

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

APRIL 26, 2023

I. CALL TO ORDER

Vice Chair Perry called the regular monthly Zoning Board of Appeals meeting to order at 6:00 p.m.

Members present: Jim Delaney, Barbara Hibiske, Marcia Perry, Bob Slikkers
Members absent: Casey Kimes, Charles Martin "Marty" Hysen, Stephen Penfield
Staff present: Jim Hayden – Public information coordinator; Michelle Sall, community development director

II. APPROVAL OF MINUTES

Motion by Delaney, second by Hibiske, to approve the Sept. 28, 2022, minutes with the change to the July 27, 2022, minutes with change to New Business (B) Giovannucci Variance Request to read "Meshkin suggested that a wooden deck at grade is as acceptable as a retaining wall and fill." Vice Chair Perry called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 4-0.

III. OLD BUSINESS – None

IV. NEW BUSINESS

a) Gogolin Variance Request

Gray Gogolin, 6396 Spring Hill Pt., parcel # 03-11-002-054-30, zoned R-2, requests a variance from Sec. 38-240 (16) Attached Accessory Dwelling Unit (AADU) regulations for usable floor area. He is asking for approval to exceed the 30 percent limit of usable floor area allowed for an AADU.

Gogolin addressed the board and said he has been running an Airbnb on the lower level of his house for 7 years. The basement is an open concept. The space is rented May through October and there have been no issues. He said he feels he has been operating under the spirit of the ordinance.

The board discussed the issue. Sall explained that the township hadn't been doing zoning reviews as required and has been looking at sites as they come up in the permit process.

Hibiske asked if this was an exceptional situation. Gogolin said the open design does not make it practical to screen off space and that he was notified of the problem in a short period of time and already has bookings. He said he did not know about the rules.

Sall said Gogolin has been in violation from the start because the property is zoned for single family use and he lives in the house along with the renters.

Slikkers noted that the ZBA can only grant the variance based on Sec. 38-118 Standards for Variances (1) on dimensional variances.

Perry said the decision needs to come from the planning commission.

Delaney said there are no extenuating circumstances, and the planning commission ought to deal with the issue.

Perry opened the public hearing at 6:26 p.m.

Gogolin left the meeting.

Perry noted a letter of support from Larry and Judy Rouse, 6399 Spring Hill Pt.

Jim Johnson, 6402 Hidden Hollow Lane: Lives across the street from Gogolin. He was not aware of rentals. No noise. No problems.

Motion by Slikkers, second by Hibiske, to close the public hearing at 6:28 p.m. Vice Chair Perry called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 4-0.

Slikkers referred to zoning code Sec 38-118 Standards for Variances. He said all requirements not met and request should be denied.

Motion by Slikkers, second by Delaney, to deny the request for a variance due to Sec. 38-118 standards not being met. Vice Chair Perry called for a vote on the motion. ROLL CALL VOTE, MOTION UNANIMOUSLY APPROVED 4-0. YES: DELANEY, HIBISKE, PERRY, SLIKKERS. NO: NONE

b) VanderPol Variance Request

Don DeGroot of Exxel Engineering Inc., 5252 Clyde Park Ave. SW, Grand Rapids, representing Ron VanderPol, owner of vacant property at 147th Avenue, parcel # 0311-002-014-10, zoned R-1, requests a variance from Sec. 38-214.4 R-1 Area Regulations for the purpose of a land split without road frontage.

DeGroot addressed the board. He said the property borders property VanderPol owns in the City of Holland with road access on 62nd Street. DeGroot showed a diagram. VanderPol wants to split the Laketown Township parcel into two pieces – the larger piece called Parcel B of 11.91 acres with frontage on 147th Avenue and the smaller piece called Parcel A of 3.37 acres on the displayed diagram. Parcel A would be a buffer between VanderPol's City of Holland land and Parcel B. Parcel A has no road frontage. DeGroot said, if the split is allowed, a deed restriction will be added to Parcel A that it, if sold, it must be sold with the City of Holland property.

The board discussed the proposal. Slikkers asked if deed restrictions are limited by municipal boundaries.

Perry said she would like the advice of the township attorney.

Delaney asked how many orphaned properties are needed in the township.

DeGroot said this is a unique situation because the township cannot make a general rule to cover this issue, that his client cannot do a lot adjustment due to the land being in another municipality.

Slikkers said to examine the criteria needed for a variance.

Perry opened the public hearing at 6:49 p.m.

No name: Asked total acreage, will land be sold? DeGroot said he assumes there is interest in a sale.

Joshua Zwiep, 4728 62nd St.: Asked if proposed parcel will be landlocked, is there 200 feet or road frontage, what's the minimum acreage to build? Board members answer questions.

No name: Could someone else buy the land?

Motion by Slikkers, second by Delaney, to close the public hearing at 7:02 p.m. Vice Chair Perry called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 4-0.

The board discussed the issue.

Hibiske said she was not sure if the proposal fits standard.

Slikkers said a variance must meet at categories of Sec. 38-118.

Perry said the proposal does not pass the test presented in Sec. 38-118. Would like the township attorney to look at possible deed restriction.

DeGroot said a buffer area benefits everyone if the larger parcel is developed. He suggested tabling to allow attorney comment.

Motion by Delaney, second by Hibiske, to table the request for more information from the township attorney. Vice Chair Perry called for a vote on the motion. ROLL CALL VOTE, MOTION UNANIMOUSLY APPROVED 4-0. YES: DELANEY, HIBISKE, PERRY, SLIKKERS. NO: NONE.

V. CITIZENS COMMENTS

Joshua Zwiep, 4728 62nd St.: Asked about new subdivision on 62nd Street and 147th Avenue. Speed limits need to be lowered. Perry said the ZBA does not handle speed limit requests.

Hibiske left meeting at 7:20 p.m.

VI. ADJOURNMENT

Vice Chair Perry adjourned the meeting at 7:21 p.m.