

ZONING BOARD OF APPEALS
Regular Meeting
December 20, 2022

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

Present: Chairman Russ Boersma, Vice-Chairman Ross De Vries, Members Jack Vander Meulen, Robert De Vries, and alternate member Steve Haberkorn. Also present were Community Development Director, Corey Broersma, Assistant Planner and Zoning Administrator, Kate White, and Recording Secretary, Laurie Slater.

Absent: Elliott Church

Public Comment: None

** It was moved by Vander Meulen and supported Ross DeVries by to approve the minutes of November 22, 2022, with two small changes. Motion carried.

Chairman Russ Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Mandi Brower of Quality Car Wash on behalf of North River Holdings, LLC for property located at 187 North River Avenue, known more specifically as Parcel Number 70-16-20-326-014. Petitioner is requesting a variance of 15 feet from the required 25-foot rear yard building setback, resulting in a rear yard setback of 10 feet. The variance is being requested for a dumpster enclosure. The subject property is zoned C-2 Community Commercial

Present for this request was Mandi Brower of Quality Car Wash.

Ms. Brower explained that they would like to place the dumpster enclosure on the east side of the property. It would be a cement block dumpster enclosure. De Leeuw's Lumber is directly behind the lot. The dumpster enclosure would not be visible from the main road. There is a driveway out to Lakewood Blvd that would make it easy access for trash pickup. The trash pickup would not interfere with the use of the car wash. To the north of the lot is McDonald's, to the south is a Railroad tracks and the entrance to the car wash on the west.

The dumpster enclosure would be ten feet off the property line. The required rear yard building setback is 25 feet and dumpster enclosures have the same setback as a building. The proposed ten-foot setback would leave enough room for landscaping on the east property line. The enclosure would be six feet high, with three solid gates and there would be room enough for two bigger dumpsters or three small dumpsters.

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

It was moved by Haberkorn and supported by Ross De Vries 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.*

The unique characteristic of the lot is the long access drive to Lakewood Boulevard.

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.*

Overall, this is the best location to put the dumpster enclosure on this property. It is not so far forward that it interferes with traffic flow on the lot. The proposed 10-foot setback for the dumpster enclosure is true to what was proposed to the Planning Commission.

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 variance is not necessary for the preservation and enjoyment of a substantial property right.

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

The enclosure is constructed of concrete. There would be no visual detriment to adjacent and nearby properties. It would be similar to a concrete fence wall.

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

There is no better location on this property to put the dumpster enclosure. The long driveway to Lakewood minimizes the interaction of the dumpster and trash pickup with customers coming on-site to clean their vehicles.

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 granting of the variance would not be contrary to the public interest and the spirit of this ordinance would be observed. The location of the dumpsters lends itself to landscaping. There would be a nice enclosure around it. The doors would hide the dumpsters from public view.

Motion: It was moved by Vander Meulen and supported by Robert De Vries to approve the request as presented. Motion carried with a unanimous roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Mark Johnson of the Tippmann Group on behalf of Coldquest Property, LLC for property located at 13125 Ransom Street, known more specifically as Parcel Number 70-16-05-200-022. Petitioner is requesting a variance to eliminate the westerly screening associated with an approved outdoor storage area. The subject property is zoned I-2 General Industrial.

Present for this request was Jason Bransteter of the Tippmann Group.

Mr. Bransteter explained to the Board that they own 60 acres. They are developing the larger 40-acre area and using the rest of the 20 acres as green space as their proposed building on the 40 acres would be 1,000,000 square feet, leaving very little green space. The outdoor storage area is a drop lot for on-site storage of trailers waiting for pickup or loading. There is a four-foot-high berm behind the trailers for flood protection.

Mr. Bransteter further explained that a legal County Drain (No. 8) bisects the property, separating the 20-acre green space from the 40-acre developed area. The plan is to leave the 20 acres undeveloped. There is a wetland area on the 20 acres. To the west of the 20-acre area is a railroad track. The closest neighbor is 1,100 feet away from the outdoor storage area.

Mr. Bransteter stated that there is screening from the neighbors within the Drain No. 8 area. Pictures of the drain with the wooded area along it were presented to the Board.

