

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

REGULAR MEETING
November 7, 2018

ARTICLE I. CALL TO ORDER

Chair James Lorence called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: James Lorence, Randy Becksvoort, Marcia Perry,
Dick Becker, Linda Howell
MEMBERS ABSENT: None
STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the October 3, 2018 meeting. **A motion was made by Howell and seconded by Becker to approve the minutes as corrected. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. DARBY PLANNED UNIT DEVELOPMENT REQUEST

Mr. Dick Darby, owner or agent of property located in Section 35 of Laketown Township, that being tax parcels #0311-035-018-20, #0311-035-018-30, #0311-035-021-00 and #0311-035-029-00, requests approval to develop a commercial planned unit development on these parcels. There is no update on this item.

B. TUCKER SPECIAL USE REQUEST

Mr. Scott Tucker, owner or agent of property located at 6255 Blue Star Highway, Saugatuck, MI, 49453, that being tax parcel #0311-035-045-00 requests a special use permit to establish a contractor's yard on this parcel. Perry recused herself from the discussion due to living within the public notice area.

Becksvoort said he feels the project is more industrial in nature and not a good fit for the area, expressing concern about water and other items previously mentioned. Becker supported Becksvoort's comments questioning if it is a good use for this neighborhood. Howell thanked the commissioners for their efforts in the process and expressed having several concerns from the beginning and those concerns remain. Lorence said he has been to the site several times and there seems to be a lot of salvage material on the property. He was surprised to see an acetylene torch which is typically used to cut steel and questions whether this is proper use for the area. It seemingly appears to be more industrial use versus storage of materials and equipment.

Bultje said the next step is making a motion to adopt a particular resolution and report with the specific draft date. Zoerhof asked to approach the board. Bultje said he and Zoerhof had discussions concerning the last meeting and the board having taken no action due to a quorum not being present.

Zoerhof said he reviewed the comments made at the last meeting. He said what is currently on the site is not what is proposed but Tucker is attempting to correct the issues that exist. Tucker requests to have a conditional approval to build trust with the commission during a review period. This has always been proposed as a contractors' yard for storage which complies with the zoning ordinance. The assembly portion of what he does is a very small part of the business only done if he cannot do it on the client site. He is not asking to create a manufacturing site but applying for what is allowed with this zoning.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to accept the resolution and report written by counsel and dated October 16, 2018 to deny the request for all reasons set forth in the attached report**

Howell said the primary reason she has issue with the request is that with directive by the state and the violations noted, none of which were corrected. For all of the reasons stated in the report, she objects to the request; Becksvoort, Becker and Lorence concurred.

Roll call vote:
Becksvoort – Aye
Becker – Aye
Howell – Aye
Lorence – Aye

UNANIMOUS DECISION – MOTION TO ADOPT RESOLUTION DENYING THE SPECIAL USE PERMIT APPROVED.

ARTICLE IV. NEW BUSINESS

A. BARKEL SPECIAL USE REQUEST

Steve Barkel, owner or agent of property located at 6341 147th Avenue, Holland, MI, that being

tax parcel 0311-002-024-00, request a special use permit to build an over-size accessory building on this parcel in an area that is considered his front yard with less than the required 200' setback.

Steve Barkel of 6341 147th Avenue explained that he proposes to build an accessory building in an area where there previously was an in ground swimming pool. It is a good spot because the area is level and firm and fits well with how the home is situated on the lot which is about 300' off the road. The parcel is a flag lot with 130' on the road and 230' along the back. There are not a lot of options to place the structure on the site. He would like to have a 36 x 40 with a covered porch of 8' to be included in the square footage allowed. The front of the building will be about 180' from the road. It is conducive to the layout of the property and fit in the footprint of where the pool was. The out building for the pool was removed. He would use the building for personal storage only.

Bultje said the public hearing is for the additional size of the building and the setback.

Lorence opened for public hearing. No comments or correspondence.

A motion was made by Becksvort and seconded by Becker to close the public hearing. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Perry asked where the 180' were measured from and Barkel said from the road right-of-way; it is an additional 33' to the center of the road. Becker had no issue; Howell had no issue. Becksvort asked about the setback from the building to the house stating that it should be a separation of 10' and Barkel said it would meet that. Becksvort suggested having a survey done to confirm lot lines. Lorence said he has no issue.

Following discussion, **a motion was made by Becksvort and seconded by Howell to approve the Barkel Special Use Request for an oversized accessory building located in the front yard, based upon consideration of the special use standards in Section 38-471(6) and (2) and Section 38-91, and the site plan standards in Section 38-65. The conditions of approval are compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

B. LEBARON SPECIAL USE REQUEST

Mr. Dennis Lebaron, owner or agent of property located at 6085 146th Avenue, Holland, MI, that being tax parcel #0311-001-058-20, requests a special use permit to move a log home onto this parcel.

Dennis Lebaron of 164 Oak Park Drive explained that he wants to move a log home that he owns to his property on 146th Avenue.

Lorence opened the public hearing.

Matt O'Donnell of 6091 146th Avenue said he looked at the log home which is closer to 40 years old than 20 as stated and much larger than he thought it was. He is concerned about his property value since this home is valued at about \$0 and the site is somewhat of a dumping ground, some of which lies on his property line. Has the township done an inspection of the site? There is a barn or another building on the site and it was on the original property before it was split and there is electric power on that site. There are also a couple of vehicles that have been there for a long time. He is concerned about the building being used to repair vehicles and wondered if there will be more cars sitting around.

Edwin Bouws of 4617 61st Street said his land occupies close to this parcel. He asked what constitutes a special use for this request. What was the original building constructed for and has it ever been occupied. Will it meet today's building codes and has the commission seen a site plan and does it fit in with the neighborhoods.

Letters of objection were received from Matt O'Donnell of 6091 146th Avenue; Ms. Maxine Arens of 6080 146th Avenue; Mark and Amy Rapson of 6090 146th Avenue; Vince and Michelle Heyser of 6086 146th Avenue.

A motion was made by Becksvort and seconded by Becker to close the public hearing. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Perry asked for more information on the reconstruction of the log home, will there be any other improvements? Lebaron said the building was completely enclosed but the original builder ran out of funds so no one ever lived in it. Lebaron said he does not have a site plan but plans to provide that if this is approved. He will put the log home on a basement and he plans to build and live in the home. It was started in 1985, the roof is in disrepair so that's why it is listed at no value. One vehicle on the property is used as a plow truck only and the other vehicle is licensed and insured. The cement was inherited but will be removed and cleaned up as will the other materials that were left there before I purchased the property. The building that is there I would like to incorporate as a garage.

Becksvort clarified the existing building to be a garage but it appears that there is an attached garage on the building. Becksvort said the sizes noted on the application do not match. What is the size of the building. Lebaron said the building is 30' x 34' and this is the wrong drawing but referred to an updated drawing that has not been submitted. The garage that appears on the drawing is no longer there. Becksvort questioned the ownership of the property. Lebaron said it is going through a land contract and will be completed by the end of the month. Becksvort confirmed understanding of building code. Becksvort said if Lebaron were building a brand new log home, the permit process would ensue. Becker said if he was going to build a brand new log home this would be a none issue instead he is saving a structure that would be going into landfill. There is a lot of mixture of homes in the area and if done right could be a good addition to the area.

Howell said the old tax info shows zero value so based on the explanation we have an

understanding of what is being proposed. Howell concurred with Becker, if this were a new home construction, there would be no question, however due to the reuse of materials, it has come before the PC. Howell struggles if it meets all of the current codes and setbacks and ordinances just because there are no other log cabins in the area it should not matter. Becksvoort said right now we have a lot that was created that is not conforming because there is a structure on the property but no dwelling. Bultje said at the time it was divided a violation was created due to no dwelling. Becksvoort addressed the fixing of cars. Lebaron said the owner prior to me was a mechanic but I am a builder by trade not a mechanic and will work only on my own vehicles.

Lorence asked for a timeline. Lebaron said he has to tear it down and review all the materials and anticipates that the log home will be up and closed in within 18 months. Becksvoort asked about a performance bond. Howell asked where the logs will be inspected at current site or your site. Lebaron clarified that the logs will be taken apart and moved to his lot and will be reconstructed. It will not be moved as a building but it will be the moving of building materials.

Bultje said the language of the ordinance will allow a security deposit to ensure the building is constructed to code, removing debris and cleaning up of the lot. Bultje said the security deposit would be to clear the lot versus finishing the entire project. Meshkin asked for clarification of the process of enforcing a performance bond versus enforcing the ordinance. Bultje said the benefit to a contract with the applicant is that it gives us the right to use the security deposit to clear the property.

Becker said if someone bought a kit house we wouldn't ask for a security bond. Bultje said whenever someone builds a new house there is a building permit process with incremental inspections. Howell asked what the standard building permit timeframe is and Meshkin said it is one year and a one year extension can be requested. Lorence said the structure as it stands now has been weathered. Lorence said we have an issue that the final plan is not here to review. Lorence asked if we are in agreement to have a security deposit.

Perry said she does not understand why we are putting all of these conditions on someone who basically wants to build a house. Howell said what is different is that if someone goes to a lumber yard to get materials, is there any other place to put the logs to inspect them than on the site. Lebaron said that would be possible. Meshkin said what if none of the logs came onto the property until the foundation is in place. Lebaron said it would cost more to move them twice but he would be willing to do so. Lebaron said everything will be new except for the logs.

Following discussion, **a motion was made by Becksvoort and seconded by Perry to approve the Lebaron Special Use Request to move log home materials onto this parcel under the special use standards in Sections 38-483, 38-65 and 38-91; the conditions of approval are updated plans be brought into the zoning administrator; foundation be put in place inspected and approved and site cleaned up before log materials are brought on site; compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representations at this meeting. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

C. PUBLIC HEARING ON ACCESSORY BUILDINGS ZONING TEXT AMENDMENT

Lorence explained this deals with the oversized accessory buildings. Meshkin said there have been many requests for oversized accessory buildings suggesting that the current ordinance is too restrictive. Meshkin suggested lowering the cut-off from 3 acres to 1.25 acres or greater and allowing 1,000 square feet per acre instead of 450; and height increased from 18' to 20'. Another change would be to increase the maximum building size to 20,000 square feet.

Lorence opened the public hearing.

Edwin Bouws 4617 61st Street said he feels that what Meshkin is proposing is a very good thing. It appears most requests have been approved. This would be a proactive action.

Tom Shuff of 4706 Forest Ridge said he does not see any such requests being denied last year.

A motion was made by Becksvoort and seconded by Becker to close the public hearing.

Becker asked if this is approved, then will residents just need a building permit? Meshkin said as long as the requests meet the amended limits. Bultje said the requirements will be liberalized so a tougher burden will need to be presented. Becker said the accessory buildings have been a Godsend to take care of the storage. Becksvoort questioned the narrow margin noted on item c. Meshkin said some smaller lots in subdivisions would not be proposed to change. Meshkin said the intent is to give the one acre lot gives a little more size based on buildable dimensions. Bultje said someone with just a little more than an acre gets a benefit. Howell said for the height she would leave it as is noted. Perry said in the master planning process we need to make sure that not everyone is inclined to build these massive out buildings.

Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Following discussion, **a motion was made by Howell and seconded by Perry to recommend to the Township Board an ordinance amendment to Chapter 38, Zoning Chapter in the Code of Ordinances for Laketown Township, Allegan County, Michigan, specifically pertaining to accessory buildings.**

Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

ARTICLE V. CITIZEN COMMENTS

Melissa Raywood of 6245 Blue Star Highway asked what will happen with the Tucker property now. Will he be asked to leave and the business cease? Meshkin said he and Bultje will have

discussions on how to move forward. The reality is he has been operating illegally since he started and it is worth noting that the neighbors and residents that continue to educate us through this process. We are no longer working toward a compliance situation and the goal will be to have the business removed but it will take time. Raywood expressed her appreciation for the commissioners' work.

Meshkin said he would like to work on more zoning text language pertaining to home occupation/business; home office; and accessory dwelling unit.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort and seconded by Howell to adjourn the meeting at 8:33 p.m. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED