

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

January 28, 2013

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: Carl Blauwkamp, David Weishaar, Bob Slikkers, Glenn Voss

MEMBERS ABSENT: Bob Scanlan, Steve Brunink

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 October 29, 2012 meeting. **A motion was made by Bob Slikkers and seconded by Glenn Voss to approve the minutes as submitted. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. ELECTION OF OFFICERS

Following discussion, **a motion was made by Glenn Voss and seconded by Carl Blauwkamp to maintain the same slate of officers as 2012 – Chair – David Weishaar, Vice Chair – Bob Slikkers and Secretary – Bob Scanlan.**

**UNANIMOUS DECISION – MOTION APPROVED**

## B. CASTLE PARK ASSOCIATION VARIANCE REQUEST

The Castle Park Association, owner or agent of property located on Audubon Road, that being tax parcel #0311-009-027-00, requests a variance from Sections 38-242(1) and 38-242(2) of the Zoning Chapter of Laketown Township Code of Ordinances for the purpose of constructing an addition to an existing storage building and workshop. Section 38-242(1) requires a front yard setback of at least 40'. Section 38-242(2) requires a side yard setback of at least 10'. The proposed addition would have less than these required setbacks.

Mr. Mark Lawson, co-manager of Castle Park stated we do not have any room to maneuver in the steep grade in the road where these buildings are located. We do not believe the addition will have a big impact on the neighbors, we think it will be an improvement to the area. The road dips down a bit and when the foliage is on the trees it has a different look than during the winter months. David Weishaar asked which building would be taken out. Mr. Lawson showed the 10' x 17' building that would be removed. This change would provide the necessary room to maneuver the Chef Container truck in that area. David proposed an alternate configuration that would eliminate one of the variances by a different placement of the addition. Mr. Lawson explained that the Chef Container dumpster must be in such a location to allow access.

David Weishaar and Bob Slikkers suggested removing all three buildings and construct one nice building. Bob Slikkers asked if the Association has requested this action to be taken. Bonnie Lawson is the other co-manager and she explained the Association has raised the funds for the building addition and also for the removal of the building indicated. The other buildings are not an issue so therefore it would be additional expense to remove and construct a new larger structure. Bonnie explained the idea is to clean it all up and to make it more efficient.

Chairperson David Weishaar opened for public comment. No public comments. Chairperson David Weishaar closed the public hearing.

Bob Slikkers stated that he has no issues with it as the site is somewhat restrictive. He would like the fact that more items could be stored inside to make it look better.

Glenn Voss concurred with Bob Slikkers in light of the suggestions given.

Following discussion, **a motion was made by Glenn Voss and seconded by Bob Slikkers to approve the Castle Park Association Variance Request as submitted.**

**UNANIMOUS DECISION – MOTION APPROVED**

## C. KRIVACHEK VARIANCE REQUEST

Mr. Alan Krivachek, owner or agent of property located 4618 60<sup>th</sup> Street, that being tax parcel #0311-140-001-00, requests a variance from Sections 38-485(a) of the Zoning Chapter of Laketown

Township Code of Ordinances. This section limits the number of large-hoofed or small-hoofed animals on property in the R-2 Low Density Residential District to none. Mr. Krivachek would like to keep large-hoofed or small-hoofed animals on this parcel that is five acres in size.

Mr. Alan Krivachek explained that he purchased his property two years ago and it was marketed as a hobby farm. He read the property description as advertised by the real estate agent. The whole property was in need of a lot of work and he invested a lot of money in making improvements. The previous owners had built the barn and he was told by them that he would be grandfathered into using the barn for a hobby farm. He explained that he used local materials and labor for the work done. The previous owners kept three horses for 22 years. On 12/27/12 he spoke with the neighbors that are adjacent to his property and explained he wants to keep the three cattle to maintain the property and utilize the barn.

David Weishaar confirmed that there was never a variance granted to the previous owners. Mr. Krivachek stated that after some research he found that the previous owner's account was not true, a variance was not granted. David stated the real estate agent may have marketed it as a hobby farm but we cannot give that merit.

Bob Slikkers stated that he did drive out there and stated that it does look nice. He asked how many cows were there today. Mr. Krivachek stated there were two today. Bob acknowledged that he understands the request but the R-2 District does not allow for hoofed animals. Alan Krivachek stated that one neighbor that did not sign the letter due to availability had no problem but did not want a future owner to have more than three animals. Bob asked about the fence and if the cows came out there. Alan stated the cows do not approach that fence and it is for decorative purposes only.

