

ZONING BOARD OF APPEALS
Regular Meeting
March 22, 2022

The meeting was called to order by Vice-Chairman Ross De Vries at 5:30 p.m.

Present: 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: Chairman Russ Boersma

Public Comments: None

** It was moved by Vander Meulen and supported by Bob De Vries to approve the minutes of December 21, 2021 as written. Motion carried.

Vice-Chairman De Vries explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Paul DeKruyter for property located at 679 Garden Ridge Drive, known more specifically as 70-16-35-212-011. Petitioner is requesting permission to construct a detached accessory building: 1) Partially within a side yard; 2) With an area exceeding 720 square feet for a lot with over 2 acres; and 3) With a height greater than 16 feet. The subject property is within The Ridge Planned Unit Development and subject to R-1 Low Density Residential zoning requirements.

Present for this request was Paul DeKruyter.

Mr. DeKruyter started his presentation by explaining the good work ethics he is attempting to teach to his boys. He has a 500-foot drive way that they shovel. They have 11 acres with several trees on it. They have approximately 15 trees come down each year. They take care of the fallen trees themselves.

The proposed accessory building would be storage in the lower level for the tools to process the fallen trees, a log splitter, a wood chipper and a tractor. Also, an equipment trailer and a boat. The main level would be for storage of bikes, lawn tools, sports equipment, and a wood working shop and tools.

Mr. DeKruyter had a handout explaining his proposed accessory building and the three variances he is asking for: location, height and square footage.

He explained that the portion of the accessory building that would be in the side yard would be the lower level, below grade. The only part of this piece of the accessory building that would be above grade in the side yard is a concrete slab/roof of the lower level.

In regards to the roof height and style, he would prefer to not have a roof that is all shingles. That is the reason for choosing a monitor style roof. He also questioned where the roof heights should be measured from.

He explained that only the level above the grade should be counted as the square footage, which would be 1,056, not 1,360 square feet measured around the foundation. He presented examples of other variances that have been granted in Holland Charter Township for larger accessory buildings. He further gave a summary of the size of accessory buildings surrounding jurisdictions would allow on a property of this size.

Mr. DeKruyter further explained that he spoke with neighbors on Macatawa Lane. They would speak later.

The Board asked Mr. DeKruyter if the proposed accessory building was compatible with the existing house. He explained that his house is a white modern farm house and this style of accessory building would complement it. It would be of a darker color with the same siding, windows, cedar trim and roofing materials as the house. The quality of construction would be the same as the house.

The Board further discussed where the measurements should be made to determine the height of the building.

There was further discussion about the visibility of the building from Macatawa Lane.

It was the consensus of the Board that the accessory building was properly located on the property.

The Board questioned as to whether the property could be split. Mr. Broersma stated that the house is in a PUD. They would need a PUD amendment to do it, but yes, it is possible that they could split it. It was further commented that because of the location of utilities, it is possible, but not probable.

The Board continued to discuss the height and square footage of the proposed accessory building. The Board asked if the way the measurements were taken was consistent with how other accessory building variance requests were measured. Mr. Broersma responded that yes, they are consistent with how other height and area variances were measured in the past.

The Board questioned Mr. DeKruyter as to why he wanted this style of building with what looks like it has a second floor. He like the open feeling it gives when you are inside and the natural light coming in the windows. Aesthetically nice looking and he doesn't like the look of all shingles.

Present in the audience to speak to this request was Ghulam Ghazanfari of 10646 Macatawa Lane. He is also the President of the Homeowner Association for South Macatawa Ridge Association. Mr. Ghazanfari stated that the Association has spoken with Mr. DeKruyter and they have come up with an agreement between themselves for the location and buffering of the proposed building. The Board members each have a copy of the proposed agreement and pictures submitted by the Association. The paperwork presented by the Association states that "the situation will have a high degree of adverse impact on eye sites and the property value at Macatawa Lane properties". They further asked that the agreement be part of the Board's decision-making process for the variances.

Also present was Robert Hieftje of 10622 Macatawa Lane. Mr. Hieftje explained that the pictures with the agreement are taken from his property. He explained that the four points listed on the paperwork describing an agreed upon location and buffering is an approach to minimize the negative impact of the accessory building from his property. He further stated that he would much rather see this roof line than just a typical barn. He sees the proposed darker color as a positive.

Joseph J Stewart of 731 Garden Ridge Drive submitted a notification in objection of this request.

Mr. Ron Harrison, President of Garden Ridge Association submitted a notification that they have no issues with the proposed building.

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

There was further discussion among the Board Members about the size, visibility and impact of this request on surrounding properties.

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.***

Location: The irregular shape of the lot, topography, and floodplain may justify the proposed building's placement that minimally extends into the side yard. They are using the lot geography to get into the lower level. The lot is big enough that one could put a conforming building anywhere on the lot. No issue with location.

