

ZONING BOARD OF APPEALS  
Regular Meeting  
September 28, 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 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 August 24, 2021 as written. 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 Benjamin Hulst/Zero Latency LLC for property located at 2522 Van Ommen Drive, known more specifically as 70-16-16-377-013. Petitioner is requesting a variance to required parking. The subject property is zoned C-2 Community Commercial.

Present for this request was Benjamin Hulst of Zero Latency LLC and Craig Gengler of Driesenga and Associates.

Mr. Gengler explained to the Board that Mr. Hulst already went before the Planning Commission for a Special Land Use Permit to allow for an indoor commercial recreation facility. By ordinance they are required to have 1 parking space per 100 square feet of building, which would require them to have 84 parking spaces for this use. The Planning Commission approved the Special Land Use Permit with the stipulation the applicant has at least 20 parking spaces, however, a non-use variance for parking would need to be obtained from the Zoning Board of Appeals.

The 20 spaces are based on the following. The absolute maximum number of players that can play at one time is eight. That is the way the gaming technology has been set up. Eight people playing, eight people getting ready to play and four staff people.

The building is 8,446 square feet in size and the applicant has owned the property since last March. The Board asked for a breakdown of how that space is proposed to be used. The arena area is 2,000 square feet with a capacity of eight people. There would be an area to suit up on one side of the arena and an area to suit off and get your debriefing on the other side of the arena. There would be a player lounge to check in and get concessions, an area with racing simulators and there will be three bathrooms.

Mr. Gengler further stated that they would not be asking for additional signage and no additional variance would be sought for the adjusted site plan. He also commented that the applicant is working on the other stipulations the Planning Commission requested and a revised site plan was presented. They will widen the driveway to meet fire code and pave the gravel area for additional parking. They will take out the truck dock to create more spaces. The setbacks are all met. They will be landscaping to the north and along US-31. Storm water will be using the existing basin, however, because of the additional paved area and parking

they will need to go to the Water Resource Commission to make sure it is adequate. They will move the dumpster and put it in an enclosure to meet Township requirements.

The hours of operation would be Noon to 10:00 pm to start out. The hours could cut back depending on how late people want to come out and play. In the summer the hours could be expanded.

The Board had several questions about the operation. Mr. Hulst replied that they do not intend on renting out any section of the building for birthday parties. This would be the only stand-alone facility in the US at this time. The others are in huge entertainment venues (8 in the US) with large shared parking. Mr. Hulst further commented, that there is the probability that not everyone would drive over alone. The Holland arena would be the largest with a square footage of 2,000 square feet, the largest allowed by technology for this reality gaming. All places are limited to eight people at a time can play. Yes, they could have food sales down the road. A full-scale kitchen or restaurant – no. Chips and soda- yes.

The technology could improve within the next five to six years and the equipment would need an upgrade but the number of participants would not increase. Staff would keep an eye on the parking. If someone were to just stop in, staff would request that they go home and book a time slot online.

What would keep the applicant from installing another arena? Mr. Hulst replied that he wouldn't try to cram two arenas into this space. Also, the gaming equipment is \$400,000. With the suit up and suit off areas it takes 3,500 square feet to do one arena.

The Board had concerns of people hanging out after gaming, or there being spectators (friends) making the limited 20 parking spaces an issue. Also, if this building were to be sold, the Special Use of indoor commercial recreation would stay with the property. Some other type of business like a free roam arcade could go into this location, similar to Lost City, and additional parking would be needed to accommodate those patrons.

Mr. Hulst did have a drafted agreement with Long Range Archery for use of 10 parking spaces. The concerns the Board had with that were if the business got sold, that could be revoked by the next owner. They would like to see an official easement granted that is recorded with the County for the use of the neighboring parking lot. A plan of an additional 10 deferred parking spaces for a total of 30 parking spaces is what a couple of the ZBA members asked the applicant to consider. Mr. Church replied that he would not be comfortable with less than half the required amount of parking, which would be 42.

Mr. Gengler replied that with a deferred parking arrangement the applicant would need other variances on the property, such as landscaping. There was further discussion of how to get the additional parking.

Community Development Director, Corey Broersma explained that the deferred parking is a backup plan incase the 20 spaces proposed are not enough to accommodate the business. They would need to show where the deferred parking would go. If there are cars parked on the street, blocking fire lanes, or complaints from neighboring properties about Zero Latency's customers parking on their property, they would have one year to install the deferred parking.

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

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

\*\* It was moved by Boersma and supported by Vander Meulen to table this request pending further information and plans to help with making this decision. Motion carried unanimously with a roll call vote.

The meeting adjourned at 7:05 pm.

Respectfully submitted,

Laurie Slater  
Recording Secretary