

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

JULY 27, 2022

I. CALL TO ORDER

Kimes called the regular monthly Zoning Board of Appeals meeting to order at 6:01 p.m.

Members present: Jim Delaney, Barbara Hibiske, Casey Kimes,
Marcia Perry, Richard Swanson,
Stephen Penfield (alternate non-voting)

Members absent: Bob Slikkers (alternate non-voting)

Staff present: Al Meshkin – Manager
Jim Hayden – Public information officer

II. APPROVAL OF MINUTES

Motion by Perry, second by Delaney, to approve the April 27, 2022, minutes as presented. Chair Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

III. OLD BUSINESS -- None

IV. NEW BUSINESS

a. Remondino Authorization Request

Dan and Jennifer Remondino, 6430 Sand Castle Drive, parcel # 0311-406-022-00, zoned R-1 Rural Estate, request authorization per Sec. 38-486 of the zoning code to use an automatic pool cover for a swimming pool instead of installing a fence with self-latching gates.

Attorney Andrew Reside and owners Dan and Jennifer Remondino presented their plan, saying that the key will be locked in the pool house and that if the power goes out, there is a generator or the cover can be hand-cranked shut.

Kimes opened the public hearing at 6:14 p.m. No comments. Meshkin was given two letters of support from neighbors.

Motion by Swanson, second by Perry, to close the public hearing at 6:14 p.m. Chair Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

The board discussed the issue, asking how many young children were in the area – Dan Remondino said not many. Hibiske said there must always be adult supervision. Kimes said the owner is ultimately responsible for pool safety. Perry said pool covers are safe.

Motion by Swanson, second by Perry, to approve the authorization request per Section 38-486(d) for an automatic pool cover instead of a fence with self-latching gates as presented, including documentation and verbal representation, so long as the cover meets or exceeds safety standards. Chair Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

b. Giovannucci Variance Request

David Giovannucci and Jennifer Warner, owners of 6450 Otis Road., Saugatuck, parcel # 0311-200-011-00, zoned R-2, request a variance from Sec. 38-242(3) of the zoning code that requires a minimum 25-foot setback for an uncovered deck. They would like to construct an uncovered deck on the existing cottage that would not meet the minimum setback.

Giovannucci and Warner discussed the proposal for the 8-foot deck that would be 30 feet long and 3 feet tall. The deck, if constructed, would be about 6 inches from the neighbor's property line. The structure would be below grade of the neighbor's property.

Kimes opened the public hearing at 6:33 p.m.

Lynne Gallagher, 3607 Otis Blvd.: Supports plan. Submitted letter as well.

Maria Dusenberry, 6454 Otis Road (VIA Zoom): Supports plan.

Motion by Swanson, second by Delaney, to close the public hearing at 6:36 p.m. Chair Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

The board discussed the issue. Kimes did not like that this was the second request on the property. Perry said the problem was self-created, could have been avoided and could be opposed by a new neighbor in the future. Delaney said other ways to address the issue are available. Meshkin suggested that a

wooden deck at grade is acceptable and would not need a variance, as is a retaining wall and fill.

Motion by Kimes, second by Swanson, to deny the variance request per Sec. 38-242(3) because it does not meet with variance requirements per Sec. 38.118, other options are available including constructing a structure that does not need a setback variance. Chair Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

c. Diekema Variance Request

Steven Diekema, 2263 Riverbend Trail, owner of property on Maksaba Trail at lot 330 Macatawa Bay Addition, parcel # 0311-320-330-00, zoned R-2, requests a variance from Sec. 38-242(1) and (2) of the zoning code. Sec. 38-242(1) that requires a minimum 40-foot front yard setback. Sec. 38-242(2) requires a minimum 10-foot side yard setback. Diekema would like to construct a new home on this parcel with less than the required minimum front and side setbacks.

On Jan. 26, 2022, the zoning board of appeals approved a variance request per Sec. 38-242(1). EGLE has denied a permit and sent Diekema back to the zoning board of appeals. The proposed house would be shifted on the property per EGLE suggestions, making the previous 24-foot front yard setback an 18-foot setback and creating a 5-foot side yard setback instead of the required 10-foot setback.

William Sikkel, attorney for Diekema, explained the need for a new request. He said he will go back to EGLE with the township's decision.

The board discussed the issue. Hibiske said the parking situation with the new proposal is not acceptable and causes a safety issue. Kimes agreed.

Kimes opened the public hearing at 7:28 p.m.

Lara Knitter, 2351 Maksaba Trail: Lives across the street from proposed home. Decreasing setbacks makes it hard to navigate the road.

Steven Grunst, 2430 Waukazoo Trail: Supports original house plan. The road narrows there and this change would cause difficulty with large or emergency vehicles. He would like the house built but prefers the original variance.

Sean Tilton, 2372 Belmont Way: Is concerned that with the 18-foot setback, emergency vehicles could not get through the road.

Motion by Kimes, second by Delaney, to close the public hearing at 7:37 p.m. Chair Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

The board discussed the issue. Delaney said the original variance was a viable solution. Kimes was concerned about impact on the neighborhood with the smaller setbacks. Swanson said the new proposal puts safety in doubt. Perry said there is no compelling reason to change from the original variance.

Motion by Swanson, second by Perry, to deny the variance request based on community concerns, public safety and that the previous variance that was granted met zoning standards. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 5-0.

V. CITIZENS COMMENTS

Perry asked if she should bring the possibility of allowing automatic pool covers to the planning commission. The board discussed the issue and agreed now was not the time to make any changes.

VI. ADJOURNMENT

Chair Kimes adjourned the meeting at 7:57 p.m.