

ZONING BOARD OF APPEALS
Regular Meeting
November 26, 2019

Present: Chairman Steve Haberkorn, Vice-Chairman Russ Boersma, Member Jack Vander Meulen, and Member DeVries. Also present were Community Development Director John D. Said and Assistant Community Development Director Corey Broersma.

Absent: Member Elliott Church and Recording Secretary Laurie Slater

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

Chairman Haberkorn asked if there were for any general public comments. Three Hope College Students (Jackson Keske, Gabbi Johnson, and Anna Knutson) were present to observe and discuss accessory dwelling units for their State and Local Government class. Mr. Said provided the group with his contact information and invited the students to contact him for further information about Township Code, rather than the City of Holland Code sections that the students had cited.

The Minutes of October 22, 2019 were approved as written.

Chairman Haberkorn explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a nonuse variance submitted by Michael Bocks on behalf of HS&J Land Company, LLC for property located at 12350 James Street, known more specifically as parcel number 70-16-21-200-078. Petitioner is requesting a variance of 8 feet from the required 50-foot front yard setback; resulting in a front setback of 42 feet, for a new building (at Nelis' Dutch Village). The subject property is zoned C-2 Community Commercial.

Present for this request was Michael Bocks.

Mr. Bocks described the fire that damaged the existing building and the desire to reconstruct a new building with the same setback, however, within a modified building footprint that will allow code complaint bathrooms and an overall code complaint building. He further pointed out the other structures that remain closer to the US-31 right-of-way than the present petition.

Mr. Vander Meulen confirmed the setback will remain the same as the existing fire damaged building. Mr. Bocks confirmed it would.

Mr. Haberkorn asked about the proposed construction of the building. Mr. Bocks indicated it would be wood-framed.

Mr. Vander Meulen acknowledged current building code will require more room (square footage) for toilet rooms than was provided or required when the building was originally built.

Mr. Boersma asked Staff for more information about the “jog” in the US-31 public right-of-way. Mr. Said described the location of the Ottawa County Drain (No. 9) and its culvert under US-31.

Chairman Haberkorn asked if there was any general public comment related to the petition. There were none.

** It was moved by Mr. Vander Meulen and supported by Mr. DeVries to close the public hearing. Motion carried.

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.*

Mr. Vander Meulen identified the fire as the source of the difficulty which is compounded by having to meet today’s building code and there was no increase in the setback encroachment. Mr. Boersma also recognized the County Drain and its impact on right-of-way.

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

Mr. Vander Meulen indicated that similar to standard 1, a fire is an unusual circumstance and the visual impact along the US-31 corridor will not be negatively impacted.

- 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.***

Mr. Boersma stated the variance will allow the operation to continue in a similar manner and the widening of the US-31 right-of-way for the County Drain was a unique issue.

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

Mr. Vander Meulen described the property’s US-31 frontage and how the view will not be substantially different or detrimental to nearby properties.

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

Mr. Boersma mentioned the fire which is believed to have been caused by animal damage to the electrical system.

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.

Mr. Vander Meulen stated the building improvements will improve service and safety for staff and visitors.

In further discussion related to Staff's recommendation on the screen that the building's uses must remain consistent with the Special Uses previously granted to the property or seek Special Use amendments as necessary for any assembly uses such as wedding receptions, holiday parties, etc., Mr. Boersma asked for the applicant to verify the uses of the building will be consistent with the properties prior special use approvals. Mr. Bocks indicated they would.

** It was moved by Mr. Vander Meulen and supported by Mr. De Vries to grant the request as presented. Motion carried.

The meeting adjourned at 5:52 pm.

Respectfully submitted,

Corey J. Broersma
Assistant Community Development Director