

PETITION FOR NONUSE VARIANCE

HOLLAND CHARTER TOWNSHIP ZONING BOARD OF APPEALS

353 North 120th Avenue · Holland, MI 49424 · Phone: 616.395.0151 · www.hct.holland.mi.us

To the Petitioner: A nonuse variance (also known as a dimensional variance) is a variance granted upon showing of "practical difficulty" created by a dimensional requirement in a zoning ordinance. If granted, the variance is a license to violate the zoning law. Dimensional variances typically involve setbacks, height limitations, bulk, lot area and other numerical standards in an ordinance.

The Michigan Courts have set standards to be used when considering nonuse variances. These standards require the petitioner to demonstrate a "practical difficulty" unique to the property - not the petitioner - in order to qualify.

Please print or type:

Applicant's Name: _____ Phone: _____
Mr. Shawn Bates, PE

Applicant's Address: _____ E-mail: _____

Property Address: _____

Parcel Number: 70 - 16 - _____ - _____ - _____ Zoning: _____

Owner's Name: _____ Phone: _____
Mr. Toby Benson, BHPC's Owner Rep.

Owner's Address: _____ E-mail: toby.benson@boarshead.com

Sec.6.3 (Tab.6.3B 75 ft min. Front Setback & Maximum Building Coverage 40%) &

Ordinance Section Number(s) Relative To This Appeal: _____

Provide a Brief Description of Your Request: _____

The needed location for the proposed new Fire Protection Pump Building would have a 9'-0" front setback which is an encroach into the 75 feet setback required for this property's zoning. This building will also encroach 4'-2" into the Township "Traffic Visibility's Clear Vision's Street & Driveway Regulation. This new Bldg will increase the existing Max. Bldg. Coverage "overage" by approx. .11%. With BHPC's required parking needing to be within 300 feet of their building, the building site and parking site has been submitted as one site for this facilities additions since at least 1999 thru 2009. Has the Max. Bldg. Coverage percentage changed since 2009 when BHPC's last variance was approved?

Standards for Granting of Variance. No variance in the provisions or requirements of this ordinance (Zoning Ordinance) shall be authorized by the Zoning Board of Appeals unless it is found from the evidence that all the following conditions exist:

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 an 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 features of the land.
 - d. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.
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.
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.
4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.
5. That the applicant shall not have created the problem for which the variance is being sought.
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.

Describe how this petition meets all of the above conditions (attach additional sheets as necessary):

- 1.c. Due to the existing locations of existing Fire Protection Service Main & the first P.I.V. zone into the existing process building and the process building, there is a very limited functional space available to locate the newly required Fire Protection Pump Building.
2. Boar's Head Provision Company's property, as well as the existing adjacent developed I-2 Gen. Industrial developed properties in this I-2 Gen. Industrial District, have lesser front yard setbacks due to property sizes and shapes and previous variance requests and approval.
3. The variances being requested by Boar's Head Provision Company for its proposed new Fire Protection Pump Building are due to one of their insurance company's safety update requirements, not for an increased financial return for BHPC.
4. Boar's Head Provision Company and Holland Charter Township have a history of more than 40 years of reviewing, evaluating and approving front yard setback variances for this facility without finding or causing any injustices to the neighbors.
5. Its is nearly impossible to predict over a period of history what safety standards an insurance company will require their clients to implement or what effects these safety standard updates in have on the existing conditions of an existing facility &/or its site.
6. The proposed new Fire Protection Pump Building will improve the level of Fire Safety for the BHPC and exterior treatment of this new building will be designed to incorporate the elements of BHPC's existing facility's architectural character and similar to what have been incorporated into the past variance expansion projects in its north setback.

A filing fee of \$400.00 must be submitted along with nine (9) complete copies of: this form, related documentation, and the site plan including an electronic copy of the site plan on CD or other file sharing device. This petition must be submitted as least four (4) weeks before the scheduled hearing date. Incomplete applications will not be scheduled for a hearing.

You or your authorized agent must be present at the hearing to present your petition. You will be notified as to the date and time. Your neighbors within 300 feet will also be notified concerning your hearing.

Property Owners Certification

I hereby certify that I am the owner of the above-described property and have authorized the applicant to seek this variance on my behalf. I further understand that conditions and restrictions may be placed upon this property by the Holland Township Zoning Board of appeals and hereby agree to conform to and abide by any and all such conditions.

I further agree and authorize representatives from Holland Charter Township to enter my property in order to review the particulars of my request.

