

## ZONING BOARD OF APPEALS

### □ Regular Meeting September 28, 2010

Present: Chairman Steve Haberkorn, Vice-Chairman Vern Johnson, Secretary Marty Corbin and Members Norm Nykamp, and Elliott Church. Also present was Zoning Administrator Jon Mersman, Assistant Zoning Administrator Meghann Reynolds and Recording Secretary Laurie Slater.

Absent: None

The meeting was called to order by Chairman Haberkorn at 5:30 p.m. Mr. Haberkorn explained to the audience the public hearing process.

1) Hearing declared open to consider a petition to extend a non-conforming structure by Dutch Village for property at 11124 Chicago Drive, Zeeland MI to add lighting to an existing non-conforming billboard. The property is zoned C-2 (70-16-23-300-076).

Present for this request was Joe Nelis, President of Dutch Village.

Mr. Nelis explained to the Board that they would like to add two 400 watt lights to the non-conforming billboard on Chicago Drive. The lights would be mounted on the billboard, high enough so that they could not be reached, facing upward.

The billboard has been used to advertise Dutch Village from April thru October. They would like to rent it out in the winter months. It gets dark sooner so lighting is needed to make better use of the billboard in the winter months.

There was no one present in the audience to speak to this request.

\*\* It was moved by Mr. Johnson and supported by Ms. Corbin to close the hearing. Motion carried.

The Board went over the standards to review when considering a petition to extend a non-conforming use.

1. The addition of lights would not extend the probable duration of the non-conforming structures or its use. The billboard has been there since before 1982. Whether it has lighting or not, it will still be maintained and used. It's not changing the complexion of the billboard and it would give the billboard some economic value.

2. Adding lighting to the billboard will not interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance. There are no residential buildings nearby for the lighting to bother. The lights would be facing up so they would not affect cars driving by.

3. There would be no adverse effect of the lighting on adjoining lands in the surrounding neighborhood as the business uses welcome the light and no residential units will be impacted.

\*\* It was moved by Ms. Corbin and supported by Mr. Johnson to grant the request as presented. Motion carried.

2) Hearing declared open to consider a petition to extend a non-conforming use by William Sandee Jr. for property at 593 136th Ave, Holland MI to expand the agricultural operation

presently on the site to include seasonal product sales. The property is zoned R-2 Residential (70-16-17-351-008 and 012).

Present for this request was William Sandee Jr.

Mr. Sandee explained to the Board that he would like to expand the use of his property from just horses to selling some seasonal items such as blueberries, strawberries, pumpkins, flowers and Christmas trees. This property has been an agricultural property for 70 years.

The stand would be near the front of the property close to the road and the driveway, but out of the road right of way.

The Board consulted Jon Mersman, Zoning Administrator, as to what Mr. Sandee would be allowed in the way of a structure and what the size limit would be.

Mr. Sandee would be allowed a temporary structure such as a canvas tent of 120 square feet.

The Board was also concerned about parking in regards to cars having to back out onto 136th Avenue. Mr. Sandee explained that there is a second driveway where cars can pull in and park on the grassy area along the driveway. They would not have to back out onto 136th Avenue.

There should not be that many cars there at one time. It is a fruit stand not a fruit market. It would be seasonal, May through December, but not in use every day. The use of the stand would not start until next spring.

There was no one present in the audience to speak to this request.

\*\* It was moved by Mr. Nykamp and supported by Mr. Church to close the hearing. Motion

carried.

The Board went over the standards to review when considering a petition to extend a non-conforming use.

1. Allowing the fruit stand would not substantially extend the probable duration of the non-conforming use. The farm is operated as a hobby, not as a commercial enterprise. That would not change.

2. The structure or its use would not interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance. The property is three and a half acres in size. There is some screening there as well.

3. There would be no adverse effect of the non-conforming structure or its use on adjoining lands in the surrounding neighborhood as the agricultural character will remain.

\*\*□ It was moved by Mr. Johnson and supported by Mr. Nykamp to grant the request as presented. Motion carried.

3) Consideration of a Nonuse Variance petition submitted by Kenneth Brondyke for property at 11441 Lakewood Blvd, to extend a non conforming lot allowing it to be split into two parcels. The request would require that the following variances be granted; (1) a variance of 36 feet from the required 66 foot access drive ( drive would be 30 feet wide) to provide access to the rear parcel; (2) a variance of 20 feet from the required 200 foot lot frontage ( frontage would be 180 feet) for both parcels; (3) a variance of 22 feet from the required 75 foot front yard for the south parcel ( Front yard would be 53 feet deep); (4) a variance of 10 feet from the 30 foot side yard for the east side yard on the southerly piece ( yard would be 20 feet); (5) a variance of 12 feet from the required 50 feet rear yard (yard would be 38 feet); (6) a variance of 36 feet from the required front yard of 75 feet on the northerly parcel (front yard would be 39 feet). These actions are requested to allow two buildings to be sold to separate owners. The property is zoned I-2 General Commercial (70-16-22-200-034).

\*\*□ It was moved by Ms. Corbin and supported by Mr. Nykamp to remove this item from the table. Motion carried.

At the August meeting the Board had requested proof that an easement to the east side of the northern most building was in place.

Mr. Kenneth Hoesch, attorney for Kenneth Brondyke presented the Board with the existing easement to the adjacent back lot to the east. The 26 feet of asphalt on the east side of the front building plus 40 feet of the existing easement on the adjoining property to the east would make up the 66 foot easement required to have access to the back building. An easement agreement will need to be created when property ownership is transferred.

The Board went over the standards to review when considering a nonuse variance request.

1. Strict compliance would be unnecessarily burdensome to the applicant in that they would not be able to split the property. The chance of finding a buyer for two older light industrial buildings is unlikely in this economy.
2. Granting this request would be just to the applicant in that there are similar splits in the area.
3. The property is unique in that it is a long and narrow lot zoned for light industrial.
4. The situation is not self-created. When the lot was created it was compliant with the ordinances that were in place at that time. Since then ordinances have been amended, which makes the property non-conforming.

\*\* It was moved by Mr. Nykamp and supported by Ms. Corbin to grant the request as presented with the stipulation that an easement be provided along the east side of the front building on the property (approximately 26') and a 40' easement along the west side of the property immediately to the east (total of a 66' easement) to the front of the back building on the

subject property. Motion carried.

The minutes of the August 24, 2010 meeting were approved as written.

The 2011 meeting dates were approved by the Board.

The meeting adjourned at 6:33 p.m.

Respectfully submitted,

Laurie Slater  
Recording Secretary

