

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

SEPTEMBER 27, 2023

I. CALL TO ORDER

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

Members present: Jim Delaney, Charles Martin "Marty" Hysen, Stephen Penfield, Marcia Perry

Members absent: Barbara Hibiske, Chairperson Casey Kimes, Bob Slikkers

Staff present: Michelle Sall -- community development director, Jim Hayden -- Public information coordinator

II. APPROVAL OF MINUTES

Motion by Delaney, second by Penfield, to approve the Aug. 23, 2023, minutes as presented. Perry called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 4-0.

III. OLD BUSINESS – None

IV. NEW BUSINESS

Brent Hoytenga requested to move his item from No. 3 on the agenda to No. 1 due to a medical reason.

Motion by Delaney, second by Penfield, to move item No. 3 Variance request of Brett Hoytenga, to No. 1 position on the agenda. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

1) Variance request of Brent Hoytenga

Brent Hoytenga, agent of property at 2342 Maksaba Trail, Macatawa, MI 49434, tax parcel #0311-320-341-00, zoned R-2, is requesting variances from Section 38-241 Height regulations and Section 38-242 Area regulations of the zoning code. These sections in part state the maximum building height allowed, and minimum setbacks needed for yards. Hoytenga is asking for variances for the purpose of building a new home.

Hoitenga addressed the board and said the lot he wants to build on is unusual because it has three sides so meeting all setbacks is not possible.

Motion by Delaney, second by Penfield, to open the public hearing at 6:07 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

Sall handed out documents, including information from the state department of Environment, Great Lakes and Environment. Sall noted two pieces of correspondence about the issue: Mike Daood, 2344 Maksaba Trail, saying the plan is oversized for the parcel; Benjamin and Natashka Fris, 2337 Maksaba Trail, expressing concerns about parking and that the plans are too big for the parcel.

Motion by Delaney, second by Penfield, to close the public hearing at 6:10 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

The board discussed the proposal.

Penfield asked why the project can't be fit into setbacks? Hoitenga said the proposed plan is best way not to impact slopes.

Delaney asked the purpose of the house? Hoitenga said he will put it up for sale. It's a spec house.

Perry said she looked at the house and that a variance needs to have a good reason to be approved.

Hoitenga asked which board members looked at the house. Delaney and Penfield said they had not been to the location. Hoitenga asked to table the issue until other board members look at the property.

Motion by Penfield, second by Delaney, to table the request until the next meeting. Perry called for a vote on the motion. ROLL CALL VOTE. MOTION UNANIMOUSLY APPROVED 4-0. YES: DELANEY, HYSEN, PENFIELD, PERRY. NO: NONE.

- 2) Variance request of William A. Sikkel
William A. Sikkel, agent of property located at 927 Illinois, Holland, MI, 49423, that being tax parcel #0311-260-453-00, zoned R-2, is requesting variances from Section 38-242 Area Regulations of the zoning code. This section in part states the minimum setbacks needed for yards. Sikkel is asking for variances to yard setbacks for the purpose of building a new home. The issue was tabled in August.

Sikkel addressed the board. He said the property is unique because it is one parcel but intersected by two roads. He distributed documents. Sikkel said the owner Richard B. Shanley bought the house and found damage to the foundation and

decided it was better to rebuild the home than repair it. The zoning requires 40-foot setbacks but there is not enough room on the lot to do that. He said neighbors expressed concerns about having their views blocked so the owner eliminated a second-story deck. The change does not impact elevation. Without the variance, Sikkel said no house could be built.

Delaney asked about the footprint? Sikkel said they are shifting the footprint.

Perry said the house footprint could be decreased, why not build it smaller? Sikkel said the new proposal is not much different than the existing footprint.

Perry said a variance needs special circumstances and that old houses can be restored. Sikkel said the demolition and new home was not made lightly.

Sall passed out updated documents regarding elevation.

Perry said it is unfair that residents can't see the new documents. Sall said she just received the documents today.

Motion by Delaney, second by Penfield, to open the public hearing at 6:43 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

Name not recorded, 2415 Grand Ave.: Has lived at house 64 years, will lose view of lake.

Jay Froberg, 943 Indiana Ave.(via Zoom): Said the house works better in current footprint, Sikkel and Shanley have done well communicating with the neighbors.

Sall said no correspondence was received about the issue.

Motion by Delaney, second by Hysen, to close the public hearing at 6:49 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

The board discussed the issue.

Penfield said the variances are needed to use the property.

Delaney said he understands the need for a new structure.

Perry said how much of a variance matters. Shanley said the new house is basically the same as the old house and will be farther away from Grand Avenue. Perry said she has grave misgivings about a larger house on the lot. Shanley said it's about the same square footage but with the addition of the carport.

Perry asked how many trees removed? Shanley said about three.

Hysen asked why the ridgeline in the new documents went up a foot. Sikkel says it should be the same, not changed.

Sall said the state Department of Environment, Great Lakes and Energy approvals are done.

Perry said a smaller footprint is better.

Hysen said he respects the request for variance.

Delaney said nothing in the proposal is different from the current house.

Motion by Penfield, second by Delaney, to approve the variance as proposed, including documentation and verbal representation. Perry called for a vote on the motion. ROLL CALL VOTE. MOTION APPROVED 3-1. YES: DELANEY, HYSEN, PENFIELD. NO: PERRY.

3) Variance request of Brian Bosgraaf

The variance request of Brian Bosgraaf, agent of property located at 4706 Indianapolis, Holland, MI 49423, that being tax parcel #0311-120-040-00, zoned R-2. Bosgraaf is requesting a variance from Section 38-242 Area regulations of the zoning code. This section in part states the minimum setbacks needed for yards. Bosgraaf is asking for a variance for the purpose of building an addition on a home.

Brian Bosgraaf representing Justin Klingenberg, addressed the board. Bosgraaf said Klingenberg wants to expand the house because his family has grown. He wants to add to the existing two-vehicle garage another single-stall parking garage and second story living space to be placed over an existing concrete area. He said the garage can't go anywhere else on the property and would mean the house would not meet the front setback rules.

Bosgraaf said he is awaiting approval of his permit from the state Department of Environment, Great Lakes and Energy. In the permit, he describes the proposed addition as space for beach storage rather than vehicle parking.

Motion by Delaney, second by Penfield, to open the public hearing at 7:17 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

Rob Stagg, 4711 Fox Hill Lane: On Zoom. Said home is large and addition will eliminate his view of Lake Michigan and that he was not contacted by Klingenbergs.

Correspondence from Stagg (above); and Joseph and Sherry Bonadies, 4707 Fox Hill Lane in opposition to the variance.

Motion by Delaney, second by Penfield, to close the public hearing at 7:23 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

Perry questioned if there are exceptional circumstances for the variance request? Bosgraaf said the house is in a high-risk erosion area that does not impact all the houses in the neighborhood. Perry said she did not see this as exceptional. Bosgraaf said this is a renovation and it will put the garage farther from the property line than it is now. He said the new addition is less nonconforming than the current building.

Delaney asked about EGLE status. Sall said there is no approval from EGLE. Bosgraaf said whether it's called a garage or beach storage facility, it takes up same space.

Sall asked why Bosgraaf didn't ask EGLE to change the permit from beach storage facility to garage? Bosgraaf said it would create a delay.

Motion by Delaney, second by Hysen, to table the variance application pending the approved EGLE permit that matches the application. Perry called for a vote on the motion. ROLL CALL VOTE. MOTION APPROVED 4-0. YES: DELANEY, HYSEN, PENFIELD, PERRY. NO: NONE.

Sall told Bosgraaf that submitting information to the ZBA that differed from plans submitted for an EGLE permit request was not acceptable. Bosgraaf said EGLE permits are expensive.

4) Authorization request of Mary Swindell.

The authorization request of Mary Swindell, agent or owner of property located at 6619 146th Ave., Holland MI 49423, that being tax parcel #0311-004-023-00, zoned R-2, who is requesting authorization, as per Section 38-486 Swimming pool regulations of the zoning code, for the purpose of using a hard pool cover rather than fence enclosure.

Swindell addressed the board. She said she is installing an inground pool and has ordered a hard cover. She has a generator.

Perry requested a description of pool cover. Swindell did not have the documents. Sall looked for documents but did not have description of pool cover.

Motion by Perry, second by Penfield, to open the public hearing at 8:05 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

No comments.

Motion by Perry, second by Penfield, to close the public hearing at 8:06 p.m. Perry called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.

Swindell made phone call to get information, relayed it from person she was speaking with to the board. Swindell said she would email documents to the township.

Motion by Penfield, second by Delaney, to approve the authorization request per Section 38-486(d) for a 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 of a fence and the township is provided with proper documentation for the cover. Perry called for a vote on the motion. ROLL CALL VOTE. MOTION APPROVED 4-0. YES: DELANEY, HYSEN, PENFIELD, PERRY. NO: NONE.

V. CITIZENS COMMENTS

Start: 8:19 p.m.
No comments
End: 8:19 p.m.

VI. ADJOURNMENT

Perry adjourned the meeting at 8:19 p.m.