

ZONING BOARD OF APPEALS
Regular Meeting
May 27, 2025

The meeting was called to order by Chairman Russ Boersma at 5:30 p.m.

Present: Chairman Russ Boersma, Members Ross DeVries, Jack Vander Meulen, Elliott Church and Bob DeVries. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White, and Recording Secretary Laurie Slater.

Absent: None

There were no public comments.

** It was moved by Vander Meulen and supported by Ross De Vries to approve the minutes from the April 22, 2025, meeting as presented. Motion carried by roll call vote of 4 Yes, 0 No, 1 Abstain

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by Tiffani Wan and Carlos Calvo for property located at 13063 Southland Court, known specifically as Parcel Number 70-16-17-206-012. Petitioner is requesting a variance of 14.7 feet from the minimum required 25-foot rear yard setback, resulting in a rear setback of 10.3 feet for an attached deck. The variance is being requested to reconstruct an existing deck. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Tiffani Wan and Tom Clark of Third Coast Carpentry.

Ms. Wan explained that the house is about 28 feet from the property line and the existing deck is about 11 feet from the property line. She would like to rebuild an upper deck of 10' x 16', smaller than what is currently there. The deck is falling down and unsafe. The proposed deck would not encroach any further into the setback than the existing deck. They would also like to put a lower deck behind the garage, the remaining length of the house.

Mr. Clark stated that the upper-level deck coming off the slider is 6 feet above ground level. The back garage door is 4 feet off the ground. Both the upper and the lower decks would be 10 feet off the house. Mr. Clark and Ms. Wan both indicated the desire to build a deck 10 feet off the house but have the deck span wider across the back of the house, not rebuild the deck in its current configuration. The existing deck was built prior to Ms. Wan purchasing the property. It appears that that the original 10' x 12' deck had an addition of 8' x 10' added to it at some point. Staff noted there were no permits issued for the existing deck.

Ms. Wan noted that there is an area of storage under the existing deck. Ms. Wan does not intend to have storage under the proposed deck.

Staff stated that based on the professional survey, the house sits 28.3 feet from the north property line; this would allow for a legal deck of 3 feet 3 inches. They need a 6-foot 7-inch variance to

build the 10-foot-wide deck. The new deck would be an improvement over the existing deck as it would also be less of an encroachment into the rear yard setback.

Chair Boersma opened the floor for public comments. There was no one in the audience to speak to this request.

** It was moved by Bob De Vries and supported by Ross De Vries to close the hearing. Motion carried unanimously with a voice vote.

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

- 1. *That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:***
 - a. Exceptional narrowness of the width or depth of a lot of record, or irregular shape.*
 - b. Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.*
 - c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional land features.*
 - d. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.*

The Board found the lot is a legal nonconforming lot given it does not meet the minimum lot area requirements for an R-2 zoned lot by being 300 square feet short of the required 8,400 square feet. Legally, the applicant could put up a 3.3-foot-wide deck, which is not practical and is barely enough for egress.

- 2. *That the unusual circumstances do not apply to most other lots of record in the same manner to the same extent to other lots of record in the same zoning district.***

The Board found that every house in the neighborhood is equally close to the property line. It is not unusual for this neighborhood. The proposed deck at 10 feet deep would be 8 feet further away from the property line than the existing deck.

- 3. *That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.***

The Board stated it is a good idea to have more than one way out of the house. The existing deck is not in good shape. The encroachment into the rear yard setback would be less than it currently is.

- 4. *That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.***

The Board stated granting this variance would improve a bad situation and it would bring the deck 8 feet further from the property line. The existing deck does not look good, rebuilding it would look better.

5. *That the applicant shall not have created the problem for which the variance is being sought.*

The Board found that the current owner did not create the lot nor did the owner place the house on the lot in its configuration.

6. *That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.*

The Board stated granting this variance would be in public interest in that the existing deck is not safe. It is in bad condition. Also, should they need to exit the house by means of the deck because of an emergency, it may not hold up.

There was further discussion about the additional lower deck that the applicant would like to build. It would be 10 feet from the house and approximately 26 feet along the back of the house off the garage door. If the deck is no higher than 8 inches above grade it could be considered a patio, and they would not need a variance for it.

** It was moved by Bob De Vries and supported by Vander Meulen to approve a variance of 6.7 feet from the minimum required 25-foot rear yard setback, resulting in a rear setback of 18.3 feet for an attached deck to be no larger than 10' x 12'. Motion carried unanimously with a roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by Conlin Britton for property located at 87 W Roosevelt Avenue, known specifically as Parcel Number 70-16-13-299-001. Petitioner is requesting a variance of 19.2 feet from the minimum required 25-foot rear yard setback, resulting in a rear setback of 5.8 feet for an attached garage. The variance is being requested in order to connect an existing detached garage to a single-family dwelling with a new addition. The subject property is zoned R-2 Moderate Density Residential.

