

**Regular Meeting
October 23, 2018**

Present: Chairman Steve Haberkorn, Vice-Chairman Russ Boersma, Members Elliott Church, Bob Swartz and Ross DeVries. Also present was Community Development Director John D. Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Laurie Slater.

Absent: Jack Vander Meulen

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

The Minutes of September 25, 2018 were approved as written.

Chairman Haberkorn explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for nonuse variance submitted by David Meyering on behalf of the Granger Group for vacant land located at the southeast corner of the US-31 and Quincy Street intersection, known more specifically as parcel number 70-16-09-100-015. Petitioner is requesting a 35 percent variance from the maximum 20 percent permitted for an outdoor display sales area when calculated on a general retail building's square footage; resulting in a 58,205 square foot outdoor display sales area for a 105,800 square foot general retail building. The property is zoned Community Commercial (C-2).

Present for this request was Justin Longstreth of Moore & Bruggink, Inc.

Mr. Longstreth explained to the Board that Blains would like to build a 105,800 square foot retail building on the corner of Quincy and a planned extension of West Shore Drive that would extend 1,000 feet south of Quincy street. They are proposing a 58,205 square foot outdoor display/sales area. By ordinance they are allowed an outdoor display of 20% of the building size.

Also present in the audience to speak to this request was Dave Wynn, Senior Design Manager for Blain's Farm & Fleet.

Mr. Wynn explained this is a 63-year-old company, third generation owned, founded in 1955. They do their research before opening a store. They have never left a community. They own all their buildings, they do not lease. They have 43 stores in Wisconsin, Illinois, Iowa and now Michigan. They are a big box retailer. They have a service center for cars and tires. They carry power tools, software, hardware, fencing materials, large stock tanks, fence posts, large, bulk products, Thus the reason for the larger outdoor area. The outdoor area also needs to be spaced so that walking through is safe for the customers. The outdoor area would be across from the canopy drive thru pickup area.

There would be a 12-foot-tall PVC fence screening the south and east views. The neighboring properties would not see the outdoor area. The west would have 8-foot-high chain link fence so that the display area would be visible to customers and first responders. Of the outdoor area 20% is actual product. There needs to be drive isles for trucks to navigate gaining access to the product, and allowing for safe ingress and egress from the area. Also, safe customer movement within the outdoor sales and display area. The product is static not seasonal.

Their hours are from 7:00 am until 8:00 pm. They would employ approximately 110 people with 60% of them being full time.

The Board asked what size their other stores are. Their new prototype is 125,000 square feet. Their last two stores had outdoor sales/display areas larger than the one proposed in Holland Charter Township.

The goal is to be open by fall of 2019.

The Board asked about neighboring properties. To the east is an agriculturally zoned lot with a home and to the southeast is blueberry farm. Greg Markvluer from Granger Group stated that he spoke with the neighbor to the east. The neighbor has three parcels for sale, asking \$90,000 per acre. No negative comments.

David Meyering, Project Manager for Granger Group stated that he spoke with the Tulip Farm to the north and they like the activity the new business is going to generate and the additional parking for tour buses.

Board Member Church asked staff the purpose of limiting outdoor display areas. Mr. Broersma explained that there have been complaints from citizens about outdoor sales and activities. Therefore, the Zoning Ordinance has made it clear that there needs to be a principle retail building to go with the accessory outdoor display area. Due to the variety of property configurations and use types, the ordinance avoids establishing a specific number for outdoor storage.

There was discussion of trailers being on display in the parking lot. It was commented that Tractor Supply appears to have as much outdoor display area with trailers in the parking lot as they do retail space. Staff commented that if they do have trailers in the parking lot, that may be in violation of the ordinance.

Mr. Markvluer stated that they have owned the property for 15 years. They have been talking with Blain's Farm & Fleet for over a year. He further stated that they are unique in that they have superb sales support; their average employee has been with them for about 10 years and that they would be an added benefit to the community. They first met with Township Staff to make sure they would be a good fit for Holland Charter Township. They need the outdoor display and sales area with their nature of business. It appears that Lowe's outdoor storage is approximately 50% of their retail area and

Tractor Supply is approximately 90%. The outdoor display and sales area is not out of character for this type of business.

Mr. Markvuluwer further stated that he spoke with other retailers interested in the property, and they were not a good fit as far as Granger Group was concerned.

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

** It was moved by Mr. Boersma and supported by Mr. DeVries to close the hearing. Motion carried.

The Board went over the standards to review when considering a nonuse variance request.

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.**

These conditions do not apply concerning this request. There is no practical difficulty due to the land itself. They want to bring their business into the Township. The outdoor display/sales area was acceptable in the previous ordinance and now it has changed.

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.

There are no unusual conditions on this lot concerning this request.

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 property does not rely on the large proposed display/sales area for continued enjoyment and property rights. It is their desire to use the property in this way, it is not a property right.

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

They did a good job of screening, it would not be a detriment to any adjacent and nearby land uses or properties.

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

The problem was created due to the applicant's desire to have a display/sales area that exceed the allowed area. The original plans were created prior to the current ordinance.

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 granting of the variance would not be contrary to the public interest. The ordinance limits the square footage of the outdoor shopping area. There is an anchor store.

** It was moved by Mr. Church and supported by Mr. Boersma to approve the request contingent on the north, east and south sides of the outdoor display/sales area have 12' fencing as detailed in the application. Motion carried.

Hearing declared open to consider a nonuse variance request submitted by Jason Yuhasz on behalf of Family Video for property located at 369 136th Avenue, known more specifically as parcel number 70-16-20-100-003. Petitioner is requesting a 24-foot variance from the required 50-foot front yard building setback; resulting is a 26-foot setback for an accessory building containing water and ice vending machines. The property is zoned Community Commercial (C-2).

Present for this request was Nicole Shuck, Manager of Family Video.

Ms. Shuck explained to the Board that since video rentals are down, Family Video would like to diversify. Their plans are to put a 200 square foot self-serve ice kiosk in the parking lot. The kiosk would hold 600 pounds of ice and be dispensed 20 pounds per bag for \$2. They believe some of the main customers would be boaters and construction workers.

They chose the location in the southwest corner of the parking lot because of the need for electricity and water. Also, the location is good for vehicles with boats ingress and egress of parking lot, visibility of the kiosk and Family Video store front.

If they were to meet the setbacks, they would lose even more parking spaces and the traffic flow would not be as smooth. The other end of the parking lot is overgrown with greens and the kiosk would not be visible from the road. They would have to pave a part of the overgrown area. Due to the weight of the kiosk, it would sink in the ground. To the north is a drainage field. The electricity would come from the back side of the building and the water would come from 136th Avenue

There would be some parking spaces lost. They do plan to change the layout of the parking. Due to the decreased amount of business they do not have a need for all the parking spaces.

They do propose to put signage on the building. This would be considered an accessory building in the front yard and typically signage is not allowed on an accessory building.

The Board had questions about maintenance of the building. Ms. Shuck replied that Family Video staff would keep the area around it picked up and if it broke down, they would get someone in to fix it.

Would it be insulated for winter use so the lines wouldn't freeze up. Ms. Shuck did not know.

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

** It was moved by Mr. Church and supported by Mr. Swartz to close the hearing. Motion carried.

The Board went over the standards to review when considering a nonuse variance request.

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.

There are no unique circumstances of the property. The placement of the accessory building is the applicant wanting the best possible location for visibility. There is room on the property to meet the setbacks.

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.

There are no unusual conditions on this lot concerning this request.

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 property does not rely on the proposed accessory building for continued enjoyment and property rights.

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

No Adverse Effect.

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

The applicant created the problem for which the variance is being sought. It's not a problem, it's a preference.

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.

Granting this variance would not be in the spirit of the ordinance in that the accessory building would not be set back from the right-of-way. There are other places to position this accessory building on the property that would require a lesser relaxation or no variance required at all.

** It was moved by Mr. Church and supported by Mr. Swartz to deny the request as presented. Motion carried.

There were no public comments.

There was no other business.

The meeting adjourned at 6:37 p.m.

Respectfully submitted,

Laurie Slater
Recording Secretary