

ZONING BOARD OF APPEALS  
Regular Meeting  
August 24, 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 VanderMeulen, and Robert De Vries. Also present were Community Development Director John D. Said, Assistant Community Development Director Corey Broersma and Recording Secretary Tricia Kiekintveld.

Absent: Elliott Church and Recording Secretary Laurie Slater.

Public Comments: None

\*\* It was moved by Vander Meulen and supported by Ross De Vries to approve the Minutes of July 27, 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 Doug Hekman of BLI Properties, for property located at 241 W Lakewood Blvd., known more specifically as 70-16-19-281-001. Petitioner is requesting a locational variance for a side yard setback and for building coverage for a new storage building on the subject property. The subject property is zoned C-2 Community Commercial.

Present for this request was Craig Gengler of Driesenga and Associates, Inc. and Doug Hekman, Owner.

Mr. Gengler explained to the Board that they would like to put a second storage building south of the existing building. He stated they are requesting variances for the set back along the east side of the property that borders a residential house on a C-2 zoned parcel as well as a variance for building coverage.

Mr. Hekman stated that he has been working with the Township on various projects for the past 20 years so he is familiar with this process. He explained that the storage buildings are toy barns. The current building is 1,500 sq. ft. and is not able to store larger items such as motor homes and larger boats. The new proposed building is 8,700 sq. ft. with a 15-foot set back from the east property line. Mr. Gengler stated that this would be a 29% coverage instead of the 25% coverage allowed in the Township.

Mr. Hekman said that adding this storage building in this location makes the most sense because there are storage buildings to the north and to the west of their property. He also pointed out that there would be limited traffic because of the nature of the building verses a business with customers coming and going. Mr. Hekman pointed out that with the variances this would allow them to keep the overhead doors on the north side of the building so that they are not on the street facing side. Mr. Hekman stated that they are very limited on land to the south of the current building and they need space between the buildings to move the large vehicles.

Mr. Hekman asked if they would need to go before the Planning Commission to obtain a Special Use? Staff answered that yes, they would need to do that.

Mr. Gengler pointed that to their knowledge they have not received any complaints from neighbors. Mr. Gengler said that their plans are 4.3% above the allotted coverage percentage.

Mr. Hekman said that they feel there is a need in the community for this type of larger storage building because the other large storage buildings on Ottawa Beach Road are already full. He also stated that they want this land to look nice and plan to add landscaping and use materials on the building that are aesthetically pleasing.

Staff apologized that the Staff Report had the wrong address listed but noted that the agenda was correct. Staff also pointed out that in regards to the lot area, the southern 33' strip is a public right-of-way so therefore cannot be included in the total land area when calculating coverage percentages. The land coverage would then be 32.8% based on the reduced area.

Staff also noted that the amount of landscaping required would not be diminished. They also stated that they have not seen a landscaping plan yet so they do not know if the amount of landscaping proposed is going to meet requirements. Mr. Hekman stated that they will work with Staff on the landscaping.

Mr. Boersma asked if because it is a C-2 next to a residential house is there a Type A 30-foot landscaping buffer required? Staff stated that yes that is correct.

Mr. Robert DeVries stated that the proposed building is 60' deep, and asked how much smaller would the building need to be to meet coverage criteria? Staff stated that the building would need to be 3,815 sq. ft. Mr. Hekman stated that is cost prohibitive to go smaller and they would then look for another piece of property instead of building a smaller building.

Mr. Boersma asked the applicant if the Board requires the 30-foot buffer on the east side would that stop the project. Mr. Hekman answered that it would.

Staff said that granting these variances could set a precedence for future building and that the Board needs to keep that in mind. Mr. Boersma also pointed out that the current use is a storage building but, in the future, because the land is zoned C-2, a commercial business could go in there and we need to keep that in mind.

Mr. Gengler said that he was going off the original site plans and it sounds like back then the right-of-way was not a factor in determining coverage area, so he apologizes for not catching that. Therefore, the coverage area would be about 32% instead of the allowed 25%.

Mr. VanderMeulen said that what is currently there is an attractive space but he is concerned that placing a large building closer to the road will look like a big wall with landscaping in front of it. He stated that landscaping can only do so much to hide a large wall and, as they have seen in the past, landscaping isn't always maintained well. Mr. VanderMeulen also pointed out that the Board needs to think about what the next generation might do with the land and he does not feel that having the large building there appeals to the Lakewood corridor and what could be there in the future.