Area and Height: Mr. Church indicated the height can be brought to meet with the ordinance. The letter from Macatawa Lane states it will have an adverse effect on the neighboring properties. It doesn't say we whole heartily approve. There has been compromises made to come up with the agreement.

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.***

Location: The uniqueness of the lot is only a factor in the consideration of the

proposed structure's location.

Area: This request is not being made as a result of the land.

Height: This request is not being made as a result of the land.

- 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.***

Location: This is a feasible location to put the proposed accessory building.

Area: This is a preference.

Height: This is a preference with a desire to have an airy feeling within the building.

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

Location: This variance would not be a detriment to nearby land uses.

Area: A granted variance for the area could be seen as detrimental and establish a framework for claims from nearby property owners that they too deserve relief.

Height: Although height measurements are taken from the front of the building, the rear elevation of the building will be most visible to the adjacent lands.

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

Location: Is not self-created.

Area: Self-created.

Height: 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.***

Location: If the location of a compliant building is not feasible given the site conditions previously mentioned, the granting of this variance would still protect the public interest.

Area: This variance would not be in line with the spirit of the zoning ordinance.

Height: This variance would not be in line with the spirit of the zoning ordinance.

Location:

** It was moved by Bob De Vries and supported by Vander Meulen to approve the location of the accessory building as requested. Motion carried with roll call vote of 3 to 1.

Height:

** It was moved by Vander Meulen and supported by Ross De Vries to approve the height variance of 4 feet. Motion denied with a roll call vote of 2 to 2.

Area:

**It was moved by Vander Meulen and supported by Bob De Vries to deny the request for an oversized accessory building resulting in an area of 1,360 square feet. Motion carried with a roll call vote of 3 to 1.

Hearing declared open to consider a petition for an Extension of a Non-Conforming Use submitted by Jerry Baarman on behalf of the Jerry M Baarman Trust for property located at 10972 Chicago Drive, known more specifically as 70-16-23-100-068 and -074. Petitioner is requesting permission to construct an addition to an existing building not meeting the required building setback. The subject property is zoned I-1 Light Industrial.

Present for this request was Rebecca Page of Holland Engineering, 220 Hoover Blvd. Also present were Jerry Baarman’s sons, Mike Baarman and Rick Baarman.

Ms. Page explained that Holland Litho purchased the parcel next to and west of its current facility many years ago and recently had it rezoned to I-1 Light Industrial. They occupy the entire existing building and now want to expand. The existing building encroaches the setback along the south (rear yard) property line. The proposed building would not encroach the rear yard setback any further than the existing building. The southwest corner of the proposed building addition would be 5.4 feet from the south property line. To the south is property owned by Consumer’s Energy. Holland Litho has obtained and recorded a 30-foot easement for an emergency access road across the utility’s property. The Fire Chief has reviewed the plan and has accepted it.

The Board asked if the addition could go anywhere else on the property where it could comply with the ordinance. Ms. Page responded that with the way the interior is set up with offices and loading docks, another plan would not be practical or efficient. The two buildings will be interacting with each other. If the building were moved forward into rear yard compliance, it would block the loading docks. To move the loading docks would not line up with what is inside.

Mr. Baarman commented, the building would be smaller, when they are in need of more space, not less.

The Board asked for some history on the building. Mike Baarman explained that it was built in the 1960’s. Gray Bell Trucking had warehouse space; they moved out in 1994. Since then,

Holland Litho has grown and has now moved into the full building. As they have outgrown the space, production is not as efficient.

The addition would line up with the existing foot print and line up extending to the west. The building existed long before the current ordinance.

There was further discussion among the Board Members. The addition would not encroach any more so than the existing building already is. They did take the initiative to obtain an easement for fire access. It is a permanent recorded 30-foot easement. It was mentioned that the purpose of this Board is not to extend the nonconforming use. There is an alternative to this that will meet the ordinance and granting this request for a property with this much space is not consistent.

There was no one in the audience to speak to this request. However, Staff received a letter from IFR at 10875 Chicago Drive. They were concerned that the expansion and reduction of landscaping may produce surface water runoff that may adversely affect their property. Staff had also received notification from Mark Westerbeke of Back to Health Chiropractic at 10990 Chicago Drive. He has no objections to Holland Litho's plans.

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

The Board went over the standards to review when considering the extension of a nonconforming Use.

1. *Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.*

Granting an extension of the nonconforming use does not affect the existing building.

2. *Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.*

Granting this request would not interfere with the use of adjoining properties or the surrounding neighborhood for uses for which they have zoned pursuant to the provisions of this ordinance. They will be able to continue to do what they are currently doing.

3. *The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.*

There would be no negative impact.

The Board asked what the timetable for these improvements would be. They would start Phase 1 as soon as possible. They are thinking fall for Phase 1. Phase 2 is to be determined.

