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ZONING BOARD OF APPEALS

Regular Meeting

July 28, 2026

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

Present: Chairman Russ Boersma, Members Jack Vander Meulen, Elliott Church, Ross DeVries and Robert De Vries. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White and Recording Secretary Laurie Kissau.

Absent: None

There were no public comments.

** It was moved by Vander Meulen and supported by Robert De Vries to approve the minutes of May 26, 2026, as presented. Motion carried unanimously with a roll call vote.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance submitted by William Sikkel on behalf of Terry and Cheryl Boetsma for 538 Howard Avenue, known specifically as Parcel Numbers 70-16-30-176-018. Petitioner is requesting a variance of 40 feet from the required 90-foot Macatawa Waterfront Setback; resulting in a setback of 50 feet. The variance is being sought for a newly built retaining wall over 30 inches in height. The subject property is zoned R-1 Low Density Residential.

Present for this request was William Sikkel on behalf of Terry and Cheryl Boetsma, who were also present.

Mr. Sikkel explained that the reason they are before the Board is because the owner built a retaining wall in the rear yard that is greater than 30 inches in height and is in the 90-foot Macatawa Waterfront setback.

Mr. Sikkel further explained that placement of the home was restricted by a drainage easement that crosses the property diagonally. As a result, the house was shifted to the north property line as close as it could get. Also, there is a significant elevation drop on the property. It goes from the north to the south and the west from the east towards Lake Macatawa. Elevation drops as you get closer to the lake.

The neighboring property to the north has had a history of drainage problems. When the applicant was constructing the home, they worked with that neighbor to try to alleviate the drainage issues. That required them to remove approximately six feet of soil along the north property line to reduce that elevation to allow that water to naturally flow south and east towards the lake.

Because the new house was shifted to the north and included a walk out lower level, it was necessary to construct a retaining wall. The wall was designed in collaboration with the property owners to the north. It was professionally engineered and professionally installed.

Prior to constructing the wall, Mr. Boetsma had met with the Drain Commission. They talked about the drainage problems and the retaining wall. The Drain Commissioner stated "You are fine with us. There is no permit that is needed". The applicant thought they were good to go. What they did not understand is that the Zoning Ordinance, specifically Section 8.10 contained a requirement that you cannot have any structure taller than 30 inches in height within the last 90 feet from Lake Macatawa (the traverse line).

The Township alerted the owners of this during the construction of the house and the wall.

Mr. Sikkel stated that they understand the purpose of that protection to preserve and protect views along Lake Macatawa.

The applicant has actually improved the situation. They removed from the top six feet of soil as well as some additional soil, which dropped the retaining wall into the ground. They have not constructed anything above grade, but because they removed additional soil, the wall now exceeds 30 inches in height.

Mr. Sikkel continued that the Staff's concern in the report was about the top edge of the retaining wall and the drop in height being a safety issue. The intent of the applicant all along has been to put up a barrier of some kind. The intent was additional landscaping on the top edge of the wall or some rails and cables, something that would preserve the views, but still provide a level of safety. This would be designed in collaboration with the neighbors to the north.

Mr. Sikkel went through some of the standards and stated how they met these standards. The uniqueness of the land is the easement and the steep slope. Other properties in the R-1 Zoning District do not have the same issues to deal with. Not all properties along the lakeshore have these issues.

Next, he stated how they meet whether the variance is necessary for the preservation of a property right. All up and down along the lakeshore of Lake Macatawa you will see almost all of the houses in this area have walkout basements. If you look at the elevation of the two neighbors to the north and south, they have the exact same thing. They carved out a significant portion of the slope to allow for a walkout base. Other properties had more room to allow that slope to work down, but because the Boetsma's were tight to the north property line, they did not have enough room for that slope to come down naturally, creating the need for the retaining wall.

The applicant has spoken with most of his neighbors. They were all in support of the variance request.

The problem was not self-created; it is the easement that runs diagonally across the property and the steep slope.

Looking at whether it is contrary to public interest or in the spirit of the ordinance, they applicant is improving the drainage issue, and they are not blocking the view of any of the surrounding properties.

The Board asked if there was a way they could possibly move the wall back or shave it down about 25 feet.

Mr. Sikkel responded that if the wall was redesigned it would come across a large area of the rear yard. It would start to come down the stairs. Also, the view from the walkout basement would be the wall. Currently there is a pool and equipment, all that would need to be removed.

There is only 20 feet of the wall outside the 90 foot setback.

Mr. Vander Meulen asked if the drain that crosses the property is a working drain. Mr. Boetsma responded that it is a working drain, it comes from the road.

Mr. Robert De Vries asked how much soil was taken out and what is the grade of the slope now. Mr. Boetsma responded that from the back of the house to the end of the retaining wall is about a 2 foot drop.

Mr. De Vries further asked what was the amount of excavating done to accommodate the walkout?

Mr. Sikkel replied that there were a couple factors. Six feet was done to address the drainage problems from the property to the north. The rest was done for the walkout.

There was further discussion among the Board Members.

