

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

June 28, 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.

MEMBERS PRESENT: David Weishaar, Ed Stielstra, Jim Johnson,
Marcia Perry, Casey Kimes
MEMBERS ABSENT: Richard Swanson, Carl Blauwkamp
STAFF PRESENT: Al Meshkin – Township Manager
Noah Sall – Deputy Assessor /Zoning Administrator
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Zoning Board of Appeals members reviewed the minutes of the May 24, 2017 meeting. **A motion was made by Stielstra and seconded by Johnson 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. BRONDYKE VARIANCE REQUEST

Mr. Todd Brondyke, owner or agent of property located at 6222 146th Avenue, Holland, MI, that being tax parcel #0311-011-001-00 requests a variance request to build an accessory building.

Todd Brondyke of 6222 146th Avenue explained he is asking for a variance of 13 feet from the required 18 foot setback for an accessory building on his property. Brondyke states that it is necessary due to the sewer and well placement and driveway angle to the proposed barn. Brondyke submitted a letter of support from James Windon of 6220 146th Avenue.

Stielstra asked for clarification of the Windon property lines. Brondyke stated the Windon property is a flag lot. Johnson asked if there is a reason for the placement of the barn and driveway. Stielstra confirmed it is a 13 foot variance from the required 18 feet minimum. Stielstra asked the proposed distance from the driveway to the well. Brondyke said it will be approximately 5 feet from the well.

Chair Weishaar opened for public hearing.

Jack Van Wieren of 6215 and 6229 146th Avenue spoke in support of the request.

Howard Brondyke of 6392 Hidden Ponds Drive said road appeal would look nicer than trying to put it behind the house. Johnson asked why he felt that way. Brondyke said any property that has a barn and a home, it is better to be offset than to have a peak behind the house.

Johnson asked if this type of building would have to go through the Planning Commission. Meshkin said the size of the building is within the guidelines as long as the height is within 18 feet. Average roof line is half way between the peak and eaves. Johnson asked if there are any similar variances that have been done. Meshkin said he is not aware of any. Stielstra expressed concern that it would set precedence.

Meshkin asked why the building could not go further to the south. The driveway would be longer but it would not require a variance for the setback.

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**

Stielstra stated it would set precedence for the future, granting a significant variance without hardship or justifiable cause.

Johnson agreed with Stielstra's comments and is concerned with the size of the variance being requested.

Kimes agreed with the precedence comments and also expressed concern for the lack of hardship present.

Weishaar agreed the precedence comes into play. Kimes asked if the amount of variance can be altered.

Meshkin suggested we look at Section 31.18 and stepped through the standards which apply to any dimensional variance.

Brondyke questioned why the state setback laws are there. Meshkin gave a brief overview of the history of the law. Brondyke said all of the neighbors around us do not have a problem with it.

Johnson reviewed the five conditions that must be met to approve the variance:

- a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
- c. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.
- d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
- e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

Following discussion, **a motion was made by Kimes and seconded by Johnson to grant the variance with a minimum setback of 10 feet to be maintained.**

Perry said she sees the same problems with meeting 10 feet as 5 feet and does not feel the standards are met.

Kimes said the 10 foot setback is a common setback and given the height, size of lot and barn, the minimum 10 feet is a reasonable.

Weishaar called for a vote on the motion. 2 yeas to 3 nays – MOTION DENIED

Following discussion, **a motion was made by Stielstra and seconded by Perry to deny the original request. Weishaar called for a vote on the motion. 4 yeas to 1 nay, MOTION APPROVED. The variance request is denied.**

ARTICLE V. CITIZENS COMMENTS

Brondyke thanked the board for their consideration.

ARTICLE VI. ADJOURNMENT

A motion was made by Stielstra and seconded by Johnson to adjourn the meeting at 7:33 P.M. Chairman Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED