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ZONING BOARD OF APPEALS

Regular Meeting

January 28, 2024

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

Present: Chairman Russ Boersma, Members Bob DeVries, Jack Vander Meulen and Elliott Church. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White, and Recording Secretary Laurie Slater.

Absent: Ross DeVries

Next on the agenda was the election of officers for 2025.

**It was moved by Vander Meulen and supported by Church to re-nominate the same officers to their position: Russ Boersma to Chairman, Ross De Vries to Vice-Chair, and Bob De Vries to Secretary. Motion carried unanimously with a roll call.

There were no public comments.

** It was moved by Bob DeVries and supported by Vander Meulen to approve the minutes from the December 17, 2024 meeting as presented. Motion carried unanimously by roll call vote.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition to Extend a Nonconforming Use submitted by Thomas Kraal for property located at 10135 Riley Street, known specifically as Parcel Number 70-16-12-300-015. Petitioner is requesting a variance from the 4:1 lot depth-to-width ratio for a proposed lot of record with a depth of 662.34 feet and a width of 71 feet, resulting in a ratio of 9.32:1. The subject property is zoned R-1 Low Density Residential.

Present for this request was property owner, Thomas Kraal.

Mr. Kraal explained to the Board that the property has been in the family for 51 years; his parents owned it, and it has been his place of residence for the past 12 years. The zoning on the parcel has been changed from AG Agriculture to R-1 Low Density Residential, which follows the future land use of the Master Plan for this area. He would like to split off the back portion of the parcel creating a flag lot with frontage on Riley Street of 71 feet. The existing house would be on a parcel of 1.19 acres. The newly created parcel would be 2.16 acres in size. Mr. Kraal stated this stand-alone parcel meets the intent of the Township. He noted the expectation is that the flag lot will be sold to an adjacent property owner.

Mr. Kraal noted that to do the split, one needs to have access to the back lot. A private street easement and a public street are not options per the Ottawa County Road Commission. It would

be too close to existing streets for a public street and a private drive would be for more than one house. A residential curb cut for one house is the only option.

Mr. Kraal noted the property being split could be combined with the property to the north (Sports Quest) on 100th Avenue, and it could have access from 100th Avenue. Or it could be combined with land to the west to allow Crabapple Lane to be extended and come out onto Riley Street via Dogwood Lane. Crabapple Lane was left as a stub street, an indication they intend to extend it.

Mr. Kraal stated the buyer's intention is to join this parcel to another property.

Community Development Director, Corey Broersma, informed the Board that the depth to width ration would be 8.86 to 1, which is less of a variance than advertised. The right-of-way depth was mistakenly included in the application's calculation for lot depth. The lot depth is 629.34 feet when the public right-of-way is excluded.

Present in the audience to speak to this request was Randy Kortering of 3306 Dogwood Lane. Mr. Kortering noted that as a Planning Commissioner, he would rather see this lot developed and the adjacent land developed for more housing rather than just one house. Mr. Kortering noted that as a neighbor, his concerns were with standing water on the area being split to create the flag lot. He stated that there is standing water in the spring, and when heavy rains occur.

There was discussion among the Board members and Staff about the concern. If the property were to be developed for a residential neighborhood, engineers would evaluate the situation and storm water management would need to be approved by the Water Resource Commissioner's office. As a single home, the buyer or builder would evaluate the water runoff and secure soil erosion permits as necessary prior to construction.

** It was moved by Vander Meulen and supported by Church to close the hearing. Motion carried unanimously with a voice vote.

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 lot currently complies with the 4:1 depth to width ratio and contains an existing single-family dwelling. The property does not include exceptional or extraordinary features.

- 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***

Land is a precious commodity. Having two houses instead of one by rezoning and splitting this parcel is in line with the master plan of low density residential. This is one small step in the right direction.

- 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 for the current owner, but it is to the new owner to allow them to put a homestead on the property.

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

Property owners to the east and west are aware of the request and they do not seem to be concerned. Neither one has sent a comment to Staff. The Board noted the addition of one home would not be of substantial detriment to adjacent properties.

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

The situation is self-created; however, you have to also consider that splitting the lot is the best use of the land.

- 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 this variance is not contrary to the public interest or the spirit of this ordinance. It fits with the future development plans. There is the stub street from the west, going nowhere. This is a step in the fulfillment of a bigger plan when Crabapple Lane was developed. This may help more than hinder the future expansion of the surrounding land. It is in the spirit of the ordinance in getting to the future land use.

** It was moved by Boersma and supported by Church to approve a lesser relaxation of 8.86:1 from the 4:1 lot depth-to-width ratio for a proposed lot of record with the stipulation that it is limited to one single family dwelling. Motion carried unanimously by roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Stephanie Hoekstra of Agora Flats, Inc. on behalf of Scott Potter of Ridge Point Community Church for 7.05 acres of vacant property located on 104th Avenue south of Ridge Point Community Church at 340 104th Avenue and described more specifically as Parcel Number 70-16-36-300-015. Petitioner is requesting a variance to allow a multi-family residential development on a street not classified as

a Primary Road by the Ottawa County Road Commission in the R-2A Medium Density Residential District.

Present for this request was Todd Stuive of Exxel Engineering, Inc., 5252 Clyde Park Ave S.W., Grand Rapids, Michigan 49509.

Mr. Stuive explained to the Board that Agora Flats is a non-profit ministry wishing to provide affordable self-sustaining housing for individuals with disabilities. They are working with Ridge Point Community Church who is gifting them the property. An irregular 4.30-acre section on the north side of the parcel is to be split off and combined with the Ridge Point Community Church Property, leaving a seven-acre odd shaped triangular piece of property. It has a narrow frontage on 104th Avenue and wetland area to the South. The property abuts US I-196 on the eastern property line. In total, there would be five acres to be developed.

Mr. Stuive noted that Agora appeared before the Planning Commission to get the zoning changed from AG Agriculture to R2-A. Granting the zoning change had conditions. One of which was a PUD or zoning variance will be sought after rezoning approval to allow for a multi-family development on a non-County Primary Roadway.

Mr. Stuive explained multifamily housing is allowed on primary roadways only in the R-2A Zoning District. He argued this is done to protect the roadways from overload. 104th is not considered a primary roadway by the Ottawa County Road Commission. 104th is connected north and south but jogs across Adams Street. There are two churches, a senior living facility and one housing development to the south on 104th Avenue. Sunday is the busiest traffic day with there being two churches. The peak traffic is relatively low.

Mr. Stuive continued to explain that another condition of the rezoning is that Agora Flats is restricted to 50 units for the entire development. It would be a single building with 50 units, of which 32 of them would be individuals with disabilities. They do not drive. Their mode of transportation would be public transportation or vans driven by Agora Flats personnel. The other 16 units would be at market rate for people who choose to live in this type of community.

Member Vander Meulen, also a member of the Planning Commission, updated the ZBA on the history of this request before the Planning Commission. Mr. Vander Meulen noted it started almost a year ago with rezoning and future land use map amendment requests. The future land use map amendment request was sent out to surrounding jurisdictions – there were no comments received. Mr. Vander Meulen stated the land abuts a highway, which the Planning Commission felt did not make it ideal for single family homes. The Planning Commission is supportive of what Agora wants to do. They believe it to be a good fit. Mr. Vander Meulen further noted that 104th is not technically a primary roadway, but it is used as such. There are two mega churches, one with a sports complex and Ridge Point also has Kid's Food Basket. 104th Avenue is used as a shortcut for factory workers and semi drivers. The Ottawa County Road Commission made some good improvements to 104th Avenue; it handles the traffic with no problem.

Member Vander Meulen further argued the proposed project will create less traffic than anything else would. Most of the people living there won't be driving. There are recreational trails and

Kids Food Basket all well contained. Overall, the Planning Commission saw this as favorable. Not that densely populated. By definition, 104th is not a primary roadway, but by use it is

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

** It was moved by Bob De Vries and supported by Church to close the hearing. Motion carried unanimously with a voice vote.

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.***

It does not technically connect to a County Primary Roadway. The shape does not allow it to connect to Ottogan. They have the wetlands in the corner to work around.

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***

Looking at how that whole area is used to get a greater part of the picture. There are two churches, a nursing facility and a recreational facility at a church. This nursing facility creates more traffic than a normal one would with children coming to care for the parents and the possibility of one spouse still driving. It creates traffic that is beyond normally generated by a situation like that.