Mr. Church asked who the contractor was and shouldn't he have known to check with the Township about any Ordinance requirements?

Mr. Sikkel explained again that the homeowner took it upon himself to reach out to the Drain Commissioner. They said that they were good to go. The homeowner, the builder, and the contractor were all surprised when they learned of the violation.

Mr. Church asked Mr. Vander Meulen if the contractor should generally be aware.

Mr. Vander Meulen responded that yes, but he was not sure what code the wall would be under. It is not under the building code because it is not the house. The contractor or homeowner should have had a conversation with someone at the Township about the wall. They should have gone a little deeper to find out what they had to do. In retrospect, that probably would have been the time for them to come here for a variance.

Mr. Sikkel replied that that is what they would have done if they had known.

There was further discussion among the Board about what the applicant could have done differently had he come for the variance prior to constructing the wall.

Chairman Boersma opened the floor for public comment. There was no one from the audience to speak to this request however, Staff did receive three letters from neighboring properties, They were from Mr. Holstege, Ms. Wendy Holstege, and Don and Cindy Glennie at the property across the street.

****** It was moved by Robert De Vries and supported by Ross De Vries to close the public hearing. Motion carried with a unanimous voice vote.

The Board went over the standards to review when considering the 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.***

The Board found that the unusual characteristics or conditions of the land include the 20-foot-wide diagonal drain easement and steep slope of the property. You could manipulate the soil to fit, but it would block the views and would not be aesthetically appealing. Topographical issues. There has to be a barrier along the top of the wall.

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

The Board found that there are a lot of unique challenges along the lakeshore. It applies to some of the properties, but not all of them. The property is between two elevation changes. They were the ones to deal with this. There is lesser of an obstruction of the lake with the wall in place. Improving drainage for the neighbors is important as well.

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.***

The Board found that the substantial property right is the view of the lake. The sloping part obstructs some of the views. The ordinance was created to lessen obstructions and create better views of the lake.

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

The Board found that granting this variance will not be of substantial detriment to adjacent or nearby properties. It improved the drainage issue with the neighboring property. There are three letters in support of the request.

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

The Board found that the applicant spoke with the Drain Commissioner, and he believed he got approval there to go ahead with the project. He thought that was all the approval he needed.

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.***

The public interest is to maintain the expectations established by a zoning ordinance. In this case it seems the views are being considered for the neighbors. The wall was engineered and constructed professionally. There will be a barrier in place to keep people from falling off the wall. The wall does not impede views. It is not on a flat piece of land, harms no views.

** It was moved by Church and supported by Vander Meulen to approve the request for a variance of 40 feet from the required 90 foot Macatawa Waterfront Setback; resulting in a setback of 50 feet, as presented in the applicant's submittal with the following stipulations:

- The retaining wall design, construction methods, and built wall shall be reviewed by a structural engineer.
- A suitable barrier, subject to review and approval of Staff, shall be maintained.
- The contractor who installed the nonconforming structure is to be informed that it was in violation.

** Motion carried with a unanimous roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Connor Millar of CLS Landscaping for 0 (vacant) New Holland Street, known specifically as Parcel Number 70-16-04-100-054. Petitioner is requesting variances consisting of: 1) Location of an outdoor storage area in a front yard; and 2) 85,637 square feet from the 11,300 square foot maximum outdoor storage area determined from the footprint of the principal building; resulting in an outdoor storage area of 96,937 square feet. The variance is being sought for the establishment of a contractor facility with outdoor storage. The subject property is zoned I-1 Light Industrial.

Present for this request was John Tenpas, project Manager, from Driesenga & Associates, Inc.

Mr. Tenpas explained to the Board that the applicant, CLS Landscaping would like to construct a landscaping business on 6.4 acres of property located at the corner of New Holland and 124th Avenue. He further explained that it would not be for retail storage. It would be for storage of equipment and supplies associated with landscaping.

The proposed building would be 11,300 square feet with future plans for an additional 3, 500 square feet. They are asking for 97,000 square feet of outdoor storage. With a landscaping operation the practical difficulty is that they do not need a large principal building to store things in, they need outdoor storage for landscaping material that cannot be stored inside, such as stone, mulch, and trees.

Mr. Tenpas stated that the applicant has considered other layouts of the building on this property, which resulted in the location of the outdoor storage area no longer being in the front yard. They do have an alternative layout and are willing to withdraw the variance for the front yard outdoor storage area. The only variance request would be for the square footage of the building versus the outdoor storage area.

The use of the outdoor storage area would be for trucks and trailers, about 15 of each. Also, a small dump truck, dump trailers for topsoil, a loader, an excavator, a skid, and an above ground fuel tank.

They would also have 2-3 colors of mulch, stone, rocks and boulders, salt and topsoil.

They would also have short term storage of live plantings. This would not be typical.

The layout is such because of truck traffic. They need space for maneuvering through the outdoor storage.

There would be screening on both frontages of the property – New Holland and 124th Street. Being a landscaping business and having a reputation to uphold their screening has visual interest. The screening will be of Evergreen Trees and flowering shrubs. 124th Street will be screened too, but to a lesser degree with no berm or rocks.

