



RECEIVED

MAY 31 2024

PETITION FOR NONUSE VARIANCE **HOLLAND TWP.**
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: Ben Fogg Phone: _____

Applicant's Address: 135 Elberdene E-mail: _____

Property Address: 23 James street

Parcel Number: 70 - 16 - 17 - 300 - 067 Zoning: I-2

Owner's Name: 3303 John F Donnelly Drive LLC Phone: _____

Owner's Address: 135 Elberdene E-mail: _____

Holland MI 49423

Ordinance Section Number(s) Relative To This Appeal: Article 11.7B

Provide a Brief Description of Your Request: Relief from Construction a Second Fence per attached email from Community Development director

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 May 28th meeting Admin Appeal

At the May 28th Meeting with the ZBA Tulip City storage was told to request a variance meeting instead of ~~the Administrative appeal - the the same attached documentation in regards to this matter~~

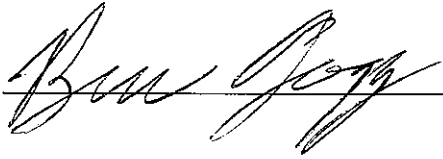
A filing fee of \$400.00 must be submitted along with nine (9) complete copies of: this form, related documentation, and the site plan including an electronic copy of the site plan on CD or other file sharing device. This petition must be submitted as least four (4) weeks before the scheduled hearing 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: 5-28-24

OFFICE USE ONLY:

From: Lynnelle Berkenpas lberkenpas@hollandengineering.com
Subject: RE: 23 James Site Plan Resubmittal
Date: March 13, 2023 at 1:40 PM
To: Corey Broersma CoreyB@hct.holland.mi.us
Cc: Brian Lamar brian.lamar@cl-construction.com, Mary Pathuis mpathuis@foggholdco.com, Kate White katew@hct.holland.mi.us



Corey,

Thank you for your time on this and your response. The plans provided today are identical to the plans from February 21, so we should be all set here.

Thank you,
Lynnelle

Lynnelle E. Berkenpas, PE
Project Manager
lberkenpas@HollandEngineering.com



[220 Hoover Boulevard Holland, MI 49423](#)
616.392.5938 Ext 137(o) • 616.888.0348 (c) • 616.392.2116 (f)

From: Corey Broersma <CoreyB@hct.holland.mi.us>
Sent: Monday, March 13, 2023 12:05 PM
To: Lynnelle Berkenpas <lberkenpas@hollandengineering.com>
Cc: Brian Lamar <brian.lamar@cl-construction.com>; Mary Pathuis <mpathuis@foggholdco.com>; Kate White <katew@hct.holland.mi.us>
Subject: RE: 23 James Site Plan Resubmittal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning, Lynnelle.

The plans received February 21, 2023 were approved. If the electronic copies provided in your March 13, 2023 e-mail below reflect any changes to the plans we received on February 21, 2023, please provide 2 copies of those revisions at your convenience.

The site plans will be held and incorporated into the next set of building construction plans we receive. Each building set thereafter should also include a copy of the approved site plan.

Thank you,

Corey J. Broersma, PLA
Community Development Director
Holland Charter Township



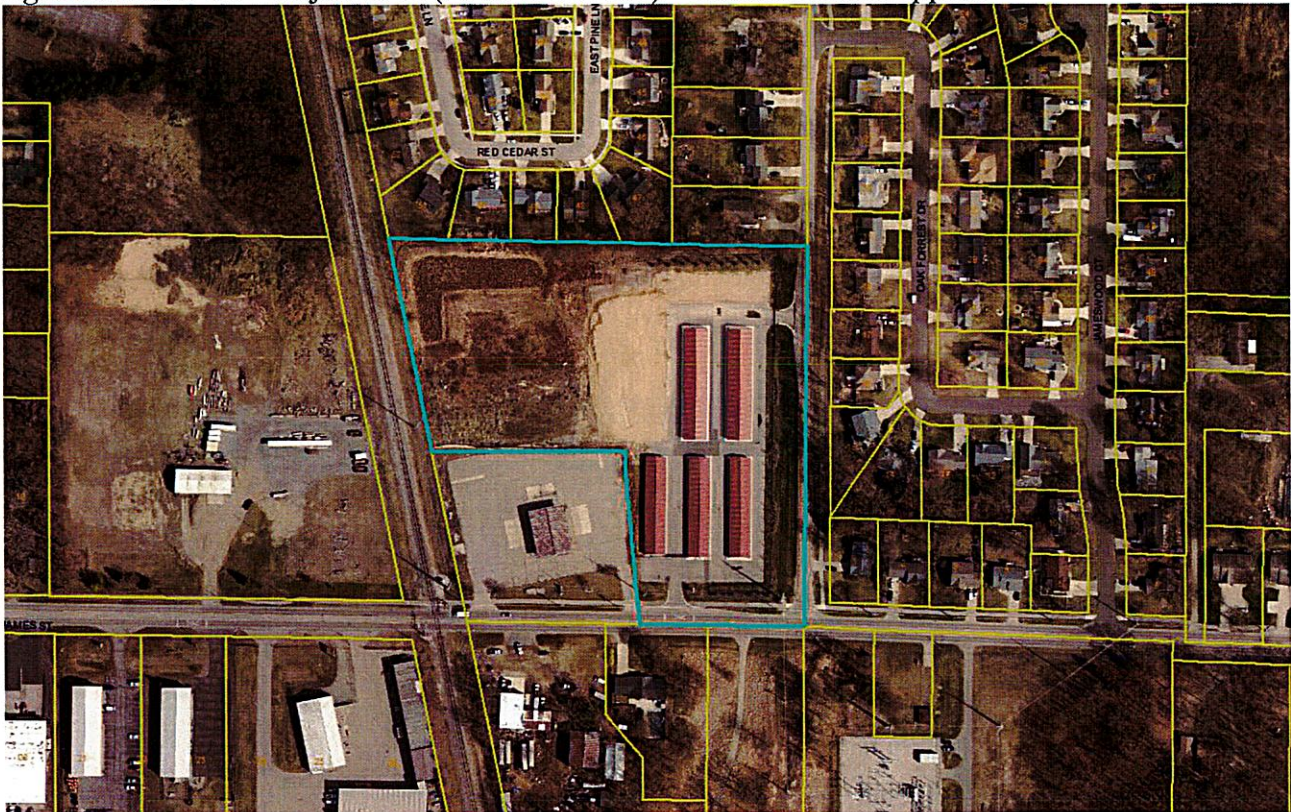
HOLLAND CHARTER TOWNSHIP

353 North 120th Avenue · Holland, MI 49424 · Ph: 616.396.2345 · www.hct.holland.mi.us

STAFF REPORT

DATE: May 17, 2024
TO: Zoning Board of Appeals
FROM: Community Development Department
SUBJECT: Staff Report for May 28, 2024

Agenda Item #4.a. – 23 James St (70-16-17-300-067) – Administrative Appeal



Subject Property (photo taken 2021)

Summary of Request:

Consideration of a petition for an Administrative Appeal submitted by Ben Fogg of 3303 John F Donnelly Drive, LLC appealing the decision that a 6-foot-tall fence is required to be installed as part of the required Type A Buffer along the property's northern lot line. The subject property is zoned I-1 Light Industrial.

The self-storage facility received Special Land Use approval for Phase 3 by the Planning Commission on November 1, 2022 with the following conditions:



Figure 2: Looking eastward from the western edge of Building #10.

Related Zoning Ordinance:

Section 11.7 - Buffers

A. General. A buffer is an area intended to provide visual barrier and noise abatement between specified land uses.

2. Design and Placement.

a. The buffer area shall abut the applicable property line and plantings shall fall within the required buffer area width.

Table 11.7A – Buffer Types

I-1 Use Adjacent to R-2 District = A

Table 11.7B – Buffer Planting Requirements (Type A)

Min. Width = 30 ft.

Screen = 6 ft. high vertical wall, opaque fence, or 4 ft. high berm

Requirement = 1 canopy tree and 3 evergreen trees per each 40 linear feet along the property line. 5 shrubs shall be added per 40 linear feet when a berm is used.

Standards for Granting an Administrative Appeal (Section 19.5) and Staff Comments

In exercising this power, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify an order, requirements, decision or a determination being appealed and may make an order, requirement, decision or determination as it should be made. The Zoning Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements:

- 1. Was arbitrary or capricious.*
- 2. Was based on an erroneous finding of a material fact.*
- 3. Constituted an abuse of discretion.*
- 4. Was based on erroneous interpretation of this ordinance or the Michigan Zoning Enabling Act.*

January 25, 2024

Mr. Joe Bush
OTTAWA COUNTY WATER RESOURCE'S COMMISSIONER
12220 Fillmore, Room 141
West Olive, MI 49460

(via email only)

RE: Tulip City Storage-Phase 3– Stormwater Certification Letter
23 James Street
Holland Charter Township, Ottawa County, Michigan

Dear Joe:

The construction of the stormwater management system for the Tulip City Storage, Phase 3 project is completed. Please see the enclosed storm as-built plans provided as part of this submittal.

HEI completed a survey of the constructed storm sewer system and stormwater detention basins, which was utilized to prepare the storm as-built plans and verify the volume of the onsite stormwater detention basin. Based on the prepared storm as-built plans and our review of the constructed detention basin volume, the stormwater management system was constructed to the intent of the approved plans. Please note that final restoration and site stabilization was not finalized at the time that the last survey as-built information in December 2023.

If you have any questions or comments regarding this material, or if you require additional information, please feel free to contact me at lberkenpas@hollandengineering.com or (616) 392-5938. Thank you.

Sincerely,
Holland Engineering, Inc.



Lynnelle E. Berkenpas, P.E.
Senior Project Manager



CC: Jessica Pieri – OCWRC (via email)
Aaron Nyboer – Holland Township Public Works (via email)
Dennis Chase – LRE (via email)
John Gutierrez, P.E. – OCRC (via email)
Corey Broersma, PLA, Holland Township (via email)
Mary Pathuis – 3303 John F. Donnelly (via email)
Brian Lamar – CL Construction (via email)
File

- **Sec. 11.1 - Intent and purpose.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

The purpose of this article is to minimize the adverse effects of certain land uses and outdoor activities upon their surroundings and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values within Holland Charter Township. The standards of this article are intended to help achieve a number of functional and environmental objectives such as:

Reduce the physical impact between adjacent land uses by requiring complementary landscape treatments and providing a transitional area adjacent to natural areas.

Screen headlights to reduce glare and incidental pollution.

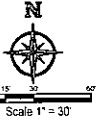
Control soil erosion by slowing the effects of erosive winds and water.

Provide reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained in this article.

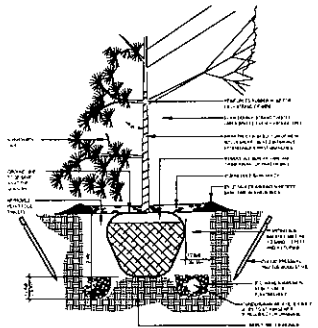
Recognize and preserve the aesthetic value of natural areas such as woodlands, wetlands, and floodplains within and adjacent to a development site.



Know what's below.
Call before you dig.



ALL 3/4" MODERN LIME SHALL BE IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) AND SHALL BE TESTED TO MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) AND SHALL BE TESTED TO MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA).



TREE PLANTING DETAIL

PLANTING NOTES:

- LANDSCAPE REQUIREMENTS: SEE NOTES ON PLAN.
- ALL LAWN AND PLANTING AREAS SHALL BE IRRIGATED WITH UNDERGROUND IRRIGATION IN SUCH WAY TO MAINTAIN VEGETATION IN A HEALTHY AND DROPPING MANNER.
- BEFORE CONSTRUCTION REQUIREMENTS: THE MAXIMUM SLOPE FOR A BERM SHALL BE ONE FOOT VERTICAL TO THREE FEET HORIZONTAL WITH A CREST AREA AT LEAST FOUR FEET WIDE.
- ALL LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. TREES AND OTHER VEGETATION THAT DIE SHALL BE PROMPTLY REPLACED WITH IN KIND VEGETATION.
- CONTRACTOR SHALL PROVIDE SPECIFIED TREE, SHRUB, GROUND COVERS AND OTHER PLANT MATERIALS, BARE ROOT OR WITH ALL NECESSARY ROOTS AND REQUIREMENTS OF ALL APPLICABLE STANDARDS FOR NURSERY STOCK. PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS STOCK GROWN WITH GOOD HORTICULTURAL PRACTICE AND INSTALLED IN ACCORDANCE WITH METHODS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- SEED SHALL BE PLACED OVER TOPSOIL IN ALL PROPOSED LAWN AREAS AND ALL AREAS DISTURBED BY CONSTRUCTION AS NOTED ON THE PLAN. SEED SHALL BE PLACED IN ALL AREAS SHOWN ON THE PLAN OVER 4" TOPSOIL.
- PLANTING SOIL: TOPSOIL OF 12 TOPSOIL, 10% PEAT MOSS AND 10% SAND SHALL BE PLACED IN ALL GROUND COVER AND FLOWER BEDS. DEPTH SHALL BE NOT LESS THAN 4".
- FOLLOWING DOMESTIC LAWN RESTORE ALL DISTURBED AREAS WITH EARTH CARE'S SPARTAN GRADE "A" SEED MIX UNLESS OTHERWISE NOTED. PLANT MATERIAL SUBSTITUTIONS SHALL BE APPROVED BY OWNER & LANDSCAPE ARCHITECT.
- ALL PLANT MATERIAL TO BE AT LEAST 3 FEET FROM PROPERTY BOUNDARIES AND TREES 4 FEET FROM PAVEMENT.

KEY	SIZE	COMMON NAME	BOTANICAL NAME	MATURE SIZE COMMENTS
	2'-10" DB	RED SUNSET RED MAPLE	ACER RUBRUM 'FRANKS 7'	50' H x 4" D
	2'-10" DB	CELEBRATION MAPLE	ACER X FREEMAN 'CELEBRATION'	50' H x 4" D
	2'-10" DB	PHENOMAL FOREST AMHORNBEAM	CORNUS BISTATA 'KALISTOPAT'	50' H x 4" D
	2'-10" DB	TURFLO BLACK GUM	NYSSA SYLVATICA	50' H x 4" D
	6" x 8" DB	DIENSAH FIR	ABIES BALSAVIA	50' H x 2" D
	6" x 8" DB	BLACK HILLS SPRUCE	PICEA MULLERIANA	50' H x 2" D

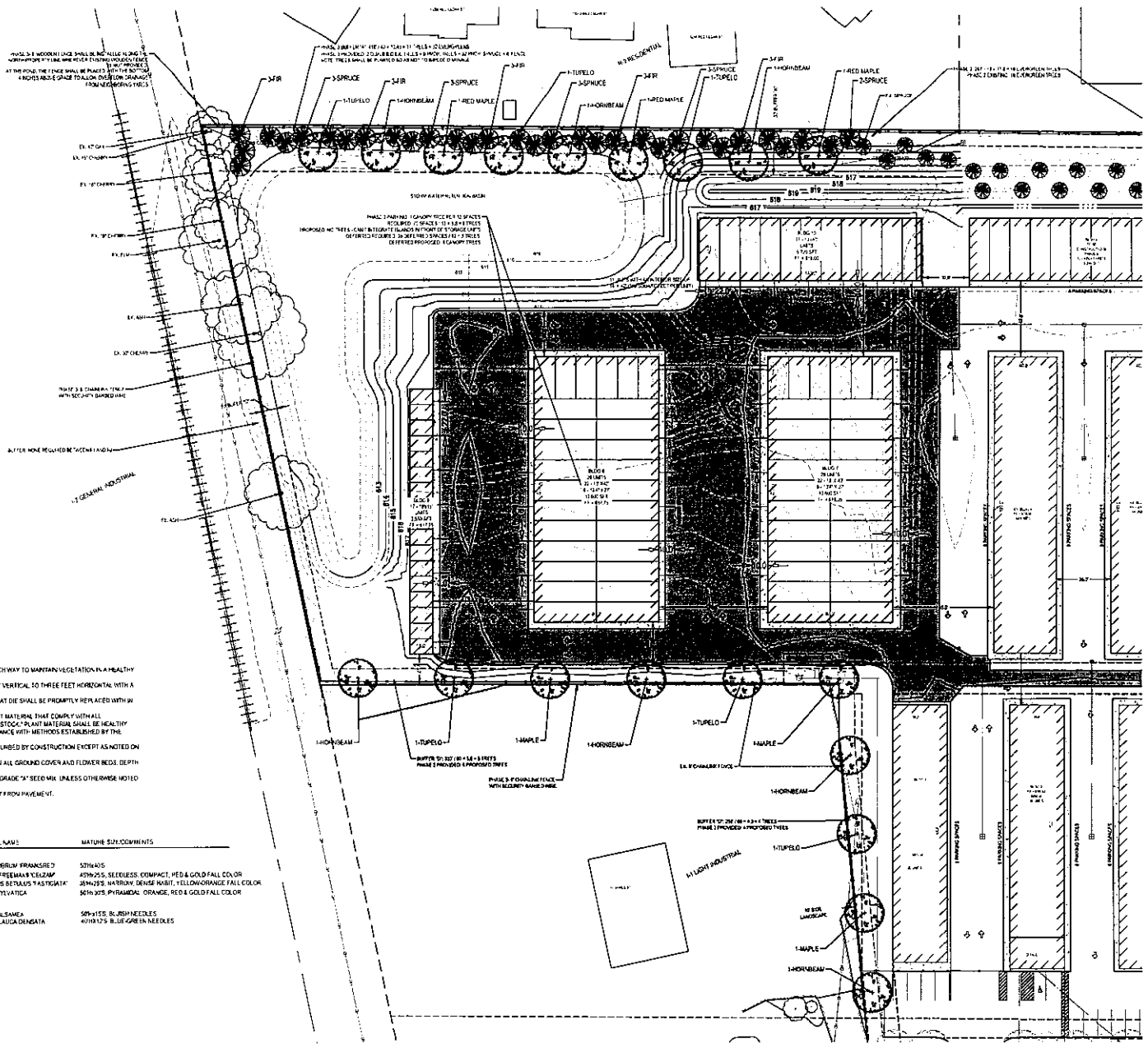
LAWN- SPARTAN GRADE MIX

- 60% FESCUE
- 20% PERENNIAL RYEGRASS
- 10% CRYSTAL BERMUDA
- 10% BLUEGRASS

DETENTION BASIN SEED MIX

- 30% FESCUE
- 20% PERENNIAL RYEGRASS
- 10% CRYSTAL BERMUDA
- 10% BLUEGRASS
- 10% SAND

SEEDING: 1.5 LBS PER 1000 SQ FT
1.5 LBS PER 1000 SQ FT
1.5 LBS PER 1000 SQ FT
1.5 LBS PER 1000 SQ FT
1.5 LBS PER 1000 SQ FT



HOLLAND ENGINEERING

3303 JOHN F. DONNELLY, LLC
 TULIP CITY SELF STORAGE PHASE 3
 NW CORNER OF JAMES ST & 132ND AVE
 HOLLAND, MI 49424
 PT. OF THE SW 1/4 SEC. 17, T5N, R15W
 HOLLAND TWP., OTTAWA COUNTY, MI

ATTN: MS. MARY PATRICKS
 135 ELBERNE STREET
 HOLLAND, MI 49424

Project Manager: CHARLENE BENEDETTI, P.E.
 Checked by: BRUCE REINHART
 Date: 15-11-2028

Sheet Title: LANDSCAPE PLANTING PLAN

Sheet No.: L-101

From: **Corey Broersma** CoreyB@hct.holland.mi.us
Subject: 23 James
Date: April 15, 2024 at 8:55 AM
To: **Brian Lamar** brian.lamar@cl-construction.com
Cc: **Kate White** katew@hct.holland.mi.us



Good morning, Brian,

I stopped by the subject address after our meeting and can confirm that approximately 180 feet of wood screening/buffer fence was installed north of building 6 with the finished side facing the adjacent residential property (2509 132nd Avenue). A fence along the remainder of the northern property line is necessary, unless relief is secured via a Zoning Board of Appeals decision. If you have any questions or need a particular appeals form, feel free to let me know.

Thank you.

Corey J. Broersma, PLA
Community Development Director
Holland Charter Township
353 N. 120th Avenue
Holland, MI 49424
Phone: (616) 395-0151 x 3 x 1

Sue Lamar

To: Sue Lamar
Subject: RE:

This picture is standing behind/next to the 700 building. It shows the current fence and all the new vegetation and the retention pond.



This is standing in between building 600 and 700 in the back. It shows there is a fence but it can barely be seen because of the vegetation and large berm. Looking East.

