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ZONING BOARD OF APPEALS

Regular Meeting

December 16, 2025

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

Present: Members Elliott Church, Jack Vander Meulen, Ross DeVries and Robert De Vries. Also present were Community Development Director Corey Broersma, and Recording Secretary Laurie Kissau.

Absent: None

There were no public comments.

** It was moved by Vander Meulen and supported by Church to approve the minutes from the November 18, 2025 meeting with one change to page 7, number 4 regarding a business name. Motion carried with a roll call vote 3-yes and 2 abstains.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by Shane Vork of Vork Brothers Properties LLC for property located at 188 N Jefferson Avenue, known specifically as Parcel Number 70-16-13-453-007. Petitioner is requesting variances consisting of: 1) 20 feet from the required 30-foot width for a Type A Buffer along the western lot line, resulting in a 10-foot-wide Type A Buffer; 2) 4 canopy trees from the required Type A Buffer, resulting in 0 canopy trees installed along the western lot line; and 3) permission for one tree species to exceed 50% of the total proposed trees. The subject property is currently in process of being conditionally rezoned from I-2 General Industrial and R-2 Moderate Density Residential to C-2 Community Commercial.

Present for this request was Tyler Carley on behalf of Shane Vork.

Mr. Tyler explained that they have been making changes to the property to make it more appealing since they purchased it. The ordinance requires a 30' wide landscape buffer, the applicant is asking for a 10' wide buffer with a 6' privacy fence. It fits better with how they want the property to and for future use of the property.

The applicant is also asking to eliminate the 4 canopy trees because they will have a 6' privacy fence for screening. They don't want trees because they are still an operational business. If they put dense trees there it would eliminate some parking they need for their growing business.

They are also asking for one type of tree species instead of a mixture of tree species.

The Board asked Community Development Director Corey Broersma if it is possible to have a mixture of trees in a 10' buffer. Mr. Broersma responded that it is not impossible to find a

variety that will work. A narrow buffer does reduce the number of evergreen trees that would work. Probably not a Blue Spruce or a Norway Spruce, but some Juniper or arborvitae like the ones shown on the layout could work.

Mr. Carley responded that they would be hiring a landscaping company to do the buffer.

Mr. Vander Meulen asked if there was going to be irrigation in that area and if a White Pine would fit within a 10' buffer. He has seen trees die because of no irrigation within the buffer.

Mr. Carley was not sure if there was irrigation proposed for that area. If there needs to be, there will be. They will trust the landscaping company to make that decision.

Mr. Vander Meulen also asked where the snow would go.

Mr. Carley replied that the snow would go where it currently goes, to the front of the building south of the front fence.

Mr. Carley further explained that they are a growing business and their long-term plan is to invest on the west side of the building. They plan to put offices on the west side of the building that is currently warehouse space. There will be windows facing towards the buffer. At this time, they do not plan to put parking in that area. The surface would be concrete.

The Board asked Mr. Broersma if parking would be allowed along the buffer. Mr. Broersma responded that it would be allowed. If they had a two-way drive isle with perpendicular parking, they would need a width of 42' for parking. They currently have 51', with a 10' buffer that would only give them 41'.

Mr. Broersma stated that he anticipates that they would do a one-way drive isle with angled parking if they could get permission to drive through the CSX right-of-way. They do have an overhead door on the west side of the building.

Mr. Church asked about the neighboring property.

Mr. Carley stated that they also own that property. They were all bought together. They have requested a lot split of the Residential parcel to clean up the property. The split off section will be rezoned C-2 Commercial. The existing business parcel will also be rezoned from I-2 Industrial to C-2 Commercial. The residential lot will comply with the 64' lot width and some grassy area will be restored in the back yard. Both properties will be more compliant with the current ordinance.

Mr. Broersma gave an overview of the inherited situation.

The Township started an enforcement against the property in December of 2024 regarding contractor's facility with outdoor storage being established without obtaining Special Land Use permit approval in the I-2 District (188 N Jefferson Ave), as well as the addition of such use on property zoned R-2 Moderate Density Residential (320 W McKinley Ave).

As part of the process to bring the property into compliance, the applicant removed items being stored outdoors, sought a conditional rezoning to C-2 Community Commercial and sought the Special Land Use permit approval for contractor's facility.

As part of the Special Land Use permit, the site concept presented by the applicant presented a conflict with the Type A landscape buffer requirements needed along the "new" western lot line. The applicant was advised by Staff that they may present a site plan that demonstrates compliance with buffer requirements or seek a nonuse variance from the Zoning Board of Appeals.

Mr. Vander Meulen stated that Planning Commission looked at this property too. They are next to the railroad tracks and a run-down building. Given the circumstances, they are doing a nice job of cleaning up the property. There were neighbors at the Planning Commission meeting and they were happy with the improvements being made.