Community Development Director, Corey Broersma, explained that a considerable amount of grace has already been given to this project and development is possible to the north and south of the 20 acres. The existing trees along the drain could come down at any time given the Ottawa County Drain Commission has control over this drain and its maintenance.

Mr. Vander Meulen stated that this facility includes the tallest structure in the Township. It needs taller vegetation to give the building balance. The buffer would provide more than just buffering for the outdoor storage area.

It was further commented that if there was buffering presented on the plan to get the building permit, the buffering should be done as presented to the Planning Commission. You had a plan, you agreed to it, we expect to see it implemented.

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

It was moved by Robert De Vries and supported by Ross De Vries 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.*

There are no practical difficulties as listed in A, B, C or D.

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 Township has been very cautious about creating buffer zones in every development. They are very important. The Township has been consistent in requiring the buffer zones.

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 variance is not necessary for the preservation and enjoyment of a substantial property right.

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

Coldquest Property, LLC does own the vacant 20-acre portion of the property directly west of the outdoor storage area, however, there are properties to the northwest and southwest that may be developed in the future and a proper buffer from the outdoor storage would help screen views of said area. The buffering would be screening the height of the building as well.

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

You can see there are trees already there, however, those trees are not under the property owner's control. They could be cut down by the Drain Commission. We need to think further ahead than the present and are doing so by requiring the previously approved buffer.

- 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.***

Granting the variance would be contrary to the spirit of the Zoning Ordinance and the approved Site Plan.

Motion: It was moved by Vander Meulen and supported by Robert De Vries to deny the request as presented. Motion carried with a unanimous roll call vote.

Hearing declared open to consider a petition submitted by Rick Cornelisse of Grandville Trailer on behalf of Holland Trailer Leasing, Inc. for property located at 10961 Chicago Drive, known more specifically as Parcel Number 70-16-23-100-082. Petitioner is requesting to extend the nonconforming use of Recreational Equipment Sales and Rental with accessory Minor Vehicle Repair. The subject property is zoned I-1 Light Industrial.

Present for this request was Rick Cornelisse.

Mr. Cornelisse explained that he wishes to purchase the business and property located at 10961 Chicago Drive. He discovered that some changes had been made to the property and business without proper authority. He is here to get permission to use the property as it is currently being used, with expanded coverage for sales, rental and service of cargo, utility and equipment trailers. He is proposing more landscaping on the south and southeast property lines. Also, some gravel and crushed concrete in the trailer parking areas.

Mr. Cornelisse further explained that he would expect there to be 50 to 100 trailers parked on the lot at any given time. There are 85 designated parking spaces for trailers. This is not for storage, but retail inventory. The drives around and through the trailer parking are not for public use. It is for staff to move the trailers around. He would expect the public to use the parking spaces near the building towards the southern end of the property.

When asked if he intended to put any lighting in the back of the property, Mr. Cornelisse replied that at this time, he does not. Should the need arise in the future, he does have electricity in the building at that end of the property, so it could be installed easily. He does not plan to install security fencing at this time.

Mr. Broersma explained the nonconformity by noting that this type of use is not allowed in the I-1 Light Industrial zoning district, but it is allowed in the C-2 Community Commercial zoning district with a Special Land Use Permit. Over the years, the business has expanded beyond what was approved in 2006. If the Board chooses to allow the expanded nonconformity to continue, the owner should buffer the property as required for the C-2 zoning district.

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

It was moved by Haberkorn and supported by Ross De Vries to close the hearing. Motion carried.

The Board went over the standards to review when considering an extension of a nonconforming use request.

1. ***Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.***

The duration of the use may be extended and expanded, however, given the proposed use is not proposing any new structures, the use's duration could cease relatively quickly and transition to a permitted use.

2. ***Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.***

They will be using the same buildings. The property will be used for the same use, so there would be no adverse effect to the adjoining lands or other properties in the surrounding neighborhood. The proposed landscaping is satisfactory.

3. ***The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.***

The effect should be relatively minor. Outdoor lighting is available should the need arise.

Motion: It was moved by Ross De Vries and supported by Haberkorn to approve the request as presented. Motion carried with a unanimous roll call vote.

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Laurie Slater
Recording Secretary