Mr. Boersma asked if there is a landscaping buffer to the east side of the current building? Mr. Hekman answered that there is not and he is not aware if that was a requirement of approval years ago. Staff stated that it probably was approved with some sort of landscaping requirements. Staff also said that a future building was not approved by the previous Special Use approval.

Staff said that they are a bit confused by what the applicant is saying about the property's current condition verses how it will be maintained in the future. Staff pointed out that the applicant stated the concrete is currently in bad condition and that the current building is getting run down, but they also stated that they will have an aesthetically pleasing site there with construction of the new building. Mr. Hekman responded

that they plan to put in all new concrete to get rid of the old cracked concrete and the building will look nice and if the Board would like windows toward the top they would be willing to do that as well.

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

There was some discussion if the residential house to the east is owner-occupied or a rental. There was not a clear answer at this time.

\*\* It was moved by Ross 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.*

There is not an issue with the property as some sort of building can be built there.

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.***

A residential lot next door does play a part in the unusual circumstance. The land next door will most likely be a commercial structure / business and having a large metal storage building next door could be a problem for a future developer.

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.***

A smaller building can be constructed on the property and it is not necessary to have this building for the enjoyment and preservation of the property.

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

There is concern for the property next door and how close this building would be to a residential house and how this could affect future development of that land.

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

This seems to be a self-created issue.

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. Ross DeVries pointed out that by the owners own admission this would be to serve himself and not the public's interest.

\*\* It was moved by Ross De Vries and supported by Robert De Vries to deny the request for a 15-foot variance. Motion carried with a roll call vote of 3 yes and 1 no.

\*\* It was moved by Ross De Vries and supported by Robert De Vries to deny the request for a lot coverage variance. Motion carried unanimously with a roll call vote.

**Hearing declared open to consider** a petition for a nonuse variance submitted by Grand Quest LLC, for property located at 13044 Quincy St., known more specifically as 70-16-08-200-047. Petitioner is requesting a locational variance to place overhead doors on the primary street side of a principal building. The subject property is zoned I-2 General Industrial.

Present for this request was Craig Gengler of Driesenga and Associates, Inc. and Brent Folkert of Dan Vos Construction.

Mr. Gengler stated that they are proposing to build 4 overhead doors facing John F Donnelly Dr. at the expansion of their building on the corner of Quincy and John F Donnelly Dr. Mr. Gengler stated that the building was approved without the overhead doors and they are asking for a variance for these 4 doors facing east. He noted that they have combined the small north west corner, the southern parcel, and the parcel containing the current building to create one large parcel. Mr. Gengler pointed out that there is currently an existing waste water treatment area used by Request Foods on the southern land.

Mr. Gengler said that the north drive will be for truck traffic and the west drive is for emergency vehicle access.

Mr. Gengler stated that they are in a unique situation where they need to have two separate truck loading docks due to requirements that they keep raw food away from cooked food. The building is set up to receive raw products via the truck docks on the south side of the building and as the product moves through the building to the north, trucks then need to pick up the prepared food at separate docks located at that end of the building. Mr. Gengler stated that there is not enough room for trucks to back up to the loading docks along Quincy without blocking traffic and they would like to avoid causing conflicts on the road if at all possible.

Mr. Gengler pointed out that they are planning to plant an evergreen screen along the north west corner. He also said that the truck docks are set back 192' from the face of the office.

Staff said that the Zoning Board of Appeals helped to make the decision regarding multi-frontage properties a while back. That decision states the front of the building would be where the primary employee parking and entrance was located. Because of this determination these 4 overhead doors would not be allowed to face John F Donnelly Dr.

Mr. Gengler pointed out they are reserving the north west corner of the property for deferred parking. He also stated that they are trying to utilize the existing building on the property. Mr. Gengler said that they are not proposing any outside storage.

Mr. Folkert stated that there is not enough room for trucks on the north side of the building and they need trucks on that end of the building to get the food out of the building.

Mr. Boersma asked if they develop the deferred parking will the landscaping buffer go away? Staff responded that they will still need the required front yard landscaping and additional screening, however, that they do not need to put in all of the deferred parking at once so the trees could stay. Staff suggested that they plan the landscaping with that in mind. Mr. Boersma asked if it could be a condition of approval to maintain the evergreen trees as a buffer for the docks. Staff answered that it could be, and they could also put the evergreen line further to the west in front of the building, that way if parking goes in they would not need to move the trees.

