

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

October 24, 2018

ARTICLE I. CALL TO ORDER

Chair David Weishaar called the regular monthly Zoning Board of Appeals meeting to order at 7:00 P.M.

MEMBERS PRESENT: David Weishaar, Marcia Perry, Richard Swanson,
Jim Johnson, Casey Kimes
MEMBERS ABSENT: Carl Blauwkamp, Ed Stielstra
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 September 26, 2018 meeting. **A motion was made by Swanson and seconded by Johnson 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. LOOBY VARIANCE REQUEST

Jim and Camila Looby, owners or agents of property located at 6498 140th Avenue, Holland, MI 49423, that being tax parcel #0311-027-010-00, request a variance from section 38-214(2) of the Zoning Code. This section requires a minimum side yard setback. Mr. and Ms. Looby would like to construct an addition on the east side of the existing house on this parcel that would not meet the minimum setback requirement.

James Cook represented the Loobys as the builder. Cook explained the request is for an 8.5 foot variance, 11.5' setback from the east property line. The intent is to expand the bedroom and add a bathroom. Other options were explored but due to it being a corner lot, the garage on the west side and the back would eliminate an egress window, which is not desirable. The east side is the most favorable option.

Swanson asked if there has been any input from the church next door. Cook said there has been no feedback from the church. Swanson asked about the tree near the lot line. Cook said the structure will be 10-11 feet from the tree and it will be a crawl space underneath so no roots will be disturbed. Meshkin said he has not received any communication from the neighbors.

Looby said there has been good interfacing with the church pastor. Perry said the tree will be impacted by the construction within a number of years. Cook said he does not feel the roots will travel uphill. Looby said the intent is to preserve as many trees on the property as possible. Perry reviewed the standards, specifically the hardship factor as she sees there are other ways to expand the house without having to change the setback. Meshkin said the difference with this parcel is that it is zoned R-1 but it is grandfathered as a nonconforming lot. It is because the lot is undersize and under width for current zoning and has been a lot of record for many, many years. Meshkin said the previous owner bought the original house, which burned down (the original Gibson schoolhouse) and reconstructed a new home. The parcel has been that configuration for a long time. Looby said as we are able to move in and do some landscaping, you will see more trees than what you see today, particularly in the front.

Johnson asked Cook to explain the complication of expanding to the south. Cook said it is a look-out but it will also eliminate the rear laundry room entrance to the house which is also a load bearing side. Kimes asked if expanding the basement would be an option. Cook explained it is an unfinished basement with inadequate plumbing. Johnson asked if the width of the master bedroom could be expanded toward the back but it may add complications and cost. Cook said expanding to the front is not an option due to the septic and gas meter line. Weishaar said it appears that you could add on to the rear. Cook said the proposed addition is 10 x 30 feet and the width of the entire house is only 38 feet plus the garage. If we moved that space to the back, it would cover the entire back and affect many other rooms. A complete review was done of the space for options. Meshkin said the minimum side setback is 20 feet and combined is 50 feet for the two side yards. If 65th Street had not been there, the 40 foot setback would not be required. The proposed setbacks do combine to at least 50'. Perry asked if the attached garage would be used. Looby said the accessory building would be used for storage of personal items as the attached garage is large enough only for the storage of an automobile and no other equipment.

Johnson asked if this is approved, are we setting any precedent for future applicants. Meshkin said absolutely not. It could be argued either way, but the parcel is non-conforming for an R-1 but would be conforming in an R-2 situation. The fact is that neither the church nor neighbors have commented on the request is an important consideration. Meshkin said either way would be defensible.

Weishaar opened the public hearing.

Al Meshkin of 3965 65th Street spoke in support of the variance request.

A motion was made by Swanson and seconded by Kimes to close the public hearing. Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED.

Following discussion, **a motion was made by Swanson and seconded by Kimes to approve the Looby variance request from section 38-242(2) of the zoning ordinance requiring compliance with the site plan submitted, in compliance with the application; stipulation that efforts be made to protect the large tree on the neighboring property; compliance with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting.**

Kimes spoke to the R-1 and R-2 zoning factors. As far as the tree goes, some think it may be saved or lost, so he has some concerns about that and if there is an additional treatment option to protect the tree. Swanson said he thinks there could be a berm of sorts around it. Johnson said perhaps plywood could be put down during construction as a barrier to the roots. Cook said there will be minimum equipment evasion on the parcel, no concrete trucks and the size and nature of the construction does not require it. Meshkin said the tree protection could be part of the motion. Kimes expressed concern that the tree is on the church property.

Weishaar called for a vote on the motion. Vote 4 to 1 – Perry dissenting. MOTION APPROVED

Cook said he will consult with an arborist and will also research minimizing the depth to protect the root system. Weishaar asked if the arborist advises the tree would be destroyed, could the property owner reduce the construction by two feet. Meshkin commented that he is unsure how much life is left in the tree. Cook said consideration may be given based on the advice of the consultant.

ARTICLE V. CITIZENS COMMENTS - None

ARTICLE VI. ADJOURNMENT

A motion was made by Kimes and seconded by Swanson to adjourn the meeting at 7:34pm. Weishaar called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED