



ZONING BOARD OF APPEALS PACKET CONTENTS

Tuesday, August 8, 2023 at 6:00pm

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**CITY OF ZEELAND
ZONING BOARD OF APPEALS
MEETING AGENDA
AUGUST 8 2023
6:00PM
CITY HALL – COUNCIL CHAMBERS**

6:00pm

- Meeting called to order
- Pledge of Allegiance
- Roll Call
- Excuse absent members by motion and reason
- Additional agenda items

PUBLIC COMMENT

▪

PUBLIC HEARINGS

- 3 E Main Ave – Scott Geerlings – Dimensional Variance Application to construct a building with a 3 ft 4 in square column in clear visibility triangle at E Main Ave & N State St
- 404 Centerstone Ct – Steve Barber –Variance Application to construct a 35 ft by 46 ft accessory building in the secondary front yard
- 453 E Central Ave – Robert Richardson – Dimensional Variance Application to construct a roof over existing front porch with a 25 ft front yard setback

ACTION

- Draft minutes of the May 16, 2023 Zoning Board of Appeals Meeting

UNFINISHED BUSINESS

▪

NEW BUSINESS

- Any other business that may be legally brought before the Board

ADJOURN

**NOTICE OF PUBLIC HEARING
CITY OF ZEELAND
ZONING BOARD OF APPEALS**

Take notice that the Zeeland Zoning Board of Appeals, whose chambers are in the Zeeland City Hall at 21 South Elm Street, Zeeland, Michigan, and whose telephone number is (616) 772-0872 will meet:

**Tuesday, August 8, 2023
In the City Hall Council Room**

At 6:00 p.m. on the following request:

Application of ScottG, LLC to construct a 3'4" square column at 3 E. Main, Zeeland, Michigan in conjunction with the construction of a three story building. The building will be located on the parcels with addresses of both 3 E. Main Avenue and 9 E. Main Avenue. The said column will be constructed on the property lines at the corner of Main Avenue and State Street. A variance of 20' is being requested since the Zoning Ordinance requires a 20' clear vision area. Section 4.104 of the Zoning Ordinance is applicable.

At or after 6:20 p.m. on the following request:

Application of Compassionate Heart Ministries to construct a 35' by 46' accessory building in the secondary front yard of the property at 404 Centerstone Court, Zeeland, Michigan. Section 4.102(a)(2) prohibits accessory buildings in a front yard. Section 4.102(b)(4) prohibits accessory uses in front yards.

At or after 6:35 p.m. on the following request:

Application of Robert Richardson to construct a roof over an existing 5' by 10.3' front porch at 543 E. Central Avenue, Zeeland, Michigan which will have a 25' front yard setback when a 30' front yard setback is required. Section 3.200 of the Zoning Ordinance is applicable.

The public or anyone receiving this notice may present their oral or written comments at the said hearing.

The variance applications may be reviewed prior to the hearing in the Community Development Director's Office in the Zeeland City Hall on any day not a holiday, Monday through Friday, 8:30 a.m. to 12:00 a.m. and 1:00 p.m. to 4:30 p.m. from the date of this notice to the date of the hearing.

The City of Zeeland will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing with a need for an accommodation being provided upon a notice to the City of Zeeland by the Monday preceding the meeting by 5:00 p.m. With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation. Individuals requiring auxiliary aids or services should contact the City of Zeeland by writing or calling the City Clerk's office 772-6400.

Dated: July 19, 2023

**CITY OF ZEELAND
PAMELA HOLMES, CITY CLERK**

City of Zeeland

JUN 09 2023



Received Application for DIMENSIONAL/NON-USE VARIANCE

Zoning Board of Appeals City of Zeeland

Community Development Department

21 S ELM ST - ZEELAND, MI 49464
Phone 616-772-0872 - Fax 616-772-0880
buildinginspector@cityofzeeland.com

www.cityofzeeland.com

The City of Zeeland will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political belief.

The plan you have proposed for your project requires a Dimensional/Non-Use variance from the City of Zeeland Zoning Ordinance as provided by Public Act 207 of 1921, as amended, (Section 125.585), and the Zeeland City Code Volume II (Division 2).

This original application filled out completely, along with the application fee, 8 folded copies of your site plan including related documents, and a pdf file (which may be submitted by email to buildinginspector@cityofzeeland.com) and other information and materials as requested by the Zoning Administrator, must be submitted at least 30 days prior to your hearing date. The Zoning Board of Appeals typically meets the third Tuesday of the month. Application fees are listed on page 8 of this application.

Your completion of this application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request for a zoning variance. Depending upon the information the Board receives at the hearing and its application of the law, your request for a variance may or may not be granted. (You may use the backside of this application or attach extra sheets if you wish. You are encouraged to include photographs and illustrations to support your case.)

Applicant Information

Owner Information

Name Scott Geerlings	Name/Contact ScottG, LLC
Company(if applicable) Geerlings Development	Company(if applicable)
Address	Address 8516 Homestead Dr. Ste 102
Phone 616-218-6793	Phone 616-212-6793
Email sgeerlings@geerlingsdev.com	Email sgeerlings@geerlingsdev.com

Address of property: 3 and 9 East Main Street

Current zoning of subject property: downtown commercial

Applicant's interest in property: Owner of 9 East Main Street, Under contract for 3 East Main Street

Contractor Information		Architect/engineer
Name Scott Geerlings		Name Dennis Reckley
Company Midwest Construction Group, Inc		Company Sluiter VandenBosch
Phone 616-772-6070		Phone 616 494 7410
Email sgeerlings@geerlingsdev.com		Email

With as much detail as you feel necessary, please explain your request. Use the back of this page or attached additional sheets if more space is required.

The following six questions are based upon the six tests for granting non-use/dimensional variances found in Section 2.205B of the Ordinance. A copy of that section of the Ordinance and any other relevant sections are available in the Zoning Administrator's Office.

Be aware that in every instance, each of the six tests in the Ordinance MUST be satisfied in order for the Zoning Board of Appeals to grant a variance. Thus, it is in your best interest to answer each of the six questions in this application clearly and completely, with as much detail as necessary to support your case for *practical difficulty*, which must be proven in order for the Board to grant a variance.

Practical difficulty is a legal term. The Board concludes a valid case has been made for the existence of a practical difficulty when it finds:

1. That a unique circumstance or condition relative to your land prevents you from enjoying the use of your property as others in the same zone district are generally able to do.
2. That the requested variance:
 - a. will not be significantly harmful to your neighbors.
 - b. is consistent with the intent of the Ordinance.
 - c. was not made necessary by anything you did in the first place.

The Board will likely use the six questions in this application to guide its inquiry into your case. Each is written first with the legal wording as found in Division 2 of the Ordinance, then a brief commentary to help you understand the kind of information required. (Should any discrepancies be found between what is written in the Ordinance and what is written in this application, the language of the Ordinance shall prevail).

1. What are the exceptional or extraordinary circumstances or conditions that apply to your property, circumstances and conditions that do not generally apply to other properties in the same zoning district as your property?

The first thing the Board will want to know is, **what makes your parcel, your property, your land, so unusual** -- say in its size or shape or location or other physical characteristics? You must show that you truly have a practical difficulty, one not shared generally by others in your zone. ("Zoning district," by the way, means all other property owners in R-1, R-2, C-1, I-2, etc. -- not just your immediate neighbors.) Some examples of unique circumstances related to land are extreme narrowness, exceptional shallowness, unusual shape, unusual topographical characteristics (like a wet land, large boulder, or deep ravine), or unusual development in adjacent property. So be sure you explain here what the problem is with your land, something that is not the case with most other parcels in your zone district.

The property is on the corner of State and Main and the City is wishing to have the structure developed with a build to line which requires that both the south and west elevations be constructed at the sidewalk in lieu of a set back line which would not require the clear vision line to need to be constructed. The col on the corner will not adversely effect the vision of cars traveling west on Main looking to the North for south bound State street traffic

2. If you are not granted this variance, will others in your zoning district be able to enjoy substantial rights and privileges that you are unable to?

The Board will also need to be convinced that the nature of your parcel does **not allow you to do** with your property **what others** in your district **are rightfully able to do**. If you claim your lot is too narrow to allow you to build a garage without a variance, yet other residents in your zone district with the same size lots are able to do so, you would not have a strong case for a variance.

Other property owners not on corner lots will not be required to adhere to the clear vision site line on the corner of the building and would thus build to the max size of building allowed. The col being only 3'4" square allows for 20' of both the South and West elevations to be open for clear view

3. Is there evidence that the reason(s) for this variance request goes beyond the possibility of increased financial return for the applicant?

While **economic gain** is another factor the Board takes into consideration, an applicant's understandable wish to increase his or her financial return is not in itself sufficient basis to claim practical difficulty. In other words, financial gain by itself is never sufficient cause to grant a variance.

Removing the Col. requires the removal of floor space in the apartments on both the second and third floor units making, both of those apartments very convoluted in design and layout and thus unusable.

4. Will granting this variance be significantly detrimental to your adjacent neighbors and surrounding neighborhood?

Your neighbors' feelings about your request for a variance are important, but applicants should realize that neighbors' signatures on a petition or testimony at the hearing is not necessarily sufficient in itself to convince the Board that granting the variance will not be **detrimental to the neighborhood**. Variances go with the land, not with the current land owner. Consequently, the Board may be inclined to take a broader and longer view, one that may be more impartial than do the neighbors.

The area of clear vision blocked by the col will not in any way affect the neighbors on any adjacent property. There is open parking to the South East corner and Gas Service stations to the South West corner and North West corners of the intersection Property owners to the East and North will not see the col in question

5. Will granting this variance harm the intent and purpose of this Ordinance?

The Board must consider whether or not granting a variance will hinder the community in achieving the very **goals and objectives the Ordinance is trying to accomplish**. Statements of intent are found at the beginning of each Ordinance chapter. You should explain how your application is consistent with and does not violate the intent of the particular chapter(s) that apply to it; merely saying it does not is not enough. For example, if you want to divide an R-1 lot with 100 feet of frontage into two parcels with 50 feet of frontage each, to be permitted to do so, you will be expected to explain how this does not compromise the Ordinance's intent (Division 4, Section 3.400, page Z3:6) to "provide low-density . . . residential living environments and . . . high-quality neighborhoods."

The Visibility Ordinance will be maintained as the col will only impacting 13% of the entire area of the corner requested by the Staff as open visibility. Cars moving West will be able to view both the front and rear sections of vehicles as they move South on State street.
The blocked section of the vehicle is minimal. Pedestrians unless leaning on the col. will quickly move pass it and be in view. Vehicles moving South on State will not have blocked vision as they cross Main.

6. Has the immediate practical difficulty been caused by anything the applicant him- or herself has done?

So-called "**self-created**" **practical difficulties** may not be used to justify granting a variance. Some examples of such difficulties are purchasing property that is nonconforming, trying to undo the effect of a previously granted variance, or having previously constructed/placed structures in a location which hinders your plan for the property.

The clear vision triangle was and is a request of staff. We are trying to accommodate the need for safety with vehicles and pedestrians while trying to construct a efficient and attractive building that will enhance Zeeland Downtown and continue the vision moving forward.

CITY OF ZEELAND
ZONING BOARD OF APPEALS
Dimensional/Non-Use Variance Application

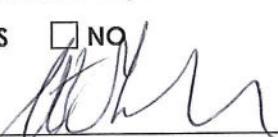
This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions as noted in the left margin.

<u>OFFICE USE</u>
a) Applicant identification.
b) Street address.
c) North arrow.
d) Size of property in sq. ft or acre.
e) Property lines and dimensions.
f) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
g) Location of all structures on the land with locating dimensions and building dimensions.
h) Lot lines and all structures within one hundred feet (100') of the site's property lines including driveways and other access points along both sides of the street where access to the site is proposed.
i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
j) Copy of latest surveyor's engineering drawing.

The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the variance requested.

I hereby grant permission for members of the City of Zeeland Zoning Board of Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application.)

YES NO



Signature of Applicant

5/30/23

Date

Printed Name

This application, 8 copies of the proposed site plan and related documents and a pdf file, as well as a filing fee of \$ 350.00 received by: CK 1075

Amy LeVigne

Administrative Official

6-2-23

Date

ZONING BOARD OF APPEALS
Hearing Procedures & Fee Schedule

First, about the Zoning Board of Appeals (ZBA) itself: The Board is pledged to ensure that the intent of Zeeland's Zoning Ordinance is preserved, that public safety is secured, and that substantial justice is done. It is composed of ordinary citizens who have devoted considerable time to understanding the Ordinance and under what circumstances variances to it may lawfully be granted.

Its members are bound to being impartial and to abiding by the Ordinance and by state statutes and case law that govern the granting of variances. They do not take their responsibilities lightly, for they know that granting a variance is essentially granting a citizen permission to break the law. Three members of the Board must vote the same way in order for a dimensional-variance decision to be binding, four members for a use variance. Decisions of the Board are appeal-able to the 20th Judicial Circuit Court.

Second, what happens at Zeeland ZBA meetings: The Chairperson of the Board announces the cases that are to be heard in the order determined by the Zoning Administrator.

In each instance, the Zoning Administrator describes the case, emphasizing those factors he believes have made an appeal necessary. The Board may ask questions of the Zoning Administrator to be sure it understands the facts of the case as he/she sees them. Any communications that may have been received relevant to the case are read at this time.

Then the applicant (or someone representing him/her – an attorney, architect, builder, etc.) presents his/her case. The Board will ask the applicant or his/her representative questions as well.

After that, others wishing to present evidence to support the applicant's case may do so.

Next, those opposed to the variance requested may testify.

Then the applicant may make his/her closing arguments.

Any number of persons may testify pertaining to a particular case, but the Board will likely advise a group of people of like mind on an issue to appoint one of its members to be its spokesperson. The ZBA chairperson, also in the interest of time, may limit testimony to new information.

After the Board is satisfied it has received all the relevant testimony it can expect, the hearing is closed and deliberation begins. The Board may or may not call for further testimony after the hearing is closed.

The Board tries to reach a decision before it adjourns but may find it needs more evidence before it can decide on a case. Whatever the situation, the Board will eventually vote to grant the variance as requested, grant it with conditions, grant it in part, postpone a decision for up to 60 days, or deny the request altogether.

Third, how to prepare for the hearing: The questions in the application are based upon the Zoning Ordinance itself. Information provided is important to making a case. It should be as complete and clear as possible; anything less risks the Board having to delay its decision.

An applicant will benefit from reading carefully those sections of the Ordinance that pertain to his/her case, being sure not to overlook the section on variance procedures (Chapter 2).

Also, an applicant would be wise to organize his/her **oral testimony** according to the questions on the application, elaborating on the points he/she made there. This will streamline the process because the Board will almost certainly come to the hearing prepared to base many of its questions upon an applicant's written comments.

Before and during the oral testimony, it is important to bear in mind that the Board is committed to being impartial, to dealing justly in each instance, applying the standards of law consistently, and balancing the rights of the applicant with the welfare of the community. Thus, the more information it has -- and the more clearly that information is presented -- the better job the Board will be able to do.

In that regard, an applicant should not be alarmed if some of the Board's questions seem to be pursuing some point that seems not to favor the applicant's position nor be surprised if some of its questions seem to be "making the case" for the applicant. It is all in the pursuit of getting at the facts, of finding an appropriate basis for a decision.

Fee Schedule

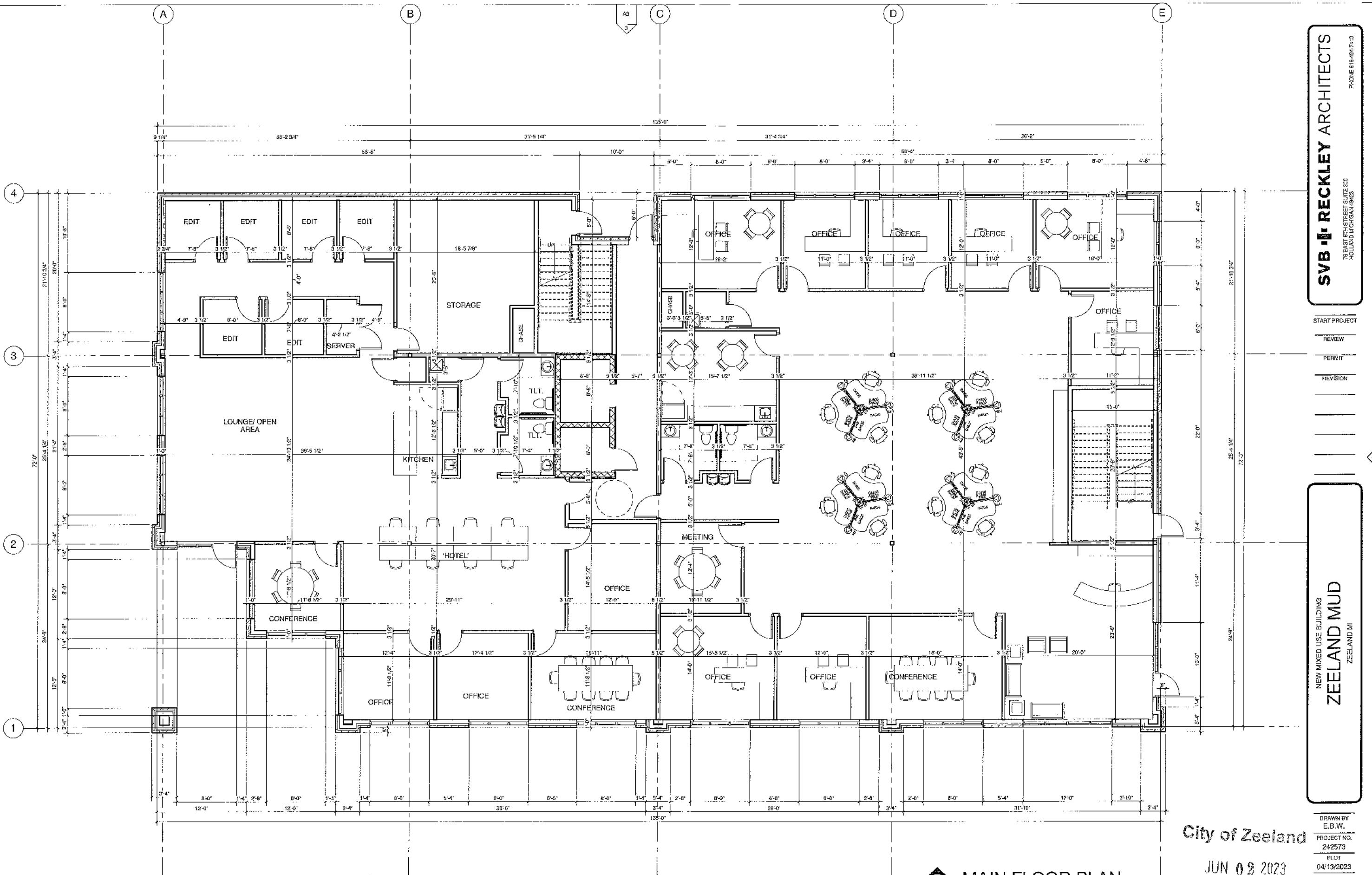
Zoning Board of Appeals Application	Cost
Zoning Board of Appeals Application for Regular Meeting Hearing for a Single Family Residential Matter	\$250
Zoning Board of Appeals Application for a Non-Single Family Residential Matter	\$350
Zoning Board of Appeals Application for a Special Meeting Hearing	\$500
Other Zoning Board of Appeals Matters	\$500









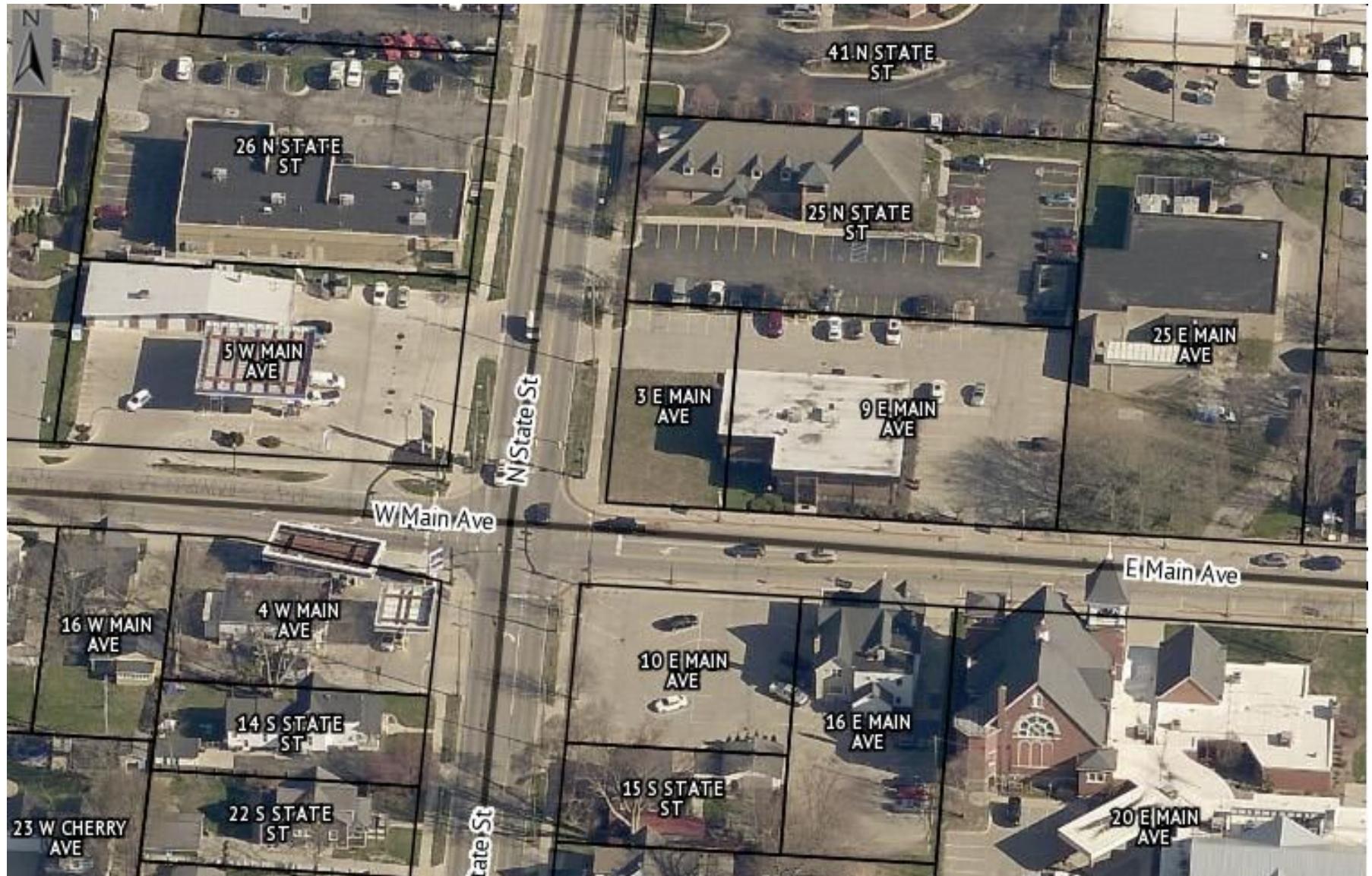


City of Zeeland

JUN 02 2023

Received

 **MAIN FLOOR PLAN**
3'16" = 1'-0"



3 E Main Ave



21 South Elm Street • Zeeland, Michigan 49464 • (616) 772-0872 • (616) 772-0880

MEMORANDUM

DATE: Thursday, August 3, 2023

TO: Zoning Board of Appeals

FROM: Tim Maday, Community Development Director

RE: August 8th ZBA Meeting Agenda – Dimensional/Non-Use Variance Application for 3 & 9 E Main Avenue

This memo has been sent to provide information on the variance application for 3 & 9 E Main Avenue that will come before the Zoning Board of Appeals on August 8, 2023.

Background:

The parcels at 3 & 9 E Main Ave are proposed for redevelopment. In 2019, the City of Zeeland purchased the property at 3 E Main Avenue, demolished the existing deteriorated building and sought to have this gateway site, on the corner of Main Ave and State Street, redeveloped to include a mixed-use facility that is consistent with the City's Downtown Vision Plan. Following the release of a Request for Qualifications (RFQ) seeking a developer for the project, Midwest Construction was selected to develop the 3 E Main Ave property. The company has since purchased the adjacent, property at 9 E Main Avenue. It is proposed that the existing building on that site be demolished, and that site incorporated into the project at 3 E Main Avenue. Utilizing both parcels, the proposed project includes the construction of a three-story building, with approximately 9,200-9,500 square feet per floor. The main floor is proposed for office use, with the two upper floors consisting of residential apartments on each floor. Parking is proposed to be provided on-site, on the rear/north of the building.



Figure 1 - Sites prior to demolition of 3 E Main Ave



Figure 2 - Sites as of August 2, 2023



Figure 3- Proposed redeveloped site

Description of request & City Ordinance review

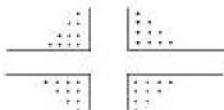
The Applicant proposes to construct the building to be adjacent to the south/Main Avenue property line, and 6.4' from the west/State Street property line. These parcels are zoned C-2 – Central Business District, which is the City’s Downtown Zoning District. In the C-2 zone district, buildings may be constructed up to the property lines. The district intent is to create a dense, walkable district, where storefronts are continuously adjacent to each other.

While the ordinance allows for constructing buildings up to the lot line in this zone district, the parcel is still subject to the City’s intersection visibility ordinance. The City’s intersection visibility ordinance (ZCC Vol. II 4.104) is intended to ensure sight lines for safety at intersections in the City. This section of the City Code is below:

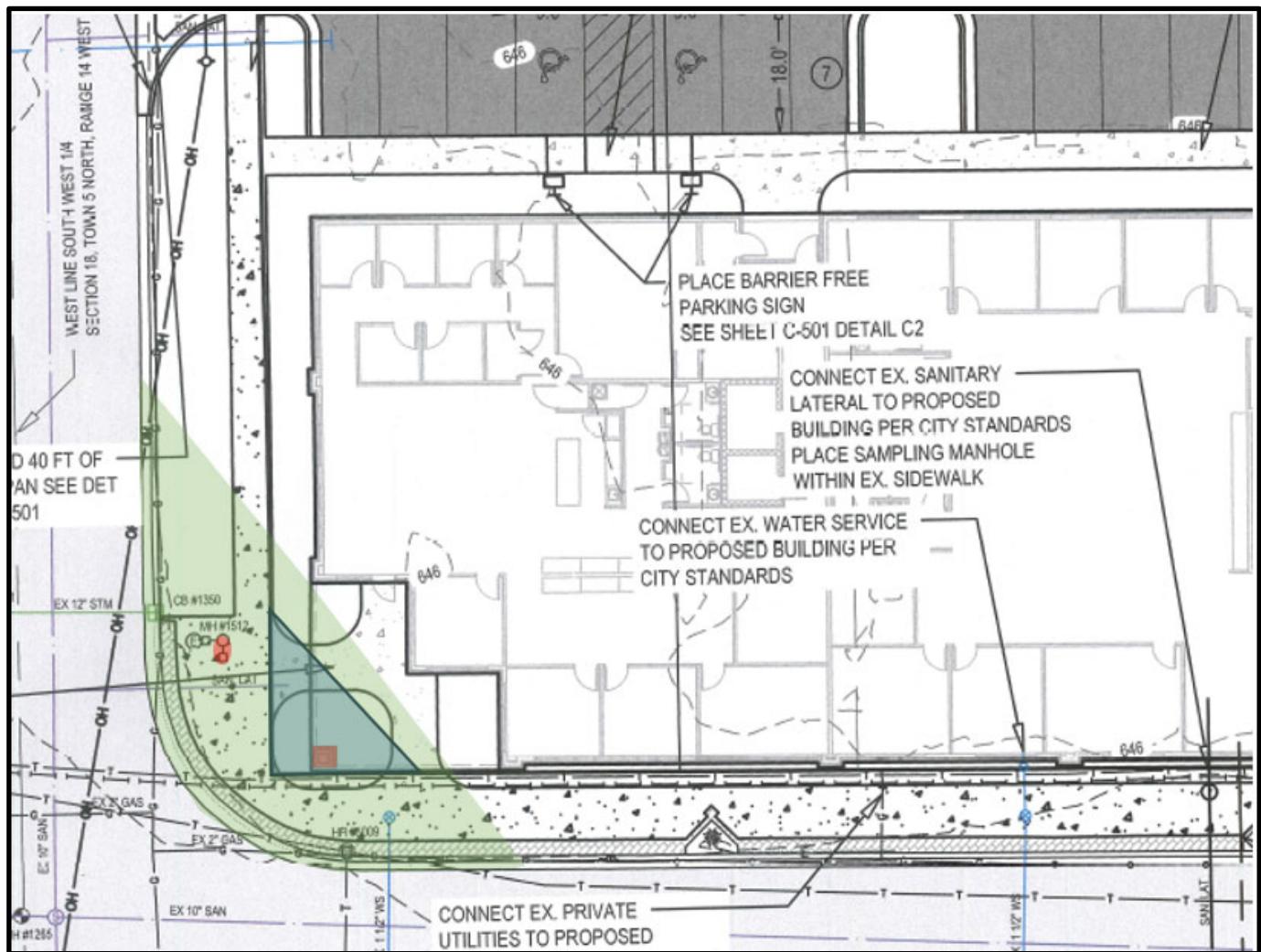
Sec. 4.104. Intersection visibility.

Buildings, structures, other improvements, and plantings on corner parcels are subject to the following regulations:

- (1) No building, structure, other improvements, including but not limited to fences, walls, signs, hedges, and screens, or any planting shall be erected or maintained to obstruct vision between a height of three feet and eight feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 20 feet from the point of intersection of the right-of-way lines. See the following figure for a diagram of this regulation. (Clear vision areas are marked with dots starting 20 feet from the intersection of right-of-way lines from the intersection.)



The applicant is seeking Zoning Board of Appeal Dimensional Variance approval to place a 3' 4" square support column in the triangular area described above. A copy of a portion of the site plan for the project, showing the proposed column, the visibility triangle, and additional clear view areas is below:



The blue triangle shown above is the clear visibility area required by City Ordinance. The green area is proposed clear space at the intersection. The two items shown in red represent visual obstructions (Red circle – Existing City traffic signal, Red square – Proposed column)

Criteria for consideration of application:

The granting of a dimensional/non-use variance requires a finding that a practical difficulty or an unnecessary hardship exists. Section 2.205 (b) of Volume II of the Zeeland City Code lists the criteria to be considered when determining if a practical difficulty exists. This criteria is listed below, with staff comments regarding each criteria in red:

- (1) That there are exceptional or extraordinary circumstances or conditions that apply to the property in question, which include these three items:
 - a. Circumstances and conditions that do not generally apply to other properties in the same zoning district;
 - b. Such circumstances or conditions, being, therefore, truly unique and, thus, not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or circumstances; and,
 - c. Such circumstances, that if the ordinance were enforced, would cause a practical difficulty for the applicant. Unique circumstances or conditions affecting a parcel, property, and/or land must be found to exist in at least one of the following three ways:
 1. Having an unusual shape or location or other physical characteristic, like extreme narrowness, exceptional shallowness, unusual shape, and/or unusual topographical characteristics (like a wetland, large boulder, or deep ravine);
 2. Having an extraordinary situation related to the land, building, or structure; or,
 3. Having unusual use or development of immediately adjoining property.

This is a parcel zoned C-2 – Central Business District. In the C-2 zone district, buildings are typically constructed to a build-to line, rather than a setback line. The corner visibility requirement is only applicable to 12 or less parcels in the entire zone district.

As part of this project, parking for the 18 residential dwellings units, and 9,200 square feet of office space will be located on site. The City is also leasing some of the spaces for public parking. Given the activity on this site, two entry/exit points are needed. With this lot being on an active intersection, staff would not be supportive of locating the building to the east, and allowing a driveway on the west side of the building, due to the proximity of the intersection.

There is also an existing pole for a traffic signal in the same line of sight that would be obscured by the proposed column.

There is an atypically large sidewalk on the west side of the building at the intersection. With the building's proposed 6.4' setback, there will be over 16 feet of clear space between the west edge of the building and the State Street curb. That is more than 80% of the distance required by ordinance.

- (2) That if a variance is not granted, the applicant will be unable to enjoy substantial property rights and privileges similar to those possessed by others in the same zoning district and vicinity.

The C-2 zone district typically allows 100% lot coverage. The corner visibility ordinance does not allow for this parcel to be fully developed as others in the zone district can be. It is not feasible for the area supported by the column to be cantilevered. The applicant is not seeking to fully cover the lot, or the clear visibility area, simply to place a 9 square foot post in the triangle. As most of the corner properties in the central business district were constructed prior to this ordinance provision being adopted, this parcel is subject to regulations during development that others in the district weren't.

- (3) That the possibility of increased financial return is not the primary reason for this variance request.

While the applicant is seeking to maximize useable floor space. Constructing the building around the visibility triangle may result in space being unusable due to relatively small size and atypical shape.

- (4) That the variance would not be significantly detrimental to the property adjacent to that in question and to the surrounding neighborhood.

Staff does not feel that the column will be detrimental to the surrounding property owners. Granting the variance to allow the column, and the related building will hopefully have a positive impact in the neighborhood, increasing property values and economic activity in the district.

- (5) That the variance would not harm the intent and purpose of this ordinance.

The intent of the ordinance is to provide clear sight lines at intersections for safety. The proposed projects meets the intent of the ordinance as it seeks to minimize the amount of structure in the clear visibility triangle, and there is significant clear space within the City road right-of-way at this intersection.

- (6) That the immediate practical difficulty has not been caused by anything the applicant has done.

Previously, a building that extended to the right-of-way on both frontages was located on this property. That building was consistent with the established downtown development pattern at intersections, buildings constructed to the right-of-way lines (Huntington Bank, Pure Serenity Salon, Main Street Bicycle Shop, Heart in Home Realty, Generational Wealth Management). The City of Zeeland demolished the building during its ownership of the site, and the applicant is seeking to place a structure on the site that would provide more clear visibility than the previous structure, and most of the buildings at intersections in the City's downtown.

Previous similar application:

In 2013, the Zoning Board of Appeals heard and ultimately approved a similar application for 244 E Main Ave – the Generational Wealth Management building. The applicant sought relief from the corner visibility requirements to construct a two-story building at the corner of Main Ave and Centennial Street. That application differs from the subject application in that it was to allow for complete blockage of a portion of the visibility area, where the current applicant seeks only to place a 9 square foot post in the area.

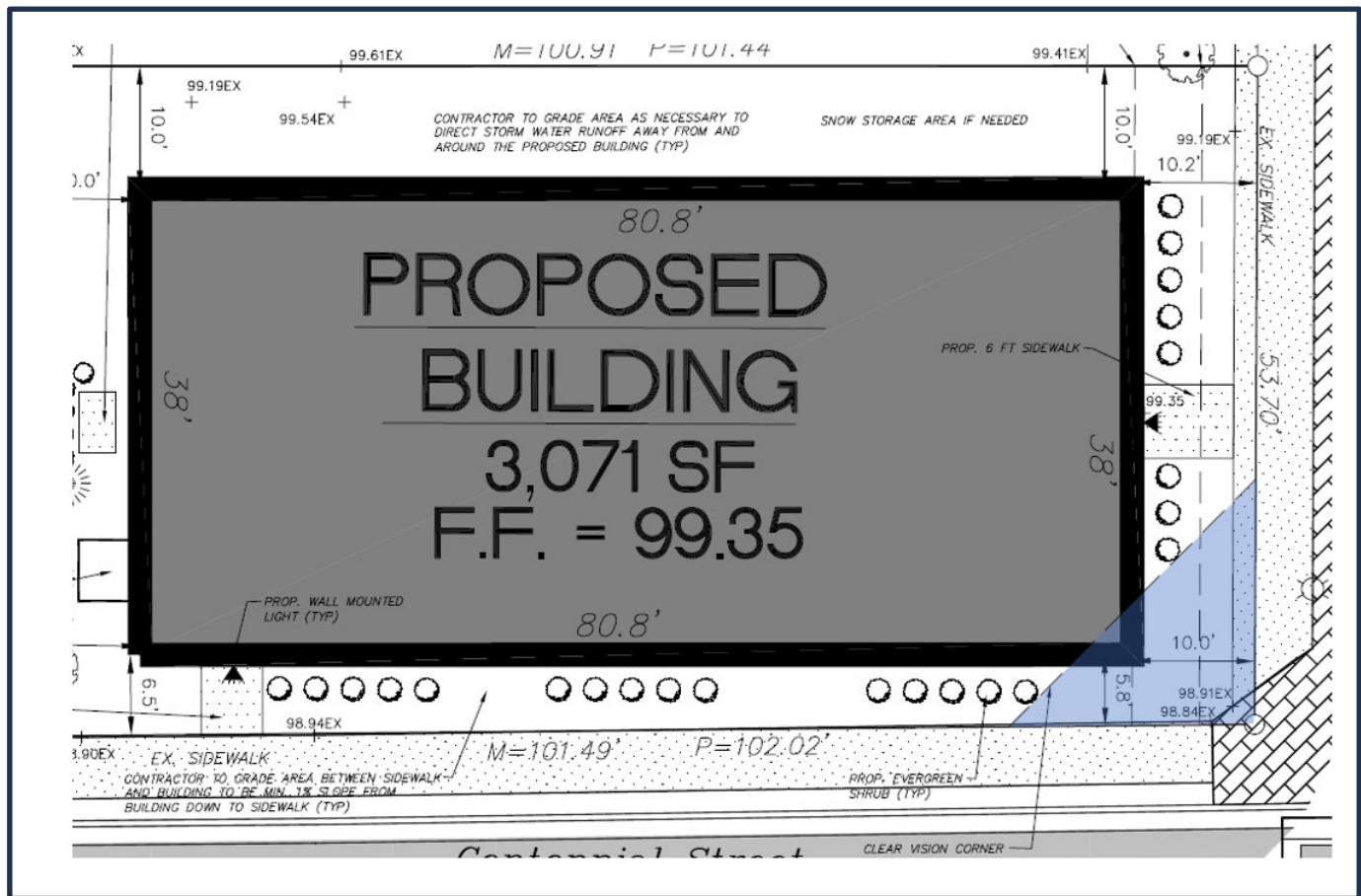


Figure 4- 244 E Main Ave Site Plan



Figure 5- 244 E Main Ave

Action on application:

Provided that the Board is satisfied that sufficient information has been provided at the public hearing, action is needed to approve or deny the application. This action should come in the form of a motion to approve or deny the application, and contain findings as to how each of the tests above have or have not been met. As a dimensional/non-use variance application, three affirmative votes are needed to complete action on this application.

Staff recommendation:

As the City is a partner in the redevelopment of the parcels at 3 & 9 E Main Ave, City Staff has been actively involved in planning for this project, including the public safety aspects. When reviewing the project as a whole, the circumstances around it, and the variance being requested, staff believes the necessary tests have been met to document a practical difficulty. As such, staff recommends approval of the dimensional variance application for 3 & 9 E Main Ave.

I hope that this memo is helpful in providing a description of the application that will come before the Board on Tuesday, August 8th, the criteria to be used to evaluate the application, and what action is necessary. Please do not hesitate to contact me with any questions you may have regarding this memo, or this Zoning Board of Appeals application.