The landscaping will not be an eyesore. They will present their self-image through their landscaping.

Mr. Tenpas presented the Board with a sketch of the building shift to the east. The building is closer to 124th, which pulls the outdoor storage out of the eastern front yard.

Mr. Tenpas stated they would like to make a request to withdraw the request for front yard storage.

****** It was moved by Rober De Vries and supported by Church to remove and accept the request to withdraw the request for location of an outdoor storage area in a front yard. Motion carried with a unanimous roll call vote.

There was discussion among the Board with Staff about the previous ordinance not limiting the outdoor storage space. Mr. Broersma explained that the principal use adds value to the property and adds jobs to the community. The variance would stay with the property as long as there was no change in the nature of the use.

The Board asked if this use was allowed in the light industrial zoning district. Mr. Broersma responded that it is with a Special Land Use Permit from the Planning Commission.

The Board commented that not all businesses can be conducted in a building. The Planning Commission will investigate the noise, vibration and dust issues at their meeting for the Special Use Permit. They will also address potential fire access issues.

The materials allowed in the storage area would be limited to material necessary for the landscaping business.

There would be a 6-foot-high opaque fence around the outdoor storage.

The front yard landscape requirements would be on both New Holland and 124th.

The storage of the salt cannot be a tent structure.

Mr. Tenpas responded that CLS would purchase the necessary materials for all the requirements after they have all the Boards approvals.

Industrial zone is to create jobs. The applicant is currently operating outside of the Township. He currently has 18 employees. More will be added if they move to a larger facility.

There was a Variance Application Narrative of the Owners Perspective from Joel G Bouwens, Member for Consink LLC, that was submitted to the Board.

Mr. Bouwens was present in the audience to speak to this request. He commented that you don't buy industrial ground unless you can use it. There is uniqueness and practical difficulty with this piece of property. The property slopes off to the south, which results in the loss of area. There is a drainage ditch that runs north and east, west of the right of way. That portion of the property is lost to governmental entities.

Mr. Bouwens further commented that he owns a six-acre property west of the applicant. There is a significant setback. The frontage of this business is more attractive than a parking lot.

** It was moved by Robert De Vires and supported by Ross De Vries to close the hearing. Motion carried with a unanimous voice vote.

The Board went over the standards to review when considering the 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.

The Board found the land/lot of record is not a limiting factor in this request, it is the nature of the business and the size of the proposed building. There are several businesses of this type within the Township, and they do not look junky, nor do they look out of place. Chips Groundcover for example.

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

The Board found that the business itself is unique, not the land. Materials for landscaping are stored outside.

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.

The Board found that without the granting of this variance this business would not be able to be in this spot. Some businesses cannot be run out of a building.

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

The Board found that granting this variance will not be of substantial detriment to adjacent and nearby land uses and properties as long as there is adequate screening and provisions for dust control.

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

The Board found that in this situation the applicant did not create the problem. It is the nature of this type of business. Landscaping materials need to be stored outside, and the trucks, trailers and other equipment are also stored outside.

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.

The Board found that granting this variance will not be contrary to the public interest or the spirit of the ordinance in that the applicant is given a process to go through and to have us look at it and make a decision based on the location, what type of business they are having and what they're looking to do.

**** It was moved by Church and supported by Robert De Vries to approve a locational variance of 85,637 square feet from the 11,300 square foot maximum outdoor storage area determined from the footprint of the principal building; resulting in an outdoor storage area of 96,937 square feet as presented in the applicant's submittal with the following stipulations:**

- The applicant secure a Special Land Use Permit within 1 year.
- The applicant maintains suitable height limitations on the material storage area.
- That appropriate access for emergency vehicles be installed subject to review and approval by the Fire Chief.

- The applicant has provisions in place for dust control and other byproducts they use.
- There is appropriate screening at the perimeter and it be maintained
- The outdoor storage be used only for materials, supplies or equipment directly related to the business.
- Every stipulation is subject to Staff review and approval

Motion carried with 4 yes and 1 abstain.

Mr. Broersma stated that the Planning Commission may have more stipulations on the approval of the Land Use Permit.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Rob Hunter on behalf of Request Foods, Inc. for 12875 Greenly Street, known specifically as Parcel Number 70-16-08-200-055. Petitioner is requesting variances consisting of: 1) 25 feet from the required 75 foot front yard building setback; resulting in a front yard building setback of 50 feet when measured from the Corporate Circle right-of-way; 2) 4.30% from the 40% maximum lot coverage by building; and 3) 56 parking spaces from the required 432 parking spaces; resulting in 376 parking spaces for the facility. The variances are being sought in conjunction with a proposed building addition. The subject property is zoned I-2 General Industrial.

Community Director, Corey Broersma informed the Board that he received an email from the applicant asking to withdraw all three variances.

** It was moved by Boersma and supported by Robert De Vries to accept the request to withdraw the three requests. Motion carried with a unanimous roll call vote.

Meeting adjourned at 7:12 pm.

Respectfully submitted,

Laurie Kissau
Recording Secretary