Mr. Robert DeVries commented that he did not see a need for any of the requests. That this was being requested for future planning.

Mr. Broersma explained that this is moving from a violation and more into compliance with the Master Plan – allowing the resulting residential lot to still comply with the 64' lot width.

Mr. Carley stated that as far as the canopy trees are concerned, that is something he believes they can correct on their end.

There was further discussion about future plans and not knowing exactly what that is. From an aesthetic standpoint, the cleanup of the property is going nicely. The residential property is not being used as residential. The business has encroached upon it. Perhaps now it can be used as a residential property.

Mr. Carley shared the thoughts as to why they feel they need the variances.

A 30' buffer would remove significant usable land from the site. It would give them limited parking and circulation, and no future flexibility for outdoor space such as green lawn, light recreation or employee gathering area. They do have grand plans. A 30' buffer would limit what they can do with the space. The 20' could be put to better use and serve the applicant better.

Mr. Church asked Staff if the applicant could put picnic tables in the buffer area. Staff indicated they could. Mr. Church further commented that the need for a variance for the buffer was speculative.

Mr. Carley responded that the plans for the office space are real, they are more than speculative, it is their strategy. More bodies require more parking spaces.

There was further discussion about parking among the board members.

Mr. Carley further stated that they currently have 40 company-owned vehicles and 20 employee vehicles. Parking is problematic when they have company meetings.

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

** It was moved by Church and supported by Ross Devires to close the hearing. Motion carried with a unanimous voice vote.

Mr. Canley requested to withdraw the request for number 3 - permission for one tree species to exceed 50% of the total proposed trees.

** It was moved by Church and supported by Ross De Vries to accept the applicants request to withdraw this portion of the variance request. Motion carried with a unanimous voice vote.

The Board went over the standards to review when considering the three (3) nonuse variance requests.

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 lot to be exceptionally narrow. The placement of the existing building and overhead doors also affects the buffer width.

The Board found is no practical difficulty where the canopy trees are concerned.

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.

It is unusual for a property to go from an I-1 to a C-2 and R-2 to a C-2.

The Board found the lot to be exceptionally narrow for the existing building.

The Board found is no unusual circumstances where the canopy trees are concerned.

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 granting the variance for the width of the buffer helps to clean up the property. The residential property will be compliant again.

The Board found no reason for granting the variance for the canopy trees within this standard.

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 the variance for the buffer width would not be detrimental to the adjacent and nearby land uses and properties as there would be a 6' tall fence for privacy too.

The Board found no reason to grant the variance for the canopy trees within this standard

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

The Board found that the applicant did not create the problem for which the variance is being sought. They inherited some of the problems from a code enforcement issue presented to the previous owner. The company has more growth than what the owner anticipated.

The variance for the canopy trees is 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.

The Board found that granting this variance would not be contrary to the public interest. They are proposing to put up a fence along with the 10' wide buffer for privacy. They will still be one foot short of being able to put in a two-way aisle and parking if granted what they are requesting. They will, however, have enough space for a drive aisle with angled parking.

****** It was moved by Vander Meulen and supported by Boersma to grant the request for 20 feet from the required 30-foot width for a Type A Buffer along the western lot line, resulting in a 10-foot-wide Type A Buffer. Motion carried with a unanimous roll call vote.

****** It was moved by Vander Meulen and supported by Robert De Vries to deny the request to eliminate the 4 canopy trees from the required Type A Buffer, resulting in 0 canopy trees installed along the western lot line. Motion carried with a unanimous roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by Dave Timmerman of Union Land LLC for property located at 11483 Lakewood Boulevard, known specifically as Parcel Number 70-16-22-271-005. Petitioner is requesting variances consisting of: 1) permission for an outdoor storage area to be located within the front yard along Crossings Court frontage; and 2) permission to display outdoor turf equipment on 2,860 square feet of turf rather than an asphalt or concrete surface. The subject property is zoned C-2 Community Commercial.

Present for this request was Eric De Young of Nederveld and Associates. Also present, was Dave Timmerman.

Mr. De Young explained that Greenmark is a thriving company. The growth has pushed them to figure out what they need to do on site.

They have gone before the Planning Commission with adjustments to the site plan and two items remain to be resolved. Two items that they need to get variances for.

The first one is the placement of a fenced in outdoor storage area in a front yard. The front yard is on a cul-de-sac and the storage would meet the 50' building setback. The storage area would be significantly behind the building when viewed from Lakewood Boulevard. The applicant confirmed the existing outdoor storage paving within 15 feet of the east property line would be removed and returned to lawn.

The second issue is the outdoor display area surface. On the Lakewood Boulevard frontage there were items in the road right-of-way. They have been removed. The items in the front display area are on grass as they are lawn care equipment. They are looking to also utilize grass in the new outdoor display area.

