

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

July 27, 2016

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, Bob Slikkers, Richard Swanson, Ed Stielstra
Casey Kimes, Jim Johnson
MEMBERS ABSENT: Carl Blauwkamp
STAFF PRESENT: Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Zoning Board of Appeals members reviewed the minutes of the November 30, 2015 meeting. **A motion was made by Slikkers 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. CHAMBERLAIN VARIANCE REQUEST

James E. Chamberlain, owner or agent of property located south of 3988 64th Street, that being tax parcel #0311-027-001-00, requests a variance from section 38-214(4) of the zoning ordinance. This section requires a minimum road frontage and land area. Mr. Chamberlain requests confirmation the above parcel is grandfathered for building and requests permission to change the property lines on the parcel.

Mr. Chamberlain explained that his request is to receive approval that Lot 001-00 be deemed buildable with egress and ingress via the 66' 64th Street frontage. He wishes to increase Parcel 1 to an ordinance complying size and add a building in the future which would be subject to issuance of a

building permit. He further wishes to decrease Parcel 2 to a buildable complying size for residential construction. He asks that the parcel be grandfathered for building. Chamberlain submitted a sketch to demonstrate the proposed lot line changes.

Weishaar asked if Exhibit A shows the current legal parcels. Slikkers asked if there both parcels on Exhibit A are legal lots. Chamberlain responded yes and Parcel 2 used to extend north to 140th Avenue. Exhibit G shows the desired configuration.

Chamberlain has contacted Allegan County Road Commission and submitted a copy of the email stating that it is acceptable to grant a permit for a driveway on 64th Street.

Swanson asked why Exhibit A and G were not done in a uniform fashion. Slikkers asked if the red flag is the south property line and if the two driveway stakes indicate where you intend to drive Chamberlain said yes. Chamberlain said it is right up against the lot line on parcel one but he would grant the easement. Slikkers asked if the proposed building would use that same driveway and Chamberlain responded yes.

Johnson asked if Chamberlain also owns parcel 2 and Chamberlain responded yes noting that Exhibit C shows how Parcel 2 was created. Parcel B is currently the Phillipus property. Exhibit D shows what Parcel B used to look like. Chamberlain noted that all copies of mortgage documents make the creation of lot history.

Slikkers asked when the north section of Parcel B was sold. Chamberlain said that lot was created after the current ordinance was adopted. There was discussion and uncertainty as to whether lots 001-10 and -1-20 were legally separated. Slikkers stated the sequence of actions in which the lots were created must be understood and taken into consideration before further comment can be made in terms of a decision on this request. That information is not available at this time and will have to be researched in township records. Swanson spoke in support of Slikkers' comments.

Stielstra asked if a topographical map had been created and Chamberlain said no. Casey asked what year the lots 1 and 2 or B and C were purchased and Chamberlain responded that he thought it was 1995. The only two dates shown on the documents are Exhibit A dated 8/8/1977 and next date where lots split are on Exhibit C shows dated 12/15/86.

Chamberlain said he must focus on when the northern section of the westerly lot was created. Slikkers said he needs to understand how and why the lots were split because they are not conforming.

Chamberlain asked if it has a real bearing on what he is asking for. Slikkers said you are asking us to take a nonconforming lot and approve a building. He is unwilling to move forward until it is discovered how the two nonconforming lots came about noting that it is the Zoning Board's responsibility to review all facts before evaluating the request to make a decision.

Slikkers read into record a letter dated July 20, 2016 submitted by Thomas and Jane Delhaye of P.O. Box 346 Saugatuck/3970 64th Street Holland in objection of the request for variance expressing concern regarding the endangerment of the creek at the bottom of the ravine and its affect on the water

system drainage.

Slikkers read into record a letter dated July 27, 2016 submitted by Frank and Wendy Delhaye of 3971 64th Street Holland in objection of the request for variance expressing concern regarding the endangerment of the creek at the bottom of the ravine, its effect on the water system drainage and several noted issues that would be detrimental to the property and noncompliance with the zoning ordinance and master plan.

