

ZONING BOARD OF APPEALS
Regular Meeting
July 27, 2021

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

Present: Chairman Russ Boersma, Vice-Chairman Ross De Vries, Members Jack Vander Meulen, Elliott Church and Robert De Vries. Also present were Community Development Director John D. Said, Assistant Community Development Director Corey Broersma and Recording Secretary Laurie Slater.

Absent: None

Public Comments: None

** It was moved by Vander Meulen and supported by Ross De Vries to approve the Minutes of June 22, 2021 with one change. Motion carried.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a nonuse variance submitted by Brian Meiste, for property located at 4743 Bella Court, known more specifically as 70-16-06-200-036. Petitioner is requesting a locational variance to place an accessory building in the front yard of the existing home. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Brian Meiste.

Mr. Meiste explained to the Board that he would like to put an accessory building in what has been classified as the front yard of his property. He was previously before the ZBA with an Administration Appeal to determine what was the front yard, side yard and rear yard on this property as it is not a traditional shaped lot.

Mr. Meiste sees his practical difficulties as being the long driveway, hardwood trees, and the shape of the lot.

Placing the accessory in the proposed location would make it less visible to the adjacent neighbors. Mr. Meiste has spoken with several of the neighbors and they are all in favor of the proposed location. There are three letters in support of the request included with Mr. Meiste's application. When Mr. Meiste staked the rear yard for the accessory building some of the neighbors asked him not to place it there as it would be more visible. He is limited in the rear yard as to where he can place it because of the topography and the trees.

At the time the lot was developed, putting the house in the middle of the lot seemed to be the best use of the land. It was an area that had fewer, smaller trees. There is also a pond on the property. The proposed location would be the best use of the lot. The driveway would be shorter, the utility run would be shorter and it is surrounded by trees, so it would be less visible to adjacent properties. The color would be dark so it would blend in.

To the south of the property, behind the pond area, is Macatawa Legends. Eastbrook Builders has proposed condos in that location.

The parcel is five acres in size and not your standard lot. Mr. Meiste developed all three lots on Bella Court.

There was a review of where the side yard, front yard, and rear yard are and what the setbacks would be for the proposed accessory building. Also, that ownership of the property could change and with that could come a lot split. A split could potentially increase the visibility of the accessory building

Staff commented that there is an acre of rear yard area, not counting the pond, where the accessory building could be placed and it would meet the ordinance.

Mr. Meiste replied that there is no water to hook up to the accessory building back there and the utility run would be farther.

Staff commented that Mr. Meiste previously came before the Board with a request for an oversized accessory building and a larger garage and was granted both.

There was further discussion about setbacks from the lot line. The western side setback needs to be 7'. The applicant is showing a 10' setback. Discussion also included the other lots on Bella Court wanting their accessory building in the front yard and the impact of the location on the adjacent properties.

Mr. Ross De Vries comment that it is a larger property, five acres in size. The surrounding properties on Bella Court are all developed. He is in favor of the proposed position with a greater setback.

Mr. Vander Meulen asked again why the accessory building could not be in the rear yard between the back of the house and the pond. Mr. Meiste replied that because of the utilities and the neighbors not wanting the accessory building in the rear yard where it is more visible to adjacent properties. Placing the accessory building in the front yard would be the best use for the property and for the neighbors.

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

** It was moved by Bob De Vries and supported by Vander Meulen to close the 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.***

While some of the Board Members stated there were no practical difficulties, other stated the practical difficulties as the shape of the lot and the location of the house on the lot.

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.***

Most lots within the Township are not five acres in size. The shape of the lot is unusual. When

developing a lot of this size, it is hard to grasp the area where the house should be located.

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.*

They can put the accessory building elsewhere, however, it makes sense to put it where it is proposed. It is logical and it is the preference.

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

The applicant has the support of the adjacent properties. The property to the west is not yet developed, but it would not affect the adjacent properties.

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

The applicant could have built closer to Bella which would have given him a larger rear yard, but he would have been closer to the road. Not sure the house could have gone anywhere else on the lot.

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.*

Church: The intention of the ZBA is to protect the neighboring properties. The neighbors can object if they oppose the proposed location. There are no letters objecting and no one is here to speak to this request. There is no one we are protecting. We exist to override if there is sufficient reason to. The shape of the lot is odd, no one can see the accessory building in the proposed location.

Bob De Vries: What about the future? Someone in the future might object and we are setting a precedent.

Ross De Vries: Instead of ten feet off the lot line, what if we move it further from the lot line? Maybe require it to be 15 – 20 feet off the lot line.

Vander Meulen: It is oversized, I would be in favor of more of a separation. The lot is an unusual shape, there are some unusual circumstances.

Church: That would protect the property to the west that is undeveloped.

** It was moved by Ross De Vries and supported by Bob De Vries to grant the request with the building in the general location as presented with the exception of the western lot line that is currently set at 10' to be a minimum of 20'. Motion carried unanimously with a roll call vote.

Other Business: Staff asked the Board for a decision on a Boundary Street between Holland Charter Township and the City of Holland. The City of Holland maintains control and classifies the subject portion of 16th Street (west of US-31) as a City Major Street rather than a City Minor Street. In Holland Charter Township, the non-boundary portions of 16th Street, which become

Adams Street, are classified as a Primary Street rather than a Local Street by the Ottawa County Road Commission.

Is 16th Street, where it is a Boundary Street to the City of Holland, appropriately considered equivalent to a Primary Road?

It was the consensus of the Board that yes, it should be considered the equivalency of a Primary County Road within Holland Charter Township.

Staff informed the Board that an applicant is proposing a duplex on the property. With the location of the lot being on a busy street, where should the driveways go, both on Lane Avenue or one on Lane Avenue and one on 16th Street? It was the consensus of the Board that both driveways, for safety purposes, should be on Lane Avenue.

The meeting adjourned at 6:40 pm.

Respectfully submitted,

Laurie Slater
Recording Secretary