

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

June 7, 2017

ARTICLE I. CALL TO ORDER

Chairman Bob Slikkers called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Bob Slikkers, Linda Howell, Randy Becksvoort
MEMBERS ABSENT: Jim Lorence, David Weishaar
STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary
Noah Sall – Deputy Zoning Administrator

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the May 3 and 9, 2017 meetings. **A motion was made by Howell and seconded by Becksvoort to approve the minutes as written. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. WEST WIND LAKE ESTATES PLANNED UNIT DEVELOPMENT
REQUEST

West Wind Village Development LLC, owner or agent of property located in the northwest ¼ section one of Laketown Township, that being tax parcel #0311-001-021-00, #0311-001-024-00, #0311-001-026-00, #0311-001-030-00 and #0311-001-031-11, requests approval of an 81 lot planned unit development on this property. This development will be known as West Wind Lake Estates.

Rick Polaski of Nederveld Engineering stated that the township attorney's report has been reviewed and there are no questions and nothing to add by the developer.

Slikkers stated that Michael Short submitted a letter of concern. Slikkers asked the commissioners for questions or concerns and there were none.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the resolution and report attached with all conditions as written for the West Wind Lake Estates Planned Unit Development Request. Chairman Slikkers called for a roll call vote on the motion: Becksvoort aye; Howell aye; Slikkers aye UNANIMOUS DECISION – MOTION APPROVED**

B. PASTOR & BENSON SPECIAL USE REQUEST

Diane Pastor and William Benson, owners or agents of property located at 6243 136th Street, that being tax parcel #0311-035-040-40, request special use permit to establish an animal daycare facility on this property.

A motion was made by Howell and seconded by Becksvoort to take the item off the table. Slikkers asked for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Pastor provided an overview of the revised site plan and property photos. Pastor feels the revised plan addresses the concerns expressed at the May meeting specifically regarding a buffer, steel gate at the driveway entrance, training to maintain a bark-free daycare, scheduled waste removal and proposed schedule of operation (7:00 a.m. to 6:00 p.m., with no overnights). Pastor added that Dogs Bay and Laketown Kennel were both approved for operation in the township and feels she should also be approved for operation.

Slikkers asked if the dogs will have the ability to move inside and outside of the facility. Benson said yes, our operation will have outdoor and indoor access.

Slikkers asked why the personally owned dogs of Pastor and Benson bark if Pastor has been trained and certified to train dogs to be free of barking. Pastor said she just received the certification and their dogs do not always have supervision but the business would have 2.5 staff onsite during hours of operation. Benson said their dogs don't bark unless someone pulls up in the driveway and that will be circumvented with the new gate and remote control access to open. Slikkers asked about the waste pickup and Pastor said it would be picked up once a week.

Howell asked in regards to training the dogs to be bark-free, how will this be done if you are not handling the same dogs every day. Pastor said there will be a screening process and if they are barkers, they will not be allowed. The training involves rewarding with treats and positive reinforcement to achieve the desired behavior and is very effective. Becksvoort asked how long it takes to train a dog and Pastor replied it is continual training throughout the day. Pastor reviewed the training schedule and placement of the dogs in the facility. There will be no sight line to where dogs are being brought in to avoid potential barking. Becksvoort asked for clarification of the number of dogs and Pastor responded that there would never be more than 25 dogs, including 8 of their own and potentially up to 17 clients. Benson said Tim with the Allegan County Animal Control advised him that a kennel license is not required by the county and it is up to the individual township.

Slikkers asked commissioners for questions/concerns. Becksvoot said he would be concerned for noise if he was a neighbor because it is a lot of dogs, adding that he spoke to his vet and asked about bark-free day care and the vet doubted that it would be possible. Howell stated that she is not opposed to the idea of a dog day care but would be concerned for the neighbors due to the proximity of the location on the parcel. Ideally, there would be more separation between the business and the neighbors. Howell also expressed concern for the “tourist” dogs opposed to dogs that are there Monday – Friday and familiar, more comfortable. Slikkers said there were 3 neighbors that spoke at the public hearing last month and asked if they were present. Slikkers asked if there is a way to reduce the amount of excitement possibilities to keep the dogs from barking.

Pastor said she totally understands the concern but it is a fallacy to believe there will be incessant barking. Certified trainers said it will never be like that. It doesn’t matter if the dogs are transient or regular and there will always be a mix. Pastor stated that Dogs Bay has many photos posted on their website where the dogs are outside. Benson said if we determine a dog is an incessant barker, it will not be able to come back.