David Weishaar stated that the property is zoned R-2 which does not allow for animals. It would have to be R-1 but it is in the middle of the R-2 zoning. Alan stated that he was under the impression that the property north and west of him was zoned agricultural. Al Meshkin stated there is R-1 property further west but not contiguous properties.

Chairperson David Weishaar opened for public comment.

Bob Slikkers read two letters into the record. One letter from Todd and Tonya Szakacs 6018 146<sup>th</sup> Avenue stating they are in objection to the variance but would agree with no more than three animals allowed as part of the variance. They do not want the zoning changed in the area. Another letter was submitted by Dan and Karen Putnam of 6027 146<sup>th</sup> Avenue, in support of the farm but have concern if there would be more than three animals.

Scott Giles of 4610 60<sup>th</sup> Street spoke in objection of the variance. He spoke to a realtor that told him that his property value would be negatively affected. He and his wife are very much against this variance request. He has been speaking to Al Meshkin about this for two years.

Carl Blauwkamp asked why this went on for two years. Al Meshkin responded that it is not

uncommon for neighborhood disputes to remain unsettled for that length of time.

Mike Durham of 6011 146<sup>th</sup> Avenue stated that he has lived in the area for many years and he never realized that the horses were illegal. Al Krivachek came in and really fixed the place up and it looks so much better. The cows do not bother anyone, it is actually quite pleasant. He is in support of the variance request for three cows and no more. Three cows are not hurting anybody and the property has been cleaned up so nicely.

Les Tucker of 6031 146<sup>th</sup> Avenue stated that he owns the southwest corner of the property. He has been watching the development of the property and these cows are pets. He and his wife enjoy them seeing them out in the back. His only concern would be the quantity. If that would change, it would be effective for the next residents as well. He does not have a problem with the cattle being there.

Todd Szakacs of 6018 146<sup>th</sup> Avenue stated that he invested a lot of money, blood, sweat and tears in his property and he is against it. He is willing to work with them on the three cows but really doesn't like it.

Following discussion, **a motion was made by Glenn Voss and seconded by Carl Blauwkamp to close the public hearing.**

#### **UNANIMOUS DECISION – MOTION APPROVED**

Glenn Voss clarified there is some interest in leaving things as is but was not sure that is an option for us. Is that within a realm for us to decide on quantity as a stipulation? Al Meshkin stated that the ZBA can set a limit on the variance granted.

Carl Blauwkamp stated back to the letter submitted by Todd Szakacs, any person that purchases a home would be made aware of how the property is zoned. Todd responded that he buys and sells houses and the realtor must disclose the zoning of the property. Sometimes realtors beef up the listing but it is up to the buyer to do the due diligence.

Alan Krivachek stated that he was not made aware of it. Why would it have horses there for 22 years and now not allowed to have horses? Alan stated that he paid for many repairs to bring it up to selling code. Mike Durham stated that the previous owner said that she had approval for the horses all along but that was untrue. Carl Blauwkamp asked if it was the same owner and it was confirmed that it was the same owner for 22 years.

Scott Giles stated that he did contact a real estate agent who confirmed that his property value would decline.

Bob Slikkers asked when the zoning was changed. Al Meshkin stated that it has been R-2 for as long as he has been with the Township. He does not recall ever having a rezoning of the property.

Dan Putnam of 6027 146<sup>th</sup> Avenue stated that he does not have a problem with the three cows but does not want to see more. Mr. Krivachek takes good care of the animals and he has really cleaned up the property.

Carl Blauwkamp stated that he understands but zoning is zoning and he does not see how it can be justified.

Glenn Voss states that he understands the predicament but is uncomfortable with picking a number and is struggling a way to see through it.

Bob Slikkers states that his personal dilemma is with the property owner but what our responsibility here is to find a hardship and there is not one present.

David Weishaar stated that he is troubled that this has been a two year discussion. Alan Krivachek stated that he purchased the property in 2010 and had no knowledge that this was a two year problem. He struggles with managing to get by but doesn't feel he should have to come before the board with a hardship to get this approved when these animals put food on his table.

Bob Slikkers reiterated the criteria necessary to approve a variance request. After reviewing the criteria, he could not justify granting the request as the conditions of criteria were not present.

Following discussion, **a motion was made by Bob Slikkers and seconded by Carl Blauwkamp to deny the Krivachek Variance Request based on the conditions not being present to meet the criteria for approval.**

#### **UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS – None

ARTICLE VI. ADJOURNMENT

A motion was made by Glenn Voss and seconded Carl Blauwkamp to adjourn the meeting at 7:56 P.M.