**City of Zeeland Application for
DIMENSIONAL/NON-USE
VARIANCE**
JUN 09 2023
Received **Zoning Board of Appeals**
 City of Zeeland

Community Development Department
21 S ELM ST - ZEELAND, MI 49464
Phone 616-772-0872 - Fax 616-772-0880
buildinginspector@cityofzeeland.com
www.cityofzeeland.com

The City of Zeeland will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political belief.

The plan you have proposed for your project requires a Dimensional/Non-Use variance from the City of Zeeland Zoning Ordinance as provided by Public Act 207 of 1921, as amended, (Section 125.585), and the Zeeland City Code Volume II (Division 2).

This original application filled out completely, along with the application fee, 8 folded copies of your site plan including related documents, and a pdf file (which may be submitted by email to buildinginspector@cityofzeeland.com) and other information and materials as requested by the Zoning Administrator, must be submitted at least 30 days prior to your hearing date. The Zoning Board of Appeals typically meets the third Tuesday of the month. Application fees are listed on page 8 of this application.

Your completion of this application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request for a zoning variance. Depending upon the information the Board receives at the hearing and its application of the law, your request for a variance may or may not be granted. (You may use the backside of this application or attach extra sheets if you wish. You are encouraged to include photographs and illustrations to support your case.)

Applicant Information		Owner Information	
Name Steve Barber		Name/Contact Nate	
Company(if applicable) Midwest Construction Group		Company(if applicable) Compassionate Heart Ministries	
Address 8516 Homestead Dr. Ste 102		Address 404 Centerstone Ct, Zeeland MI 49464	
Phone 616-772-6070		Phone 616-834-0501	
Email sbarber@midwestbuilt.com		Email nrgilbertson@gmail.com	

Address of property: 404 Centerstone Ct, Zeeland MI 49464

Current zoning of subject property: C-3 Highway Commercial

Applicant's interest in property: The applicant is the general contractor, hired by the owner, to construct +
the proposed accessory storage building on the subject property.

Contractor Information		Architect/engineer	
Name Brian VanBeveren		Name Ryan Ysseldyke	
Company Midwest Construction Group		Company Holland Engineering	
Phone 616-772-6070		Phone 616-392-5938	
Email bvanbeveren@midwestbuilt.com		Email rysseldyke@hollandengineering.com	

With as much detail as you feel necessary, please explain your request. Use the back of this page or attached additional sheets if more space is required.

We are requesting relief from section 4.102.a.2 of the zoning ordinance which states that accessory buildings are not allowed in a front yard. Due to the unique configuration of this particulate parcel, which is a corner lot with frontage on both Royal Park Drive and Centerstone Court, and which also "fronts" on BL I-196, the parcel effectively has three front yards. While the ordinance would allow the proposed accessory structure to be placed between the existing structure and BL I-196, this would place the proposed accessory building in this structure's (and most others along the stretch of the BL's) front yard.

The following six questions are based upon the six tests for granting non-use/dimensional variances found in Section 2.205B of the Ordinance. A copy of that section of the Ordinance and any other relevant sections are available in the Zoning Administrator's Office.

Be aware that in every instance, each of the six tests in the Ordinance MUST be satisfied in order for the Zoning Board of Appeals to grant a variance. Thus, it is in your best interest to answer each of the six questions in this application clearly and completely, with as much detail as necessary to support your case for practical difficulty, which must be proven in order for the Board to grant a variance.

Practical difficulty is a legal term. The Board concludes a valid case has been made for the existence of a practical difficulty when it finds:

1. That a unique circumstance or condition relative to your land prevents you from enjoying the use of your property as others in the same zone district are generally able to do.
2. That the requested variance:
 - a. will not be significantly harmful to your neighbors.
 - b. is consistent with the intent of the Ordinance.
 - c. was not made necessary by anything you did in the first place.

The Board will likely use the six questions in this application to guide its inquiry into your case. Each is written first with the legal wording as found in Division 2 of the Ordinance, then a brief commentary to help you understand the kind of information required. (Should any discrepancies be found between what is written in the Ordinance and what is written in this application, the language of the Ordinance shall prevail).

1. What are the exceptional or extraordinary circumstances or conditions that apply to your property, circumstances and conditions that do not generally apply to other properties in the same zoning district as your property?

The first thing the Board will want to know is, **what makes your parcel, your property, your land, so unusual** -- say in its size or shape or location or other physical characteristics? You must show that you truly have a practical difficulty, one not shared generally by others in your zone. ("Zoning district," by the way, means all other property owners in R-1, R-2, C-1, I-2, etc. -- not just your immediate neighbors.) Some examples of unique circumstances related to land are extreme narrowness, exceptional shallowness, unusual shape, unusual topographical characteristics (like a wet land, large boulder, or deep ravine), or unusual development in adjacent property. So be sure you explain here what the problem is with your land, something that is not the case with most other parcels in your zone district.

The subject property is located adjacent to BL I-196 but does not have direct access to the road. Instead, the property is a corner lot that gets its frontage off from Royal Park Drive and Centerstone Court. It is unique to have a property that has effectively three front yards and it is extremely unusually to have a property where the highest visibility (by far), front yard, is a yard that is not called a front per the zoning ordinance.

2. If you are not granted this variance, will others in your zoning district be able to enjoy substantial rights and privileges that you are unable to?

The Board will also need to be convinced that the nature of your parcel does **not allow you to do** with your property **what others** in your district **are rightfully able to do**. If you claim your lot is too narrow to allow you to build a garage without a variance, yet other residents in your zone district with the same size lots are able to do so, you would not have a strong case for a variance.

Most other properties within the city have three sides on which to place an accessory structure. Under the current zoning rules, this property's only side that is usable for placement of an accessory structure is the highest visibility yard, and the yard the almost all surrounding properties are using as the "front yard".

3. Is there evidence that the reason(s) for this variance request goes beyond the possibility of increased financial return for the applicant?

While **economic gain** is another factor the Board takes into consideration, an applicant's understandable wish to increase his or her financial return is not in itself sufficient basis to claim practical difficulty. In other words, financial gain by itself is never sufficient cause to grant a variance.

Compassionate Heart is a non-profit and will receive no revenue for the added structure. The purpose of the structure is simply to help them operate better and more safely in the winter months by placing their vehicles inside instead of out in the weather. Additionally, this will help to reduce clutter on the site, enhance the ascetics of the area, and eliminate the outside storage of vehicles.

4. Will granting this variance be significantly detrimental to your adjacent neighbors and surrounding neighborhood?

Your neighbors' feelings about your request for a variance are important, but applicants should realize that neighbors' signatures on a petition or testimony at the hearing is not necessarily sufficient in itself to convince the Board that granting the variance will not be **detrimental to the neighborhood**. Variances go with the land, not with the current land owner. Consequently, the Board may be inclined to take a broader and longer view, one that may be more impartial than do the neighbors.

The structure is far enough from the road to meet setback requirements, is in a commercial zoning district, and does not impact adjacent properties in a negative way. Placing the proposed structure in the permit able location, north of the building, will look out of place in the area and may reduce adjacent property values.

5. Will granting this variance harm the intent and purpose of this Ordinance?

The Board must consider whether or not granting a variance will hinder the community in achieving the very **goals and objectives the Ordinance is trying to accomplish**. Statements of intent are found at the beginning of each Ordinance chapter. You should explain how your application is consistent with and does not violate the intent of the particular chapter(s) that apply to it; merely saying it does not is not enough. For example, if you want to divide an R-1 lot with 100 feet of frontage into two parcels with 50 feet of frontage each, to be permitted to do so, you will be expected to explain how this does not compromise the Ordinance's intent (Division 4, Section 3.400, page Z3:6) to "provide low-density . . . residential living environments and . . . high-quality neighborhoods."

The intent of the highway commercial district is to provide services to the visitors and residents of the city of Zeeland. Compassionate Heart provides those services to youth and adults with mild to moderate disability's, and since many of those adults are unable to drive, the ability to transport them safely is an essential piece to providing those services. Some of the clients utilize the public transportation system, but many of them are picked-up by facility owned buses. The proposed accessory building is to house those buses, it will match the characteristics of the main building, and is set back from the road approximately 40 feet it will not look out of place.

6. Has the immediate practical difficulty been caused by anything the applicant him- or herself has done?

So-called "**self-created**" **practical difficulties** may not be used to justify granting a variance. Some examples of such difficulties are purchasing property that is nonconforming, trying to undo the effect of a previously granted variance, or having previously constructed/placed structures in a location which hinders your plan for the property.

The recently discovered need for a bus garage was not part of the original long term plan for this site. It came up as a safety concern for the bus drivers that are often elderly and have a difficult time operating the lifts in freezing temperatures

CITY OF ZEELAND
ZONING BOARD OF APPEALS
Dimensional/Non-Use Variance Application

This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions as noted in the left margin.

OFFICE USE

- _____ a) Applicant identification.
- _____ b) Street address.
- _____ c) North arrow.
- _____ d) Size of property in sq. ft or acre.
- _____ e) Property lines and dimensions.
- _____ f) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
- _____ g) Location of all structures on the land with locating dimensions and building dimensions.
- _____ h) Lot lines and all structures within one hundred feet (100') of the site's property lines including driveways and other access points along both sides of the street where access to the site is proposed.
- _____ i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
- _____ j) Copy of latest surveyor's engineering drawing.

The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the variance requested.

I hereby grant permission for members of the City of Zeeland Zoning Board of Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application.)

YES NO



Signature of Applicant



Date

STEVE BARBER

Printed Name

This application, 8 copies of the proposed site plan and related documents and a pdf file, as well as a filing fee of \$ 350.00 received by: ck 29005



Administrative Official



Date

ZONING BOARD OF APPEALS
Hearing Procedures & Fee Schedule

First, about the Zoning Board of Appeals (ZBA) itself: The Board is pledged to ensure that the intent of Zeeland's Zoning Ordinance is preserved, that public safety is secured, and that substantial justice is done. It is composed of ordinary citizens who have devoted considerable time to understanding the Ordinance and under what circumstances variances to it may lawfully be granted.

Its members are bound to being impartial and to abiding by the Ordinance and by state statutes and case law that govern the granting of variances. They do not take their responsibilities lightly, for they know that granting a variance is essentially granting a citizen permission to break the law. Three members of the Board must vote the same way in order for a dimensional-variance decision to be binding, four members for a use variance. Decisions of the Board are appeal-able to the 20th Judicial Circuit Court.

Second, what happens at Zeeland ZBA meetings: The Chairperson of the Board announces the cases that are to be heard in the order determined by the Zoning Administrator.

In each instance, the Zoning Administrator describes the case, emphasizing those factors he believes have made an appeal necessary. The Board may ask questions of the Zoning Administrator to be sure it understands the facts of the case as he/she sees them. Any communications that may have been received relevant to the case are read at this time.

Then the applicant (or someone representing him/her -- an attorney, architect, builder, etc.) presents his/her case. The Board will ask the applicant or his/her representative questions as well.

After that, others wishing to present evidence to support the applicant's case may do so.

Next, those opposed to the variance requested may testify.

Then the applicant may make his/her closing arguments.

Any number of persons may testify pertaining to a particular case, but the Board will likely advise a group of people of like mind on an issue to appoint one of its members to be its spokesperson. The ZBA chairperson, also in the interest of time, may limit testimony to new information.

After the Board is satisfied it has received all the relevant testimony it can expect, the hearing is closed and deliberation begins. The Board may or may not call for further testimony after the hearing is closed.

The Board tries to reach a decision before it adjourns but may find it needs more evidence before it can decide on a case. Whatever the situation, the Board will eventually vote to grant the variance as requested, grant it with conditions, grant it in part, postpone a decision for up to 60 days, or deny the request altogether.

Third, how to prepare for the hearing: The questions in the application are based upon the Zoning Ordinance itself. Information provided is important to making a case. It should be as complete and clear as possible; anything less risks the Board having to delay its decision.

An applicant will benefit from reading carefully those sections of the Ordinance that pertain to his/her case, being sure not to overlook the section on variance procedures (Chapter 2).