Bultje said a written report was done for Dogs Bay prior to the construction of the building and it had several conditions. The same could be done for this request with very specific conditions for approval.

Following discussion, **a motion was made by Howell and seconded by Becksvoot to request the township attorney draft a resolution and report to deny the application for issues of lot size, number of dogs and potential disturbance to neighbors. Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Slikkers said we did not inquire about the building but with Dogs Bay, we were able to set conditions on the construction such as insulation to control noise. Howell suggested revisiting the number of dogs being considered and also information on their dogs being trained in the next month in regards to being bark-free.

Pastor said you mentioned lot size and number of animals stating their property is 20 times larger than Dogs Bay with fewer animals. Howell responded that it is the placement of the facility on the property that is in question as to impact on the neighbors. Pastor expressed concern that her livelihood is being put on hold for one more month.

Slikkers asked Pastor to consider how the gate would be handled in case of fire or other emergency vehicles needing access.

ARTICLE IV. NEW BUSINESS

A. SCHAAP SPECIAL USE REQUEST

Tom Schaap, owner or agent of property located at 6381 Hidden Pond Drive, Holland, MI, that being tax parcel #0311-205-005-00 requests a special use permit to build an oversized accessory building.

Tom Schaap explained that he is asking for a special use to allow for larger building to put a motor home that is 45 feet long allowing for space for proper storage and maintenance. The building will be constructed of materials similar to their home so it will blend in and not impact the value of the neighborhood association.

Slikkers said the ordinance allows 1280 sf and Schaap is asking for 2400 sf which requires a special use permit.

Chair Slikkers opened for public hearing.

John Easa of 6378 Hidden Ponds Drive expressed concern about the effect on his property value. He is also concerned about the water table and run off and placement of the driveway.

Howard Brondyke of 6392 Hidden Ponds Drive stated that he has no problem with the request. Schaap showed him the plan and asked for his feedback. Schaap keeps his property nice and he feels it will be a first class building. He recommended approval of the request.

Diana Heavener of 4608 142nd Avenue stated that her property is on the back side and expressed concern for the natural flow of nature. She also mentioned there is a discrepancy in regards to the property lines and would like a survey done. She stated that she and her husband Ken submitted a letter to that affect. Ken Heavener added that they have a regular size pole barn on their property. His children hunt on the property, there is a deer stand and he would like to continue to utilize the property for the reason he bought it. The structure will definitely be visible when the leaves are off the trees.

A motion was made by Becksvort and seconded by Howell to close the public hearing. Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers asked Schaap to address water flow and property value concerns. Schaap said he explained to Easa how the water would flow and told him he would get an elevation laser from his front door to where he wants to build. Schaap said he and his neighbor to the west do not even have sump pumps because it has always been dry. The building will mimic the house almost to a tee. There will be a 20' setback as required. As for the Heaveners, there is a 1,000 feet between us and their house and barn and not visible even in the wintertime.

Howell asked what material would be used for the driveway. Schaap said it would likely be asphalt. Howell asked that the contractor makes sure it tilts toward your house and not property line and also include gutters on the building ensuring there is no issue of drainage for the neighbor. Schaap responded that everything from the ridge goes to the northwest and will not be an issue.

Heavener asked if a survey could be done and Schaap said it was done on Tuesday with stakes in place.

Following discussion, a motion was made by Howell and seconded by Becksvoort to approve the Schaap Special Use Request contingent on it being in compliance with provisions put forth in Sections 38.471 and 38.91, with final site plan requirements in Section 38-64, required 20' setback, gutters on the building, no collective runoff water going onto neighboring property, the drive to the accessory building sloped to prevent water runoff to neighbors, compliance with the application submitted, compliance with all federal, state, county and township laws and ordinances and the written and verbal representation provided at this meeting and in the minutes. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

B. HOLT SPECIAL USE REQUEST

Brian and Naome Holt, owners or agents of property located at 6625 142nd Avenue, that being tax parcel #0311-016-032-30 request a special use permit to build an accessory building in an area considered a front yard.

