

ZONING BOARD OF APPEALS

Regular Meeting

January 23, 2018

Present: Vice Chairman Vern Johnson, Members Elliott Church, Bob Swartz, and Russ Boersma. Also present was Community Development Director John D. Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Sheri Thomassen.

Absent: Chairman Steve Haberkorn and Member Ross DeVries

The meeting was called to order by Vice Chairman Johnson at 5:30 p.m., and he explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for variances submitted by Steve and Lori Ensing for property located on the north side of Perry Street, west of Parkside Drive, known more specifically as parcel number 70-16-24-400-097. The subject property is zoned Single-Family Residential (R-1). Petitioner is requesting the following variances for the construction of an oversized accessory building:

A variance of 1,024 square feet to the maximum 576 square foot allowed for a detached accessory structure (on residential lots of 2 or more acres), resulting in a detached accessory structure of 1,600 square feet.

A 6-foot variance to the maximum 16-foot allowable height for a detached accessory structure, resulting in an accessory building height of 22 feet.

Present to speak to this request were Steve & Lori Ensing.

Mr. Ensing summarized their proposed plans for the property, to build a home and accessory building on the 2.01 acre parcel. Site plans were reviewed.

Staff referenced Article 3 – General Provisions, Sec. 3.30 – Accessory Bldgs:

F. Number, size and height of accessory buildings. In all residential zoning districts, the number, size and height of accessory buildings permitted on a lot shall be limited as follows:

1. When the principal building on a lot includes a private garage or other accessory building attached as an integral part of the permitted principal building, the following provisions shall apply:

(b) No more than one (1) detached accessory building shall be permitted. The permitted detached accessory building shall be subject to the following size and height restrictions:

3. If located on a lot or parcel of land two (2) acres or more in area—five hundred seventy-six in area and a height no greater than sixteen (16) feet.

Mr. Ensing shared his intended use for the attached building – a 3 stall garage for vehicles; and for the detached accessory building – to store his truck (18' x 9'), John Deere 3 Series tractor (18' x 8', requires 10' overhead door), tractor attachments, snowmobile trailer (16' x 8') with 2 snowmobiles, and mower with a 72" deck (8'x8'). The truck with snowmobile trailer attached is 33' long.

Staff added that the two lots across the street with oversized barns were both intended for farm/ag use, and that there are no electronic permits on the system for these accessory structures. Permits may have been recorded before the electronic permit system was activated around 2000.

Mr. Ensing referenced a list of adjacent properties with homes, accessory buildings, and structures:

9967 Perry: a detached accessory building; 1 acre, long and narrow lot

9945 Perry: an attached accessory building, ½ acre lot

9915 Perry: a detached accessory building; ½ acre lot

He also referenced nearby properties with accessory buildings: 9972 Perry (1.7 acres), 9932 Perry, 4052 Perry, 9872 Perry has 4 accessory buildings, a total of 4,500 SF (1.9 acres).

Mr. Ensing referenced properties less than one mile away from his property with oversized buildings:

10620 Stonewall, 21 acres, with 3,300 SF accessory building plus other large building

10475 Perry, with 1,700 SF attached garage

10431 Perry, with 1,100 SF building

9818 Perry, with 1,200 SF building

Timberview Parkway subdivision has 4 homes on less than ½ acre with buildings over 500% larger than what's allowed (between 1,200-1,400 SF), and they're less than 150' from neighbors.

Mr. Ensing added that only one property, Huizenga Park, would have full view of the proposed building. He also indicated that they have already planted 49 Norway spruce along the back of the property line for a visual barrier.

Staff confirmed for the Board that this property was rezoned from Ag, and the surrounding properties are designated as Single Family Residential (R-1) on the Future Land Use Map.

The Board asked if the applicant had received any input from neighbors, and Mr. Ensing said that a neighbor, Mr. Gebben, commented on how nice the property looked and that it was good to see the junk and dead trees hauled out, and that he could finally see the park. Mr. Ensing added that his proposed building would not block Mr. Gebben's view of Huizenga Park. Also, friends of his parents in Royal Park condos have expressed to Mr. Ensing's parents that they hope everything goes well. He does not have their names at this time but could get them, if needed.

The Board commented that the interior size seems vastly in excess of what's needed for what's planned. Mr. Ensing replied that this dad's building (where items are currently stored) is 32'x50' and there's only an extra 8' lengthwise. He added that 1,050 SF for an attached garage is not a lot of extra room, and also that he may be able to reduce the height of the detached accessory building to 18'-19' vs. the 22' proposed. Mr. Ensing also shared he has not authorized a final design or blueprints due to the cost and uncertainty of tonight's approval.

Vice Chairman Johnson referenced 3 letters of objection from neighbors. Applicant added that those not in Holland Charter Township should not have a say regarding this petition.

