

PROPOSED MINUTES  
LAKETOWN TOWNSHIP  
ZONING BOARD OF APPEALS  
4338 BEELINE ROAD  
ALLEGAN COUNTY  
HOLLAND, MI 49423  
(616) 335-3050

June 28, 2010

ARTICLE I. CALL TO ORDER

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

MEMBERS PRESENT: Glenn Vos, Bob Slikkers, David Weishaar, Steve Brunink, Carl Blauwkamp, Bob Scanlan

MEMBERS ABSENT: None

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 April 26, 2010 meeting. **A motion was made by Bob Slikkers and seconded by Carl Blauwkamp to approve the minutes as submitted. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. KARAS – STANLEY VARIANCE REQUEST

Ms. Sharon Stanley, conservator for Kurt Karas, owner of property located at 6496 Island Lake Road, that being tax parcel #0311-034-028-10, requests variances from sections 7.04(c) and 7.04(d) of the zoning ordinance. Section 7.04(c) requires the main building to have a rear setback of not less than 40'. Section 7.04(d) requires a parcel of land in the R-2 Zoning District that is not served

with public water and sewer to have at least 125' of width and 25,000 square feet of area. Ms. Stanley would like to split this parcel into two parcels. If split, the parcel with the existing home would not meet the minimum required rear setback, and the other parcel would not meet the minimum required width. Neither parcel would meet the minimum area requirement.

Mr. Nick Dekker of Cunningham Dalman PC represented Ms. Stanley. He explained that there will be two 40-foot front yards but neither parcel will meet the rear setback requirement. Currently the existing house is on one half of the parcel on 65<sup>th</sup> Street and Island Lake Road. The integrity of the neighborhood would not be comprised as there are many cottage-like lots in the Goshorn Lake area. Further, we intend to add septic into the second lot which has already been approved by the Allegan County Health Department.

David Weishaar stated that the lots should be 25,000 square feet, what will the new lots be? Mr. Dekker responded that the lot sizes would be 16,800 and 15,890. Ms. Stanley added that she is putting in a new driveway on property she owns south of the subject project which would use the KLSWA water system. She also commented that property is the same size lot as the subject property.

Carl Blauwkamp asked Mr. Dekker how he interprets water *and* sewer as needing only one? Mr. Dekker responded that it can be interpreted as the legislative intent. As far as the health and safety of the neighborhood goes, it would not be a problem. David Weishaar clarified that would change the *and* to *or*. It means what it says, "water and sewer" (relative to the interpretation on Zoning Ordinance Section 7.04(d)). Mr. Dekker requested the board consider the variance requests.

Carl Blauwkamp clarified that the request is for a variance to allow for the lots to be less than the required 25,000 square feet. What is the hardship or practical difficulty?

Mr. Dekker explained that Ms. Stanley has been trying to sell the house and the lot to hopefully break even. Ms. Stanley reiterated that she is acting as guardian on behalf of her brother who is in a nursing home. She has been showing the house for a number of years and clients are not interested in the larger lot sizes. People are rejecting the house for this reason. This is the brother's last asset and she has been supporting him in a nursing home so would like to sell the property as two parcels.

Carl Blauwkamp stated that it is debatable that this is part of the cottage community. He doesn't see the hardship in the situation.

Bob Slikkers reviewed a list of a number of conditions that the Zoning Board has to address in order to consider approving this request and none of those conditions are clearly met in this situation.

Ms. Stanley mentioned the log homes that are just a street over on much smaller lots and they also have had an option for sewer which was not offered in this area.

David Weishaar stated that if the approval is not given on the lot area the second part of the application, the setback variance, is moot.

Carl Blauwkamp commented that the lots across the street are 120,000 square feet and the standard lot size in Laketown Township is an average 2.5 acres.

David Weishaar opened for public hearing.

Al Meshkin circulated a letter from Excel Engineering to the Board members and read into record one email from Christopher and Dorothy Vallillo of 405 Randolph Street Macomb, IL and one letter from James and Debra Howard of 3636 Vienna Stras Street both in opposition of the request.

Gavriel Salvendy of 3644 Vienna Street stated that rules have been established and should be followed unless there are mitigating circumstances to provide a variance. He sees no such circumstances in this situation and opposes the request.

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

Bob Slikkers stated that in spite of the well prepared application, it is not feasible to approve the request without a definite hardship or practical difficulty present that has not been created by the property owner and he sees none here.

Following discussion, **a motion was made by Bob Scanlan and seconded by Steve Brunink to deny the request for variance as it does not meet the standards set forth under Section 20.06 for approval. UNANIMOUS DECISION – REQUEST DENIED**

ARTICLE V. CITIZENS COMMENTS – None

ARTICLE VI. ADJOURNMENT

**A motion was made by Bob Scanlan and seconded by Bob Slikkers to adjourn the meeting at 7:27 P.M. UNANIMOUS DECISION – MOTION APPROVED**