

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

June 29, 2015

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: David Weishaar, Bob Slikkers, Jim Johnson
Ed Stielstra, Carl Blauwkamp, Richard Swanson
MEMBERS ABSENT: Glenn Voss
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 March 30, 2015 meeting. **A motion was made by Bob Slikkers and seconded by Ed Stielstra to approve the minutes as written. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. RPE TRUST VARIANCE REQUEST #2

RPE Trust, owner or agent of property located at 2244 Griswold Avenue, lots #190, #191 and #221 of Macatawa Park that being tax parcel #0311-340-190-00, requests a variance from section 38-242 of the Zoning Code. This section requires minimum front, rear and side setbacks. RPE Trust would like to construct a new cottage on this parcel that would not meet these minimum setback requirements.

David Weishaar reviewed the request as noted above. Bob Slikkers stated that the Planning Commission has reviewed the final draft report from the township attorney which has been reviewed and approved by the Township Board regarding the interpretation of the ordinance pertaining to this request. Following discussion, **a motion was made by Bob Slikkers and seconded by Carl**

Blauwkamp to leave this item tabled pending the outcome of the action of the Planning Commission. Chairman Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Al Meshkin confirmed that Richard Swanson is a participant but not a voting member tonight.

B. RPE TRUST VARIANCE REQUEST #3

RPE Trust, owner or agent of property located at 2411 Griswold Avenue, lots #219 and #220 of Macatawa Park that being tax parcel #0311-340-219-00, requests a variance from section 38-242 of the Zoning Code. This section requires minimum front, rear and side setbacks. RPE Trust would like to construct a new cottage on this parcel that would not meet these minimum setback requirements.

David Weishaar reviewed the request as noted above. Bob Slikkers stated that the Planning Commission has reviewed the final draft report from the township attorney which has been reviewed and approved by the Township Board regarding the interpretation of the ordinance pertaining to this request. Following discussion, **a motion was made by Bob Slikkers and seconded by Carl Blauwkamp to leave this item tabled pending the outcome of the action of the Planning Commission. Chairman Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE IV. NEW BUSINESS

A. DE NOOYER VARIANCE REQUEST

Mr. and Mrs. Dominique and Julie De Nooyer, owners or agents of property located at 4054 Spring Beauty Lane, Holland, that being tax parcel #0311-021-013-00 requests a variance from Section 38.214(2) of the zoning code. This section requires side yard setbacks of at least 20' in the R-1 zoning district. It also requires the two side yards must combine to be at least 50'. They propose to construct a new home on this parcel with two 14' side yard setbacks.

Chuck Posthumus represented the De Nooyers explaining that the DEQ permit has been received and written as the application was submitted. The property is on Lake Michigan and located in the same area as the houses affected by the fire in 2007. The county health department has approved permits for the water and septic field. Natural vegetation disturbed by the construction will be replaced. The condition of the acreage is more comparable to R-2 than the R-1 as it is zoned. The proposed construction would be with 14' side yards. The practical difficulty is the minimum flat, buildable condition of the property. Spring Beauty Lane limits the amount of east/west buildable space.

Dominique De Nooyer stated that he spoke to neighbors Dalman and Boven and both are in support the request. Bob Slikkers inquired as how big the Dalman lot is and Dominique said it is about 138 feet and Myaard is approximately 150 feet.

Bob Slikkers read into the record correspondence submitted by Peter Boven stating he would not object and Jessie Dalman also stating she would not object to the variance request.

Chairman Weishaar opened for public hearing.

Daryl Renschler of 4064 Spring Beauty Lane stated his lot is north of the Myaard property. He expressed concerns regarding the fire that occurred on July 7, 2007 when airborne fireworks lit by campers ignited the beach grass and trees in the area causing three homes to be burned to the ground. His house which is architecturally significant (designed by Carl Herman) purchased in 1979 for which he was issued a plaque for heritage preservation, was saved because of the distance between his home and the Myaard property. The Graafschap Fire Department did a heroic job of saving his home by spraying a fire retardant around it for five hours. There were 109 large trees destroyed from the heat of that fire. The DNR later put out a video of that fire for training purposes because it was so dry that year and there were many fires in the state. Mr. Renschler studied the recommendations from the DNR and the conditions that lead to that horrific night and he believes that allowing these homes to be stacked so closely together would endanger the area again should similar conditions exist. He has taken the recommendations and made appropriate improvements to his property as a means of prevention. He also noted that his property allows for staging of fire equipment which would not be the case for this request as the two potential structures would be on a dead end. Therefore I would say if you stack these houses that close you increase the risk of fire hazard. If we don't learn from history, we will repeat it. I just want to advise people of what happened and why it happened. I would recommend the architect review the DNR video.

Bob Slikkers confirmed that the variance request is for one house from the current applicant and not the potential applicant on the neighboring lot.

Chairman Weishaar closed the public hearing.

Jim Johnson asked if there are considerations for fire prevention in the building materials being used. Chuck Posthumus responded that he does take that into consideration suggesting fiberglass asphalt siding, metal roofing or masonry products. He also recommends clients install an adequate generator and follow the DNR guidelines for landscaping.

Bob Slikkers asked if you have considered a narrower house to come closer to the zoning requirements. Posthumus said we are trying not to be too much vertical in the structure. The client's intention is not to build right now but have an approximate 3-year planning process. We would like to stay to the 14' setback and will be very aware of what we do with overhangs.