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.***

There are 50 units. It would be difficult to put a project like this in a normal neighborhood. When the parents pass, where does the person with disabilities go.

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

The granting of the variance will not be of substantial detriment to adjacent or nearby land uses and properties. The land uses in this area actually limit the amount of traffic in the area Monday

through Saturday.

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

The applicant has created the problem for which the variance is being sought given this is a new proposed development.

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 will not be contrary to public interest. It will not affect public safety.

** It was moved by Vander Meulen and supported by Bob De Vries to approve the variance to allow a multi-family residential development on a street not classified as a Primary Road by the Ottawa County Road Commission in the R-2A Medium Density Residential District. Motion carried unanimously with a roll call vote.

Hearing declared open to consider a petition for Nonuse Variances submitted by Chad Bareman for property located at 664 Tennis Court, described more specifically as Parcel Number 70-16-30-305-002. Petitioner is requesting variances consisting of: 1) 11-3/8 inches from the required 5 feet 11-3/8 inch side yard setback for the building wall, resulting in a side setback of 5 feet from western lot line; 2) 6 inches from the required 5-foot setback for a roof eave, resulting in a setback of 4 feet 6 inches from the eastern side lot line; 3) 1 foot 6 inches from the required 5-foot setback for a roof eave, resulting in a setback of 3 feet 6 inches from the western side lot line; 4) 1 foot from the minimum dwelling width of 20 feet, resulting in a dwelling width of 19 feet; 5) relief from the 3:1 length to width ratio for a single-family dwelling for a dwelling with a length of 72.5 feet and width of 19 feet, resulting in a ratio of 3.81:1 with the proposed addition; 6) 3.8% from the maximum 50% lot coverage permitted, resulting in a total lot coverage of 53.8%. The variances are being requested for an addition that connects the existing house to the existing garage. The subject property is zoned R-1 Low Density Residential and Macatawa Residential Setback Overlay.

Present for this request was Chad Bareman, property owner.

Mr. Bareman stated that he has lived in the house for about 17 years and has made improvements to the house over the years. In 2010, he replaced the porch. He also removed the old garage and replaced it. In 2014, he added a second story to the structure. The house has less than 1,000 square feet of living space and he does not know how old the house is. He would like to put an addition between the house and the garage. The lot width is only 30 feet wide, so he is asking to be allowed to break a lot of rules.

Mr. Bareman submitted an updated survey of the property with measurements for the existing setbacks, as requested by Staff. The proposed west property line side yard setback for the addition is now 5'1". Making the variance 10-3/8 inches instead of 11-3/8 inches for the western side yard setback. Staff noted that Section 20.4 of the Ordinance allows for a reduced side yard

on narrow lots, but no less than 5. The calculation for Mr. Bareman's property for the reduced side yard setback per Sec. 20.4 comes to 5'11-3/8".

Mr. Bareman further explained that he based the eave width on the position of the garage wall. He was making it even with the 18" eaves on the garage. He would be willing to go smaller or have no eaves at all. Although, from a construction standpoint, that is not a good idea.

Mr. Bareman stated that he would be willing to move the east and west walls of the addition making the side yard setbacks compliant.

Mr. Bareman next addressed the lot coverage. He is allowed 50% lot coverage by ordinance. He has 53.8% lot coverage. The house, even with the addition, is 20%. Mr. Bareman would be willing to remove some of the paved driveway area to bring the lot coverage into compliance.

The 19' minimum dwelling width was discussed. A minimum dwelling width of 20' is required by ordinance. The Board asked Mr. Bareman if he knew what point the structure was measured from. Staff noted that if dwelling width is measured by overall width, then measuring from the existing western corner of the house to the eastern corner of the addition would satisfy the 20' requirement. That makes this request no longer necessary. Staff noted if the variance is not necessary, the applicant could withdraw the request and the Board could make a motion to accept the withdrawal. Mr. Bareman stated he wanted to withdraw the request for a variance of 1' from the required 20' minimum dwelling width.

** It was moved by Vander Meulen and supported by Church to accept the withdrawal of the request for a variance of 1' from the required 20' minimum dwelling width. Motion carried unanimously with a voice vote.

The Board commented that if the applicant removed enough driveway to bring the lot coverage into compliance, that would make this request no longer necessary. Staff noted that when Mr. Bareman submitted for building permits, he should know that Zoning Staff would need a site plan showing how lot coverage complies with the maximum 50% allowance.

Mr. Bareman withdrew the request for a 3.8% variance from the maximum lot coverage of 50%.

** It was moved by Church and supported by Bob De Vries to accept the applicant's withdrawal of the variance request for lot coverage as the applicant is willing to remove a percentage of the driveway to meet the lot coverage of 50%. Motion carried unanimously with a voice vote.

Member Church asked if the neighbors are aware of the request and whether the applicant spoke with them. Mr. Bareman replied that he spoke with the neighbors to the east and to the west and they do not have a problem with the project.

The Board asked Staff what the neighbors' side yard setbacks are. Staff replied that it appears the side yard setback to the west is less than 5'. There was further discussion about the length of the eaves and the options that the applicant has for reduced eave lengths.

Mr. Bareman withdrew the variance request of 11-3/8” from the required 5’ 11-3/8” side yard setback for the building wall as he was willing to move the east and west walls to meet that requirement.

** It was moved by Vander Meulen and supported by Bob De Vries to accept the applicant’s withdrawal of the variance request of 11-3/8” from the required 5’ 11-3/8” side yard setback for the building wall as he is willing to move the walls in so they will be in compliance with the side yard setbacks. Motion carried unanimously with a voice vote.

There was further discussion on the length of the eaves. The Board would rather the house be aesthetically pleasing than be strict on the compliance. A 12” eave would result in the required 5-foot side yard setback and fire resistance. Mr. Bareman was fine with a 12” eave instead of an 18” eave. Making requests number 2 & 3 for variances for the eave setback on the east and west side yards no longer necessary. Mr. Bareman withdrew these two requests.

** It was moved by Boersma and supported by Bob De Vries to accept the applicant’s withdrawal of the variance request for an eave side yard setback of 6 inches from the required 5-foot setback on the eastern side lot line. Motion carried unanimously with a voice vote.

** It was moved by Church and supported by Boersma to accept the applicant’s withdrawal of the variance request for an eave side yard setback of 1 foot 6 inch from the required 5-foot setback on the western side lot line. Motion carried unanimously with a voice vote.

The Board noted at this point, the only request that needs to be addressed is item number 5, relief from the 3:1 length to width ratio for a single-family dwelling for a dwelling with a length of 72.5 feet and width of 19 feet, resulting in a ratio of 3:81:1 with the proposed addition.

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

** It was moved by Church and supported by Bob De Vries to close the hearing. Motion carried unanimously by a voice vote.

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 lot is both exceptionally narrow and deep, which naturally results in a very long linear structure.

- 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 unusual circumstance of lot narrowness is not uncommon in the general area; however, the subject property has exceptional narrowness at 30 feet which is unusual compared to other lots in the 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 lot of record is both exceptionally narrow and deep, which impacts the length of building in relation to its width. It does limit what they can do with construction.

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

They are not making the conditions worse. The property is back from the lake front. Site lines are not an issue. The Board noted that no comments were received and the other variances were withdrawn which would have created more issues for neighbors.

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

The new addition did not create the 30' lot width. This request is not unreasonable given that the square footage of the dwelling is under 1,000 square feet.

- 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 of the variance will not be contrary to the public interest. There were no neighbors here to comment on this request. All the houses are shoehorned in; it is the condition of the neighborhood.

Staff noted should the Board approve the variance, they would recommend a stipulation on the approval that at the time of building permit submittal, the owner must provide a site plan based on a professional survey showing compliance with building setbacks, eave setbacks, and lot coverage.

** It was moved by Vander Meulen and supported by Church to approve the variance request for relief from the 3:1 length to width ratio resulting in a ratio of no greater than 3.81:1 with the stipulation that at the time of building permit submittal, the owner must provide a site plan based on a professional survey showing compliance with building setbacks, eave setbacks, and lot coverage. Motion carried unanimously with a roll call vote.

The meeting adjourned at 7:22 pm.

Respectfully submitted,

Laurie Slater
Recording Secretary