

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

September 22, 2021

ARTICLE 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, Casey Kimes, Marcia Perry, Richard Swanson

MEMBERS ABSENT: Barb Hibiske

STAFF PRESENT: Al Meshkin – Manager; Jim Hayden – Public information officer

ARTICLE II: APPROVAL OF MINUTES

Perry submitted a copy of corrections to the June 23, 2021, minutes:

Article III Old Business, section (a) Porter Variance Request:

“Chairman Kimes explained the request is back before the board after last month’s meeting because state law requires a majority of the entire board, not just those members present, to approve the variance.”

“(Note Hibiske’s Zoom connection over her phone disconnected several times. She reconnected several times as well getting stable connection at 6:18 p.m.)”

“Swanson said further erosion control is needed to protect the site from Lake Michigan high water.”

Motion by Swanson, second by Perry, to approve the amended minutes of the June 23, 2021. Chair Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

ARTICLE III: OLD BUSINESS – None

ARTICLE IV: NEW BUSINESS

a. Visner Variance Request

Christine L. Visner, trustee of the Christine L. Visner Trust, u/a/d 12/23/1995, owner or agent of property in the Lakeside Addition to Macatawa Park, tax parcel #0311-260-406-00, 0311-406-405-00 and 0311-260-408-00, requests a variance from section 38-242(4) of the zoning code to divide the lots into three parcels that do not meet the lot area and width requirements of the zoning district.

David Smith, attorney for Visner and Mary K. Downes, explained the arrangement between Visner, Downes and Lisa Insull Rebori regarding the variance request as detailed in the submitted documents. Smith said the parties agree not to sell the properties independent of the main parcels.

Peter Rhoades, attorney for Rebori, discussed the issue.

Public hearing opened at 6:14 p.m. No comments.

Meshkin noted six letters in support of the variance; one letter opposed.

Motion by Perry, second by Delaney, to close the public hearing at 6:16 p.m. Chair Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

Board members discussed the request. Attorneys Smith and Rhoades said the situation is unique; Rhoades said other ways of handling the property create confusion and problems with taxes. Perry asked about public access and Meshkin noted that the walkways are intended for residents not the public.

Smith said he will submit language to the township that the additional property must be sold with the main lots. Kimes said the three lots cannot be joined into one lot and must stay divided.

Motion by Swanson, second by Delaney, to approve the variance as requested and that the township attorney review the material including the deed restrictions. Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

b. Haworth Authorization Request

Kimes excused himself from the discussion due to a conflict of interest because he is employed by Haworth. Vice-chair Perry led the board.

Matthew Haworth, owner or agent of property at 4634 Sailview Drive, Holland, tax parcel #0311-410-014-00, requests authorization per section 38-486 of the zoning code to

use a pool cover for a swimming pool instead of installing a fence with self-latching gates as required by the zoning code.

Through Zoom, Matthew Haworth, Tim Batts (contractor, Spoelstra Pool & Patio), Jim Smit (contractor, Mike Schaap Builders), Bob Nolan (attorney, Warner Norcross & Judd LLP) and Andrew Reside (attorney, Warner Norcross & Judd LLP), explained the proposal through discussion and slides.

Public hearing opened at 7:01 p.m. Jeff Elhart, 4632 Sailview Drive, Holland: Supports request

Meshkin noted two letters of support.

Motion by Swanson, second by Delaney, to close the public hearing at 7:03 p.m. Acting Chair Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

The board discussed the proposal.

Motion by Delaney, second by Swanson, to authorize the pool cover request as written. Acting Chair Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

- c. Lees Authorization Request
Kimes returned as chair of the board.

Toby and Rebecca Lees, owners or agents of property at 13 Carousel Lane, Holland, tax parcel #0311-004-015-20, request authorization per section 38-486 of the zoning code to use a pool cover for a swimming pool instead of installing a fence with self-latching gates as required by the zoning code.

Scott Spear of Blue Water Pools explained the pool cover system.

Public hearing opened at 7:16 p.m. No comments.

Meshkin noted one letter of support.

Motion by Perry, second by Delaney, to close the public hearing at 7:17 p.m. Chair Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

The board discussed the proposal.

Motion by Perry, second by Swanson, to authorize the pool cover request as presented. Chair Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED.

ARTICLE V: CITIZENS COMMENTS

Meshkin noted that passing the recent pool cover requests does not mean every request for a pool cover will be approved, that the board needs to consider each request's unique circumstances.

ARTICLE VI: ADJOURNMENT

Chair Kimes adjourned the meeting at 7:20 p.m.