Brian Holt provided a brief overview of the proposed structure that will conform to the nature of area. Holt deliberately built his home so as to preserve the privacy for the Warlicks and themselves. There is an ATV track going over the property and to the west, normal flat lands. Upon request for the original home building permit, the accessory building was not considered but they went forward with the house plans in 2006. In 2009, a variance was requested for the accessory building and it was denied based on alternate locations being available and it was deemed a self-created hardship. The Holts do not want to destroy more of the dune area and feel the requested site will have the least impact on the environment and the neighborhood. The accessory building would be used to store a sailboat, Boston Whaler and other recreational items that are now being stored off-site at a cost of \$3,000 per year. An alternate option would be to the northwest but would require an easement agreement with the property owner and an extended driveway that would be costly to put in and maintain. Also in the requested site, it would provide buffer to the Warlick cottage and set back 85' from the road. The materials used would be similar to that of their home to maximize existing character. Revegetation would be done to replace whatever is removed during construction. The Warlicks and Bloomquists have challenged all special use conditions and their claims are not justified. In conclusion, the plans have not changed much since 2009 and there are letters of support from other neighbors.

Chair Slikkers opened for public hearing.

Bill Warlick of 6617 142nd Avenue stated that he stands in opposition of this request. Holt has given you the background from the ZBA session when the request was denied; 8 years have passed and this request is a surprise to us. To suggest that this plan has been done with the consensus of the neighbors is false. We purchased the land and built the house with a clear vision and signed land covenants to that effect. It is a unique area and we want to keep it that way. We do not feel an outbuilding is in character with the area. Warlick asked that the commissioners exercise discretion to deny this request. This would be right in our line of sight, 200 feet in front of our front porch which devalues our property. The Warlicks have submitted a document of opposition

and have counsel present to support their position.

Vince Duckworth of Cunningham Dalman spoke on behalf of Warlick stating a statement of opposition had been submitted to the township. He gave a brief overview of the position citing specific factors found in Section 38.471, specifically, multiple other locations; size of structure for the parcel; area and height of the building; inappropriate screening from view of 142nd Avenue and neighboring properties; effect on light and air circulation of adjoining properties; adverse effect on view for adjoining properties; not harmonious with the character of adjacent property and surrounding area; uses that could potentially be hazardous to adjacent properties; adverse effect on public services. Duckworth feels the structure will change the picturesque landscape and change the experience of residents and visitors to the area. This is the third attempt by the Holts and is clearly a self-created hardship as previously indicated. The structure would be larger than the principle residence on a corridor to the beach; the lot size in question barely meets the minimum requirement and there is no mention of screening in the application. The Warlicks plan to protect their interest and request the commission deny the request. Duckworth also cautioned that the diagrams may not accurately reflect the public utilities that are present.

David Johnson of 4208 66th Street stated that he built on the property behind Warlick clearcutting about two of the four acres so understands the concern for maintaining the natural characteristics. He added that he can barely see neighboring homes at this time of the year from the road because the foliage is so thick. He does not see an issue with the request and feels the Holts have a right to build on their land.

Jeff Johnson of 6149 147th Avenue stated that over the course of last year his lines of sight will go from ¼ mile to 100 feet due to a new development in his neighborhood. He encourages the commissioners to think of the landowner rights and frankly enjoys the beach and feels most people could care less about the road to the beach.

Vicki Bloomquist of 6620 142nd Avenue submitted a letter of opposition. She stated that she is strongly opposed to the very large building. She feels it violates four of the township building codes, out of character with the area; distance from the road; other sites being available on the parcel so self-created hardship and adverse effect on the neighbors. She feels this structure would disturb the beauty of the road with its arching trees. She feels the structure could be put on the northwest corner of the property and it would be just fine with a longer driveway. She respectfully requests the commissioners deny this request.

Lee Bloomquist 6620 142nd Avenue also submitted a letter of opposition and asked if it has been received. He asked that the commissioners consider the essence of the neighborhood. The State of Michigan has granted \$875,000 to attract visitors to the beach and how do you maximize such an investment. From a business perspective it is clearly marketing and the most effective is word of mouth marketing; then product really takes off; marketing literally is a strong emotional experience that will generate interest. The 2012 Laketown document for parks describes the beach with words such as stunning views. When I round the corner of 66th and 142nd Avenue the thoughts from the world of man disappear, it is a feeling, and an emotional feeling will generate word of mouth marketing. Experience God's nature, this is unique and we do not want to lose it. That is

why the State of Michigan is investing in this project. The Holts do not want to put the building in the northwest corner of their property because they do not want to see it themselves. An accessory building is not a stunning view. Thank you for your patience.

