

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

March 28, 2018

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, Jim Johnson, Marcia Perry,
Casey Kimes, Ed Stielstra, Richard Swanson
MEMBERS ABSENT: Carl Blauwkamp
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 February 28, 2018 meeting. **A motion was made by Swanson and seconded by Perry to approve the minutes as written. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED.**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. NYHEIM VARIANCE REQUEST

Nancy Nyheim Trust, owner or agent of property located at 2374 Maksaba Trail, Holland, MI that being tax parcel #0311-340-319-00, requests a variance from section 38-242(1) of the Zoning Code. This section requires a minimum 40' front yard setback. The Trust would like to build an attached deck on the existing home with less than the required 40' required minimum front yard setback.

Steve Shadduck project manager for Nyheim Trust explained the request is to build a new 12' x 22'

deck to replace an existing one. The new deck will have stairs relocated to face the driveway instead of the road as it is currently. Weishaar asked what the current setback is and Shadduck responded that it is about 8 feet.

Swanson commented that most of the homes in this area do not meet the required setbacks. Stielstra confirmed that it will be an uncovered deck and Shadduck said two feet of it would be covered but that is not new. Meshkin commented that based on where the road is platted that half of the house is in the road right of way. Kimes asked how close the stairs will be to the road and Shadduck explained it will be into the drive and not toward the road as it is today. Johnson asked who owns the road and Meshkin said it is a private road. Perry asked what liability the township has in terms of the private road and Meshkin said none. Perry called attention to it being a nonconforming lot and is uncomfortable to overlook that and grandfather everything. She feels that it would behoove the ZBA to have the Planning Commission address how these nonconforming areas are addressed. Meshkin asked how far the steps are from the traveled road. Shadduck said the original deck was 12' x 12' and a portion was removed due to its disrepair. Meshkin said the new deck and stairs are very close to the traveled road. Stielstra suggested moving the stairs minimum 2 feet to the south.

Chair Weishaar opened for public comment. No public comment or written correspondence.

Following discussion, **a motion was made by Perry and seconded by Johnson to close the public hearing. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Following discussion, **a motion was made by Stielstra and seconded by Swanson to approve the Nancy Nyheim Trust Variance Request with a provision that stairs as attached to deck are moved a minimum of 2 feet to the south and finding the standards and requirements stated in Section 38.118 have been met, compliance with the application and compliance with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

B. VISSCHER VARIANCE REQUEST

Raymond and Shari Visscher, owner or agent of property located at 4574 Audubon, Holland, MI that being tax parcel #0311-009-003-10, request a variance from section 38-242(5) of the Zoning Code. This section requires a minimum 150' of lot width to construct a two-family home on a parcel of land not served with both municipal water and sewer. Mr. and Ms. Visscher would like to construct a two-family home on a parcel that does not have municipal sewer and has 125' of lot width.

Weishaar said he has a note that this request has been withdrawn and there was no representation at the meeting.

C. VAN DAM VARIANCE REQUEST

Marc and Mary Van Dam, owner or agent of property located at 6539 147th Avenue, Holland, MI that being tax parcel #0311-003-060-00 request a variance from section 38-471(1) of the Zoning Code. This section prohibits the division of a parcel that would cause an accessory building to be in violation of the Code. Mr. and Ms. Van Dam would like to divide this parcel in such a way that would cause the existing accessory building to be located on a parcel without a principal building.

Randy Bouwkamp represented the Van Dam family and explained the request is to a parcel that currently has a barn but no dwelling. There is a buyer for this parcel with plans to build a home within 12-18 months and plans to make improvements to the barn.

Johnson and Kimes clarified the attachments to the application. Perry questioned the interpretation of the ordinance. Stielstra noted the barn in the front yard which may also be an issue. Meshkin said it could be dealt with by adding trees and there is sufficient right of way. Swanson said in this case we have a legitimate proposal to change it in the next 18 months which would then bring it into compliance. Johnson asked what happens if they don't build the house and Meshkin responded the township could prosecute but that would be unlikely.

Chair Weishaar opened for public comment. There was one letter of support submitted by Mr. Victor Tuthill of 6539 147th Avenue.

Rick Mouw of 885 Clarewood Court said he is the buyer interested in the parcel and if approved, would plan to get start renovation of the barn and pull a building permit for the house to be done in 12-18 months.

Following discussion, **a motion was made by Stielstra and seconded by Swanson to close the public hearing. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Johnson said he is in favor of approving if the building permit is pulled and the house built within 12-18 months. Perry asked what happens if the construction does not occur, is it possible that the barn would be saved. Meshkin responded that a new owner would then have to duplicate this process.

Following discussion, **a motion was made by Johnson and seconded by Kimes to approve the Van Dam Variance Request contingent on a building permit be pulled within 12 months, construction within 18 months and if it does not occur, then the barn must be removed; and also finding the standards and requirements stated in Section 38.118 have been met, compliance with the application and compliance with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes. Chair Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS - None

ARTICLE VI. ADJOURNMENT

A motion was made by Perry and seconded by Johnson to adjourn the meeting at 7:53 P.M. Chairman Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED