

PROPOSED MINUTES  
LAKETOWN TOWNSHIP  
PLANNING COMMISSION  
4338 BEELINE ROAD  
ALLEGAN COUNTY  
HOLLAND, MI 49423  
(616) 335-3050

May 6, 2015

ARTICLE I. CALL TO ORDER

Chairman Bob Cook called the Planning Commission meeting to order at 7:00PM.

MEMBERS PRESENT: Bob Cook, Randy Becksvoort, Bob Slikkers,  
Linda Howell, Jim Lorence  
MEMBERS ABSENT: None  
STAFF PRESENT: Al Meshkin – Township Manager  
Ron Bultje – Township Attorney  
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the February 4, 2015 meeting. **A motion was made by Bob Slikkers and seconded by Jim Lorence to approve the minutes as written.**

ARTICLE III. OLD BUSINESS

A. RPE TRUST SPECIAL USE REQUEST #2

RPE Trust, owner or agent of property located on Griswold Avenue, lots #190, #191 and #121 of Macatawa Park that being tax parcel #0311-340-190-00, requests a special use permit to construct a new cottage on this parcel.

Chairman Cook announced that this item will remain tabled pending finalization of the Zoning Amendment.

B. RPE TRUST SPECIAL USE REQUEST #3

RPE Trust, owner or agent of property located on Griswold Avenue, lots #219 and #220 of Macatawa

Park that being tax parcel #0311-340--00, requests a special use permit to construct a new cottage on this parcel.

Chairman Cook announced that this item will remain tabled pending finalization of the Zoning Amendment.

#### ARTICLE IV. NEW BUSINESS

##### A. BTB 146 LLC SPECIAL USE REQUEST

BTB 146 LLC, owner or agent of property located at 6137 146<sup>th</sup> Avenue, Holland, MI, that being tax parcel #0311-001-045-10 requests a special use permit to construct an oversized accessory building on this parcel.

Bill Rottschafer explained that he and his brother want to build a post frame building that would be larger than is allowed for the lot. The request is to build a 2400 sf post frame pole barn that would be 40' x 60' meeting the requirements for setback, side yard and height restrictions. It would be steel siding and shingled and painted to match the existing house on the property. The larger size is needed for personal storage and to avoid having vehicles and other items stored outside.

Chairman Bob Cook opened for public hearing.

Jim Johnson of 6143 146<sup>th</sup> stated that he is to the immediate west of the proposed building site. Mr. Johnson submitted written documentation of his comments siting concern with the size of the building, location on the lot, aesthetics, and drainage and questioned what the principle house for this accessory building is. He explained in detail his concerns and concluded that the proposed building presents serious problems would negatively impact the adjacent properties. Mr. Johnson also noted several other accessory buildings in the township reciting relevant comments from previous meeting minutes in which these requests were approved. He is also concerned what the structure could potentially be used for by a future owner.

Robert Keefer of 6129 146<sup>th</sup> Avenue submitted written documentation of his comments siting concern with the location of the structure on the property, drainage/water table, principle property use, future owner use and environmental impact. He is also concerned that there would be an excessive amount of gasoline on site with the number of boats that would be stored. He suggested requiring a sprinkler system.

Following discussion, **a motion was made by Linda Howell and seconded by Randy Becksvoort to close the public hearing. Chairman Cook called for a vote on the motion.**

**UNANIMOUS DECISION – MOTION APPROVED**

Bill Rottschafer addressed the drainage concerns stating that a culvert could be put under the driveway. He stated that the property was purchased with the intention that it was a big enough lot to

fix the house and then put up the pole barn. You can look at my personal residence and my brother's and there is no intention to create a situation of blight. If we had a smaller building we would have things stored outside which would be more of an eyesore.

Bob Cook stated if the location on the lot is an issue, if they are willing to move it back, would that be acceptable to the neighbors. Johnson said he is still concerned about the drainage and the toxicity.