Present for this request were Conlin and Jamie Britton, property owners.

Mr. Britton stated that he would like to attach the house and the garage with a screened-in porch and mudroom. There is currently a cement pad there. There would be no nature disturbed and no blocking of views by the addition.

There was discussion of the existing deck, a retaining wall and a concrete pad that are over the property line. The deck is on Zeeland Public School property. The concrete pad is in the right-of-way of Ottawa Street. The Board asked if Mr. Britton had considered asking the Ottawa County Road Commission to abandon Ottawa Steet. Mr. Britton responded that he had and that the fee for that would be \$1,200.

The Board asked Staff how the road abandonment would work. What would happen to the abandoned property?

Staff noted that after the Road Commission approved the abandonment, the land would be turned over to the Township. Mr. Broersma explained that after a short time, the Township would generally distribute the property to adjacent property owners.

The Board commented that Mr. Britton could talk to the neighbor and split the cost of the fee for the abandonment since they would stand to get half the property.

Mr. Britton explained that they use the deck on the back of the garage. They also use the driveway. They did not put in either of those uses. It was this way when they purchased the property. As was the wall.

To the best of Staff's knowledge, there were no approvals for those elements to extend beyond property lines. Mr. Britton was informed that it would be in his best interest to get approval for the encroachment of those elements beyond their property lines.

Member Vander Meulen pointed out that he drove by the neighborhood and the addition would not be uncommon in this neighborhood. The lot coverage would still be within the limits of the ordinance.

Chair Boersma opened the floor for public comments. There was no one present in the audience to speak to the request. Member Bob De Vries noted that there was a letter received for the variance request. Staff stated the letter submitted for this request is from Robert and Ruth Malda of 77 West Roosevelt Avenue. They were in support of the request.

** It was moved by Vander Meulen and supported by Church to close the hearing. Motion carried unanimously with a voice vote.

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

- 1. That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:***
 - a. Exceptional narrowness of the width or depth of a lot of record, or irregular shape.***
 - b. Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.***
 - c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional land features.***
 - d. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.***

The Board found the property is legal nonconforming given it falls 1,424 square feet short of the 8,400 square foot minimum lot size and 9 feet short of meeting the 64 foot minimum lot width requirements for an R-2 zoned lot. This can create difficulty in building an attached garage that meets setbacks.

- 2. That the unusual circumstances do not apply to most other lots of record in the same manner to the same extent to other lots of record in the same zoning district***

The Board noted that many of the lots in Overweg's Subdivision have been combined over time to conform to the R-2 Zoning District requirements. It would appear that only 4 of the original 15 platted lots are of the same size and width as they were in 1946.

- 3. That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.***

The Board stated the applicant is not looking for an increase of financial return. They are looking for a better living situation for their growing family. It is a reasonable request.

- 4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.***

The Board found granting this variance will not be of substantial detriment to adjacent and nearby land uses and properties. It is an in-fill construction between two buildings. It will not be noticeable and will not be out of place in the neighborhood.

- 5. That the applicant shall not have created the problem for which the variance is being sought.***

The Board noted the current owner did not create the lot nor did the owner place the house and detached garage on the lot in its configuration.

- 6. That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.***

The Board found granting this variance would not be contrary to the spirit of ordinance given the difficulties and nonconformities associated with the property. The proposed work consists of in-fill construction between two existing structures and does not significantly change the nature of the property. Public safety would not be impacted by the in-fill construction.

** It was moved by Church and supported by Ross De Vries to approve the variance of 19.2 feet from the minimum required 25-foot rear yard setback, resulting in a rear setback of 5.8 feet to attach the existing garage to the existing house with a mudroom and screened-in porch. Motion carried unanimously with a roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by Aaron Ide of Dykhouse Construction, Inc. on behalf of Hope Network West Michigan for property located at 11172 Adams Street, known specifically as Parcel Number 70-16-35-100-026. Petitioner is requesting variances consisting of: 1) 16 feet 8 inches from the minimum required 30-foot-wide Type A Buffer, resulting in a 14-foot 2-inch wide Type A buffer along the western lot line; and 2) 26 feet 9.5 inches from the minimum required 50-foot side yard setback, resulting in a side yard setback of 23 feet 2.5 inches for new playground equipment. The subject property is zoned C-2 Community Commercial.

