recall receiving the architect's rendering of the initially submitted plan in 2007. Neither of them recalls having a detailed discussion concerning the steps. Al Meshkin stated that the steps were not indicated on the drawings submitted for the variance request in 2007. The steps were indicated and approved on the construction plans submitted to the Township Building Inspector. Al acknowledges the fact that he did not review the construction plan in detail as that is the responsibility of the Building Inspector. The original footprint according to the application submitted was approved at the 2007 meeting. Bob Slikkers noted that based on reviewing the minutes of that meeting there was discussion of the steps. Carl Blauwkamp can understand that based on these minutes, it is reasonable to think the steps were not an issue and the plan was approved.

Al Meshkin did discuss this with the Ron Bultje, the Township Attorney. Al suggests a new variance hearing to consider the steps. This will require noticing the neighbors within 300 feet.

Ed Kisscorni stated that the building project went through with the understanding that the plan was approved. The house is essentially complete and should be ready for final inspection within 30 days.

Steve Brunink does not feel that it is fair to ask that the applicant change their building plan for the steps at this point.

Al Meshkin stated that there were a number of variations of the steps on the plans submitted. Mr. Kisscorni stated that he was never told that the steps are part of the structure. He was told that the submittal to the Zoning Board of Appeals only required an architect's rendering and not the specific construction plan. Mr. Kisscorni explained that the steps could not be moved due to the placement of the utilities.

Al Meshkin asked for the details of the current step plan. Carl Blauwkamp explained that the steps have to be 7 inches in the rise and 11 inches in run to comply with construction code.

Al Meshkin suggested the client submit an application for variance for a new plan for the steps. A public hearing would be scheduled for late May. The Building Inspector approved the plan and would be stamped with the approval subject to the State of Michigan requirements. Al Meshkin stated that the plans that he received do not specifically detail the steps.

Al Meshkin explained that a request for variance must be submitted with detailed drawings of the proposed steps. A palatable option would be one step down to the landing and a right turn to the north with the remainder of the steps.

ARTICLE V. CITIZENS COMMENTS - None

ARTICLE VI. ADJOURNMENT

Herb Johnson adjourned the meeting at 9:02 P.M.