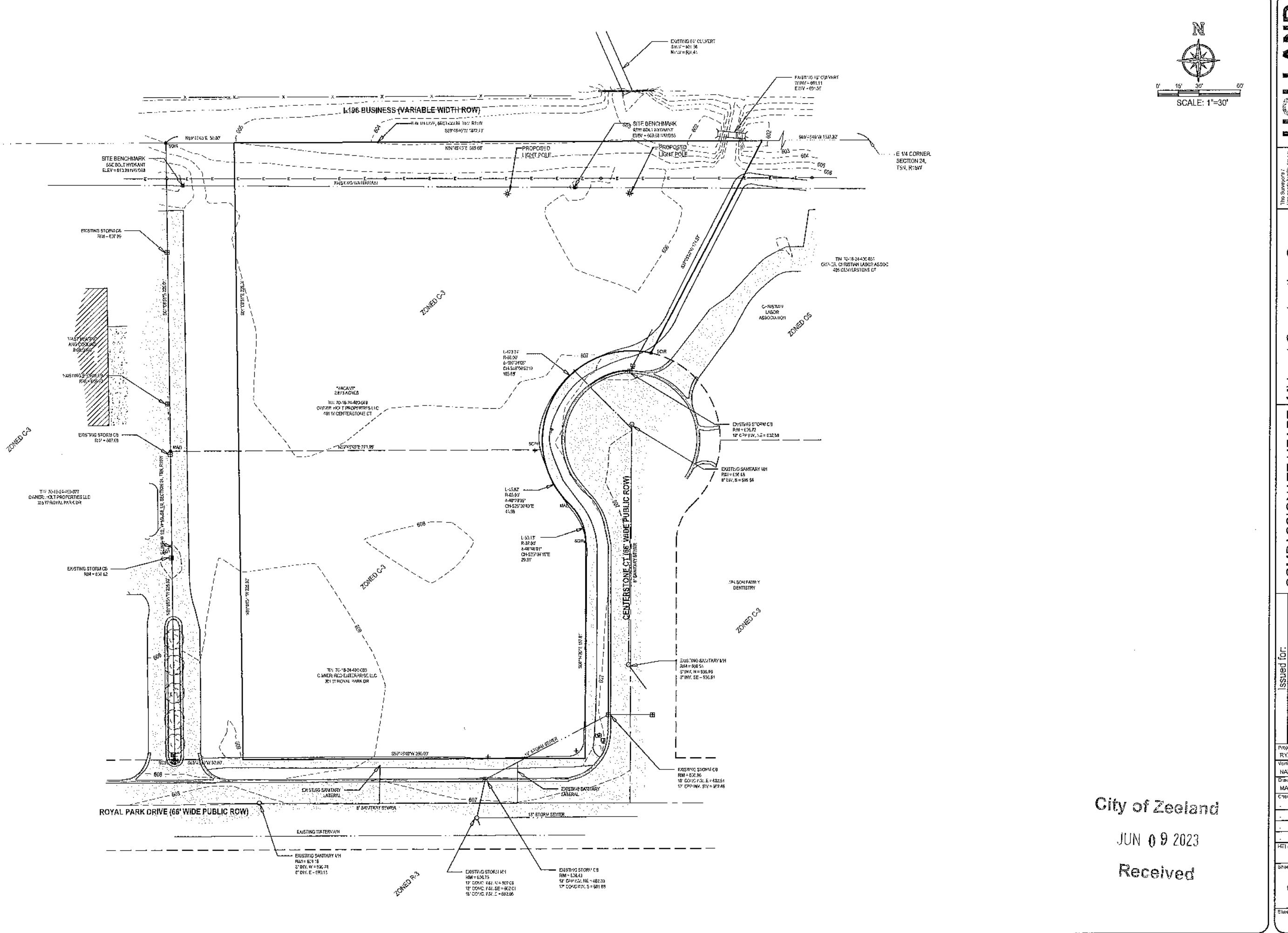
Also, an applicant would be wise to organize his/her **oral testimony** according to the questions on the application, elaborating on the points he/she made there. This will streamline the process because the Board will almost certainly come to the hearing prepared to base many of its questions upon an applicant's written comments.

Before and during the oral testimony, it is important to bear in mind that the Board is committed to being impartial, to dealing justly in each instance, applying the standards of law consistently, and balancing the rights of the applicant with the welfare of the community. Thus, the more information it has -- and the more clearly that information is presented -- the better job the Board will be able to do.

In that regard, an applicant should not be alarmed if some of the Board's questions seem to be pursuing some point that seems not to favor the applicant's position nor be surprised if some of its questions seem to be "making the case" for the applicant. It is all in the pursuit of getting at the facts, of finding an appropriate basis for a decision.

Fee Schedule

Zoning Board of Appeals Application	Cost
Zoning Board of Appeals Application for Regular Meeting Hearing for a Single Family Residential Matter	\$250
Zoning Board of Appeals Application for a Non-Single Family Residential Matter	\$350
Zoning Board of Appeals Application for a Special Meeting Hearing	\$500
Other Zoning Board of Appeals Matters	\$500



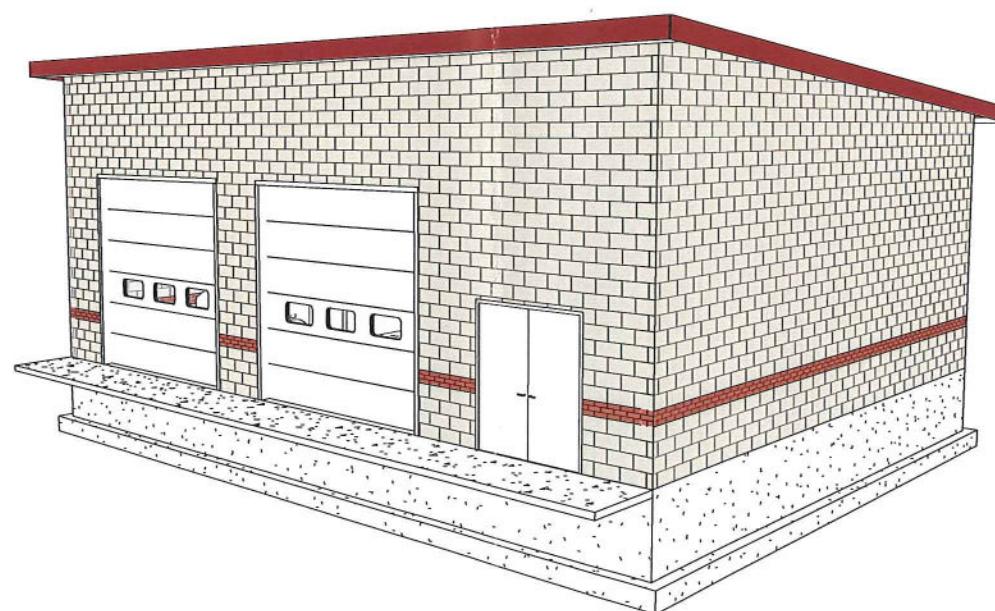
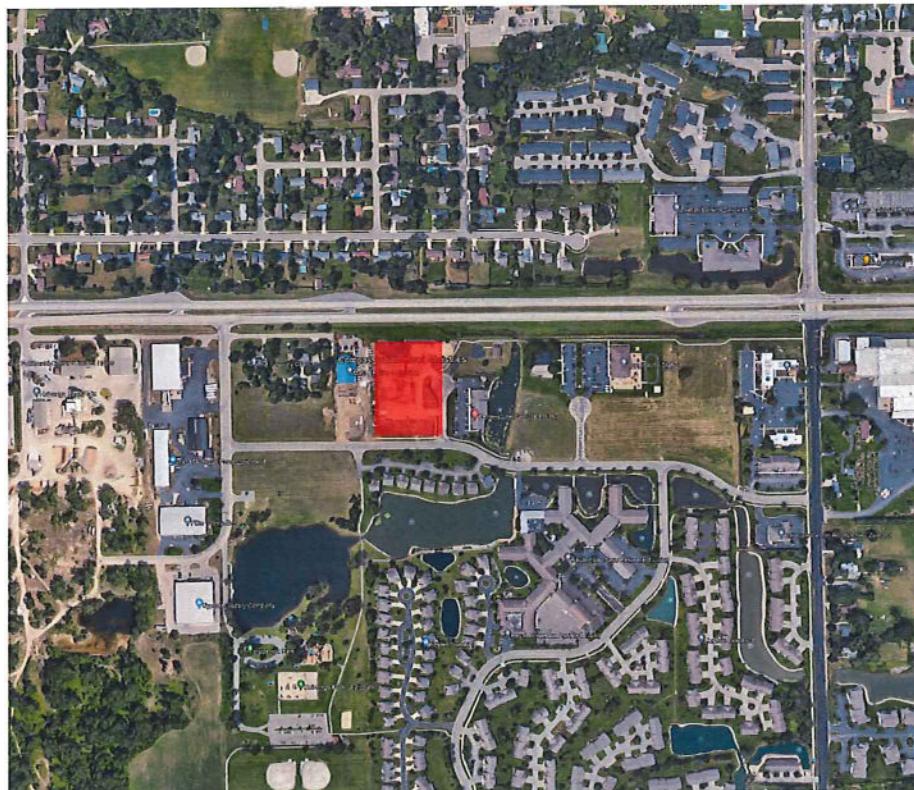
City of Zeeland