Present for this request was Aaron Ide of Dykhouse Construction, Inc.

Mr. Ide explained to the Board that they would like to put a playground on east side of the existing parking lot. The playground is to be used for children with autism as part of their outpatient therapy. Placing the playground in this location would allow for the safest pathway to get there from the existing building.

Playground equipment over 30 inches in height is subject to the same building setbacks as the principal building. Given the presence of the legal nonconforming single-family dwelling west of the property, a minimum 50-foot side yard setback applies. The applicant is requesting a variance of 26 feet 9.5 inches for the playground equipment as there is not 50 feet between the existing house and the Hope Network property.

Additionally, as the use is being expanded on the property, a Type A Buffer at a minimum 30 feet in width is required along the area of improvement. Mr. Ide noted they plan on putting in 6 foot high white vinyl fencing along the east side of the playground from the south corner of the playground to the north corner of the playground. From the north corner of the playground to the south corner of the building, there would be 6-foot-high black chain link fence. A buffer along the 116 feet of fence line will include 2 canopy or evergreen trees and 6 shrubs.

Staff clarified for Mr. Ide that 116 feet of opaque fencing will be needed as part of the Type A Buffer; only a part of the 116 feet is proposed with opaque fencing and the chain-link fence will not count.

Member Bob De Vries asked the applicant what they plan on using to separate the playground from the parking lot. Mr. Ide replied that no one uses that parking area so they were not planning on putting any barrier up, but they would be willing to put a barrier between the playground and parking spaces. It was the opinion of the Board that something is needed for the safety of the users of the playground.

It was pointed out that the drive aisles between the rows of parking spaces are 24' wide. The last drive aisle is wider than the first two. It was agreed that Staff would work with the applicant to create a satisfactory barrier between the playground and the parking lot.

Chair Boersma opened the floor for public comment. There was no one in the audience to speak to this request.

** It was moved by Church and supported by Ross De Vries to close the hearing. Motion carried unanimously with a voice vote.

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

1. ***That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:***
 - a. *Exceptional narrowness of the width or depth of a lot of record, or irregular shape.*
 - b. *Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.*
 - c. *Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional land features.*
 - d. *Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.*

The Board noted having the building where it is now and the house in the C-2 Zoning is unusual. The nonconforming residential use changes the buffer and setback requirements. The buffer is to separate Commercial and Residential. This is Commercial and Commercial with a residential use. Even though there is no structure at this end of the property they are still getting a buffer of fence and trees. Also, no one was here to speak to this request.

2. ***That the unusual circumstances do not apply to most other lots of record in the same manner to the same extent to other lots of record in the same zoning district***

The Board found the building location and the existence of an adjacent legal nonconforming single-family dwelling on commercially zoned property is unusual.

3. ***That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.***

The Board found the setback and buffer width variances are not necessary for the preservation and enjoyment of a substantial property right, however, may be prudent considering the existing conditions on the lot.

4. ***That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.***

The Board found granting this variance will not be of substantial detriment to adjacent and nearby land uses and properties in that the only home is so far away from the playground.

5. *That the applicant shall not have created the problem for which the variance is being sought.*

The Board stated the applicant did not place the building on the property or own the non-conforming dwelling to the east, therefore, understanding the purpose of the playground placement is to ensure safer, more convenient access for kids, the problem is not self-created.

6. *That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.*

The Board noted the playground being in the parking lot is contrary to the public safety unless provisions were made to ensure safety for kids on the playground from vehicle traffic in the parking lot. Beyond that, it is in the spirit of the ordinance for the buffering and the setback. Granting this variance would give substantial justice for both the applicant and the neighbor.

** It was moved by Church and supported by Boersma to approve a variance of 16 feet 8 inches from the minimum required 30-foot-wide Type A Buffer, resulting in a 14-foot 2-inch-wide Type A buffer along the eastern lot line with a 6 foot tall opaque fence with trees and shrubs along the 116 foot fence line in a location approved by Staff with the stipulation that appropriate barriers for the playground be installed subject to Township Staff approval to reasonably secure the safety of the children from traffic. Motion carried with a unanimous roll call vote.

** It was moved by Church and supported by Boersma to approve a variance of 26 feet 9.5 inches from the minimum required 50-foot side yard setback, resulting in a side yard setback of 23 feet 2.5 inches for new playground equipment with the stipulation that appropriate barriers for the playground be installed subject to Township Staff approval to reasonably secure the safety of the children from traffic. Motion carried with a unanimous roll call vote.

Other Business – None

Meeting adjourned at 6:43 pm.

Respectfully submitted,

Laurie Slater
Recording Secretary