

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

September 2, 2009

ARTICLE I. CALL TO ORDER

Chairman Bob Cook called the Planning Commission meeting to order at 7:00 P.M.

MEMBERS PRESENT: Bob Cook, Ed Stielstra, Linda Howell, Al Dogger, Bob Slikkers

MEMBERS ABSENT: None

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

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the August 5, 2009 meeting. Following discussion, **a motion was made by Al Dogger and seconded by Bob Slikkers to approve the minutes with the correction noted. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. ZONING ORDINANCE DISCUSSION

Chairman Cook stated that the Commission agreed to review the proposed ordinance in a more general perspective with workable guidelines for the highway commercial area. He recommended doing a package of ordinances to address the more top level concerns. Bob asked that the

suggestions be submitted to Al Meshkin via email for compilation to be reviewed at a future meeting. Ed Stielstra commented that the detailed information would be used as a reference for guidelines. Ron Bultje recommended that the specifics be used as a basis for the guidelines and not just suggestions. Bob Cook suggested leaving as much flexibility as possible. Al Meshkin said why have guidelines if they are not part of the ordinance or law. Bob Slikkers said if it isn't according to the guidelines the Commission could deny it. Al disagreed because it isn't in the law or ordinance. Ron has a concern with "encouraging" things that are not stated as an ordinance. If the request is in compliance with all requirements, it will be difficult to deny it. Al suggested the ordinance reference the guidelines implying the request must substantially comply. Ron said a cleaner approach would be to state compliance with more specific guidelines and the Planning Commission can relax the standards based on administrative discretionary allowance. Whatever discretion the Planning Commission wants to reserve to itself, should be written in right now. The current special use ordinance has four very subjective standards. Ron said this is not the preferred way to do it. Bob Cook has an issue with stipulating too specific of requirements. The McKenna proposal was extreme in requirements. Ron said if the ordinance references the compliance of the guidelines it would allow for Commission discretion. Ron recommended allowance for flexibility in stating that the ordinance references the guidelines unless the requester provides an equivalent or better plan.

ARTICLE IV. NEW BUSINESS

A. MEISTE SPECIAL USE REQUEST

Mr. and Mrs. Tim Meiste, agents and owners of property located at 4584 Jack Pine Drive, also known as Parcel #0311-225-008-00 requests a special use permit to construct an oversized accessory building on this property.

Mr. Tim Meiste gave a brief explanation of his intent to build the accessory building to be used for personal use storage. Mr. Meiste stated that he does have approval from the Allegan County Road Commission to put a driveway to the building on the end of the cul-de-sac.

Chairman Bob Cook opened for public hearing.

Barbara Brink of 4573 Jack Pine Drive stated that she and her husband Karl are neighbors and friends of the Meiste family. Ms. Brink stated that their front yard faces the side yard of the Meiste property. Ms. Brink questioned the need for the size of this structure. She appreciates the location of where it is intended but she would like to request that mature conifer trees be put in to buffer the structure. She also asked if it would be allowed for commercial rental use and if the use would change if the property be sold. The Brinks would prefer that the ordinance be followed and if allowed it be put in the most southern area of the lot.

Attorney Bultje clarified that this request is not for the actual structure but for permission of a larger structure than allowed by the ordinance for the size of the lot.

A motion was made by Al Dogger and seconded by Linda Howell to close the public hearing. UNANIMOUS DECISION – MOTION APPROVED

Tim Meiste stated that he has had previous conversations with the Brinks concerning the structure. He stated that there are currently mature trees on the lot. He also confirmed that the placement on the lot is well within the required setbacks. He stated that he does intend to cut down eight rather undesirable trees. Mr. Meiste stated that he appreciates the relationships with his neighbors and feels that the garage will not have as much of an effect on them as they anticipate.

Chairman Cook clarified the 14 foot maximum height allowance. Al Meshkin stated that the proposed height of the structure is 13 feet with 10 foot side walls. Mr. Meiste intends to keep the peak as low as possible. Bob Cook asked for clarification of the location of where the trees are located that will be removed. Tim Meiste responded that the trees are in the southwest corner. Linda Howell asked if the garage will be 85 feet from the road. Tim Meiste responded that is correct by an unofficial measurement. Ed Stielstra does not see an issue with the removal of the trees. Ed commented that there will be additional traffic in the cul-de-sac but that is unavoidable.

Chairman Cook noted that the Commission receives this type of request quite often. This request is similar to most submitted.