JUN 09 2023

Received

NEW GARAGE FOR
COMPASSIONATE HEART
404 CENTERSTONE CT, ZEELAND, 49464

LOCATION MAP



SHEET LIST

SHEET NUMBER	SHEET NAME
T1	TITLE
A0.1	SITE
A1.1	FLOOR PLAN
A2	ELEVATIONS

City of Zeeland

JUN 09 2023

Received



Compassionate Heart Garage

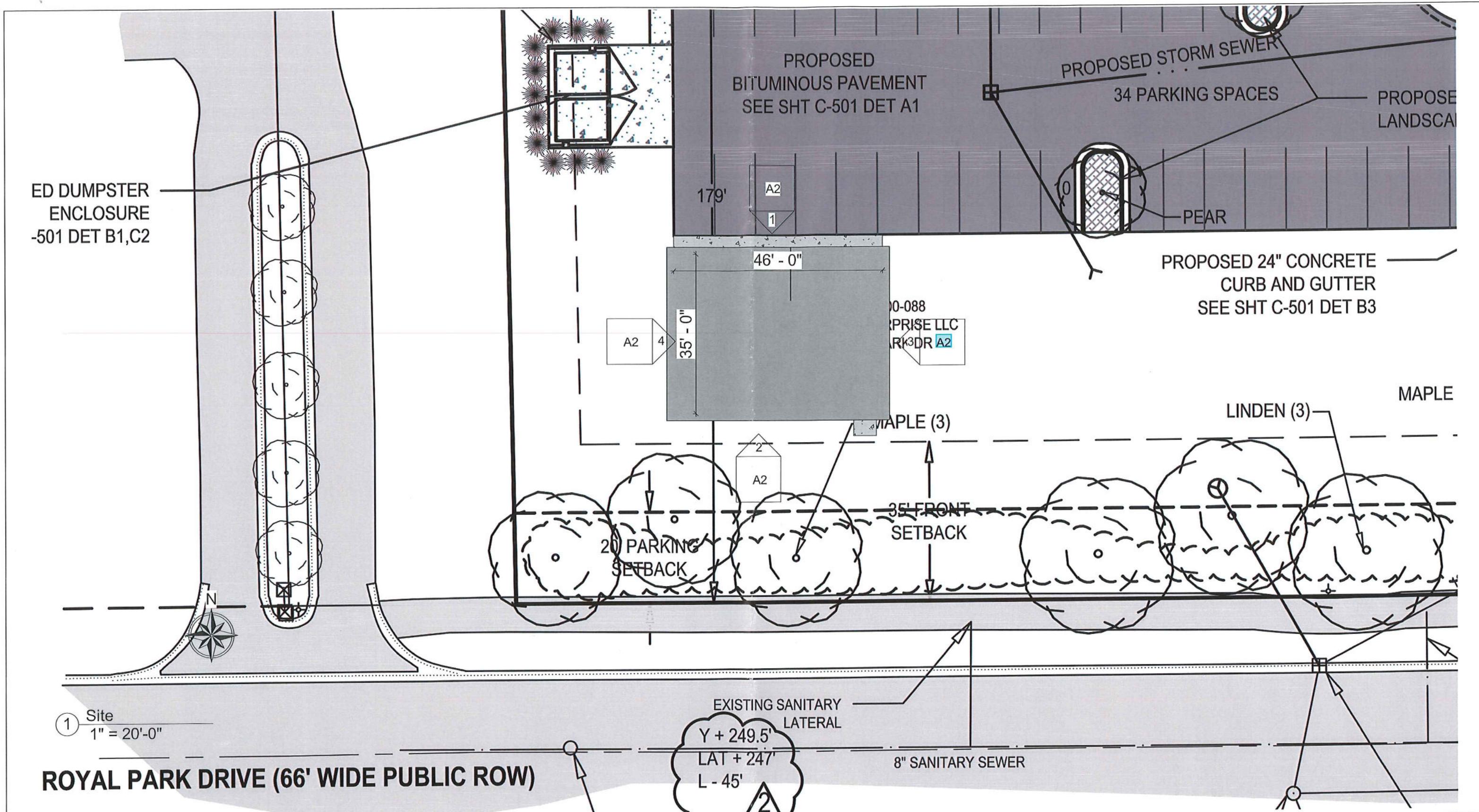
Title

Date 3 / 30 / 23

Not For Construction

T1

Scale



Compassionate Heart Garage

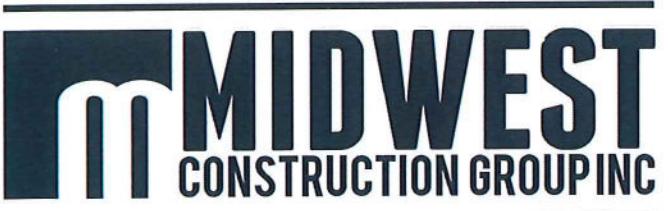
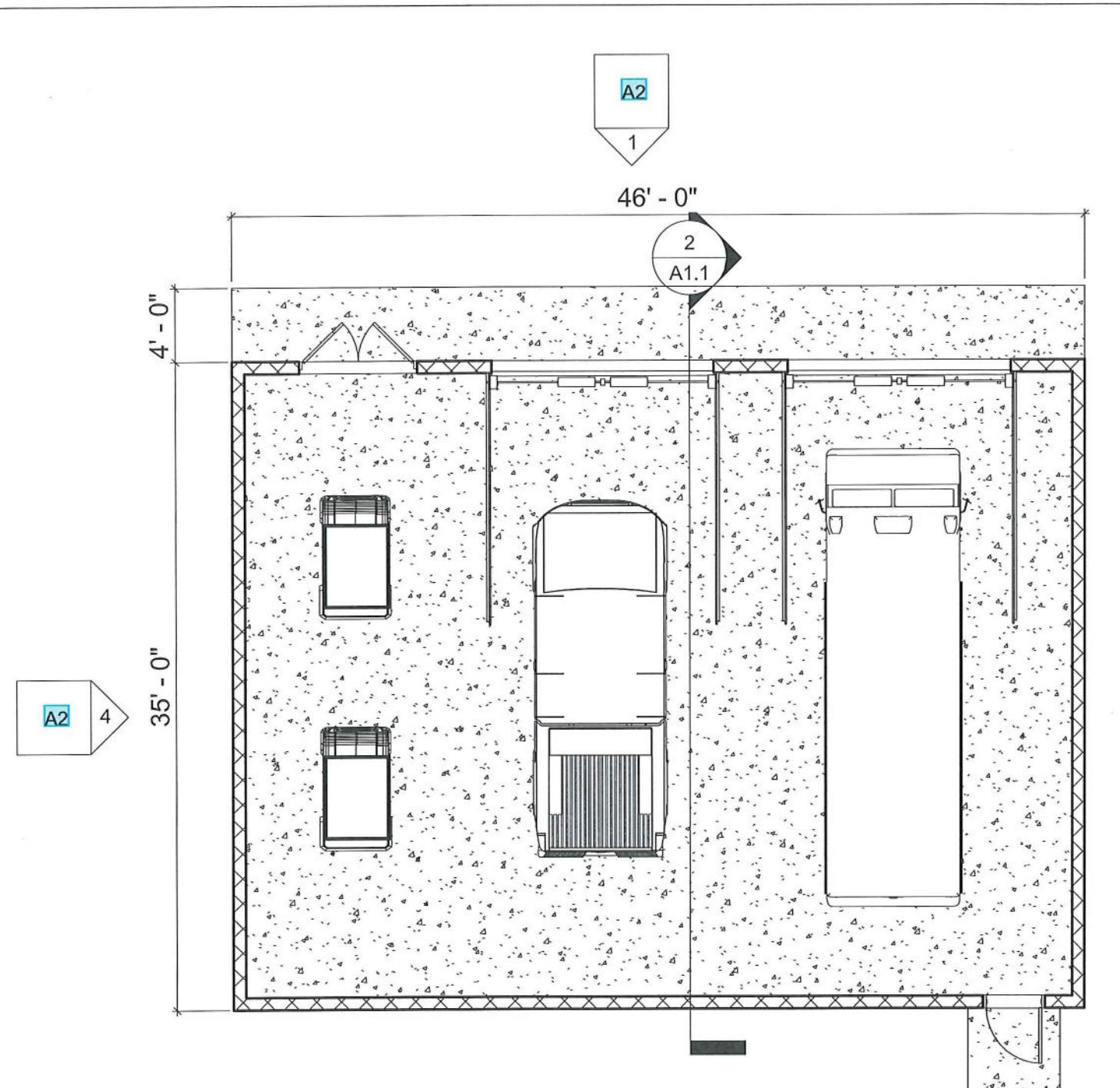
Site

Date 3 / 30 / 23

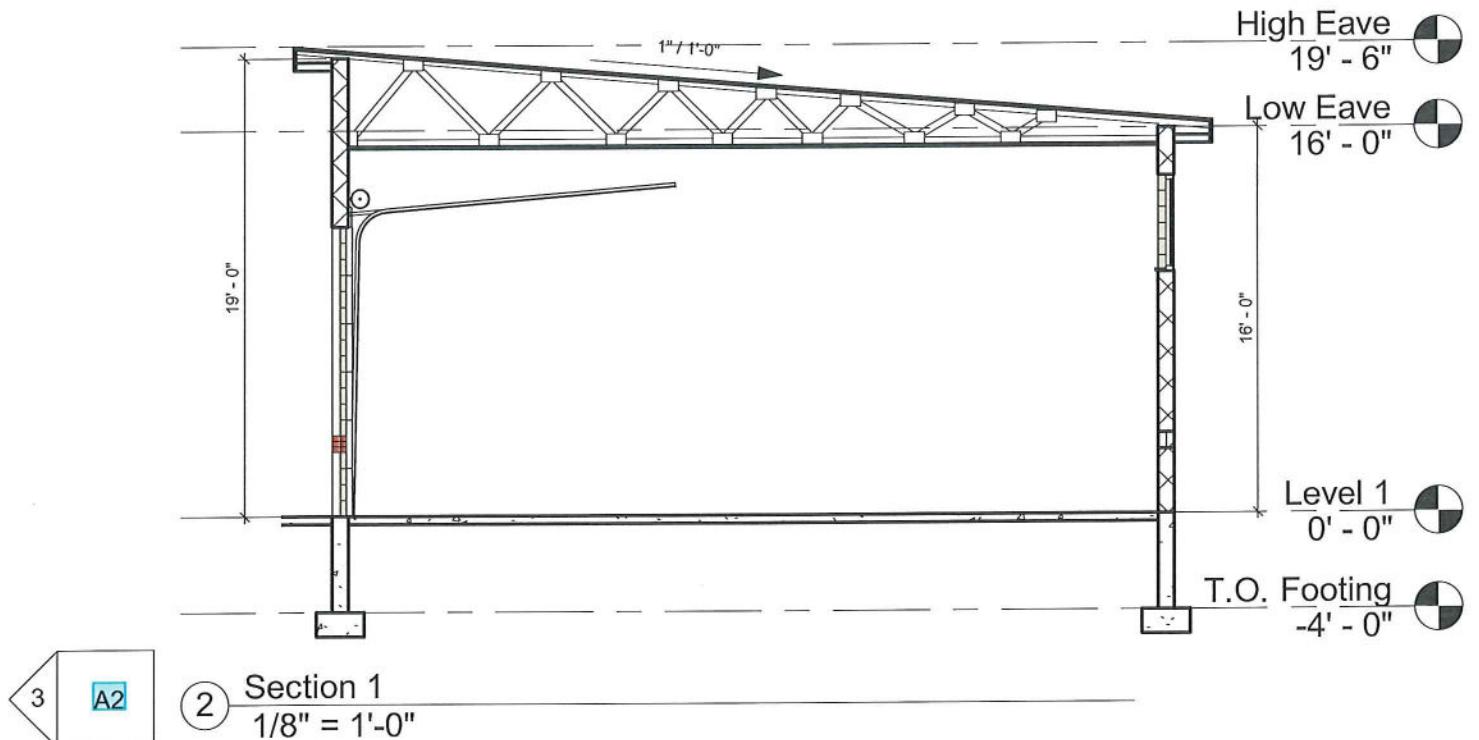
Not For Construction

A0.1

Scale 1" = 20'-0"



Compassionate Heart Garage



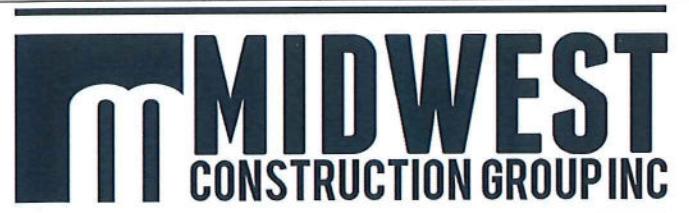
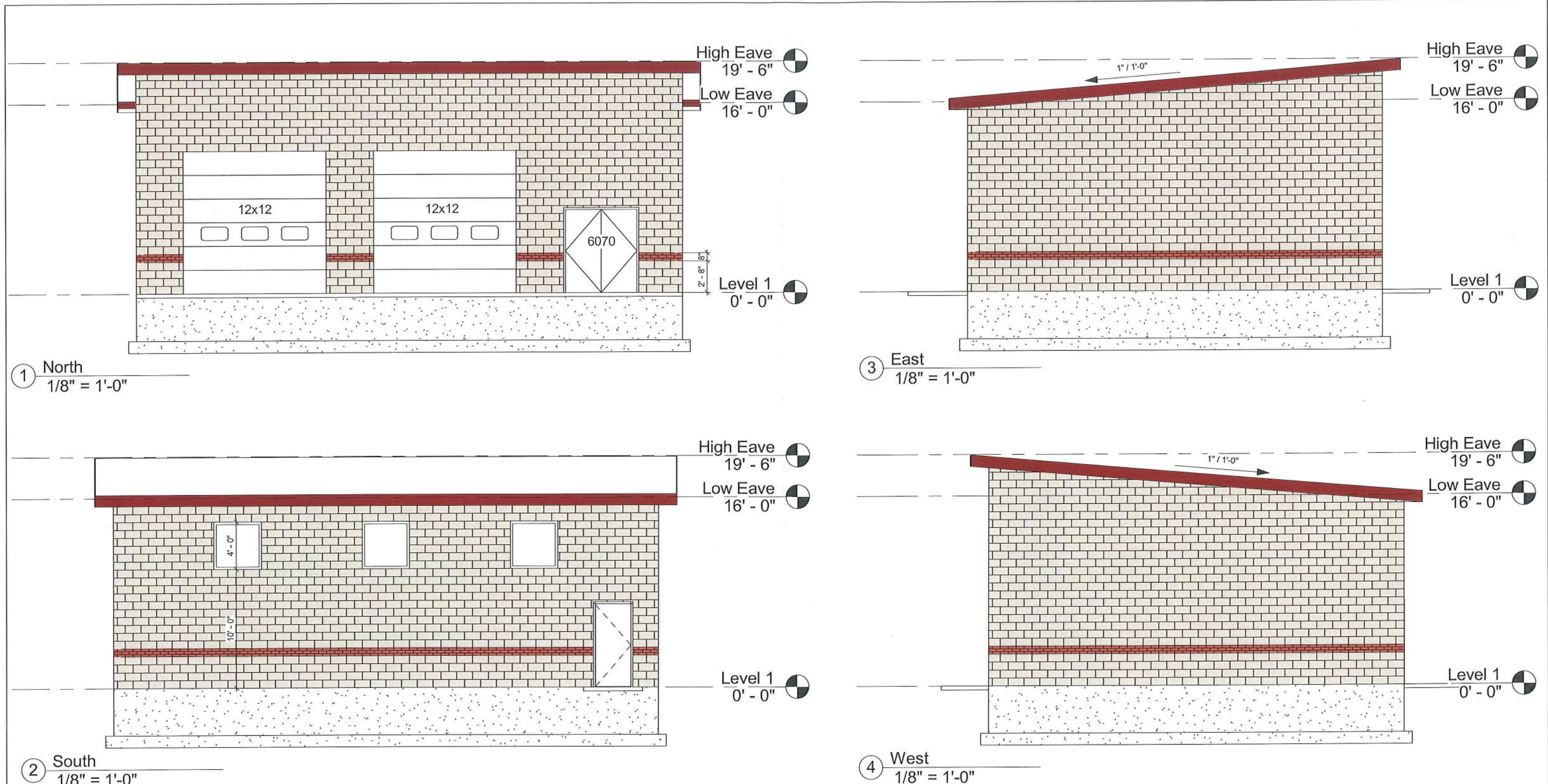
Floor Plan

Date 3 / 30 / 23

Not For Construction

A1.1

Scale 1/8" = 1'-0"



Compassionate Heart Garage

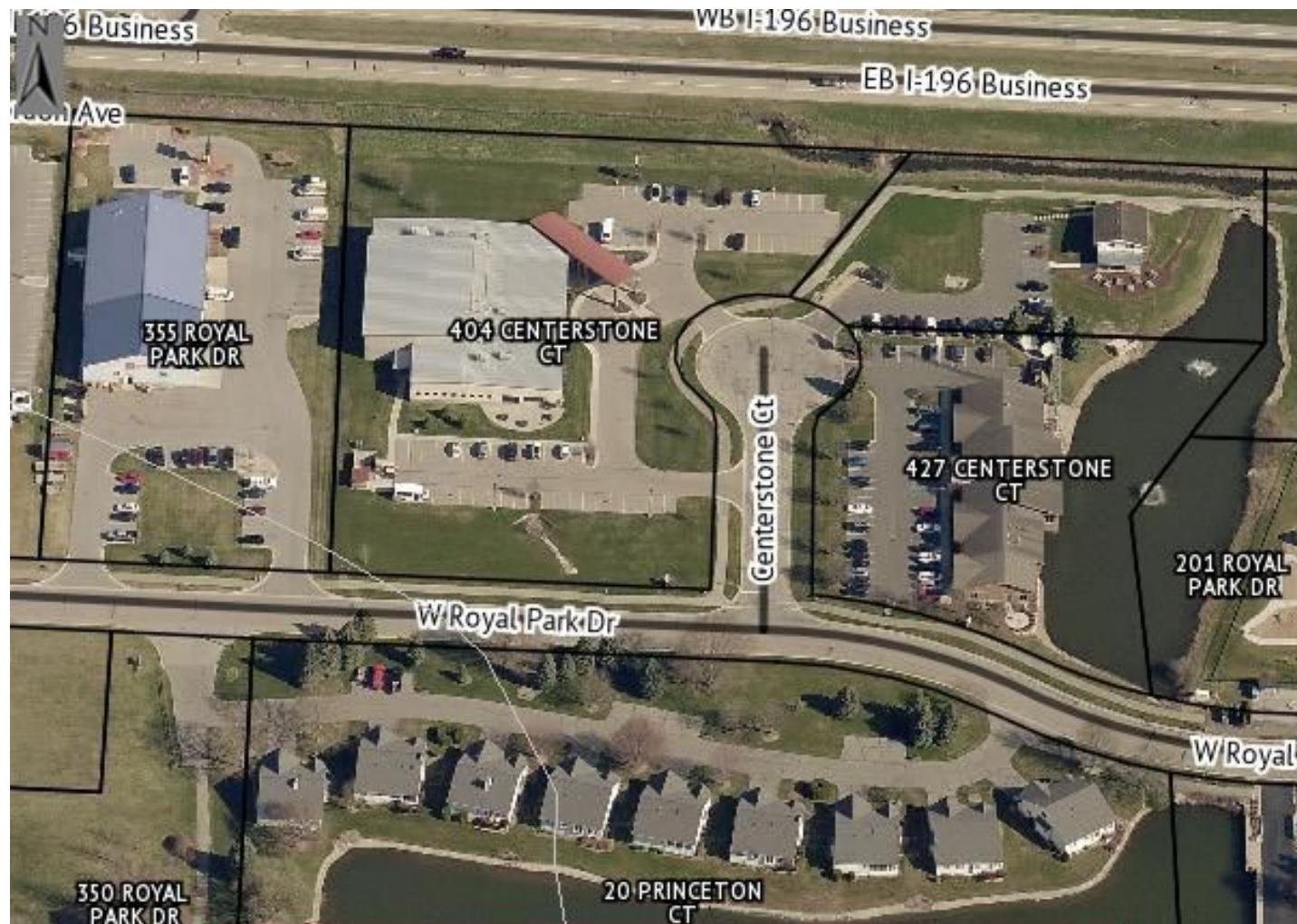
Elevations

Date 3 / 30 / 23

Not For Construction

A2

Scale 1/8" = 1'-0"