** It was moved by Bob De Vries and supported by Vander Meulen to approve the request for an extension of a nonconforming location for a building as presented in Phase 1. Motion carried with a roll call vote of 3 to 1.

Hearing declared open to consider a petition for Nonuse Variances submitted by Jerry Baarman on behalf of the Jerry M Baarman Trust for property located at 10972 Chicago Drive, known more specifically as 70-16-23-100-068 and -074. Petitioner is requesting permission to: 1) reduce the landscape buffer width and plant requirements along the western property line; 2) eliminate the landscape buffer required along the southern property line; and 3) eliminate the parking lot landscape requirements for new and increased capacity parking lots associated with a proposed building addition. The subject property is zoned I-1 Light Industrial.

Present for this request was Rebecca Page of Holland Engineering, 220 Hoover Blvd. Also present were Jerry Baarman's sons, Mike Baarman and Rick Baarman.

Ms. Page explained to the Board that buffering along the south property line would have very limited space - 5.4 feet off the property line, be in the shade of the building, and then be between the adjacent fire access road and the building.

The neighbors to the west and east were developed before the current ordinance and have no buffers. Holland Litho would like a happy medium between the two. The property is 400 feet deep and most of the buffering would not be visible from the road and surrounding properties on the west property line. They are proposing a reduction in the landscaping and width of the western buffer. The approximately northern third of the buffer would only have a reduction in plants, the middle third would have a reduction in plants and a 5-foot width reduction, and the southern third would have a no plants and a 10-foot width reduction from the required 20 feet.

They would also like to eliminate the required parking lot islands. Islands make it harder for the trucks to turn. Also snow plowing around the islands is difficult.

The Board asked why Mr. Jerry Baarman scratched out a portion of the form he was required to sign for the variance request. Mr. Broersma explained that he spoke with the Township Attorney and Mr. Jerry Baarman should be required to sign a new form without alterations as a condition of anything that may be granted at the meeting tonight.

There was discussion about the number of parking spaces required by ordinance. 79 are required and the number of parking spaces they show on their plans is 113. Because they have more parking spaces than required by ordinance, they could eliminate parking and gain room for the landscaping.

No one was present from the public to speak to this petition.

** It was moved by Mr. 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:

- 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.*

Southern Buffer: There is practical difficulty with the landscaping to the south.

Western Buffer: There is no reason why the west property line cannot be compliant with the ordinance.

Parking Lot Trees: There is no reason why the parking lot islands cannot be compliant with the ordinance.

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.

Southern Buffer: The request is a result of the existing building's placement rather than any conditions of the land

Western Buffer: There are no unusual circumstances warranting this variance.

Parking Lot Trees: There are no unusual circumstances warranting this variance.

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.

Southern Buffer: The request is a result of the existing building's placement rather than any conditions of the land

Western Buffer: There are no unusual circumstances warranting this variance.

Parking Lot Trees: There are no unusual circumstances warranting this variance.

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

Back to Health is okay with the proposed project. IFR has concerns of water runoff. The engineers for Holland Lith and the Water Resource Commissioner will review the plan and additional runoff from any new building or parking will be accounted for.

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

Southern Buffer: The need to eliminate the property line buffer is due to an existing building that was there when Holland Litho purchased the property and fire access road alignment.

Western Buffer: The western property line buffer reductions are a matter of convenience.

Parking Lot Trees: The parking lot island reductions are a matter of convenience.

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.*

Southern Buffer: There is a good reason for the variance request for the south property line. The existing building and the fire access road.

It is possible to conform to the ordinance on the west property line and in the parking lot. It would be a detriment to others and to the Township if we permit them to deviate. The Township requires attractive green buffers. It is a matter of convenience. Engineering can overcome and conform to the ordinance here.

** It was moved by Vander Meulen and supported by Bob De Vries to approve the request for a Nonuse Variance of the required Type B Landscape Buffer as presented along the southern property line; resulting in no Type B Buffer due to the proposed building location and fire access road. Motion carried with a unanimous roll call vote.

** It was moved by Church and supported by Ross De Vries to deny the request for a Nonuse Variance of the Type B Landscape Buffer as presented along the western property line; resulting in a variable width Type B Buffer with 0 of 10 evergreen trees, 7 of 10 deciduous trees, and 37 of 70 shrubs. Motion carried with a unanimous roll call vote.

** It was moved by Vander Meulen and supported by Bob De Vries to deny the request for a Nonuse Variance of the Parking lot Canopy Trees as presented; resulting in 0 deciduous trees and associated landscaped area, including protective curb. Motion carried with a unanimous roll call vote.

** It was moved by Vander Meulen and supported Church that the applicant submit a revised application with no language scratched out. The approval of this project is suspended until that form is received. Motion carried with a unanimous roll call vote.

Meeting adjourned at 8:10 pm.

Respectfully submitted,

Laurie Slater
Recording Secretary