

**Port Sheldon Township Board of Appeals Hearing
Meeting Minutes for June 5, 2024 5:30 P.M.**

Call Meeting to order 5:30 pm

Attendance: Bobby Forrest, Rachel Frantom, Donald Curry, Steve Grilley, Brain VanBeveren. Ryan Capson (ZA)

Also, in attendance: Applicants, Zack Vandenberg, Bill Sikkel, Prep & Dawn Kragt, Gerorge Tesseris, resident

Item 1. The request of Ron Wood for a variance from Section 5.04 of the Port Sheldon Township Zoning Ordinance – Parcel: 70-11-21-150-006 Address: 6996 Hillside Ave, West Olive Mi 49460.

Open Public Hearing at 5:32 pm

Applicant's description: Zack Vandenberg walked thru the challenges with the property. This is Critical Dune and requires permitting with EGLE. There is a large slope on the property and adjoins a paper road. The property owner will be working with the township on an easement issue to gain access to the property. In order to build on the parcel, the home will need a variance to be 1.5 feet from the paper street Glenwood.

Public Comments: 1 resident called about a concern that the paper road Glenwood would be closed off. The community uses the paper street for walking, hiking and biking. The board did address this issue and the access will not be closed / blocked off and still open for the community to use.

Closed the Public Hearing at 5:50 pm

Board Discussion: Clarification that Glenwood is the rear yard and Hillside is the front yard. The board reviewed pictures of the property, mostly of Glenwood and staking of the proposed home.

Motion was made to approve the variance for building a new home with a 1.5-foot variance on the rear yard to include no overhangs and projections over the variance into Glenwood.

The approval is due to the 4 standards below being met:

1. Steep slope that is in Critical Dunes requiring permitting with EGLE.
2. Setbacks from the rear yard without a variance would not leave a building envelope.
3. Critical Dunes and slope leave little options without a variance.
4. Many homes in the area have had to get a variance for set backs and work with Critical Dunes due to the location and old platted lots.

Motion by Steve Grilley and Second by Brian VanBeveren. The motion passes as shown by the following votes: Yeas 5 No 0

Item 2: The request of Eric Haab for a variance from Section 5.04, 14.05 and 16.06 of the Port Sheldon Township Zoning Ordinances – Parcel: 70-11-16-392-013 Address: 17432 Ottawa Trail, West Olive Mi 49460.

Open the Public Hearing at 6:07 pm

Applicant's description: William Sikkel walked thru the applicants request to remove the current 50-year-old cottage and build a new year-round home with a garage. The current cottage did not have any parking other at the road end. The new proposed home would have a garage allowing the owner to have covered parking on their property. The owner is requesting set back and parking variances.

Public Comment: Preston Kragt asked about the current parking on Ottawa Trail.

Dawn Kragt brought up a parking agreement for Ottawa Trail. Chairman Forrest explained that parking in the PSBA is not an issue for the Board of Appeals.

George Tesseris from PSBA is on the land committee and he encouraged the board to approve the applicants request.

Closed the Public Hearing at 6:35 pm

Board Discussion: Talked about the garage being on the north property line. The garage placement allows for easy access off Ottawa Trail. The property north of the applicant is the same owner and is vacant. The concern is if a house is built on the vacant lot, the garage would also be built right on the property line. The fire department has limited access to this area due to the road width and no turn around. To reduce the risk of houses being too close together, the owner agreed to putting a building restriction on lot 70-11-16-392-012 to not building within 5 feet of the garage on parcel 70-11-16-392-013. The board agreed this is a non-conforming lot agreed to the set back on the drawing. The parking was discussed and the board can not grant a variance across the paper street for open air parking spaces.

Motion was made to approve the variance to build a new home with the set backs stated on drawing A dated 4/30/24 with a stipulation the owner records a restriction on parcel 70-11-16-392-012 with Ottawa County that no building can be constructed within 5 feet of the garage on parcel 70-11-16-392-013. 2 open air parking spots is waved as a requirement. The approval is due to the 4 standards below being met:

1. Even with non-conforming setbacks, a house could not be built without a variance.
2. EGLE requirements limit the location and size of the proposed garage.
3. Critical Dune, EGLE and slope of dune limit size and location of building.
4. This is a small lot of record. Cottage is being replaced with a year-round home.

Motion by Steve Grilley and second by Brian VanBeveren. The motion passes as shown by the following votes: Yeas 5 No 0

Item 3: The request of Schabbel Family Trust for a variance from Section 5.04 of the Port Sheldon Township Zoning Ordinance – Parcel: 70-11-04-102-021 Address: 17350 Hidden Treasure Drive West Olive MI 49460.

Open Public Hearing at 6:50 pm

Applicant's description: The owner explained the need for a setback and height variances due to the large dune in the back of the property and Critical Dune/EGLE requirements. The location of the septic and buildable area forces the garage to be placed under the house making it 3 stories. The height is still under 35 feet.

Public Comment: none

Closed the Public Hearing: 7:07 pm

Board Discussion: A question was brought up about the area of the parcel and does it meet the requirements for a non-conforming lot and does the applicant still need a variance. It was determined that the property is considered a non-conforming lot and does not require a front yard setback. The dune is on the back of the property and 3 floors would not restrict anyone's views for a neighbor.

Motion was made referencing Drawing A6 dated 11/13/23 to approve 3 stories as the resident meets the height restriction of less than 35 feet. The approval is due to the 4 standards below being met:

1. Large dune on the rear of the property following in Critical Dune/EGLE.
2. This is a nonconforming lot with a small building envelope. The garage needs to be built under the house.
3. Critical Dune and septic locations limit the location of the house.
4. This is one of the last vacant lots in Sheldon Dunes. Most homes in this sub division had to get variances and had Critical Dune restrictions.

Motion by Rachel Frantom and second by Steve Grilley. The motion passes as shown by the following votes: Yeas 5 and No 0.

Item 4: Review meeting minutes from 2-7-24 Public Hearing.

Motion from Bobby Forrest to accept the minutes as written and second by Brian VanBeveren. The motion passes as shown by the following votes: Yeas 5 No 0.

Meeting adjourned at 7:25 pm.