Letters of support were received from David Kurczewski of 6641 142nd Avenue, Gerald Perriguey III of 6440 Sand Castle View and Joe Reed of 6724 VanderMeulen.

A motion was made by Becksvoort and seconded by Howell to close the public hearing. Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers asked Holt if he would like to offer anything else. Holt explained this is a rendition of it being put next to the cottage which would be worse for the Warlicks. He submitted recent drawings that had been sent and the Bloomquists have no line of sight. Holt said we do have a line of sight from our home; we are quite firm that we will not go into negotiation of the expense and maintenance of a large road and cannot within their environmental views see an alternate location for the structure without disturbing the dunes which they will not do.

Howell corrected that a grant application for the beach project has been submitted but is still pending.

Meshkin asked Bultje to review the effects of the ordinance change allowing for this type of special use permit. Bultje said the 2009 application was for a variance that the ZBA properly denied; since then the zoning ordinance has been amended to allow accessory buildings in a front yard if it meets the building size for parcel size, within 200 feet from the road and under special use permit by the Planning Commission if certain factors are met. A variance is a violation of zoning ordinance but a special use is not a violation of the zoning ordinance; this is an entirely different application. Slikkers said there are elements to find in a variance. Bultje added that every factor must be met for a variance but a special use is a review and preponderance of factors. Slikkers added there are standards for special use permits that must be considered which may involve subjectivity as to how it impacts neighborhoods and existing characteristics. Slikkers read the standards pertaining to front yard accessory buildings.

Bultje said comments were made stating that some of the lot is not buildable but we do not subtract from allowable size of the building based on unbuildable portions of a parcel and this is not a request for an oversize building, it is allowed by right based on the lot size. Howell commented that the front yard setback for a house is 40 feet. Slikkers commented on the changing demographics of 142nd Avenue noting that the placement of homes and accessory buildings over the years has changed. Slikkers commented on condition f. which speaks to adversely affecting the view of any adjoining property and Bultje added that persons do not have the right to look out their windows and not see anything. Slikkers said he stood on Warlick's porch to experience the view and is not sure from porch elevation what would be seen of the proposed accessory building; maybe just its top.

Becksvoort asked Holt for clarification of his permit application to build to the east of the property.

Holt responded that in 2009 he was told no by the ZBA so the drain field was relocated and consideration given to building at the minimum lot line but it would literally be right in front of Warlick's porch. Any other option would require removal of too many trees and negatively impact the dunes.

Bultje asked if it is worth asking the Warlicks about the other location as a possibility, which could be done by right and less than 100 feet from the Warlick's house.

Duckworth said there are two types of utilities there that may have to be moved.

Meshkin said the applicant went through the trouble of moving the drain field and could have a setback of under the required amount based on the height of the structure.

Slikkers questioned the accuracy of the drawings and based on the size of the building would there be the proper setback and Meshkin responded it would be within the 16 foot allowable setback. Holt said if the special use is not approved there will be no other option than to place it 16 feet from the lot line.

Slikkers suggested the item be tabled for one month so the applicant and neighbors might have further discussions to reach an amicable solution.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to table for further research by the applicant and potential discussion with the neighbors. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

C. SAUGATUCK DUNES LLC SPECIAL USE REQUEST

Saugatuck Dunes LLC, owner or agent of property located on 65th Street, approximately 1,600 feet north from 138th Avenue, that being tax parcel #0311-027-023-30 requests a special use permit to split the parcel and lose its non-conforming status by having an accessory building on a parcel that does not have a principle building, and by being oversized for the parcel.

Keith Walker of 470 Shore Walk explained his desire to split a parcel which would create a non-conforming status in order to save a historical barn in hopes that the next owner would be able to restore the structure.

Howell asked when the split might be made and Walker responded when he has a buyer. The street will be paved at the end of the week and gas utilities will be added so he hopes it will be soon.

Chair Slikkers opened for public hearing.

Pat Higgs of 3844 65th Street asked what Walker wants to do with the barn or that area. Her concern is the barn is sitting on a small parcel of land with only so much road frontage, is that the reason for the special permit. Walker said no, his intent is to divide into smaller parcels and when that happens,

the barn becomes non-conforming. Higgs said where the barn is now, there isn't much road frontage. Walker showed Higgs the drawing that nothing will come off 65th street. Higgs asked if that is why the applicant is putting road in back here, if the barn remains, this road is supposed to take care of that barn? Walker said if the owner of the property wants to use the barn, then Lot G would be the home site.