David Weishaar asked what the total square footage of the house will be. Posthumus said approximately 4,000 sf of living space plus the 3-stall garage.

Carl Blauwkamp stated the narrative in the application is not very specific and would like to see more detail.

Weishaar said 14' from foundation is very tight for a 70' wide house on a 98 foot wide lot.

Bob Slikkers stated it feels too close.

Blauwkamp asked if variances were granted for the other parcels and it was noted that they may have been grandfathered due to the date the ordinances were written. Blauwkamp stated he does not have a problem with the 14' setback based on the hardships present.

Jim Johnson asked if the client considered a deeper garage to attain the 3-stalls. Julie De Nooyer responded that the depth is harder than the width of the buildable lot.

Ed Stielstra said he has no problem with depth on the north side and we cannot predict fire so should use that as a condition. Stielstra asked if the width of the house is reduced would it be more beneficial to the south of the house and perhaps look at the setbacks separately? He would like to see the township take extra steps to fire prevention standards. Slikkers stated he does not know that the township can change that. Al Meshkin said we must comply with state construction codes.

Following discussion, **a motion was made by Ed Stielstra and seconded by Carl Blauwkamp to approve the De Nooyer variance request, contingent upon complying with the application and contingent upon complying with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes.**

Slikkers stated that he would like to see the structure narrower and not considering the fire hazard. Weishaar supported that opinion. Slikkers reiterated the ordinance states the smallest variance must be considered. Stielstra stated the argument of R-1 versus R-2 is most logical. Meshkin stated it is R-1 because that area of the township is R-1 but is more similar to the R-2 which may be due to when the ordinance was written. Johnson struggles with the setback from the overhang versus foundation. Meshkin said the setback is measured from the foundation. Blauwkamp suggested making it part of the approval. Stielstra noted in an R-2 it would be a 10' side yard.

**Chairman Weishaar called for a vote on the motion.
3 NO to 2 YES – REQUEST DENIED**

B. DE JONG VARIANCE REQUEST

Mr. and Mrs. Robert and Mary De Jong, owners or agents of property located at 902 Indiana Avenue, Holland, that being tax parcel #0311-260-420-00, request variances from section 38-242(1) and 38-242(3) of the zoning code. Section 38-242(1) requires a 40' front yard setback. Section 38-242(3) requires a 40' rear yard setback. They propose to raze the existing cottage on this parcel and construct a new cottage with less than these required front and rear setbacks.

Chuck Posthumus represented the De Jongs who owned the property for 15 years. Chuck explained what the current structure is, a converted loft of a garage for the second floor with a deck system that connects the house to the north.

Bob De Jong explained that when they purchased the garage and the deck it was all owned by the cottage owner. They split the deck and the garage from the cottage. Tom Sligh owns the cottage to the left of the deck. Now we want to give them some of our property to maintain the deck area.

Chuck Posthumus explained the deck will have a natural cut to it and rearrange the property line. The proposed new cottage would have a front setback of 19.57' which matches the existing setback and the proposed rear setback of 32'. The structure would be vertical with two stories. To the west there is a 33% slope with a retaining wall to the south complying with the 10' side yard setback. The critical dune wraps to the west and the adjacent house encroaches onto the lot.

Weishaar asked what the other side setback is and Posthumus said it is about 42 feet. The existing hardships are relatively shallow east to west existing platted lot but does have water and sewer not unusual to other properties and intentional parking and driveway, similar to existing conditions.

Slikkers asked how tall it will be and Posthumus responded 35' at the midline of the roof, within the guidelines of the ordinance.

De Jong said he has a letter of support from Mary Downes and has been asked to represent the opinion of Ron and Patty Miller who are also in support of his request. He has spoken to the neighbors and has made arrangements to make sure concerns were addressed.

Chairman Weishaar opened the public hearing.

Victoria Stratton represented her sisters, owners of parcels 434 and 435 stating she has the proxy vote in favor of the request. She is also speaking on behalf of Tom Sligh who is in support of the request.

Jay Froberg of 943 Indiana Avenue, across the street from the De Jongs spoke in full support and is wildly enthusiastic of the request.

Slikkers read into record correspondence from Mary Downes and Chuck Danby in support of the request.

Chairman Weishaar closed the public hearing.

Following discussion, **a motion was made by Ed Stielstra and seconded by Carl Blauwkamp to approve the De Jong variance request, contingent upon complying with the application and contingent upon complying with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes.**

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

ARTICLE V. CITIZENS COMMENTS – None

Al Meshkin provided documentation submitted by concerned residents regarding a special use request that has come before the Planning Commission. The item will not likely come before the Zoning Board of Appeals but it may go to the Circuit Court.

Mr. Jim Johnson stated his understanding was that this question would be forwarded to the Zoning Board of Appeals for discussion. The reason we are here was that we expected it would be considered tonight, so if not, what happens at the next Planning Commission meeting?

Slikkers stated the discussion comes up in the next Planning Commission meeting on July 1. The debate is that someone has bought the property for an oversize accessory building with the intention to rent the principal dwelling. Stielstra asked if the fact that it is an oversized building what raised the issue. Slikkers said that is not how it came up it was the fact that the building is not used by the principal dwelling occupant.

ARTICLE VI. ADJOURNMENT

A motion was made by Ed Stielstra and seconded by Bob Slikkers to adjourn the meeting the meeting at 8:27 P.M. UNANIMOUS DECISION – MOTION APPROVED