

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

August 31, 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, Steve Brunink,
Bob Slikkers

MEMBERS ABSENT: Carl Blauwkamp, 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 June 29, 2009 meeting.
A motion was made to approve the minutes. UNANIMOUS DECISION – MOTION APPROVED

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. HOLT VARIANCE REQUEST

Mr. Brian Holt, owner or agent of property located at 6625 142nd Avenue, that being tax parcel #0311-016-032-30, requests a variance from section 14.09(b) of the zoning ordinance. This ordinance prohibits an accessory building in the front yard unless it is setback at least 200' and screened from view. Mr. Holt wishes to construct an accessory building on this property in his front yard with less than the required minimum setback.

Mr. Brian Holt explained that he and his wife have been living in their home for approximately two years. The original plan was to construct an out building but at the time of the new home construction, it was not approved with the home building permit. The Holts would like to utilize the accessory building for personal items, such as a tractor, boats and other items. They feel that the front of the property is the best place for the building due to a natural dune and tree line in the rear of the lot. Chairman Herb Johnson asked for clarification on the drawing. Mr. Holt explained the request for the building on the front of the lot is also necessary to avoid removal of large growth trees and replacement of the current drain field. There was some discussion of a land covenant that neighboring property owners had signed but the Holts did not sign such a document at the time of land purchase. Al Meshkin explained that in order for a covenant to be binding, it would have to be in place prior to the sale of the property. The Township does not enforce covenants because it is an agreement between the landowners.

Bob Scanlan asked Mr. Holt how he feels about the opposition from his neighbors. Mr. Holt stated that he had not had discussions with all of the neighbors concerning their plans. The neighbors he had spoken to had not had any objections. Mr. Holt stated that he does understand the concern of his neighbors but feels that he and his wife have selected the least intrusive plan.

Chairman Herb Johnson opened for public hearing.

Amy Warlick of 6617 142nd Street explained that Brian Holt had explained their intent some time ago stating that it would be a two stall garage. There was little talk about it after the initial contact. Amy explained that the application and materials residents received are not indicative of the actual lot. There is a considerable amount of property behind their home that could be considered for placement of a structure of this size without causing issues with the neighbors. Andrea Crossman is asking for an easement on the Holt's property to access two additional parcels in the higher dune area. Ms. Warlick also has additional information on the land covenant that she and her husband signed when they bought the property but was not in the final deed. Ms. Warlick stated that this is pristine property unlike other areas of Laketown Township. She stated that the Holts are requesting approval for a 30' x 30' building and most neighbors do not realize that. Ms. Holt distributed examples of such a building in comparison to a two or three stall garage. Ms. Holt referred to the five conditions that the Board must take into consideration for approval of the variance request. She does not feel that this is a hardship for the Holts as it is a situation they have created for themselves.

She believes this would be a substantial detriment to the Township and visitors. She explained that she and her family spend approximately 100 days per year at their home. She doesn't feel they should be treated as second class citizens because they are not year-round residents. She feels that property values for neighboring parcels would decline.

Lee Bloomquist of 6620 142nd Avenue asked that the Board deny the Holt request. He stated that the leaves on the trees are only there half of the year and would not hide the structure. He feels that it would create a huge precedence that would be devastating to the property values and the land. Such a structure on the walking view to the lake would ruin the area. He views the property as something beneficial to all residents and visitors in the Township. He acknowledged that there are alternative options including ample property behind the home. Mr. Bloomquist offered assistance to the Holts in resolving this.

Joe Reed of 6724 Vandermeulen Road stated that every day, two or three times a day he drives near this property which was appraised with the condition that there would be no outbuildings allowed. When the leaves fall, this structure will be most visible and unattractive. He asked that the Board see their position and not grant the variance.

Brian Holt stated that there is no road access in the area behind their home as noted by the opposition. Andrea Crossman would have to grant an easement in order to have access.

Chairman Johnson closed the public hearing.

Bob Slikkers stated that letters of opposition were received on record from Amy and Bill Warlick, Lee Bloomquist and John Verheul. An email was received from Andrea Crossman.

Bob Slikkers stated that he has been a requester before other Zoning Board of Appeals at other Townships and the Board is often required to make difficult decisions based on circumstances that do not always imply a precedent. The facts for each individual case are strongly reviewed and the decisions are taken very seriously.

Bob Scanlan stated that he can appreciate the concern over the property values being affected.

Chairman Johnson explained that it is the Board's job to do the very best they can with the facts at hand. One of the guidelines used is that a practical difficulty must be present. Another guideline to be addressed is whether or not the situation is self-created. As Mr. Holt previously noted, it should have been addressed at the time of the new home construction. Another guideline is do other options exist. Johnson stated he reviewed other similar requests in the Township where variances have been denied. Herb Johnson expressed appreciation for those coming forward to share their

opinions.

Following discussion, **a motion was made by Steve Brunink and seconded by David Weishaar to deny the variance request agreeing that the situation is self-created and other options exist. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS

Vicki Bloomquist asked that consideration be given to extend the timeframe allowed to review materials by those affected in these situations.

Brian Holt expressed appreciation for those offering their opinions. He stated that he and his wife plan on being in the Township for a very, very long time and do not intend any misuse of the environment nor to offend the neighbors.

Bob Slikkers suggested that Brian Holt communicate with the neighbors before moving forward with a new plan.

ARTICLE VI. ADJOURNMENT

A motion was made by Bob Scanlan and seconded by Steve Brunink to adjourn the meeting at 8:11 P.M. UNANIMOUS DECISION – MOTION APPROVED