

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

JANUARY 24, 2024

I. CALL TO ORDER

Kimes called the regular monthly Zoning Board of Appeals meeting to order at 6:05 p.m.

Members present: Barbara Hibiske, Chairperson Casey Kimes, Marcia Perry, Bob Slikkers

Members absent: Jim Delaney

Alternates not present: Charles Martin "Marty" Hysen, Stephen Penfield

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

Kimes congratulated Delaney for completing Zoning Board of Appeals training.

II. ELECTION OF OFFICERS

**Motion by Slikkers, second by Hibiske, to appoint Casey Kimes as chairperson of the Zoning Board of Appeals. Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.**

**Motion by Hibiske, second by Slikkers, to appoint ~~Marica~~ Marcia Perry as vice chairperson of the Zoning Board of Appeals. Kimes called for a vote on the motion. VOICE VOTE. MOTION UNANIMOUSLY APPROVED 4-0.**

III. APPROVAL OF MINUTES

**Motion by Perry, second by Slikkers, to approve the Nov. 22, 2023, minutes as presented. Kimes called for a vote on the motion. VOICE VOTE, MOTION UNANIMOUSLY APPROVED 4-0.**

IV. OLD BUSINESS -- None

V. NEW BUSINESS

1. Dimensional Variance Request from Sikkel (Klingenberg, new build)

The variance request of attorney William Sikkel, agent of Justin Klingenberg as trustee of the Justin Klingenberg Trust, property at 4706 Indianapolis, Holland, MI, 49423, parcel 0311-120-040-00. The request is for the approval of a variance from Sec. 38-242 Area regulations of the zoning code. Sikkel is asking for a variance to a front-yard and rear-yard setbacks for the purpose of building a new home. The property is zoned R-2.

Sikkel addressed the board. He said a request was previously made on Sept. 27, 2023, to the zoning board of appeals to expand the house, originally built in 1906. After going through the various processes, Klingenberg found the work needed would be more complicated and decided building a new structure would be better.

Required front-yard setback is 40 feet. Proposed structure will be 27 feet (current structure is 21.5 feet).

Back-yard setback is supposed to be 50 feet from Tusarora Avenue (undeveloped road). Proposed structure would be 48 feet from the right of way.

The new structure would include six off-street parking places.

Perry asked why the new house will not be built to conform?

Slikkers said the proposed structure is more conforming than the current house and if the setbacks were followed, the house would be too narrow.

Sikkel said building a new home to conform would not be impossible but would be a practical difficulty. He said other neighbors have been granted variances and the proposed structure will be **farther farthest** from the road than **others anyone-else** on the street.

Kimes opened the public hearing at 6:31 p.m.

No comments.

**Motion by Slikkers, second by Kimes, to close the public hearing at 6:32 p.m. Kimes called for a vote on the motion. VOICE VOTE. MOTIONS UNANIMOUSLY APPROVED 4-0.**

The board discussed the issue.

Slikkers said the owner has the right to build on the property and that the proposed design is better with setbacks than the current house. He said the proposed structure meets all requirements in Sec. 38-118 1 a-e.

Hibiske said a small house could be built. However, the setbacks as proposed are better than the existing ones.

Kimes said the neighbors' opinions are important. The letter from Rob Stagg, 4711 Fox Hill Lane, says expansion to the north would eliminate his view, but the proposed structure meets the setback requirement on the north. The new design is an overall improvement.

Perry said the criteria of Sec. 38-118 is not met. The site is not exceptional. The proposed house could be smaller and in compliance.

**Motion by Slikkers, second by Kimes, to approve the variance request from Klingenberg with the standards of Sec. 38-118, (1) a-e, based the application submitted, verbal representations, comments in the minutes, and**

**compliance with local, state and federal laws. Kimes called for a vote on the motion. ROLL CALL VOTE. YES: SLIKKERS, KIMES, HIBISKE. NO: PERRY. MOTION APPROVED 3-1.**

Sall asked Sikkel if the application that was submitted and tabled on Sept. 27, 2023, would be withdrawn. Sikkel said it would.

2. Dimensional Variance Request from Palmer/Jannotta

The variance request from Katie Palmer and Ned Jannotta, agents or owners of 4576 Lovers Lane, Holland, MI 49423, parcel 0311-460-006-00, for a variance from Sec. 38-242 Area regulations of the zoning code. The applicants are requesting a variance from a front-yard setback for the purpose of building an addition to the home. The property is zoned R-2.