404 Centerstone Ct



21 South Elm Street • Zeeland, Michigan 49464 • (616) 772-0872 • (616) 772-0880

MEMORANDUM

DATE: Friday, August 4, 2023

TO: Zoning Board of Appeals

FROM: Tim Maday, Community Development Director

RE: August 8th Zoning Board of Appeals Agenda – Dimensional/Non-Use Variance Application for 404 Centerstone Ct

This memo has been sent to provide information on the variance application that will come before the Zoning Board of Appeals on August 8, 2023:

Background:

The subject parcel is an C-3 zoned corner lot at the intersection of Royal Park Drive and Centerstone Ct. It is approximately 1.8 acres in size and is improved with a 20,600 square foot building that was constructed in 2005, and is used as a day club for persons which special needs.

Description of request

The applicant proposes to construct a 35' wide by 46' long, 1,610 square foot accessory building/garage in the secondary front yard of the property for the storage of vehicles.

City Ordinance review

While the proposed accessory building complies with the requirements for setbacks, size and height, its proposed location is in a secondary front yard. In the City of Zeeland, corner properties have two front yards, a primary front yard and a secondary front yard. Sections 4.102 (a)(2) & 4.102 (b)(4) of Volume II of the Zeeland City Code prohibit accessory buildings and accessory uses in front yards. As the garage structure is proposed to be located in the secondary front yard of the property, a permit cannot be issued for the project unless a Zoning Board of Appeals dimensional variance is granted.

Criteria for consideration of application:

The granting of a dimensional/non-use variance requires a finding that a practical difficulty or an unnecessary hardship exists. Section 2.205 (b) of Volume II of the Zeeland City Code lists the criteria to be considered when determining if a practical difficulty exists. This criteria is listed below:

- (1) That there are exceptional or extraordinary circumstances or conditions that apply to the property in question, which include these three items:
 - a. Circumstances and conditions that do not generally apply to other properties in the same zoning district;

- b. Such circumstances or conditions, being, therefore, truly unique and, thus, not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or circumstances; and,
- c. Such circumstances, that if the ordinance were enforced, would cause a practical difficulty for the applicant. Unique circumstances or conditions affecting a parcel, property, and/or land must be found to exist in at least one of the following three ways:
 - 1. Having an unusual shape or location or other physical characteristic, like extreme narrowness, exceptional shallowness, unusual shape, and/or unusual topographical characteristics (like a wetland, large boulder, or deep ravine);
 - 2. Having an extraordinary situation related to the land, building, or structure; or,
 - 3. Having unusual use or development of immediately adjoining property.

- (2) That if a variance is not granted, the applicant will be unable to enjoy substantial property rights and privileges similar to those possessed by others in the same zoning district and vicinity.
- (3) That the possibility of increased financial return is not the primary reason for this variance request.
- (4) That the variance would not be significantly detrimental to the property adjacent to that in question and to the surrounding neighborhood.
- (5) That the variance would not harm the intent and purpose of this ordinance.
- (6) That the immediate practical difficulty has not been caused by anything the applicant has done.

Action on application:

Provided that the Board is satisfied that sufficient information has been provided at the public hearing, action is needed to approve or deny the application. This action should come in the form of a motion to approve or deny the application, and contain findings as to how each of the tests above have or have not been met. As a dimensional/non-use variance application, three affirmative votes are needed to complete action on this application.

I hope that this memo is helpful in providing a description of the application that will come before the Board on Tuesday, August 8th, the criteria to be used to evaluate the application, and what action is necessary. Please do not hesitate to contact me with any questions you may have regarding this memo, or this Zoning Board of Appeals application.

City of Zeeland



JUN 16 2023 Application for
DIMENSIONAL/NON-USE
Received VARIANCE
Zoning Board of Appeals
City of Zeeland

Community Development Department
21 S ELM ST - ZEELAND, MI 49464
Phone 616-772-0872 - Fax 616-772-0880
buildinginspector@cityofzeeland.com
www.cityofzeeland.com

The City of Zeeland will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political belief.

The plan you have proposed for your project requires a Dimensional/Non-Use variance from the City of Zeeland Zoning Ordinance as provided by Public Act 207 of 1921, as amended, (Section 125.585), and the Zeeland City Code Volume II (Division 2).

This original application filled out completely, along with the application fee, 8 folded copies of your site plan including related documents, and a pdf file (which may be submitted by email to buildinginspector@cityofzeeland.com) and other information and materials as requested by the Zoning Administrator, must be submitted at least 30 days prior to your hearing date. The Zoning Board of Appeals typically meets the third Tuesday of the month. Application fees are listed on page 8 of this application.

Your completion of this application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request for a zoning variance. Depending upon the information the Board receives at the hearing and its application of the law, your request for a variance may or may not be granted. (You may use the backside of this application or attach extra sheets if you wish. You are encouraged to include photographs and illustrations to support your case.)

Applicant Information

Owner Information

Name Robert Richardson	Name/Contact Robert Richardson
Company(if applicable)	Company(if applicable)
Address 543 East Central Avenue Zeeland, MI 49464	Address 543 East Central Avenue Zeeland, MI 49464
Phone Cell: 616-312-3490	Phone Cell: 616-312-3490
Email rd_richardson@charter.net	Email rd_richardson@charter.net

Address of property: 543 East Central Avenue

Current zoning of subject property: R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Applicant's interest in property: My personal residence. Lived at this address for over 25 years.

Contractor Information		Architect/engineer	
Name Marci Williams		Name Marci Williams	
Company Lake Michigan Construction		Company Lake Michigan Construction	
Phone 616-377-7775		Phone 616-377-7775	
Email mdavis.lmc@gmail.com		Email mdavis.lmc@gmail.com	

With as much detail as you feel necessary, please explain your request. Use the back of this page or attached additional sheets if more space is required.

- We are re-siding our house and want to also build a gables over our existing front porch.
- Intent is to cover from the house to the front of the steps with cedar supports at the two front corners.
- This will not be enclosed on the sides or front and not impeded views or access of or through to the porch.
- The cover will provide an improved aesthetic that enhances the new look of our home and associative property value of the neighborhood while providing shelter over the porch during rainy and sunny days. In addition, it will also mitigate snow/ice on the steps reducing possibility of injury.

The following six questions are based upon the six tests for granting non-use/dimensional variances found in Section 2.205B of the Ordinance. A copy of that section of the Ordinance and any other relevant sections are available in the Zoning Administrator's Office.

Be aware that in every instance, each of the six tests in the Ordinance MUST be satisfied in order for the Zoning Board of Appeals to grant a variance. Thus, it is in your best interest to answer each of the six questions in this application clearly and completely, with as much detail as necessary to support your case for practical difficulty, which must be proven in order for the Board to grant a variance.

Practical difficulty is a legal term. The Board concludes a valid case has been made for the existence of a practical difficulty when it finds:

1. That a unique circumstance or condition relative to your land prevents you from enjoying the use of your property as others in the same zone district are generally able to do.
2. That the requested variance:
 - a. will not be significantly harmful to your neighbors.
 - b. is consistent with the intent of the Ordinance.
 - c. was not made necessary by anything you did in the first place.

The Board will likely use the six questions in this application to guide its inquiry into your case. Each is written first with the legal wording as found in Division 2 of the Ordinance, then a brief commentary to help you understand the kind of information required. (Should any discrepancies be found between what is written in the Ordinance and what is written in this application, the language of the Ordinance shall prevail).

1. What are the exceptional or extraordinary circumstances or conditions that apply to your property, circumstances and conditions that do not generally apply to other properties in the same zoning district as your property?

The first thing the Board will want to know is, **what makes your parcel, your property, your land, so unusual** – say in its size or shape or location or other physical characteristics? You must show that you truly have a practical difficulty, one not shared generally by others in your zone. (“Zoning district,” by the way, means all other property owners in R-1, R-2, C-1, I-2, etc. – not just your immediate neighbors.) Some examples of unique circumstances related to land are extreme narrowness, exceptional shallowness, unusual shape, unusual topographical characteristics (like a wet land, large boulder, or deep ravine), or unusual development in adjacent property. So be sure you explain here what the problem is with your land, something that is not the case with most other parcels in your zone district.

The current profile of the front door area is flat (vertically) and adding a gables over the front porch will

not only provide cover (mitigate against rain, sun, and snow/ice buildup) but also apply a visually

pleasing dimension to front of our home that will increase its curb appeal while not obstructing views of

the porch area from the front or sides. While the lot is adequate size, the way it was developed does not

provide setbacks required by the current ordinance which was adopted well after original construction of

the house. Due to location of the driveway and configuration of the home it is not feasible to put a

covered entry on either side of the house.

2. If you are not granted this variance, will others in your zoning district be able to enjoy substantial rights and privileges that you are unable to?

The Board will also need to be convinced that the nature of your parcel does **not allow you to do** with your property **what others** in your district **are rightfully able to do**. If you claim your lot is too narrow to allow you to build a garage without a variance, yet other residents in your zone district with the same size lots are able to do so, you would not have a strong case for a variance.

There are a number of houses in my area that enjoy a partial or full roof over their porch area. These

provide cover and add aesthetic appeal to theirs and adjacent homes. Many of the properties with covered

entries have similar setbacks than proposed as they were built under old ordinances.

3. Is there evidence that the reason(s) for this variance request goes beyond the possibility of increased financial return for the applicant?

While **economic gain** is another factor the Board takes into consideration, an applicant's understandable wish to increase his or her financial return is not in itself sufficient basis to claim practical difficulty. In other words, financial gain by itself is never sufficient cause to grant a variance.

Adding the gables over my porch will increase the value of my home and, by association, the value of the homes in my neighborhood. It will provide us the value of cover for rainy and sunny days, as well as mitigate snow/ice on the steps allowing them to be safer across all seasons. No other financial gain is implied nor expected, including no current or pending plans to sell the property.

4. Will granting this variance be significantly detrimental to your adjacent neighbors and surrounding neighborhood?

Your neighbors' feelings about your request for a variance are important, but applicants should realize that neighbors' signatures on a petition or testimony at the hearing is not necessarily sufficient in itself to convince the Board that granting the variance will not be **detrimental to the neighborhood**. Variances go with the land, not with the current land owner. Consequently, the Board may be inclined to take a broader and longer view, one that may be more impartial than do the neighbors.

No. The views from either side will not be obstructed and the general visual alignment of adjacent structures will not be impeded.

5. Will granting this variance harm the intent and purpose of this Ordinance?

The Board must consider whether or not granting a variance will hinder the community in achieving the very **goals and objectives the Ordinance is trying to accomplish**. Statements of intent are found at the beginning of each Ordinance chapter. You should explain how your application is consistent with and does not violate the intent of the particular chapter(s) that apply to it; merely saying it does not is not enough. For example, if you want to divide an R-1 lot with 100 feet of frontage into two parcels with 50 feet of frontage each, to be permitted to do so, you will be expected to explain how this does not compromise the Ordinance's intent (Division 4, Section 3.400, page Z3:6) to "provide low-density . . . residential living environments and . . . high-quality neighborhoods."

No. From Sec. 3.400. - Intent., it contains "...to foster stable, high-quality neighborhoods. At the

same time the regulations for this district recognize the need to preserve existing housing stock..."

Our intent is to also assure open views from the street, sidewalks, and adjacent homes. Our plan is to

only extend a visual appealing cover over the porch structure, that has existed since the house was

originally built, with no intent to go beyond the distance the porch/steps extends from the front door

today. In addition it will not impede emergency services and provides for open access from the front and

sides to the existing porch and steps.