Following discussion, **a motion was made by Al Dogger and seconded by Linda Howell to approve the special use request contingent on it meeting the conditions according to the application, that it not exceed height requirements, it be placed in the most southwestern corner of the lot and in accordance with the zoning ordinance, the standards in sections 17.03 and 14.09(f)(6), in accordance with all verbal representation made at this meeting and in compliance with all federal, state, county and township provisions. UNANIMOUS DECISION – MOTION APPROVED**

B. KING SPECIAL USE REQUEST

Mr. Barry King, agent or owner of property located at 6223 140th Avenue, also known as Parcel #0311-023-036-20 requests a special use permit to construct an oversize accessory building on this property.

Mr. Barry King stated that he would like to add two 16' x 60' sized lean-to structures to his current pole barn to be used for storage of his RV and other personal family use of similar purpose.

Chairman Cook confirmed that there is an additional accessory building behind the pole barn. Mr. King stated that it existed when he purchased the property and its size is approximately 14' x 10'.

Chairman Cook opened for public hearing.

Ed Stielstra read one letter of support received from Doug Den Bleyker of 6237 140th Avenue.

David Weishaar of 6204 140th Avenue expressed concern that the size of the building is in excess of 4,000 square feet which is larger than the primary building.

**A motion was made by Bob Slikkers and seconded by Ed Stielstra to close the public hearing.
UNANIMOUS DECISION – MOTION APPROVED**

Chairman Cook advised Mr. King that the Planning Commission can only react to the size of the structure and he would have to go before the Zoning Board of Appeals to address the setback issues. Chairman Cook asked if having a wing on each side of the building would be an option in order to be in compliance with the setback requirements.

Attorney Bultje stated that he could appeal to the Zoning Board of Appeals to have a lean-to on each side of the pole barn.

Barry King explained that the structures would be open on either end and the sides would be enclosed.

Al Dogger expressed concern that Mr. King understands that he would have to go before the Zoning Board of Appeals for the setback variance.

Bob Slikkers asked how far the building is off the property line now. Barry King responded it is 30 feet. Bob clarified the average height requirement is 10 feet. Barry stated that the current peak height is 18 feet and the side walls are more than 10 feet. Al Meshkin stated that the current building complies with the setbacks. The average height of the walls would be 14 feet which would be very close to compliance. Bob stated that he also sits on the Zoning Board of Appeals and he feels that this is not a very common thing that a variance is approved on a self-created situation. He stated that his second concern is also that of the building size versus the primary structure size. Al stated the building is 22 feet 4 inches at peak with 16 foot sidewalls. He would need an 18 foot setback and his would be approximately four feet short. Bob stated that this would be a self-created issue that would probably not be approved. Perhaps this request could be modified to avoid an appeal to the ZBA.

Bob Slikkers suggested altering it to a 12 foot height and Barry responded that his RV is more than

13 feet high.

Bob Cook stated that this application and the building itself would be within the approved standards.

Barry King asked if he could build another building instead of adding the lean-to structures. The current 140 square foot accessory building was there when he purchased the property. Al Meshkin stated that it would require a new application.

Bob Cook said this could be tabled tonight in order for Mr. King to revisit the options mentioned tonight. Ron Bultje said we could approve the building with the contingency of reducing the size or he could go to the Zoning Board of Appeals for the setback variance. Linda Howell suggested putting the addition on the back of the current building.

Following discussion, **a motion was made by Ed Stielstra and seconded by Linda Howell to approve the special use request contingent on it meeting the conditions according to the application and in accordance with the zoning ordinance, the standards in sections 17.03 and 14.09(f)(6), in accordance with all verbal representation made at this meeting and in compliance with all federal, state, county and township provisions. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZEN COMMENTS - None

Mr. Visscher of 3569 63rd Street commented that other Townships must have gone through some of these same things so why not see what they have done. Ron Bultje responded that others are probably more specific. We are trying to cut a new path of alternatives for consideration. Mr. Visscher asked as it stands now do we have anything on the books about what can or cannot go in that area? Bob Cook responded that there are ordinances to address it now.

Bob Slikkers stated that if we get another request of something undesirable we would deny the request to review the proposal until the new ordinances are solidified. Ron Bultje commented that moratoriums can be held up in court with evidence that work is in progress.

ARTICLE VI. ADJOURNMENT

A motion was made by Bob Slikkers and seconded by Al Doggers to adjourn the meeting at 8:14 P.M. UNANIMOUS DECISION – MOTION APPROVED