

**Port Sheldon Township Board of Appeals Hearing
September 6 2023 at 4:30 PM**

Meeting was called to order @ 4:30pm.

Attendance: Bobby Forrest, Brian VanBeveren, Rachel Frantom, Steve Grilley, Donald Curry, Ryan Capson (ZA). Also attending: John VanderKolk, Gary and Ruth Veurink and 1 neighbor.

Item 1. The request of John Vander Kolk for a variance from Section 5.04.02 of the Port Sheldon Township Zoning Ordinance – Parcel # 70-11-33-349-016 Address: 4985 Rosabelle Beach, Holland Mi 49424.

Open Public Hearing at 4:32pm.

Applicant's description: John VanderKolk explained that they would like to demo the current 100+ house and build a new home. The lot is narrow at 50 feet wide. The applicant is required by EGLE that the septic has to be 165 feet from the Lake Michigan bluff. This also puts constraints on where the well and septic can be placed on the property. Due to width of the lot, is considered to be a non-conforming parcel but is still buildable.

Public Comments: Gary DeGraaf is the neighbor to the north and he does not have an issue with the new house location.

Public Hearing closed at 4:40pm.

Board Discussion: The board reviewed the application and discussed the need for a variance beyond the 6' 8" given to a non-conforming lot. The lot is 50 feet wide and this will limit where the well and septic can be placed on the property. The placement also has to have enough distance from the neighbor's septic and from Lake Michigan. This is an old platted area and the owner would like to remove the cottage and build a new home. The applicant explained that both sheds would be removed.

Motion was made to approve the variance for a 5-foot set back on both side yards using site plan submitted with the application because the following criteria was met:

- A. EGLE requires the septic to be 165 feet from Lake Michigan's bluff.
- B. Location of the well and septic for the home and the location of the neighbor's septic limit the building envelope.
- C. Small lot of record that was platted over 100 years ago.
- D. Building requirements have changed since the cottage was built.

Motion by Steve Grilley and 2nd by Brian VanBeveren. The motion passes as shown by the following votes: Yeas 5 No 0.

Item 2. The request of Gary and Ruth Veurink for a variance from Section 4.37.3, 4.37.5, 4.15.3 of the Port Sheldon Township Zoning Ordinance – Parcel # 70-11-33-349-022 Address: 4951 Rosabelle Beach, Holland Mi 49424

Open Public Hearing at 5:00pm.

Applicant's description: Gary Veurink explained that he would like to remove the dead shrubs and existing fence on the north side of his property. He has a pool that is next to an easement walk way that allows the property owners on the east side of Rosebelle Beach access to Lake Michigan. The property to the north also uses the stair and beach access. The applicant would like a variance to replace the shrubs and existing fence with a 5-foot white vinyl privacy fence.

Public Comments: None

Public Hearing closed at 5:10pm

Board Discussion: The board reviewed the application and discussed the need for a variance. The property is 5 feet from the walkway and with the shrubs that have died, the pool area is exposed to anyone walking by.

Motion was made to approve the variances allowing a 5-foot privacy fence to be built on the north and north-west corner of the pool area using the drawing submitted with the application because the following criteria was met:

- A. The easement walkway is 10 feet wide and 5 feet is on the Veurink property, limiting what can be used to create privacy.
- B. A privacy fence on this property would not deprive anyone from a Lake Michigan view and would allow the applicant to have privacy at their pool.
- C. The easement walkway is platted and deeded on adjoining properties.
- D. A 5-foot-tall fence would allow the applicant privacy at their pool from anyone using the walkway.

Motion was made by Steve Grilley and 2nd by Donald Cuatt. The motion passes as shown by the following votes: Yeas 5 No 0.

Item 3: Review meeting minutes for 7-5-23 public hearing.

Motion was made to accept the minutes as written.

Motion by Bobby Forrest and 2nd Steve Grilley. Motion passes as shown by the following votes: Yeas 5 No 0.

Meeting adjourned at 5:20pm.