Property Owner's Signature: *Toby Benson* Date: _____

OFFICE USE ONLY:

NEW FIRE PROTECTION PUMP BUILDING FOR:
BOAR'S HEAD BRAND
 284 ROOST AVE., HOLLAND, MI 49424

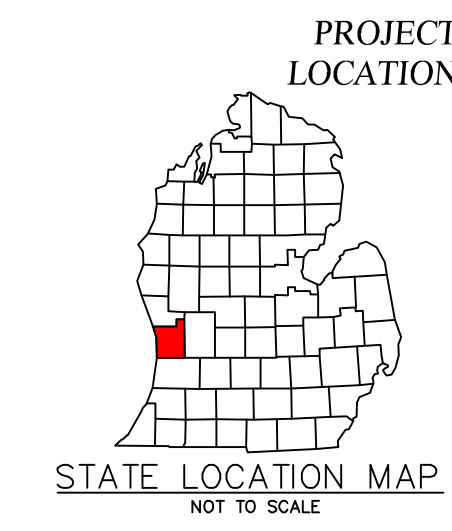
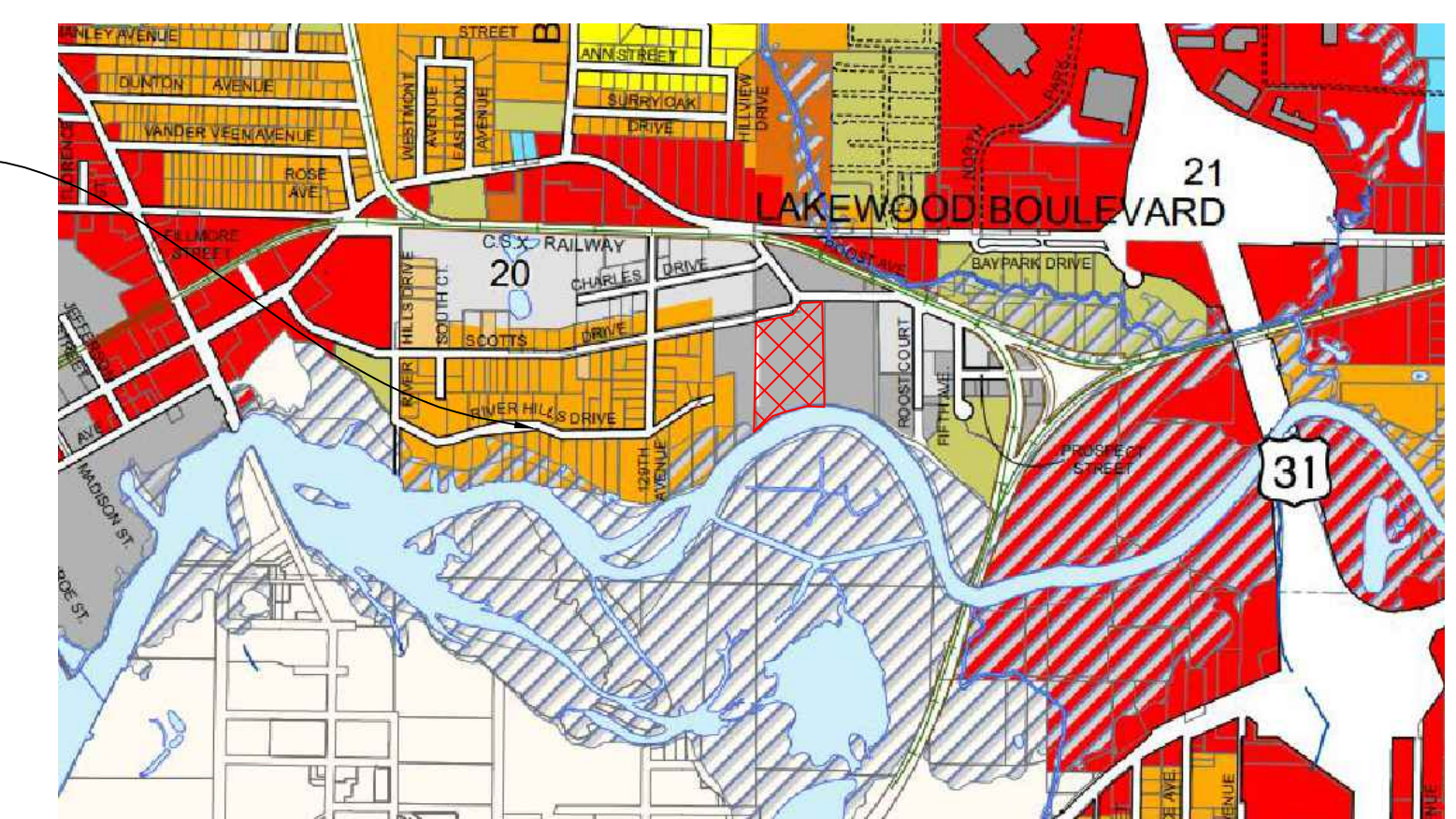
ISSUED FOR:
4-30-2024: ZBA
VARIANCE REQUEST

DRAWN: SRB

PROJECT #: 30-016116

PROPERTY OWNER:
BOAR'S HEAD BRAND
284 ROOST AVE.
HOLLAND, MI, 49424

APPLICANT & PREPARER:
SHAWN R. BATES, P.E.
DAN VOS CONSTRUCTION CO.
6160 E. FULTON, PO BOX 189
ADA, MI 49301
231-633-1437
SHAWN@DANVOSCC.COM



LEGEND

| | | | |
|--|---|--|--|
| | Flood Plain | | C-1 - Neighborhood Commercial District |
| | Macatawa Residential Setback Overlay | | C-2 - Community Commercial District |
| | AG - Agricultural District | | C-3 - Highway Commercial District |
| | R-1 - Low Density Residential District | | O-S - Office and Service District |
| | R-2 - Moderate Density Residential District | | I-1 - Light Industrial District |
| | R-2A - Medium Density Residential District | | I-2 - General Industrial District |
| | R-3 - High Density Residential District | | I-3 - Planned Unit Development |

SITE DATA:

TOWNSHIP: HOLLAND CHARTER TOWNSHIP
 SITE ADDRESS: 284 ROOST RD., HOLLAND, MI 49424
 PARCEL: 70-16-21-304-008, 70-16-20-449-026
 SITE ZONING DISTRICT: I-2 GENERAL INDUSTRIAL DISTRICT

SITE AREA:

REQUIRED = 2 ACRES
 EXISTING FN 70-16-21-304-008 = 8.83 AC

SITE WIDTH:

REQUIRED = 200 FEET
 EXISTING = +/- 800 FEET

MINIMUM YARD SETBACKS:

- FRONT YARD REQ'D = 75 FEET (EXISTING, VARIES, 9' TO 90'-3" NORTH)
- PROPOSED 15'-0" & 52'-10" FOR NE ADDITION, REQ'D ZBA FOR FRONT SETBACK ENCROACHMENT
- PROPOSED 0 FEET FOR PROPOSED FP PUMP BLDG, REQ'S ZBA FOR FRONT SETBACK ENCROACHMENT
- SIDE YARD(S) REQ'D = 30 FEET (EXISTING & PROPOSED = 0 FEET (EAST))
- SIDE YARD(S) ADJ. TO RES. REQ'D = 100 FT (EXISTING & PROPOSED = +/-132' (WEST))
- REAR YARD REQ'D = 50 FEET (EXISTING & PROPOSED = +/-60 FEET (SOUTH))
- REAR YARD ADJ. TO RES. REQ'D = 100 FEET (EXISTING & PROPOSED = N/A)

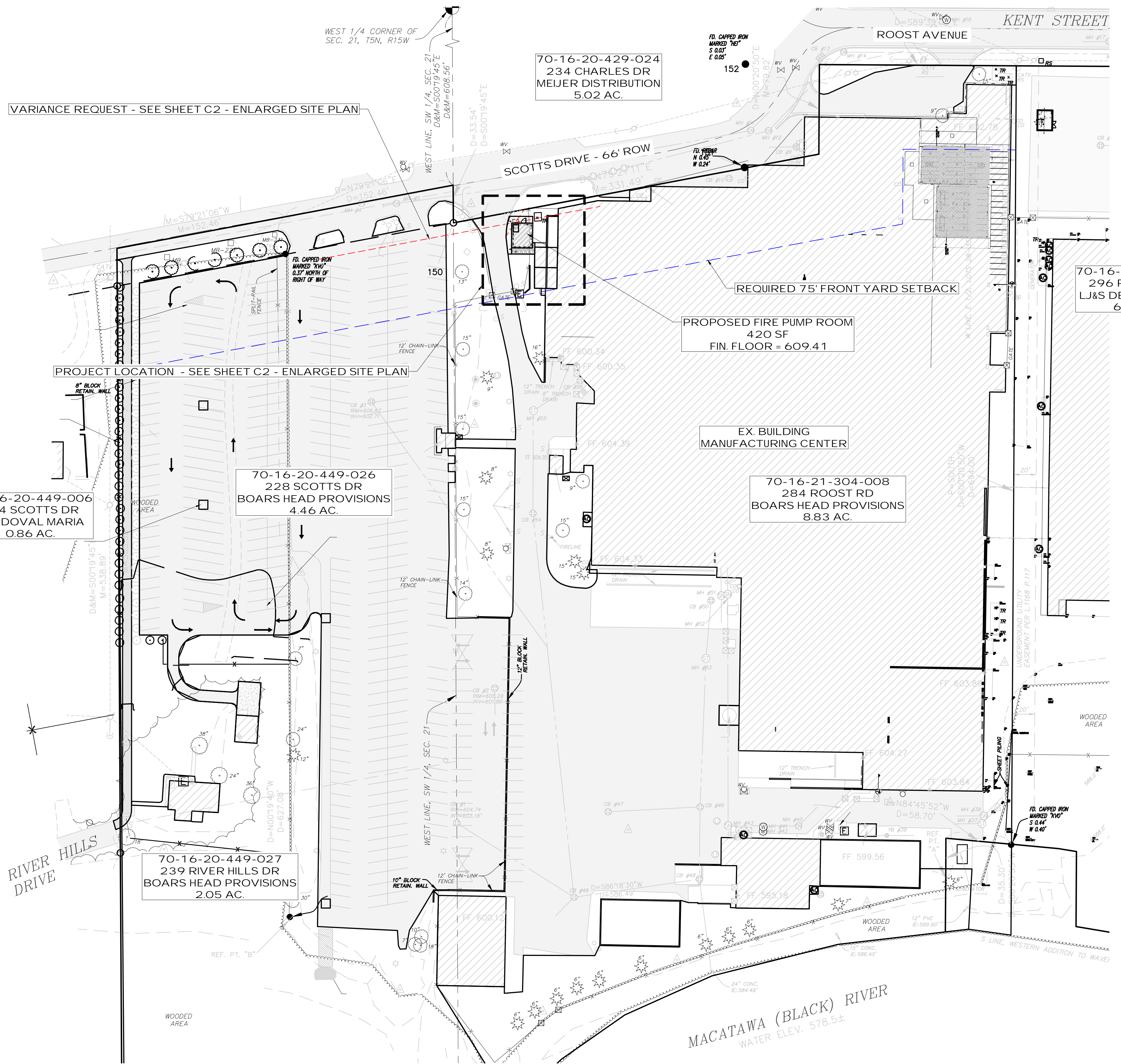
MAXIMUM LOT COVERAGE: MAXIMUM ALLOWED = 40%
 - EXISTING = 49.18% (FN 70-16-21-304-008, ONLY)
 - PROPOSED = +/-49.89% W/ PROPOSED FP PUMP BUILDING (VARIANCE REQUEST TO EXCEED MAXIMUM BUILDING COVER)

EXISTING BUILDING(S) = +/-191,456 SQFT GROSS
PROPOSED FP PUMP BUILDING = 420 SQFT GROSS, REQ'D ZBA FOR FRONT SETBACK TOTAL
PROPOSED BLDG(S) (FOOTPRINT) = +/-191,876 SQFT GROSS PROPOSED

MAXIMUM HEIGHT: - 45 FEET MAX.
HIGHEST EXISTING = +/- 38 FEET.
PROPOSED FP PUMP BUILDING = 15 FEET

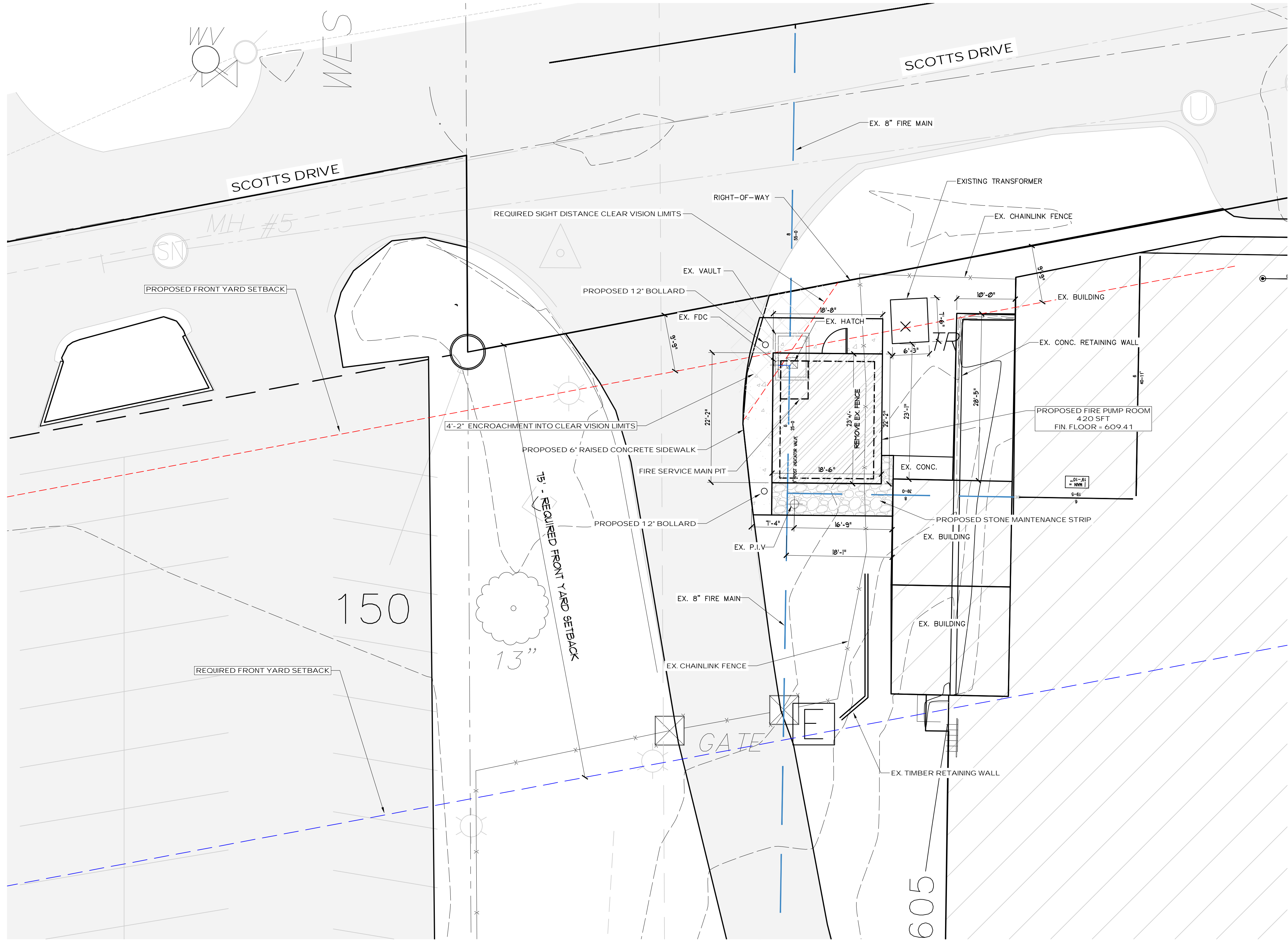
LEGAL DESCRIPTION

ALL THAT PART OF LOT A LYING S OF SCOTT DR IF EXTENDED E. ALSO VAC 9TH AVE LYING S OF KENT ST. ALSO W 475.5 FT OF VAC PROSPECT ST. ALSO W 1/2 OF LOTS 28 THRU 35, ALL OF LOTS 36 & 39 THRU 61 WESTERN ADD. ALSO W 450 FT OF GOVT LOT 4 N OF BLACK RIVER & S OF WESTERN ADD & WAVERLY. ALSO THAT PART OF VAC ROOST AVE LYING S OF SCOTT DR & N OF RIVER AVE. ALSO THAT PART OF VAC RIVER AVE LYING BETWEEN W LI OF WESTERN ADD TO WAVERLY & W LI OF VAC 8TH AVE EXTENDED. SEC 21 T5N R15W & WESTERN ADD TO WAVERLY.



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DEMO LEGEND:

- X TREE REMOVAL
- ⊕ SOIL BORING LOCATION
- X REMOVAL ITEM
- ④ PHOTO ID

PROPOSED LEGEND

- ▒ PROP. HMA PAVEMENT
- ▨ PROP. BUILDING
- ▧ EXISTING BUILDING
- ▩ PROP. CONC PAVEMENT
- PROPERTY LINE
- - - PROP. FENCE
- - - PROPOSED FRONT YARD SETBACK
- - - REQUIRED FRONT YARD SETBACK

EXISTING LEGEND

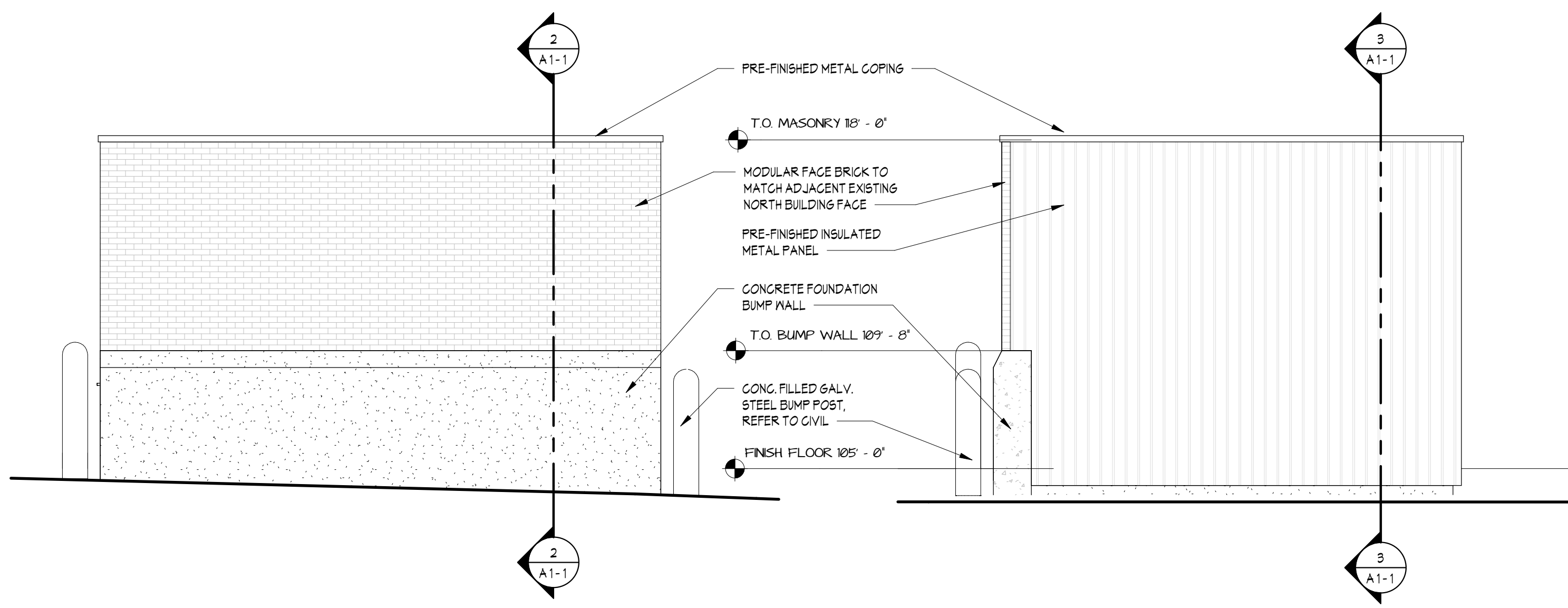
- NAIL SET
- IRON FOUND
- IRON SET
- LIGHT POLE
- GUY ANCHOR
- UTILITY POLE
- CLEANOUT
- WATER VALVE
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- FIRE HYDRANT
- TRANSFORMER
- UTILITY RISER
- MAIL BOX
- ELECTRIC METER
- GAS METER
- SIGN
- UTILITY MANHOLE
- AIR CONDITIONING UNIT
- BOLLARD/POST
- UTILITY HAND-HOLE
- CONIFEROUS TREE
- DECIDUOUS TREE
- FENCE
- GUARDRAIL
- OVERHEAD UTILITIES
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER

ENLARGED SITE PLAN
SCALE: 1" = 10'-0"

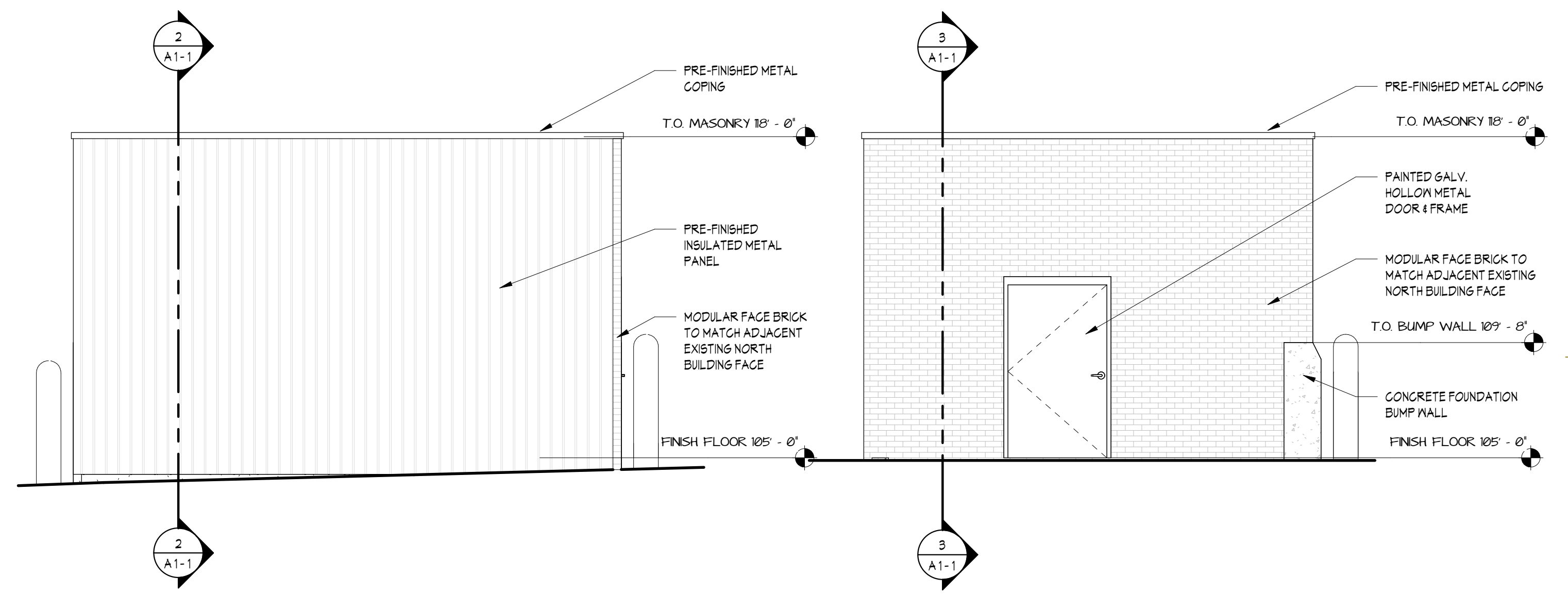


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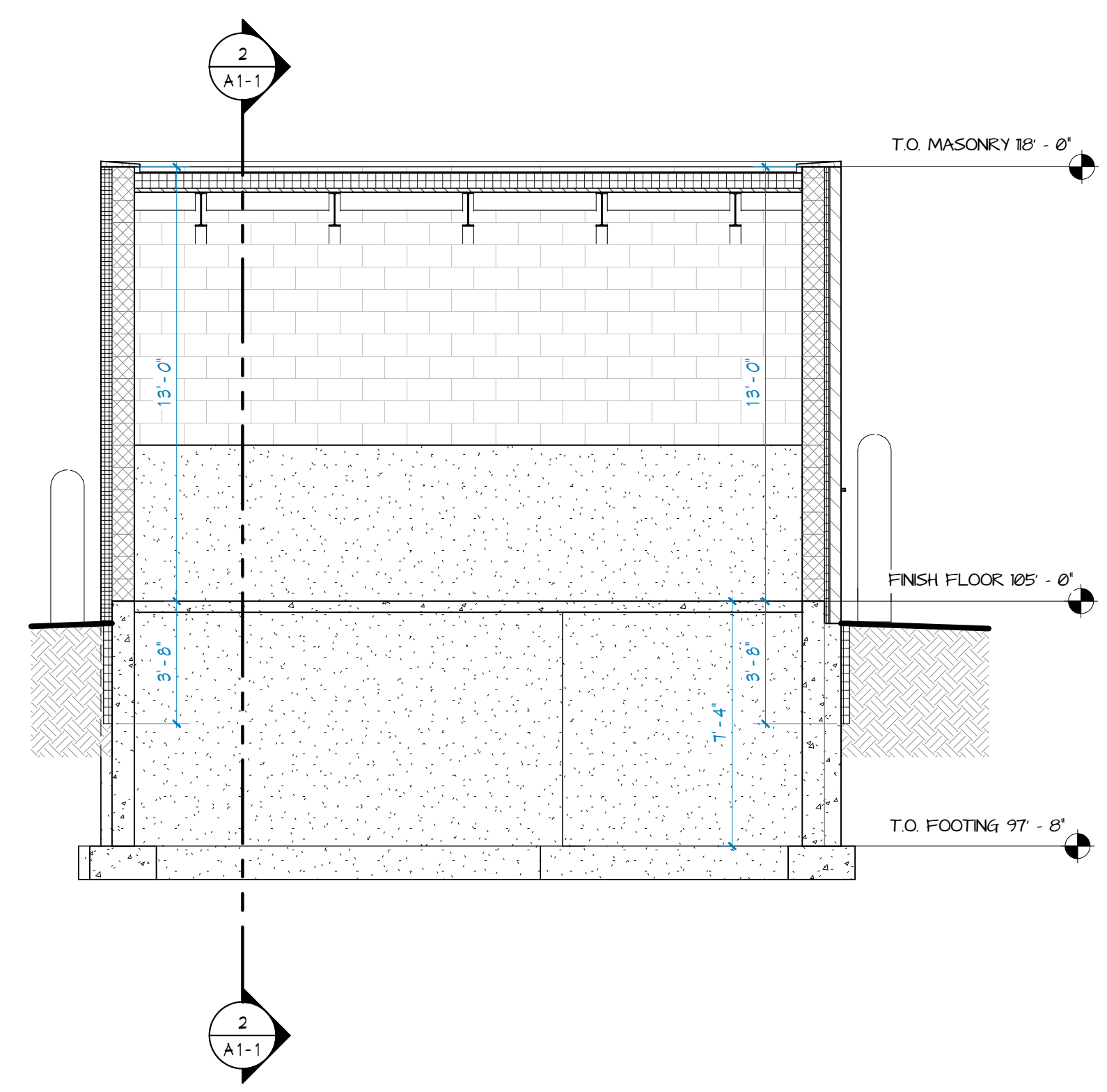
1 WEST ELEVATION
A1-1 1/4" = 1'-0"



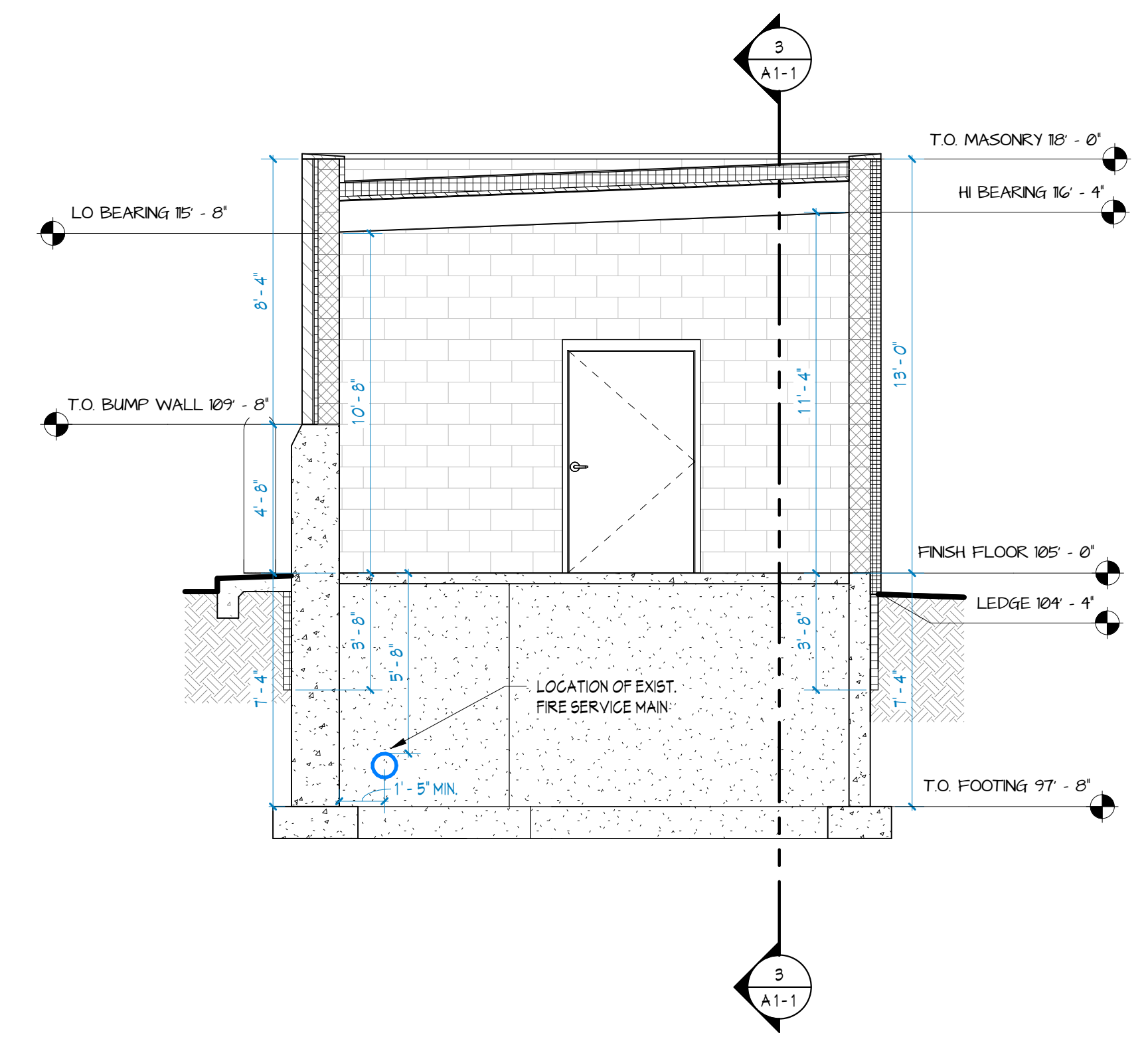
6 SOUTH ELEVATION
A1-1 1/4" = 1'-0"

5 EAST ELEVATION
A1-1 1/4" = 1'-0"

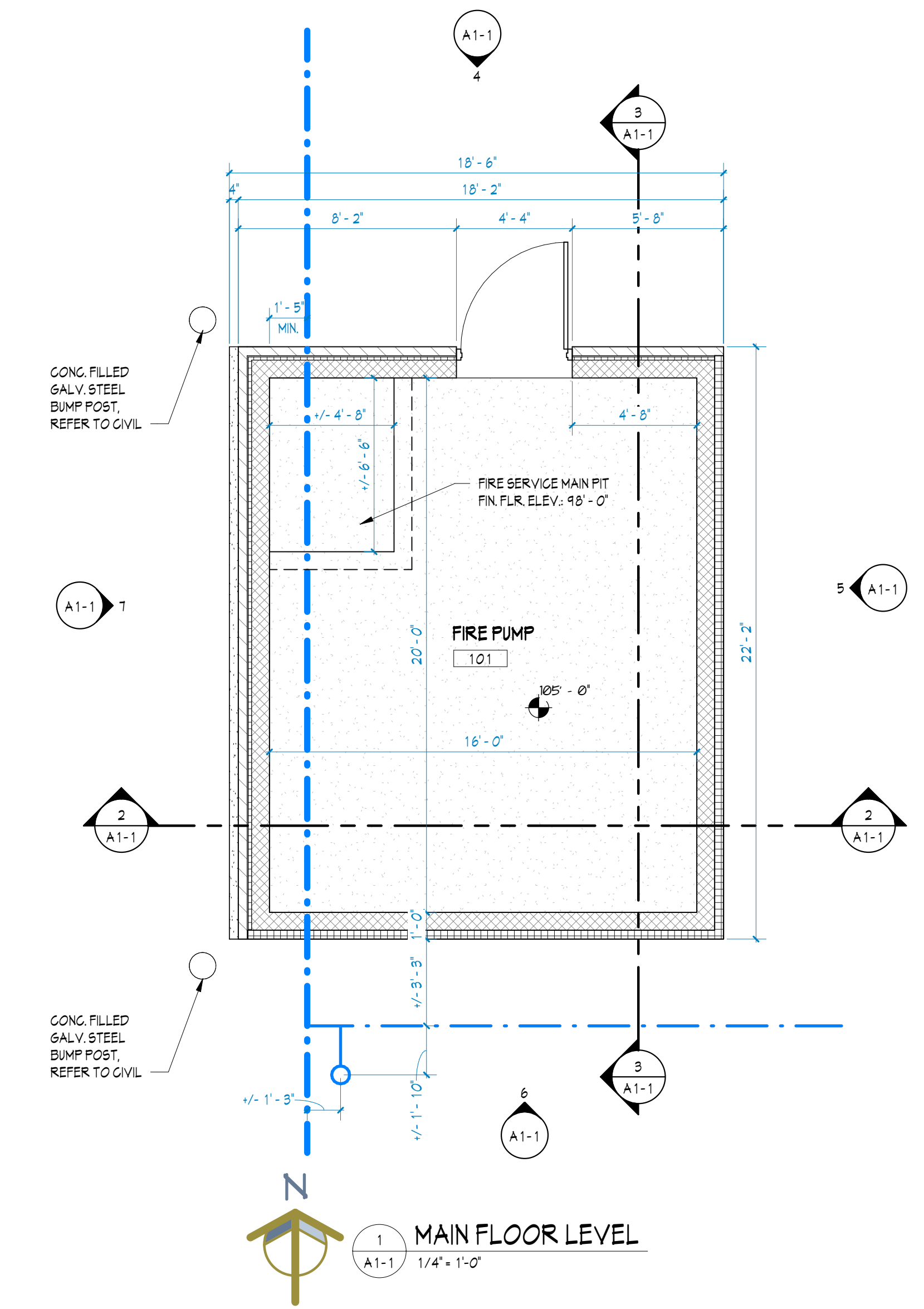
4 NORTH ELEVATION
A1-1 1/4" = 1'-0"



3 N-S SECTION
A1-1 1/4" = 1'-0"



2 E-W SECTION
A1-1 1/4" = 1'-0"



1 MAIN FLOOR LEVEL
A1-1 1/4" = 1'-0"

NEW FIRE PROTECTION PUMP BUILDING FOR:
BOARS HEAD BRAND
284 ROOST AVE, HOLLAND, MI 49424

ISSUED FOR:
04-30-2024 ZBA VARIANCE REQUEST

DRAWN: SH

PROJECT #: 30-018116

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DRAWING NO:

A1-1