Mike Tighe of 3860 65th Street said spoke in support of the request to keep the barn.

Mitra Delaney of 6298 144th Avenue asked what size the lot is and how is he asking it be divided? Walker showed the map and explained the barn is now on a 15-acre parcel and would be on a 3-acre parcel.

A motion was made by Howell and seconded by Becksvoort to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers asked Walker to respond to the concerns. What happens if the next owner doesn't restore or take the barn down? Walker said it would be a condition of the sale, it is either restored or removed by the next owner.

Becksvoort likes the idea of keeping the barn but the problem is making a non-conforming lot. Meshkin said it is currently non-conforming because due to a house fire, it is a barn without a principle dwelling. Bultje added that it would remain non-conforming until a house is built on the property. Slikkers said the special use allows for the barn to stay up and maybe torn down later. Howell asked Bultje if a time limit can be a condition of the approval. Bultje said it could be a 3-year time limit independent of it being sold from date of approval. He suggested adding narrative to address a house being built before the barn is restored unless it is done simultaneously. The conditions could be put on the seller to ensure adherence. Walker stated that he is happy to put a restriction on Lot G to hold the next owner accountable and offered to prepare the language for submittal to the township attorney.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Saugatuck Dunes LLC Special Use Request subject to provisions in Sections 38.471 and 38.91, the final site plan requirements in Section 38-64, document submittal acceptable to the township attorney to address restrictions on Lot G to be recorded with the Allegan County Register of Deeds, compliance with the application submitted, compliance with all federal, state, county and township laws and ordinances and the written and verbal representation provided at this meeting and in the minutes. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Slikkers asked what we normally do when a home burns down and a barn exists. Meshkin responded nothing unless it becomes a problem.

D. BROWN SPECIAL USE REQUEST

Chelsea Brown, owner or agent of property located at 6229 143rd Avenue, that being tax parcel #0311-

014-022-10 requests a special use permit to build an indoor riding arena on this parcel.

Chelsea Brown explained that she is potentially looking at purchasing the property and would like to construct an indoor horse riding facility. She has two horses of her own and would like to have room for 6-10 horses and be able to work with them year around. The new building would be similar to the building to the west with steel exterior, large sliding doors, windows for light, ventilation and decorative exterior. The new structure would connect to the existing one and she would like to add room for storage and restroom facilities.

Chair Slikkers opened for public hearing.

Mike Hengst of 6249 143rd Avenue said he lives right next door and gave his support adding that he thinks it will be an asset to the township.

Noah Sall of 3862 61st Street asked if Brown plans to host equestrian events. Brown responded not at this time but may do a meet and greet.

A motion was made by Becksvoort and seconded by Howell to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Becksvoort asked if she will rent space to other people. Brown said her primary motivation is to care for her own horses but she has friends who may want to rent a stall. Her intent is not to do training or give lessons but to share the space with other friends who have horses. Becksvoort asked on the fire chief's behalf if there would be a hard surface driveway for emergency vehicle access to the building. Brown responded that she welcomes all suggestions to make the facility safe.

Howell echoed fire chief's concerns. Howell asked Bultje if stalls are rented, is a commercial permit needed and he responded no, it would be part of the special use. Meshkin added by right with a special use for an oversize building up to 32 horses would be allowed and ownership is not considered.

Bultje said he understood it to be a special use for a riding arena. The commissioners considered it a request for an oversize accessory building. Slikkers questioned the setback and Meshkin said it is 100 feet from a neighboring dwelling, 50 feet from a lot line, for a building that houses animals.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Brown Special Use Request subject to provisions in Sections 38.471 and 38.91, for an oversized accessory building, Section 38-212(13) for a riding stable, contingent on inclusion of a hard surface drive for emergency vehicle access, compliance with the application submitted, compliance with all federal, state, county and township laws and ordinances and the written and verbal representation provided at this meeting and in the minutes. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

E. PRESENTATION BY MAIN STREET PLANNING - Postponed

ARTICLE V. CITIZEN COMMENTS

David Johnson asked if there has been an update on the Internet. Meshkin invited him to come to the township board next Wednesday, June 14.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort and seconded by Howell to adjourn the meeting at 9:49 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

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