



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: William A. Sikkel

Applicant's Address: 320 N. 120th Ave, Ste 150

Holland, MI 49424

Property Address: 538 Howard

Parcel Number: 70 - 16 - 30 - 176 - 018

Zoning: _____

Owner's Name: Terry and Cheryl Boetsma

Owner's Address: 538 Howard Ave

Holland, MI 49424

Ordinance Section Number(s) Relative To This Appeal: 8, 10

Provide a Brief Description of Your Request: Approval of Retaining Wall in rear yard that exceeds
30" in height

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):

See attached cover letter

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: _____



Date: _____

6-30-26

OFFICE USE ONLY:



SIKKEL &
KROMMENDYK, PLC



June 29, 2026

Corey Broersma
Community Development Director
Holland Charter Township
353 North 120th Avenue
Holland, MI 49424

Re: Petition for Non-Use Variance at 538 Howard Ave

Dear Mr. Broersma:

On behalf of my clients, Terry and Cheryl Boetsma, enclosed please find nine (9) copies of a Petition for Non-Use Variance regarding the property at 538 Howard Ave (the "Property"), along with a check in the amount of \$400.00 for the filing fee. We would ask that this petition be considered at the July 28, 2026 meeting of the Zoning Board of Appeals.

The Property is located on Howard Ave along Lake Macatawa within the R1 Zone District. The Boetsmas recently completed construction of a new residence with a walk-out basement on the Property, similar to the neighboring homes which also have walk-out basements. The home is located close to the northern property line as a result of a 20' wide drain easement which runs diagonally across the property from the northwest corner to the southeast corner. This easement is depicted on the survey attached as Exhibit A.

In addition, there is a steep elevation drop (approximately 20') in the rear of the property going from north to south, and from west to east, toward Lake Macatawa (See Exhibit B). Due to the significant grade change between the Boetsma Property and the neighboring property to the north (534 Howard Ave), and given the proximity of the home to the northern property line, there was not enough room to allow for a natural sloping grade change. Instead, because of the steep grade change it was necessary to build a block retaining wall.

The revised elevation grade and retaining wall were designed in collaboration with the owner of the property to the north, Dave Mason. The Mason property had a history of drainage problems. In addition, the Mason property had a large foundation that extended east toward Lake Macatawa. In order to address the drainage problem, 6 feet of soil was removed between the properties. The retaining wall was then designed and engineered to fortify the Mason property foundation, and stabilize the soils between the two homes.

My clients initially met with the Ottawa County Drain Commissioner to get approval for these grade changes and wall construction, but were advised this this was landscaping and that no approval

was required. My clients were not aware that this wall would also be subject to Section 8.10 of the Zoning Ordinance which regulates the height of “structures” in rear yards. Specifically, Section 8.10 limits the height of any structure to 30 inches for a distance of 90 feet from Lake Macatawa. The wall was completed before my client learned that this section was applicable.

The retaining wall was built at, and below, what was the existing grade. As such, it does not protrude any higher than what the former grade had been on the Property, and does not interfere with any views. To the contrary, the removal of 6 feet of soil, and vegetation, has dramatically improved the neighboring property owners view of Lake Macatawa.

The retaining wall measures 12’ at the highest point, and drops to 4’ in height at its eastern most point. A survey showing the location of the wall is attached as Exhibit C. Photographs of the completed wall are attached as Exhibit D.

As explained in more detail below, the combination of the 20’ wide drainage easement crossing the Property, and the steep grade change are natural features of the Property which made it practically difficult to comply with Section 8.10 of the Zoning Ordinance. My client is therefore requesting a variance from this section to allow the retaining wall to remain in place. My client has discussed this issue with the neighbors on both sides, and both sets of neighbors are supportive of this request.

STANDARDS FOR GRANTING VARIANCE:

- 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.**

The Property had a steep elevation grade change in height from the neighbors property down to the Boetsma Property as it slopes toward Lake Macatawa. In addition, there is a 20’ wide drainage easement that crosses the Property diagonally. This drainage easement required that the home be placed as close as possible to the northern property line. As a result, there was little room for the elevation to drop gradually across the property. This steep grade change and 20’ drainage easement made it practically difficult to comply with the 30 inch height restriction for a retaining wall.

- 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.**

The significant grade change found on this Property is relatively unique when compared to other properties within the R1 Zoning District. Most properties in the R1 Zoning District within the Township are relatively flat. In addition, the property has the unusual situation of a 20’ wide drain easement running diagonally across the property which forced the home to be located as close as possible to the northern property line. These two factors together are unusual and not present on most other lots of record in the R1 Zone 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.**

The home was designed to have a walkout basement, similar to the two neighboring properties, and similar to many other homes located along Lake Macatawa. Given the proximity to the northern property line, it was practically difficult to design the home without this retaining wall.

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

The retaining wall was constructed at and below what was the prior existing grade, and does not block or interfere with any of the neighbors views of Lake Macatawa. In addition, the wall was designed in collaboration with the neighboring property owner to the north. My clients have discussed this request with both of their neighbors and both are fully supportive of the request.

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

As noted above, the problem here is the presence of a 20' wide drainage easement which restricted placement of the home, and a steep grade change, which necessitated the construction of a retaining wall. These problems were not created by the applicant.

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 requested variance will not adversely affect the public interest. Variances are permitted in these situations to address unusual features of the property which make it practically difficult to comply with the ordinance.

Sincerely,



William A. Sikkel

c.c. Terry Boetsma

EXHIBIT A

EXHIBIT B



This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



2018 Contours

Ten ft Contours

Two ft Contours



Notes

EXHIBIT C

NORTHWESTERLY
LINE LOT 32

MOST WESTERLY
CORNER, LOT 32

HOWARD
AVENUE
L=122.00'
R=1009.10'

32

S60°40'00"E 290.04'

31

S63°26'47"E 240.45'

BLDG COR. 9.7' NE'LY OF P/L

BLDG COR. 3.0' SW'LY OF P/L

BLDG COR. 3.0' SW'LY OF P/L

BLDG COR. 8.7' NE'LY OF P/L

BLDG COR. 8.7' NE'LY OF P/L

FENCE 0.7' S. OF P/L

FENCE 0.4' S. OF P/L

4' wide landscape staircase

30" maximum height
retaining wall tiers.
No poured foundation
below the retaining walls.

Front of wall to be 2' from back of seawall.
Base of block / top of gravel to be 8" lower than seawall.

Two separate 30"
exposed tiers of wall.

Wall Starts where sea wall steps down.
Approximately 35' across the front.

WATERS EDGE LOCATED 3.7.2023

LAKE
MACATAWA

SCALE: 1" = 50'

DVD Builders LLC
Doug Van Dussen
3128 Fox Fire Trail
Zeeland, MI 49464

"Note: Lightly shaded improvements
shown hereon are from previous
Nederveld, Inc. project no. 23200226,
dated 3-7-23.

LEGEND



Culvert

— X — X — Fence

--- Zoning Setback Line

DESCRIPTION

Land Situated in the State of Michigan, County
Holland.

538 Howard Ave
Holland, MI 49424



Poured Wall structure
with deck over top.
Finished with concrete
bottom & daylighted drain.

Tallest Wall height: 12'
Stepping down in 1' increments
as the wall goes East.
Blending neighboring elevation
to new lower elevation set by 538
basement height.

Wall height: 11'
Wall Height: 10'
Wall Height: 9'
Wall Height: 8'
Wall Height: 7'
Wall Height: 6'
Wall Height: 5'
End Wall Height: 4'
Blending elevations to
the neighboring property.

No "staircases" retaining walls
on the easement. Steps will be
over the easement line.

INTERMEDIATE
TRAVERSE LINE

EXHIBIT D



















