

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

October 26, 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, Bob Scanlan, Bob Slikkers, Carl Blauwkamp,
David Weishaar, Glenn Vos

MEMBERS ABSENT: Steve Brunink

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 September 28, 2009 meeting. **A motion was made by Bob Slikkers and seconded by Bob Scanlan to approve the minutes. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. ZALSMAN VARIANCE REQUEST

Mr. Adam Zalsman, owner or agent of property located at 6446 Hunters Street, that being tax parcel

#0311-003-010-00, requests a variance from section 14.09(b) of the zoning ordinance. This section requires an accessory building to have side and rear setbacks at least equal to the height of the building. Mr. Zalsman would like to a new accessory building with less than this minimum required setback.

Mr. Adam Zalsman explained that due to the odd angle of the lot he is requesting a variance to the minimum required setback.

Following discussion and a review of his site plans and his options, Mr. Adam Zalsman withdrew his request for variance.

B. HERR VARIANCE REQUEST

Mr. Thomas Herr and Ms. Claire Ewart, owner or agent of property located at 6455 136th Avenue, that being tax parcel #0311-034-057-00, requests a variance from section 7.04(a) of the zoning ordinance. This section requires a minimum front yard setback of 40'. An accessory building has been constructed that does not meet this minimum required setback. Mr. Herr and Ms. Ewart request a variance to permit this accessory building to remain at its current location.

Mr. Herr provided a drawing with the setbacks highlighted. He explained that the intent was to avoid cutting down trees and construct a building that would coincide with the existing house and surrounding area. The builder misinterpreted what he was told by the Township in regards to whether or not a building permit was necessary. While a building permit was not needed because the structure did not exceed 200 square feet of area, it still must comply with zoning. Mr. Herr presented three letters of support from the neighbors in the area. Letters were received from Anthony N. Amato of 6445 136th Avenue, Harold Thiele of 6450 136th Avenue and Douglas Haas of 6456 136th Avenue. Mr. Herr feels that there is no other place to put the shed given the lot size, house placement and the location of the woods on the property.

Chairman Johnson explained that this was structure was built without the proper approval. It is possible that the building may be required to be moved back to meet the requirements of the ordinance.

Bob Slikkers asked how this issue came to the Township's attention. Chairman Johnson explained that complaints had been called into the office.

Bob Scanlan asked when the old building was removed to build the newer larger garden shed. Mr. Herr explained that it had been done last summer.

Bob Slikkers asked if the information in Mr. Herr's letter is accurate in regards to the sewer placement. Mr. Herr noted that he gifted 900 square feet to the Township for a lift station that is also within the setback.

Bob Scanlan asked how big of a job it would be to move the structure back.

Dave Weishaar asked the exact size of the new garden shed. Mr. Herr confirmed that it is 12' x 16' and that due to the posts that support the overhang, it may have required a building permit, which he was not aware of at the time of construction. Al Meshkin stated that in looking at the sketch provided, the building is exactly 200 square feet which would not require a building permit. The setback requirements remain an issue.

Chairman Herb Johnson opened for public hearing. No comments.

Chairman Herb Johnson closed the public hearing.

Following discussion, **a motion was made by Carl Blauwkamp and seconded by Bob Scanlan to approve the request for variance based on the fact that the new structure is a replacement of a previously existing structure on the same footprint and the characteristics of the lot present a practical difficulty.**

Vote 3 to 2 Variance request approved.

ARTICLE V. CITIZENS COMMENTS – No comments.

ARTICLE VI. ADJOURNMENT

A motion was made by Bob Scanlan and seconded by Carl Blauwkamp to adjourn the meeting at 7:33 P.M. UNANIMOUS DECISION – MOTION APPROVED