Johnson asked for further clarification of Chamberlain's property lines and the lots in question. Swanson asked why Chamberlain is requesting to change the lot lines and he responded to create a buildable lot that will overlook the pond. Chamberlain added that the desired placement of the driveway would not affect the drainage.

Chair Weishaar opened for public hearing.

Eric Cammenga of 6428 140th Avenue stated he owns Parcel A on exhibit C and purchased it in 1987. Someone at that time tried to buy C but could not get a variance to build. Cammenga is not in favor of the variance request.

Art Phillipus of 6422 140th Avenue owner of Parcel B, which seems to the problem stated that he bought the property in 2003 and understands what Chamberlain is trying to do but is opposed because he does not want someone to build in his backyard. He added that Chamberlain knew it was an unbuildable flag lot when he bought the property. He asked that the board deny the request and deem it not to be a buildable lot. Slikkers responded that just because you don't want a house built behind you, doesn't mean it won't happen. Casey asked for clarification of the Phillipus lot.

Slikkers suggested to board members to use the notice letter with addresses and parcel numbers to match the parcel document to better understand resident ownership.

Frank Delhaye of 3971 64th Street supported Cammenga's comments, not wanting to look at neighbors and that is why the 2-acre lot ordinance was created. He also noted that two testimonials were heard in objection to this request along with comments he received from other neighbors and the letter his parents submitted in opposition. The previously requested variance to put a drive along the creek was denied for a reason and should not be approved now. It is steep and filled with vegetation and any modification would disrupt the water flow which drains all of the ponds up river from us. There are at least 3-4 ponds involved up stream running east for watershed and drainage. Slikkers named several homeowners and water systems in this area and noted that plans are underway with the DEQ to clean and correct the areas that have been compromised by the deteriorating weir. Delhaye again commented that the Hammond request in the 1980's was denied and the township should have record of that but Meshkin explained that the records were no longer accessible. Delhaye stated that to change the size of the lots and rezone it would take away the grandfathering pointing out that the building is not indicated clearly on the drawing submitted. He added that he believes Chamberlain's intention is to run a business out of the accessory building and not used solely for storage and office space.

Chamberlain said that is false and he plans to use it as his personal woodshop for boats and other woodshop hobbies.

Delhaye asked how residents would be made aware of the progress of this request if a decision is not made tonight. Slikkers explained the process noting that tonight's meeting is the one time for the public hearing, a time for both sides to express their comments; the board listens and reviews taking into consideration the request, comments and all applicable ordinances before moving forward with a decision. Board members must be comfortable with their full understanding of the information presenting and necessary facts before making a decision. That can done tonight or we can say we do not have enough information and then it can tabled until the next ZBA meeting which is the 4th Wednesday of the month. Meeting notices are published on the township website and also in the lobby area of the township hall.

Swanson asked if board members have permission to walk onto the property and Chamberlain said yes. Slikkers said the Planning Commission and Zoning Board of Appeals do have the right to walk the property of residents bringing such requests forward. It was noted that due to heavy vegetation it is difficult to identify the lot lines but caution too much disturbance to the natural creek as the DEQ has very specific rules regarding bodies of water.

Swanson said the other issue to clarify is the zoning of the homes and how that came about.

Chamberlain said he would like to reassure commissioners that there is no commercial intent for these buildings which would be subject to another application.

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

Chair Weishaar opened to commissioners for questions and discussion.

Following discussion, **a motion was made by Swanson and seconded by Stielstra to table the Chamberlain Request for Variance until more information is provided and research by the board can be done to better understand the sequence of events leading up to the changes in the noted parcels. Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS

Chamberlain asked when the Phillipus lot was created and would that not be part of the minutes. Phillipus stated he built on the lot in 2003.

Patty Phillipus of 6422 140th Avenue stated that Chamberlain made a comment about another application for a commercial building asking what that entailed. Slikkers stated that if the request was approved, an application would have to be made for the building and if not in compliance with the ordinance would have to come before the Planning Commission for approval at which time there

may be a public hearing. All public hearings are published and those within said proximity are directly notified.

Chamberlain thanked the Commissioners for their consideration.

ARTICLE VI. ADJOURNMENT

A motion was made by Slikkers and seconded by Stielstra to adjourn the meeting at 8:17 P.M. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED