

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

March 22, 2017

ARTICLE I. CALL TO ORDER

Chairman 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: David Weishaar, Ed Stielstra, Jim Johnson,  
Richard Swanson, Casey Kimes, Marcia Perry  
MEMBERS ABSENT: 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 January 25, 2017 meeting. **A motion was made by Johnson and seconded by Swanson to approve the minutes as submitted. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED.**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. NELSON VARIANCE AGREEMENT

Ms. Katie Nelson, owner or agent of property located in the northwest quarter of section 9 of Laketown Township, 6715 Ridge Road, that being tax parcel #0311-460-001-00, requests variances from section 38-242 of the zoning ordinance. This section requires minimum front, rear and side yard setbacks. Ms. Nelson would like to build a new home on this parcel with less than the required minimum setbacks.

Walter Nelson explained that the family cottage was sold and this new construction will be the new family home, identifying the center of the property to be the best location for the structure. The DEQ

permit has been obtained. At the preliminary submission the house was further to the west, it was moved 10 feet further east under the DEQ final review; they requested we move it further east due to the sloping ravine.

Swanson asked how steep the driveway will be. Nelson said there is an existing driveway, the bottom of the ravine, there will be an 8-9 foot climb into the garage. Stielstra asked if the location is a compromise reached with the DEQ and Nelson stated that is the only one they would approve. Meshkin stated the far southwest corner could not be approved when there was a better location suited for the structure. Meshkin spoke with the DEQ and the owner had to go through a special exception with the DEQ. Johnson asked if the neighbors are in agreement. Nelson said the Palmers and neighbors immediately to the south both asked us to put it in this location. Johnson stated it looks like the lot lines have large trees that will have to be removed. Is there a requirement that they be replaced? Meshkin said it would be in the DEQ permit. Swanson asked if Castle Park had a requirement and it was stated there is not a requirement. Nelson said the largest tree is 12 feet from the house which is a concern and considered a hazard by the DEQ which deems it feasible to be removed. Stielstra asked if the hazardous tree could be made safe by trimming and Nelson said no, the branches are 100' up into the tree. Johnson asked if there is a plan for the home structure. Swanson asked if there is an elevation drawing. Nelson said he could drop one off. The neighbor to the west stated that they have no objection to the structure. Meshkin said trying to determine what is front, side and rear is difficult in this area. Meshkin said he looked at it as a front yard variance but it could be a side or rear yard setback. Meshkin said the front is considered the 9.9 foot setback but again, difficult to make a determination. Nelson said the east side, where the driveway is goes thru another parcel owned by his wife and there are no plans to build on that. Swanson asked about drainage. Nelson said no problem, it is all sand. Johnson asked if it will be built high enough for a water view. Nelson said it will be three levels with a drive-in garage on the first floor. Nelson offered to deliver plans and commissioners stated it was not necessary. Johnson asked about the front and back deck, are they taken into consideration of the setbacks. Nelson said the one on the east side is not considered.

Chair Weishaar opened the public hearing.

Bob Burton 6719 Ridge Avenue said he has no objection to the variance being granted.

Following discussion, **a motion was made by Stielstra and seconded Swanson by to close the public hearing. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Perry asked if the property that is not being planned to be built on, would it be considered in the future for a building site or conservation piece. Nelson said they are trying to think of the next generation, lot 30 the driveway cuts the lot almost in half. The eastern half is large enough to support another home that could be built towards the east. Kimes asked if the road is an easement to the back property. Nelson said there is an easement.

Kimes asked if this is in similar nature to what has been approved in the past. Meshkin said he feels it is and pretty common for Castle Park. The practical difficulty is caused by the Critical Dune Act

which is dictating the location. Johnson asked how far the Burton cottage is to the west and Nelson responded it is 65-70 feet, which would be the closest.

Dick Shepard 6711 Edwards said this is quite typical for this area; the Nelson setbacks are probably larger than most in the park.

Stielstra stated one of the considerations we normally make is the issue of the owners own making or circumstances beyond their control. We could say the owner could modify the house design but given the aspects of the situation he would not vote for that route and would consider approval as it is. Johnson takes into consideration the DEQ approval and Swanson stated the applicant is limited by the DEQ as to where the home can be located on the lot.

Following discussion, **a motion was made by Stielstra and seconded by Johnson to approve the Nelson Variance Request finding the standards and requirements stated in Section 38.242 have been met, in compliance with the application and all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes.**

**Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

#### B. WEISS VARIANCE REQUEST

Aaron and Suzanne Weiss, owners or agents of property located at 6664 Audubon Road, Holland, MI, 49423, that being tax parcel #0311-380-024-00, request a variance from section 38-242 of the zoning ordinance. This section requires minimum front, rear and side yard setbacks. Mr. and Ms. Weiss would like to build a new home on this parcel with less than the required minimum setbacks.

Drew Demister of Troxel Custom Homes explained the idea is to try to keep the new home approximately in the same location as the existing home. Trying to build on top of a small hill so it is limited as to where we can move the home on the property and it is right at the entrance of Castle Park. His client started discussions coordinating with the neighbors and the association and have not received any objections. The neighbors requested the new home be located in the current location. The drive will be located with the garage under the home due to the way the hill is forcing the house to be closer to the front of the parcel.

Johnson confirmed the existing garage is proposed to be left intact and asked for clarification of the driveway location. Swanson asked if the drive would be gravel or concrete. Demister said it will be concrete to the garage. Johnson said there are a number of mature trees near the driveway and it is very steep and short. Demister said there will be a fair amount of excavation done to carve out the driveway and a majority of the trees will be maintained. A couple of the trees are leaning over Audubon creating a potential hazard and will be removed. Johnson asked if the existing garage will be renovated to match the new structure. Johnson said the new house looks slightly smaller than the existing and Demister said the enclosed porch is slightly larger. Johnson asked if the neighbors are alright with it and Swanson asked if the association has any objections and Demister reiterated there were no objections expressed. Johnson asked if the height negatively impacts neighbors from a view

aspect and Demister said it does not. Swanson asked if there will be an elevator and Demister said no. Swanson asked what the expected date is to tear down and build. Demister said initially in the spring and construction in the fall but after more conversations it may cause an erosion issue on Audubon so now proposing to start work after Labor Day week-end. Johnson asked if there is a drain field and Demister said it will be replaced but in the same location. Johnson asked if there is city water out there and Demister responded there is city water.

Chair Weishaar opened the public hearing.

Bob Burton of 6660 Audubon said he is very content with the plan and acknowledges it is a challenging building site so asked the builder to be mindful of where equipment and materials are positioned during construction.

Johnson asked where the material being removed from the driveway will go and Demister said it will be removed from the property. Demister said the basement level will be 2-3 feet lower than the existing. Perry asked if this is critical dune and it is not. Johnson asked with the existing garage that is there and out of compliance does something have to be done. Meshkin said it can be minor repairs but not completely rebuilt. Demister said their intention is to simply clean it up. Burton said the neighbors are in favor of renovating the garage.

Meshkin read onto record an email from Gil and Blair Judson of 4547 Hemlock in support of the variance.

Following discussion, **a motion was made by Johnson and seconded by Stielstra to close the public hearing. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Following discussion, **a motion was made by Swanson and seconded by Stielstra to approve the Weiss Variance Request finding the standards and requirements stated in Section 38.242 have been met, in compliance with the application and all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes.**

**Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS – No comments.

ARTICLE VI. ADJOURNMENT

**A motion was made by Johnson and seconded by Stielstra to adjourn the meeting at 7:27 P.M. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**