

ZONING BOARD OF APPEALS  
Regular Meeting (held via Zoom)  
December 15, 2020

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

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

Absent: None

**Public Comment**

Terry Nienhuis, Township Supervisor, was present on behalf of the Township Board and Township Staff to pay tribute to Chairman Steve Haberkorn as this will be his last meeting. Mr. Nienhuis thanked Steve for his 21 years of dedicated and effective leadership, first as a member of the Zoning Board of Appeals and then as the Chairman and he will be presented with a plaque.

Chairman Haberkorn explained the Public Hearing process to the audience.

**Hearing declared open to consider** a petition for a nonuse variance submitted by Brent Folkert/Dan Vos Construction on behalf of Steve DeWitt/Request Foods for property located at 3460 John F Donnelly Drive, known more specifically as 70-16-08-435-004. Petitioner is requesting a variance of 2.7% from the 40% maximum building coverage allowed on a lot in order to accommodate a building addition; resulting in a building coverage of 42.7%. The subject property is zoned I-2 General Industrial.

Present for this request was Brent Folkert, Architect with Dan Vos Construction. Also present was Jerry Nelson with Request Foods.

Mr. Folkert explained to the Board that Request Foods would like a variance from the maximum lot coverage of 40%. Request did receive a variance a few years ago that increased their coverage to 42.44%. They are proposing to add on 578 square feet for a People Services Suite which would include a medical suite to enhance the safety of employees. It would include an area for medical, screening and emergency quarantine areas critical to the operation of the plant. Also, social distancing space in the visitors and human resources entry.

On the east side of the facility is a County detention pond and John F Donnelly Drive curves along the west edge of the site, so it is not a square piece of property making it difficult to develop this piece of property. The small addition would not alter the character of the area. It would be consistent with the rest of the building. There are trees for screening on the south property line so it would not be visible from the street.

The lot coverage would go from 42.44% to 42.51%; a .07% increase in lot coverage. (Refer to letter with calculation clarifications.) Mr. Broersma asked if this was based on a legal boundary survey. Mr. Folkert replied that it was.

There was discussion about the parking to the south that is off site. Mr. Folkert explained that Request Foods leases that land from Holland Asphalt and last time Request food inquired about purchasing a piece of the property, they were not interested in selling.

Mr. Nelson, Manager in Cost Accounting for Request Foods stated that to his knowledge, that is correct. Mr. Pete Sheffield, Director of Facilities, Engineering and Operations for Request Foods concurred. It was approximately a year and a half to two years ago that they approached Tulip City Asphalt about selling.

There was further discussion about the current lot coverage, the survey, and the parking.

The Board asked if Request Foods had considered developing the new facility internally instead of building out. Mr. Folkert replied that they did explore that option and that this was the best option. They tried to keep the addition as minimally invasive as possible. They did develop an area inside they just need a little additional square footage.

Mr. Haberkorn asked if they had any future plans to add on to this facility. No, nothing is anticipated at this facility. They will move across the road where there is expansion room for production. They are refining how this building is being used, trying to keep up with current trends and safety requirements for employees. Mr. Folkert further stated that this building was built 30 years ago with 150 employees. The HR Department is the same size now with 1,000 employees. That is why they are asking for a little more space. That area has not grown in proportion with the Company. The area on the other side of this addition is cafeteria and break area for the employees, they cannot infringe upon that area.

Mr. Boersma stated that it is not that big of an area. It is for the good of the employees. If Request were to come back for another variance after this one, they would be pushing the envelope.

There was no one on the line to speak to this request.

\*\* It was moved by Mr. VanderMeulen 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.

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.***

VanderMeulen-The uniqueness is how full the lot already is. They have done what they can to not affect the parking. They are land locked in a growing industry with more government restrictions put on them, they are trying to meet what they have been given.

Church – Nothing exceptional – mostly rectangular with a big building. No unique characteristics of the land.

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.***

Nothing unusual. Asking for the variance to create an employee safety area.

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 property does not rely on this addition for continued enjoyment and property rights, even though Staff recognizes the interest of the applicant in providing expanded services to their workforce.

Church – This is a repetitive request. They need more property. They could make an offer to purchase the portion of the property being used for parking – this is another option to explore.

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

It would not be of substantial detriment. It is such a small portion .07%. They put the addition into a corner. No parking was lost.

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

It is self-created. They are adding on again.

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 applicant has done an excellent job of keeping to a small area of less than 600 square feet-.07%. There is no impact to the parking area. They are not losing any of the landscaping. It is tucked into a corner of the building. The addition is for medical screening of employees and the HR Department.

The applicant realizes they have a parking problem.

\*\* It was moved by Mr. Church that the request be denied based on the fact that it is not a necessity. Motion died due to lack of support.

\*\* It was moved by Mr. Boersma and supported by Mr. DeVries to approve the request for 42.51% of lot coverage. Roll Call vote was taken. Motion carried 4 to 1 (Church).

Board members and Staff thanked Mr. Haberkorn for his service and wished him well.

Next on the agenda was election of officers.

\*\* It was moved by Mr. Church and supported by Mr. Vander Meulen to nominate Mr. Russ Boersma for Chairman, Mr. Ross DeVries for Vice-Chair, and Mr. Jack Vander Meulen for Secretary. Motion carried.

Meeting adjourned at 6:32 p.m.

Respectfully submitted,

Laurie Slater  
Recording Secretary