

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

November 24, 2014

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, Steve Brunink, Bob Slikkers, Ed Stielstra,
Carl Blauwkamp
MEMBERS ABSENT: Glenn Voss
STAFF PRESENT: Al Meshkin – Township Manager
Diane Ybarra – Recording Secretary
Rodney Schermer – Township Attorney

ARTICLE II. APPROVAL OF MINUTES

The Zoning Board of Appeals members reviewed the minutes of the August 25, 2014 meeting. **A motion was made by Bob Slikkers and seconded by Carl Blauwkamp to approve the minutes as submitted. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. RPE TRUST VARIANCE REQUEST

RPE Trust, owner or agent of property located at 797 Lakeside Drive, Lot #179, that being tax parcel #0311-340-179-00, 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.

Chairman Weishaar reviewed the variance request and asked Secretary Slikkers to provide an overview of the citizen communications received. Weishaar commented on the claim of ownership

by another entity for a portion of the land. An application for a special use request has been submitted to the Planning Commission for its December agenda in regards to this parcel.

Communication was received from the following: Scott Brundage of 835 Plymouth Avenue SE, Grand Rapids, expressing concerns about the height of the structure; Rich and Molly DiBernardo of 4303 Grand Avenue, Western Springs, IL expressed opposition; Bob Bernecker of Macatawa requested more information but was not in opposition; William and Laurie Porter of London England expressed concerns regarding safety for foot and auto traffic; Point West I, LLC debates ownership of a portion of the parcel noted in the request for variance.

Following discussion regarding land ownership, Al Meshkin suggested moving forward with the public hearing.

Carl Blauwkamp asked how we approve a setback without knowing where the lot lines are going to be based on the request for the Planning Commission. Attorney Rod Schermer stated if the lot is under 8,500 sf, the Planning Commission can consider it for a single family dwelling as a special use using the R-3 yards to approve it.

Garth Everhart stated the lot was created in 1880, reviewed the parking and navigation of Griswold which is an eight foot wide road. The cottage will be rectangular with parking off Griswold which drove the design of the cottage. The major view is down through Griswold so moving away is beneficial to the neighbors and protecting views on the hill. Everhart also spoke about the setbacks, footprints of all cottages around the area reviewing setbacks of neighboring cottages. The plan includes DEQ approved native plants as a buffer creating a shrub line along Mishawaka Walk; one tree on the point will come down but it has quite a hole in it. If approved, building would not begin until 2016 when the water situation is resolved. Weishaar asked if you were planning to lower the lot. Everhart said one year the sand fences were put up wrong so the shifting of the sand occurred to change the elevation so the DEQ allowed us to cut the lot down. The beauty of that by pushing the lot down, it allows for better views. The house will be limited to two levels. Up on Mishawaka, Laketown Township previously approved two very large cottages and this one will not be that large. It will only be a total of 2,430 sf and the Brundage cottage is 2,800 sf on a smaller lot; many other large cottages are on smaller lots and most near the beach are more reasonable size. Our parking would be on Griswold. We have at least 20 feet between cottages and many are much closer.

Carl Blauwkamp asked what the height structure will be. Everhart responded it is 25-27 feet tall with a 4/12 pitch.

Chairman Weishaar opened the public hearing.

Chuck Hoyt representing Point West I stated it would be inappropriate to render any decision as we have documented ownership to a portion of the parcel noted in the application. Bob Slikkers asked what you think you own. The application shows parcel 179 which is really lot 179 which is our documented ownership shown in the pink area. The lot 179 is appropriate for the application but not parcel 179. The board should not try to approve anything without resolution of the ownership. Parcel

179 was plotted incorrectly. Ed Stielstra stated assuming x y z is fact, what would be the resulting lot size? Hoyt said 40 x 64 is the original plot. Rod Schermer said one of the attorneys looked at this but has your organization thought about doing a quiet title action. Hoyt responded now that his client is aware that someone is claiming ownership that will be done.

Attorney Schermer advised the applicant to submit any and all other documents, elevations, pictures, etc. into the record before the public hearing is closed. Everhart provided photos, cottage comparison sheet with lot sizes, owners, setbacks, etc., all drawn from assessor's records. The board reviewed the submitted documents as did Chuck Hoyt. Everhart found this information as is available on line for open record to the public. Everhart also provided rough elevations of the proposed cottage.

Meshkin stated that in 1989 the entire township was reappraised checking records and actual properties; since then if anyone makes changes those adjustments are noted. Everhart indicated where information was from the assessor's records and his personal measurements. He also has the original deeds issued to the family. Everhart stated he will have his attorney deal with Point West I on the issue of land ownership. This land has been there a long time but was consolidated by the assessor never by a land act. The assessor has the right to take 3 or 4 lots and make them one parcel if the parcels are deeded to one owner. Meshkin said in 2012 as part of Zoning Ordinance, if lots are common ownership and contiguous they were combined to make one parcel to create more parcels closer to ordinance. The water project was another reason it was done to avoid an owner of multiple parcels from receiving multiple water assessments. In each situation where this was done, it was discussed with the owner. Meshkin provided tax maps for this year and last year showing the differences. Everhart said in 1980 it matched the 1948 deed to the water.

Ed Stielstra asked if the issue of parking has come up. It appears there is a car port and a driveway, do you have other parking? Everhart thinks the one neighbor has an awkward driveway issue so is asking if we can reconfigure so the driveways match but we cannot because lot too is narrow.

Blauwkamp asked Chuck Hoyt what his client's intended use is for that little piece of property in question. Hoyt said his client has no intentions for it at this point. Slikkers commented that it is not a buildable lot.

Following discussion, **a motion was made by Steve Brunink and seconded by Carl Blauwkamp to close the public hearing. UNANIMOUS DECISION – MOTION APPROVED**

Following discussion, **a motion was made by Carl Blauwkamp and seconded by Steve Brunink to table this request until the property ownership is resolved. Chairman Weishaar called for a vote on the motion. 3 to 1 VOTE - MOTION APPROVED**

Attorney Schermer commented that if the board is waiting to make a judgment until issue of land ownership is resolved, perhaps a time limit should be included in the motion. Bob Slikkers was not in favor of putting a time limit on tabling the request. Al Meshkin said typically it would be tabled until next month or the next meeting. Meshkin is concerned with how motion was worded. Schermer said at that junction too one could do a quiet title action; it may not happen within months but

hopefully they can resolve it. Schermer noted that at some point in time, when or if you ever take it off the table, keep proper notice otherwise it could be sitting around for a couple of years.

Chairman Weishaar stated he would like to see the motion amended to reconsider in six months.

Following further discussion, **a motion was made by Carl Blauwkamp to rescind his initial motion and Steve Brunink withdrew his second to that motion. Chairman Weishaar called for a vote to rescind the initial motion. UNANIMOUS DECISION – MOTION APPROVED**

Following discussion, **a motion was made by Bob Slikkers and seconded by Ed Stielstra to table the application and delay making a decision on the request until the January meeting at which time the matter will be considered again. Chairman Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS – None

ARTICLE VI. ADJOURNMENT

Chairman Weishaar adjourned the meeting at 8:10 P.M.