

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

February 22, 2010

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, David Weishaar, Glenn Voss

MEMBERS ABSENT: Steve Brunink, Carl Blauwkamp,

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 October 26, 2009 meeting. **A motion was made by David Weishaar and seconded by Bob Slikkers to correct the minutes to eliminate the words “same footprint” in the motion made for the Herr Variance Request. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. I-2000 INC. VARIANCE REQUEST

Mr. Steve Van Wieren, owner of I-2000 Inc., requests a variance from section 14.B.08(b)5.a.(2) of the zoning ordinance. This section requires a wireless communication tower to be setback back 300% of its height from the closest building setback line. I-2000 Inc. would like to erect a 90' tall tower for wireless internet on this property. The tower would be setback at least 270' from the nearest dwelling unit, but not from the building setback line.

Chairman Herb Johnson reviewed the request for variance and stated that the Planning Commission examined every angle it could so that variance was not necessary. But in the end they concluded that a variance would be necessary. The members of the Planning Commission support this request for variance.

Bob Scanlan asked if the tower is needed to improve Internet service in the Township. Mr. Steve Van Wieren responded yes that it is necessary to improve service. Mr. Van Wieren explained that the Township has many, many beautiful tall trees in the area but they hinder the ability to provide service in some areas. The reason for the tower is to try to correct and improve the current service. There is a slightly elevated area on the noted property that should be a suitable location to service the area. Unfortunately, it cannot be confirmed until the tower is erected.

Glenn Voss asked if the site was chosen once it was determined the coverage was not met? Mr. VanWieren stated that a tower must be either on Interstate 196, on the dune or in the valley area. Several potential locations were solicited for installation and an agreement was reached with this property owner.

Chairman Herb Johnson opened for public hearing.

Al Meshkin of 3965 65th Street stated that he had no objections to the variance request.

Chairman Herb Johnson closed the public hearing.

Bob Slikkers stated that the setbacks are not met on the majority of the property lines. Bob asked if there is a spot on Al Meshkin's property that would be more suitable. While Bob agrees that it would be nice to have a tower in the area, the hardships are not present.

David Weishaar stated that there are three property owners affected if this variance were granted.

Al Meshkin noted the tower would not meet the setback on the closest building structure.

Bob Slikkers stated that the setback would have to be met for all property lines. He feels there might be a better location in the same area. Bob suggested southeast of the current proposed location might be a better spot.

Al Meshkin does not feel he would have adequate setback allowance on his property to cover all four setbacks.

Bob Scanlan asked how many parcels in the Township are large enough to accommodate the need. And how many requests would we have in the future to improve service.

Glenn Voss stated that he understands the challenge on both sides and no matter where we try to put it, we will still have challenges. None of those property owners affected are here to object to the tower installation.

Herb Johnson noted that there would also have to be access to reach the tower no matter where it might end up.

David Weishaar agreed with Bob Slikkers that we are creating variances that are affecting three properties. We haven't heard that this is the only place in the Township that it would be feasible.

Al Meshkin asked if Steve Van Wieren had asked other property owners. Steve responded that the ordinance limits the potential sites. He stated that in this area if the tower were to fall over, it would not fall into an occupied building. To meet the necessary 500 plus feet and obtain a homeowner's agreement to installation on their property it is a difficult task.

Following discussion, **a motion was made by Bob Scanlan and seconded by Glenn Voss to approve the request for variance. Vote 3 to 2 – Variance request approved**

B. BAREFIELD VARIANCE REQUEST

Mr. Frank Barefield and Ms. Diane Barefield, owner or agent of property located at 6209 144th Avenue, that being tax parcel #0311-011-047-30, requests a variance from section 14.09(b) of the zoning ordinance. This section prohibits an accessory building in a front yard unless it is setback at least 200' and screened. They would like to construct an accessory building in a front yard. This building would have less than the minimum 200' setback.

Chairman Johnson reviewed the requested variance. He stated that the property is a corner parcel with actually two front yards.

Mr. Frank Barefield thanked the Board for considering the request. He stated that when he and his wife started planning their house, he was unaware of the zoning ordinances in place. When the house was constructed, they tried to find the highest elevation and also wanted to save as many trees

as possible on the property. The house was angled in such a manner to do so which resulted in a situation of two front yards. The objective was to save as many existing trees as possible. The major problem with a barn that is set back on the northwest side of the house, it places it too close to the neighbor. Because it is a barn, there will be manure and odors. The west side of the barn would be within 25 or so feet of the neighbor. To put the manure on the east side of the barn would put it near the drainage ditch and also the front of the property. From our perspective, having the barn built in the area that would meet the zoning requirements, would put it in a much less desirable location on the property. If approved, a line of trees would be put in to screen the barn from the side of the road. The manure would be maintained in composting bins to keep the odor and flies to a minimum.

Bob Slikkers asked where the two composting bins would be located. Mr. Barefield stated they would be put on the west side of the barn. That would be the ideal location if the variance is granted.

Glenn Voss asked if there would be an advantage to changing the orientation of the building. Mr. Barefield stated that the building is 30 x 40 feet and would only gain 10 feet by doing so. One of the reasons the barn was oriented as it is, is due to the drop off of the property. It would require much more fill if we changed the orientation.

David Weishaar asked if not taking the neighbors into consideration, would you be able to place the barn on your property without a variance. Mr. Barefield stated that he would.

Bob Slikkers stated that there are probably other places in the township where there are barns within 55 feet of the property line.

Bob Slikkers entered into record communication from the following residents:

Thomas Bratt of 6190 Farmview Drive wrote in opposition of the variance request. He feels that the zoning ordinances are in place for a reason and should be adhered to.

Robert Schuitema of 544 St. Joseph Street, Saugatuck, Michigan wrote in opposition of the variance request expressing concern with collection of horse manure and the issues of odors and flies.

Robert and Amy Howard of 6211 144th Avenue wrote in support of the variance request. They expressed concern that without the variance, the barn would be located within 55 feet of the shared property line.

Frank Barefield stated that the composting bins are of the size that they would be emptied or the manure spread at least once a month.

Chairman Herb Johnson opened for public hearing.

Cal Breuker of 4437 62nd Street stated that he has no problem with the request for variance.

Chairman Herb Johnson closed the public hearing.

David Weishaar stated that his concern is that there are options to place the barn on the property without granting a variance.

Bob Slikkers supported the fact that there are options to build the barn on the property without the need for a variance.

Glenn Voss supported both David Weishaar and Bob Slikkers in their position that a hardship is not present in this situation.

Following discussion, **a motion was made by David Weishaar and seconded by Bob Slikkers to decline the request for variance. Vote 4 to 1 – Variance request denied.**

C. ELECTION OF OFFICERS

Following discussion, **a motion was made by Bob Scanlan and seconded by David Weishaar to reappoint Herb Johnson as Chairman of the Zoning Board of Appeals. UNANIMOUS DECISION – MOTION APPROVED**

Following discussion, **a motion was made by Glenn Voss and seconded by Bob Scanlan to appoint David Weishaar as Vice Chair. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS – None

ARTICLE VI. ADJOURNMENT

A motion was made by Herb Johnson and seconded by Bob Slikkers to adjourn the meeting at 7:48 P.M. UNANIMOUS DECISION – MOTION APPROVED