Township Attorney Ron Bultje stated the accessory building is to be used as an accessory to the principle structure. By renting the property out, the owners give up the right to use the lot. Cook asked if people can only store their own stuff, stating that surely people with pole barns have more than their own items stored in it. He added that we do not regulate accessory buildings by who lives there in the principle property. Bultje said it is unlikely that a person who lives in an 874 sf home would need a 2400 sf building.

Linda Howell asked if the distinction is with someone who owns a large barn and stores their own property or also stores others' property. Cook asked if the person has to live in the principle dwelling to use the barn for storage. Bultje said yes, it has to be an accessory to the principle dwelling. Bob Slikkers said we all agree the storage is not for the people living in this house. Bultje read aloud the ordinance in Section 38.5 defining accessory building.

Howell asked if the pole barn has a spot set aside for the renters, is that acceptable. Bultje said no, it does not validate its use. Basically this is not an accessory use to this dwelling. Cook said he feels there would be a number of pole barn owners that would be stunned by this interpretation. Slikkers said a lot of people have a big barn and have their own stuff there and that of others but most would be living in the principle residence. Ron said storage of property of other than the occupant of the dwelling is not allowed.

Rottschafer said they could leave the house vacant. Bultje responded that leaving the house vacant does not validate its use.

Al Meshkin stated that this particular situation has not previously come up in the township wherein an applicant has purchased property solely for the use of rental of the dwelling and construction of a pole barn for storage by other than the occupant. What we are looking at is something very unique in that the accessory use is not accessory to the principle use, but not commercial. Is it possible to work through this and reach resolution so both the applicant and the neighbors are satisfied. He suggested tabling to see if a suitable solution could be reached.

Cook stated that until there is clarification of the interpretation, we can either table or deny it. Slikkers said that we should table to preserve the application.

Following discussion, **a motion was made by Slikkers and seconded by Lorence to table the BTB 146 LLC Special Use Request pending clarification of the ordinance interpretation. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

## B. PUBLIC HEARING ON ZONING AMENDMENT

Chairman Cook asked that Ron Bultje review the draft of the Zoning Amendment. Bultje said in 38.465 we were essentially trying to provide that lots of 8500 sf with water and sewer and lots of 15,000 sf without water and sewer would be considered legal lots not be subject to lot combination. We agreed to go farther and indicate that lots could be considered for a special use even if they didn't have 8500 sf or 15,000 sf.

Accessory buildings could be granted a special use by the Planning Commission if meeting certain criteria instead of having to go before the Zoning Board of Appeals to request a variance.

Slikkers asked if the two items could be considered separately and Bultje agreed they could.

Chairman Cook opened for public hearing.

Jim Brown representing RPE Trust stated that his client is in support of the proposed amendment. Two points to clarify with regard to pending application, it is presumed if this amendment is passed the application would be considered under the new ordinance. Bultje responded that it would. Secondly, the relationship between the lot combination requirement, it is understood the approval of the special use request would take those lots out of the combination because they would be considered compliant.

One letter of correspondence was received from Mr. Porter of London UK in opposition of the potential approval of special use request to RPE Trust.

Following discussion, **a motion was made by Slikkers and seconded by Howell to close the public hearing. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Slikkers said the background on Section II. of 38.471 came about from last Zoning Board of Appeals meeting where there was a request for less than 200 foot setback in the front yard for an accessory building. The applicant received approval but it seemed it was a struggle with the requirements of the ordinance as it is currently written so if we can take other factors into consideration it seems more logical to do so.

Following discussion, **a motion was made by Howell and seconded by Slikkers to recommend the amendment of Section II. of the Ordinance be moved on to for recommendation for approval to the Township Board. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Meshkin suggested the Commissioners review Section I. providing feedback for Bultje to prepare a draft that would be submitted for review prior to the June 3 meeting.

There was discussion as to whether R-1 and AG should be excluded from the verbiage. Cook asked Bultje to circulate the proposed language before the next meeting.

ARTICLE V. CITIZEN COMMENTS – None

ARTICLE VI. ADJOURNMENT

**A motion was made by Howell and seconded by Slikkers to adjourn the meeting at 8:08pm. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**