Architect James M. Silvestro addressed the board. He said the State Department of Environment, Great lakes and Energy has approved a permit for an addition to the current home. Part of the addition is within the setback. The owners are requesting a 15-inch reduction in the front-yard setback from 40 feet as required by ordinance to 38 feet 9 inches in order make the side addition even with the front plane of the home. The side yard and rear yard setbacks are in compliance.

Kimes opened the public hearing at 6:52 p.m.

No comments.

1 letter of support from Elisabeth Norwood and Tom Palmer, 4566 Lovers Lane.

**Motion by Perry, second by Slikkers, to close the public hearing at 6:55 p.m. Kimes called for a vote on the motion. VOICE VOTE. MOTIONS UNANIMOUSLY APPROVED 4-0.**

The board discussed the issue.

Slikkers said the request meets criteria in Sec. 38-118.

Kimes said this is an extension of the current variance and it meets the criteria of Sec. 38-118, especially (1) b.

**Motion by Slikkers, second by Perry, to approve the variance request for Palmer/Jannotta with the standards of Sec. 38-118, (1) a-e, based on ~~added word "on"~~ the application submitted, verbal representations, comments in the minutes, and compliance with local, state and federal laws and state Department of Environment, Great Lakes and Energy permits. Kimes called for a vote on the motion. ROLL CALL VOTE. YES: SLIKKERS, PERRY, KIMES, HIBISKE. NO: NONE. MOTION APPROVED 4-0.**

3. Dimensional Variance Request from DeWitt

The variance request from George DeWitt, agent or owner of property located at 6716 Vandermeulen Road, Holland, MI 49423, parcel 0311-016-004-00, for a variance from Sec. 38-214 Area regulations and Sec. 38-471 Accessory buildings

of the zoning code. DeWitt is asking for a variance to a side-yard setback for the location of an accessory building. The property is zoned R-1.

Attorney William Sikkel addressed the board. He said he and his client George DeWitt met before the meeting and decided to explore more options for the site, and that they would like a full board present. Sikkel asked to table the issue to the next meeting.

The Board noted that a public hearing was noticed for the application and a public hearing should be held because people came out and are on Zoom for it.

Sikkel stated DeWitt acquired the property in 2015. The accessory building, known as the shed, was built about 1910, then torn down and rebuilt and enlarged without a permit by DeWitt's father in 2001. The deck was built in 2022. Sikkel said it cannot be moved because of the steep slopes and the driveway on the ridge is the only access. The deck has received a permit from the state Department of Environment, Great Lakes and Energy. The shed was "not denied," (by EGLE) according to DeWitt.

Sall noted a building permit application has been received from DeWitt for the deck but cannot be approved because a variance is needed.

Kimes opened the public hearing at 7:20 p.m.

Steven Ringleberg, 6721 Vandermeulen Road: Handed out a letter in opposition. He said DeWitt built the shed and deck without following rules or getting permits. The site is used for short-term rentals causing a congested road with dust and noise. Asked board to turn down the request.

Scott A. Dienes, Barnes & Thornburg LLP, attorney for Steven Ringelberg: He said the request is about having a short-term rental that violates ordinances. He also submitted a letter. He requested the board vote no.

**Motion by Perry, second by Hibiske, to close the public hearing at 7:31 p.m. Kimes called for a vote on the motion. VOICE VOTE. MOTIONS UNANIMOUSLY APPROVED 4-0.**

Sall noted communications.

Letter for information: Chad Warden, Laketown Township building inspector. Dimension sketch of shed.

Letters in opposition

- Scott A. Dienes
- Lisa VanderHill and Steven Ringelberg, 6721 Vandermeulen Road.
- Kathryn and David Beecken, 6734 Vandermeulen Road.
- John Fulgoni, 6723 Vandermeulen Road.
- Jan Carnaghi, 6724 Vandermeulen Road.

Letters in support:

- Geraldine Reed, 6724 Vandermeulen Road.

The board discussed the issue.

Slikkers said the shed is not legal because it was built without required permits and does not meet Sec. 38-118 (1) e – this issue was self-created.

Perry said the deck and shed were not originally approved. The situation per Sec. 38-118 (1) a is not an exceptional circumstance.

**Motion by Perry, second by Hibiske, to deny the variance request by George DeWitt, because it does not meet standards or facts as required by Sec. 38-118, specifically (1) e. Kimes called for a vote on the motion. ROLL CALL VOTE. YES: SLIKKERS, PERRY, KIMES, HIBISKE. NO: NONE. MOTION APPROVED 4-0.**

VI. CITIZENS COMMENTS

**Start:** 7:53 p.m.

Steven Ringelberg, 6721 Vandermeulen Road: Thanked board.

**End:** 7:53 p.m.

VII. ADJOURNMENT

Kimes adjourned the meeting at 7:53 p.m.