Staff confirmed for the Board that the proposed building would comply with setbacks, but that its proposed size and height exceed requirements. Mr. Ensing made reference to recent approvals that were way bigger than what he's asking for and that a precedence has been set and added that his proposed building will be 300' from the nearest neighbor:

On 4/25/17 approval for a 3 stall garage, 415% larger and 180% taller, on Mason Drive.

On 6/27/17 approval for a building 373% larger and 113% taller, 152 Elwill Court.

3520 144th Ave., 1.6 acres, a building is 313% larger and only 140' from the nearest neighbor.

Brad & Bonnie Batjes (9999 Perry) were present to speak to this request. Mr. Batjes commented that the Ensing's have done an impeccable job of cleaning up the property and has no objection to their petitions.

Mr. Church commented that he has a hard time voting for something when there's opposing property owners. Objections are a very important threshold, and based on his calculations he has a hard time justifying the proposed building size and added that the petition overstates the need.

Mr. Boersma also has a concern with the overall size. Mr. Johnson added that the Planning Commission has recently proposed revisions to the ordinance that would increase the maximum allowable size for a detached accessory building on a lot larger than 2 acres from 576 SF to 720 SF. The proposed draft is pending approval by the Township Board next month.

The Board suggested that they would consider permitting a 720 SF building in advance of the revised ordinance. Mr. Ensing replied that 800 SF does him no good. The Board also suggested that the petitioner may wish to table the request and reapply for a different size. Staff added that reapplying would probably not benefit the petitioner since Mr. Ensing indicated he would not build on this property if only 720 SF is allowed and he would plan to split the property and build two spec homes instead.

Mr. Ensing added that 1,200 SF minimum would be considered, but that the original request of 1,600 SF should be approved when comparing his request to what Zeeland Township allows.

For information, Staff clarified for the applicant that the letters of objection from neighbors are public, and properties within 300' are notified whether they're in Holland Charter Township or not. Staff also added that typically 200 SF is needed per vehicle.

Vice Chairman Johnson reviewed the applicable standards for variance (oversized accessory building) including Staff comments:

The size of the lot or parcel of land? 2.0 acres.

The intended use for the building? Storage of vehicle, tractor, snowmobiles and trailer.

The size, proposed location, type and construction, and general architectural character of the building(s)? A 40' x 40' accessory structure (1,600 SF); according to the petitioner it would be "similar in construction to the new house with the same shingles, siding, brick, etc." The proposed accessory structure would comply with setbacks for a residential accessory building.

The type and kind of other principal and accessory buildings and structures presently located on the lot or parcel of land? The property includes 3 accessory buildings that the applicant indicates will be torn down as part of the redevelopment of this property. The proposed redevelopment includes a proposed new home with an attached garage containing approximately 1,050 square feet.

The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood? The three adjacent properties have single-family homes on the following: 9967 Perry: a detached accessory building (2-car garage) approximately 500 square feet in area; 9945 Perry: an attached accessory building (2-car garage), also approximately 500 square feet in area; 9915 Perry: a detached accessory building (2-car garage with additional depth) approximately 600 square feet in area.

Whether the building(s) will affect the light and air circulation of any adjoining properties or be visible from any adjoining properties? It is unlikely light and air circulation would be affected, however, the building would be visible from adjoining properties, including Huizenga Park, which borders this property to the north.

The effect of the building(s) on the surrounding neighborhood? The size of the proposed accessory building would be 277% larger than what is permitted (576 square feet). An accessory building of this size far exceeds the residential use standards and would be visually obtrusive.

The environmental effect of the building(s) or their proposed use? The environmental impact of the building is unknown, but the accessory building is not anticipated to degrade air and land or water.

It was moved by Mr. Church and supported by Mr. Swartz to deny the request for a 1,600 SF detached accessory building on a residential lot of two acres or more. Motion carried 4 to 0.

It was moved by Mr. Boersma and supported by Mr. Swartz to deny the request for a variance resulting in an accessory building height of 22' height. Motion carried 4 to 0.

Mr. Johnson opened the floor to Public Comment. Audience member, Mr. Brad Batjes, added that he doesn't see a problem with the proposed building and that it's too bad the Board didn't give it to him. He suggested the Board reconsider. He shared that they would like to build an accessory building themselves some day for their Airstream and suggested it would look nicer to have it inside a building than stored outside under a tarp.

Staff suggested that those interested in the proposed amendments to the Zoning Ordinance text attend the Planning Commission meeting on February 6, 2018. Staff also commented that there are several local businesses providing storage facilities.

The minutes of December 19, 2017 were approved as written.

The next meeting is planned for February 27, 2018, at 5:30 PM.

A Zoning Ordinance workshop is tentatively planned for March 13, 2018. An audio and/or video tape of the meeting may be a possibility. Staff is following up.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Sheri Thomassen

Recording Secretary