Mr. Robert DeVries pointed out that there will be tractors and trailers on the north side of the building even if they do not allow the overhead doors on the east side of the building.

Mr. Boersma pointed out that the trucks would have a hard time maneuvering into truck docks on the north side if the building and they could conflict with Quincy.

Mr. VanderMeulen asked if the evergreen buffer is on any utilities? Mr. Gengler stated that it is inside the property line so it will not be over any utility easements. It was also pointed out that there would be a new transformer on the other side of the building.

Mr. Boersma pointed out that if you look along John F Donnelly Dr. there are a couple buildings with overhead doors facing John F Donnelly Dr. so to have these face it also would not look out of place.

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

\*\* It was moved by VanderMeulen and supported by Robert DeVries 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:***

- e. Exceptional narrowness of the width or depth of a lot of record, or irregular shape.***
- f. 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.***
- g. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional land features.***
- h. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.***

There are no unique characteristics but it is a good point with the trucks having to do the turn off Quincy and with the need to have raw and cooked food on opposite ends of the building.

***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.***

They do apply but other businesses have docks along that road and the applicant has the space to hide their dock behind a buffer.

***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.***

Having the dock facing east will increase safety on Quincy by allowing them to get off Quincy on to John F Donnelly Dr. and not backing in off Quincy.

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

Landscaping will help to screen the docks, and the surrounding businesses will most likely not even notice the docks.

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

This type of business, food processing, is required to have 2 different loading docks and they are working with an existing building.

**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.***

It would be in the public's interest to not have the trucks backing into the property off Quincy and the Board feels the spirit of the zoning ordinance is being observed.

\*\* It was moved by VanderMeulen and supported by Robert De Vries to approve the request for a variance to allow 4 overhead doors and corresponding truck docks on the east side of the building with the stipulation that the applicant combine the 3 parcels into one parcel, obtain the necessary permits from the Road Commission and Water Resources Commission, and that they will keep an evergreen buffer to lessen the visual impact of the doors. Motion carried unanimously with a roll call vote.

**Other Business:** Mr. John Said informed the Board that this is his last Zoning Board of Appeals meeting as he has resigned from Holland Charter Township and his last day will be Friday, August 27, 2021. He commended the Board for taking the criteria to heart and upholding the zoning ordinances in their decision-making process.

Mr. Boersma said that he appreciates the leadership that John has provided over the past years along with his invaluable insights and advice.

Mr. VanderMeulen said that he is always impressed by how John and Corey work together as a team and are consistent as one voice.

Mr. Ross DeVries thanked John for his strong steady leadership.

Mr. Robert DeVries thanked John for always answering all of his questions even if they were trivial questions.

The Board wished John well at his new position.

Mr. Andrew Lawrence from Lawrence Heating and Cooling located at 148 S. Waverly Rd. asked if he could speak. Mr. Boersma informed him that there was time for public comment at the beginning of the meeting but the Board agreed to allow him time to speak.

Mr. Lawrence stated that he wanted to see a Zoning Board of Appeals meeting before speaking because he wanted to understand the Board's role before addressing them. He stated that they recently found out that his company is possibly not following everything they were told to do with their property. He is wondering if they could explain to him what his next steps would be regarding a variance for a Class C buffer. He said he is only looking to get educated on the process and not asking for any answers from the Board.

Mr. Boersma told him Staff is always available to answer any questions he may have and to help him decided which Board or Commission he should go to next.

Mr. Lawrence stated that he was not aware that work vans on the property were considered outdoor storage and thought that terminology just referred to boats, campers, trailers, etc. He is also concerned about putting in a Class C buffer and how that would affect fire access to the building.

Staff answered that they provided Mr. Lawrence an email with the steps for submitting an application. Mr. Lawrence asked for clarification if this was the right Board to come before or if he needed to go to another Board or Commission? Mr. VanderMeulen answered that this would be the right board if he wanted to appeal the Class C buffer.

The next scheduled meeting is September 28, 2021.

The meeting adjourned at 6:50 pm.

Respectfully submitted,

Tricia Kiekintveld  
Recording Secretary