Chairman Boersma commented that this area has gotten out of hand. It is not all lawn equipment. It is questionable as to whether tractors and four quads are lawn equipment. It is about knowing your boundaries and keeping them.

Mr. De Young responded that they have addressed this concern; and adjusted and removed what was in the road right of way. He further commented that they need more space to view items available. They maintain the grass; it does not grow up between the items on display as they are moved in and out in a timely manner. Paving would make the area less attractive. On the original site plan this area was denoted as future grass display area.

Mr. Vander Meulen stated that he has to agree that the display area had gotten out of hand. They have outgrown what the Planning Commission had in mind.

In March 2023 the Planning Commission made the following motion: *"It was moved by Mr. Bosma and supported by Mr. Johnson to approve this Special Use Request for outdoor storage and for the south display area to be grassy for the display of lawn care equipment with permanent markers to define the area. Seadoos, Snowmobiles and all equipment other than lawn care equipment is to be displayed on a hard surface. The fenced in area for the outdoor storage area is to be 12 feet high and screened. The only outdoor storage will be within the fenced in area. Motion carried."*

The only thing before this Board is this location okay for this use (fenced in outdoor storage area) and can the front yard storage area that is currently grass remain grass.

They are currently working through the site plan with the Planning Commission to bring everything else into compliance. The expanded storage area will meet all other aspects of the ordinance. They are not asking for departure from the size or from the required landscaping. They believe that they can find a path to make all the adjustments being called for by the Planning Commission.

The neighbor to the north was recently granted an amendment to the PUD for outdoor storage as long as it was behind to 50' setback from Crossings Court. So, if the applicant stays back 50', it would be consistent with the property next door.

The Board asked what is being stored in proposed fenced in storage area.

Mr. De Young replied that it is used to store equipment waiting to be repaired.

The Board asked if there would be racking within the storage area. Mr. De Young was unsure.

Mr. Timmerman asked if he could address that. He first addressed the discussion about the size of the lawn and garden equipment in the front grass display area. Large property owners need larger equipment. That area is 100% for large property owners' equipment. They have stacking at the Jenison building. They have it against the building. Sometimes 19' tall. They want the business to work here. They are growing and the size of the equipment is getting bigger. They will keep the smaller items in the front and the larger items to the west side of the building.

Mr. Vander Meulen stated that there has not been a problem with the grass display area except for the past two years. Approving this variance will the applicant an opportunity to present a new site plan to the Planning Commission for review and new text going forward.

Mr. Broersma explained that U-haul on Lakewood was given restrictions on what size of trucks they could park out front too. This issue is more appropriate for the Planning Commission to address with the Special Land Use Permit.

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

**** It was moved by Church 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 two (2) nonuse variance requests.

- 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.***

Regarding permission for an outdoor storage area to be located within the front yard along Crossings Court frontage, the Board found that the shape of the lot is irregular with the cul-de-sac. The second front yard abutting the cul-de-sac is not typical.

Regarding permission to display outdoor turf equipment on the 2,860 square feet of turf located to the west of the building rather than on asphalt or concrete surface, the Board found another area for larger equipment would keep it out of the road right-of-way.

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.***

Regarding permission for an outdoor storage area to be located within the front yard along Crossings Court frontage, the Board found that it is unusual to have two front yards and for one of those yards to be a cul-de-sac.

Regarding permission to display outdoor turf equipment on the 2,860 square feet of turf rather than an asphalt or concrete surface, the Board found another area for larger equipment would keep it out of the road right-of-way.

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 it is the nature of the business to have an area for storage of equipment waiting for repairs. They can landscape it to soften it up.

The Board found that they need another area for storage to the east of the building so there is not so much in the front yard.

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 the variance for the fenced in storage area to the north would not be detrimental to adjacent and nearby land uses and properties. It would be consistent.

The Board found that an expanded display area would not be a detriment to nearby properties.

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

That Board found that the applicant did not create the lot and is working with the existing conditions and layout of the lot. The proposed fenced in storage area is not any closer than the neighboring property.

The Board understands that it is more desirable to have grass for lawn equipment than pavement.

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 public interest and that the spirit of this ordinance would be observed and substantial justice would be done for both the applicant and the other property owners in the district as it would match the neighborhood.

Granting the display area to remain grass instead of paving it would not be detrimental to anyone. It has been that way for years.

** It was moved by Boersma and supported by Church to grant the variance request for an outdoor storage area to be located within the front yard along Crossings Court frontage for 11483 E Lakewood Boulevard. Motion carried with a unanimous roll call vote.

** It was moved by Church and supported by Ross De Vries to grant the variance request for a variance to display outdoor turf equipment on the existing 2,860 square feet of turf rather than an asphalt or concrete surface for 11483 Lakewood Boulevard. Motion carried with a unanimous roll call vote.

Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Laurie Kissau
Recording Secretary