6. Has the immediate practical difficulty been caused by anything the applicant him- or herself has done?

So-called "**self-created**" **practical difficulties** may not be used to justify granting a variance. Some examples of such difficulties are purchasing property that is nonconforming, trying to undo the effect of a previously granted variance, or having previously constructed/placed structures in a location which hinders your plan for the property.

No. The dwelling was constructed prior to ownership and the intended overhang covers the existing

footprint of the front porch and steps.

CITY OF ZEELAND
ZONING BOARD OF APPEALS
Dimensional/Non-Use Variance Application

This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions as noted in the left margin.

OFFICE USE
a) Applicant identification.
b) Street address.
c) North arrow.
d) Size of property in sq. ft or acre.
e) Property lines and dimensions.
f) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
g) Location of all structures on the land with locating dimensions and building dimensions.
h) Lot lines and all structures within one hundred feet (100') of the site's property lines including driveways and other access points along both sides of the street where access to the site is proposed.
i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
j) Copy of latest surveyor's engineering drawing.

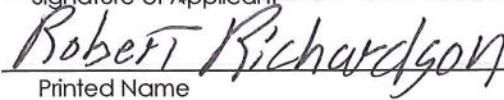
The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the variance requested.

I hereby grant permission for members of the City of Zeeland Zoning Board of Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application.)

YES NO



Signature of Applicant



Printed Name



Date

This application, 8 copies of the proposed site plan and related documents and a pdf file, as well as a filing fee of \$ 250.00 received by: CK10429



Administrative Official



Date

ZONING BOARD OF APPEALS
Hearing Procedures & Fee Schedule

First, about the Zoning Board of Appeals (ZBA) itself: The Board is pledged to ensure that the intent of Zeeland's Zoning Ordinance is preserved, that public safety is secured, and that substantial justice is done. It is composed of ordinary citizens who have devoted considerable time to understanding the Ordinance and under what circumstances variances to it may lawfully be granted.

Its members are bound to being impartial and to abiding by the Ordinance and by state statutes and case law that govern the granting of variances. They do not take their responsibilities lightly, for they know that granting a variance is essentially granting a citizen permission to break the law. Three members of the Board must vote the same way in order for a dimensional-variance decision to be binding, four members for a use variance. Decisions of the Board are appealable to the 20th Judicial Circuit Court.

Second, what happens at Zeeland ZBA meetings: The Chairperson of the Board announces the cases that are to be heard in the order determined by the Zoning Administrator.

In each instance, the Zoning Administrator describes the case, emphasizing those factors he believes have made an appeal necessary. The Board may ask questions of the Zoning Administrator to be sure it understands the facts of the case as he/she sees them. Any communications that may have been received relevant to the case are read at this time.

Then the applicant (or someone representing him/her – an attorney, architect, builder, etc.) presents his/her case. The Board will ask the applicant or his/her representative questions as well.

After that, others wishing to present evidence to support the applicant's case may do so.

Next, those opposed to the variance requested may testify.

Then the applicant may make his/her closing arguments.

Any number of persons may testify pertaining to a particular case, but the Board will likely advise a group of people of like mind on an issue to appoint one of its members to be its spokesperson. The ZBA chairperson, also in the interest of time, may limit testimony to new information.

After the Board is satisfied it has received all the relevant testimony it can expect, the hearing is closed and deliberation begins. The Board may or may not call for further testimony after the hearing is closed.

The Board tries to reach a decision before it adjourns but may find it needs more evidence before it can decide on a case. Whatever the situation, the Board will eventually vote to grant the variance as requested, grant it with conditions, grant it in part, postpone a decision for up to 60 days, or deny the request altogether.

Third, how to prepare for the hearing: The questions in the application are based upon the Zoning Ordinance itself. Information provided is important to making a case. It should be as complete and clear as possible; anything less risks the Board having to delay its decision.

An applicant will benefit from reading carefully those sections of the Ordinance that pertain to his/her case, being sure not to overlook the section on variance procedures (Chapter 2).

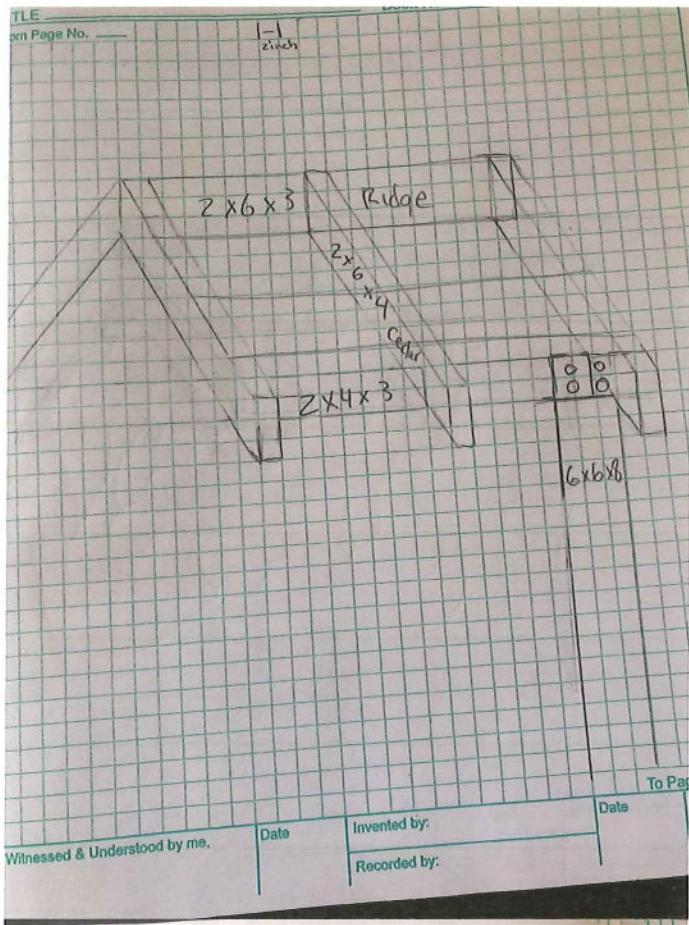
Also, an applicant would be wise to organize his/her **oral testimony** according to the questions on the application, elaborating on the points he/she made there. This will streamline the process because the Board will almost certainly come to the hearing prepared to base many of its questions upon an applicant's written comments.

Before and during the oral testimony, it is important to bear in mind that the Board is committed to being impartial, to dealing justly in each instance, applying the standards of law consistently, and balancing the rights of the applicant with the welfare of the community. Thus, the more information it has -- and the more clearly that information is presented -- the better job the Board will be able to do.

In that regard, an applicant should not be alarmed if some of the Board's questions seem to be pursuing some point that seems not to favor the applicant's position nor be surprised if some of its questions seem to be "making the case" for the applicant. It is all in the pursuit of getting at the facts, of finding an appropriate basis for a decision.

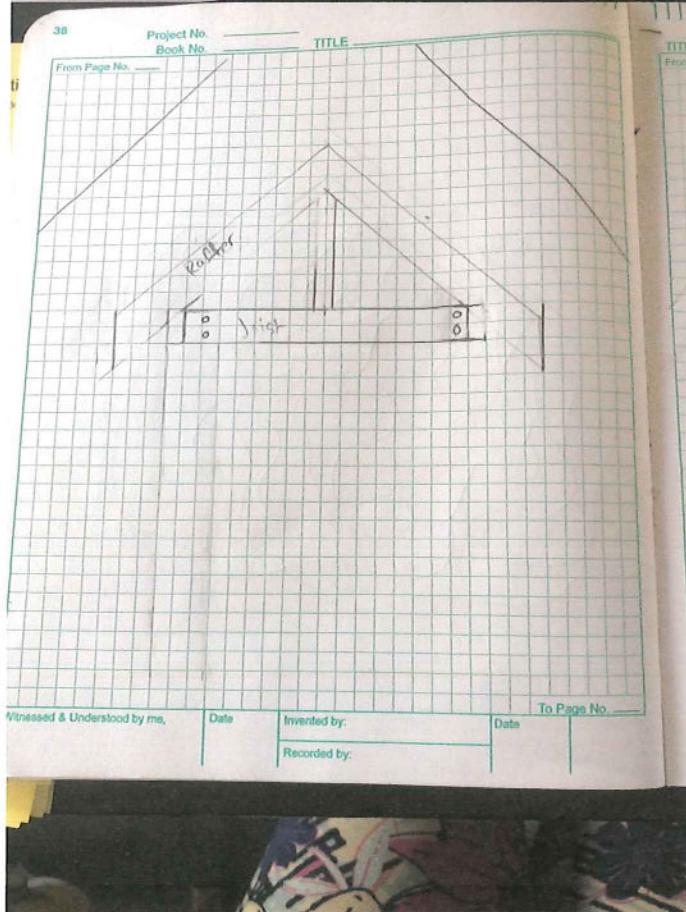
Fee Schedule

Zoning Board of Appeals Application	Cost
Zoning Board of Appeals Application for Regular Meeting Hearing for a Single Family Residential Matter	\$250
Zoning Board of Appeals Application for a Non-Single Family Residential Matter	\$350
Zoning Board of Appeals Application for a Special Meeting Hearing	\$500
Other Zoning Board of Appeals Matters	\$500



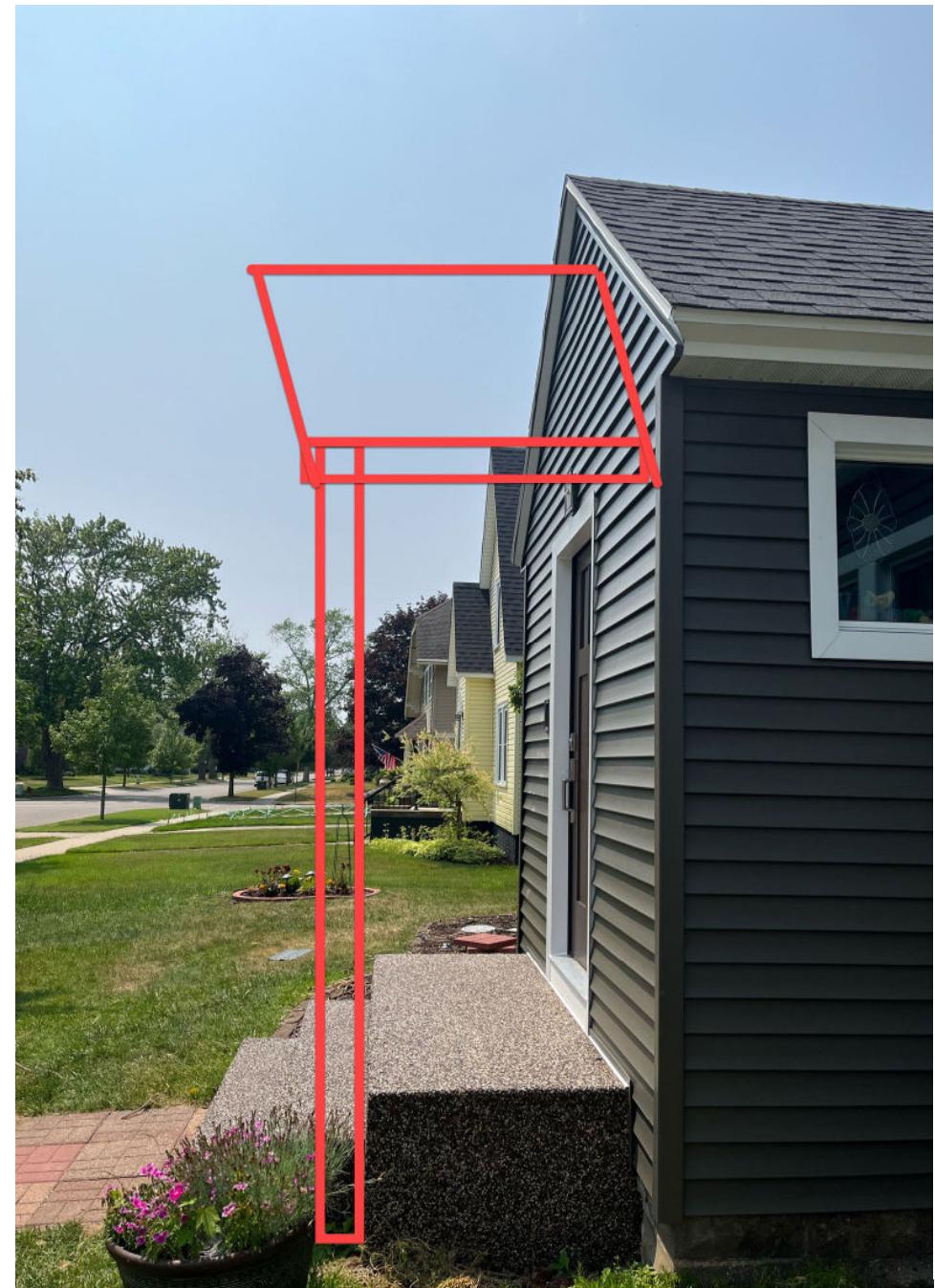
Robert Richardson
543 East Central Avenue • Zeeland, MI 49464

Mon, Apr 24 09:31 AM
by Marci Jones



Robert Richardson
543 East Central Avenue • Zeeland, MI 49464

Mon, Apr 24 09:31 AM
by Marci Jones



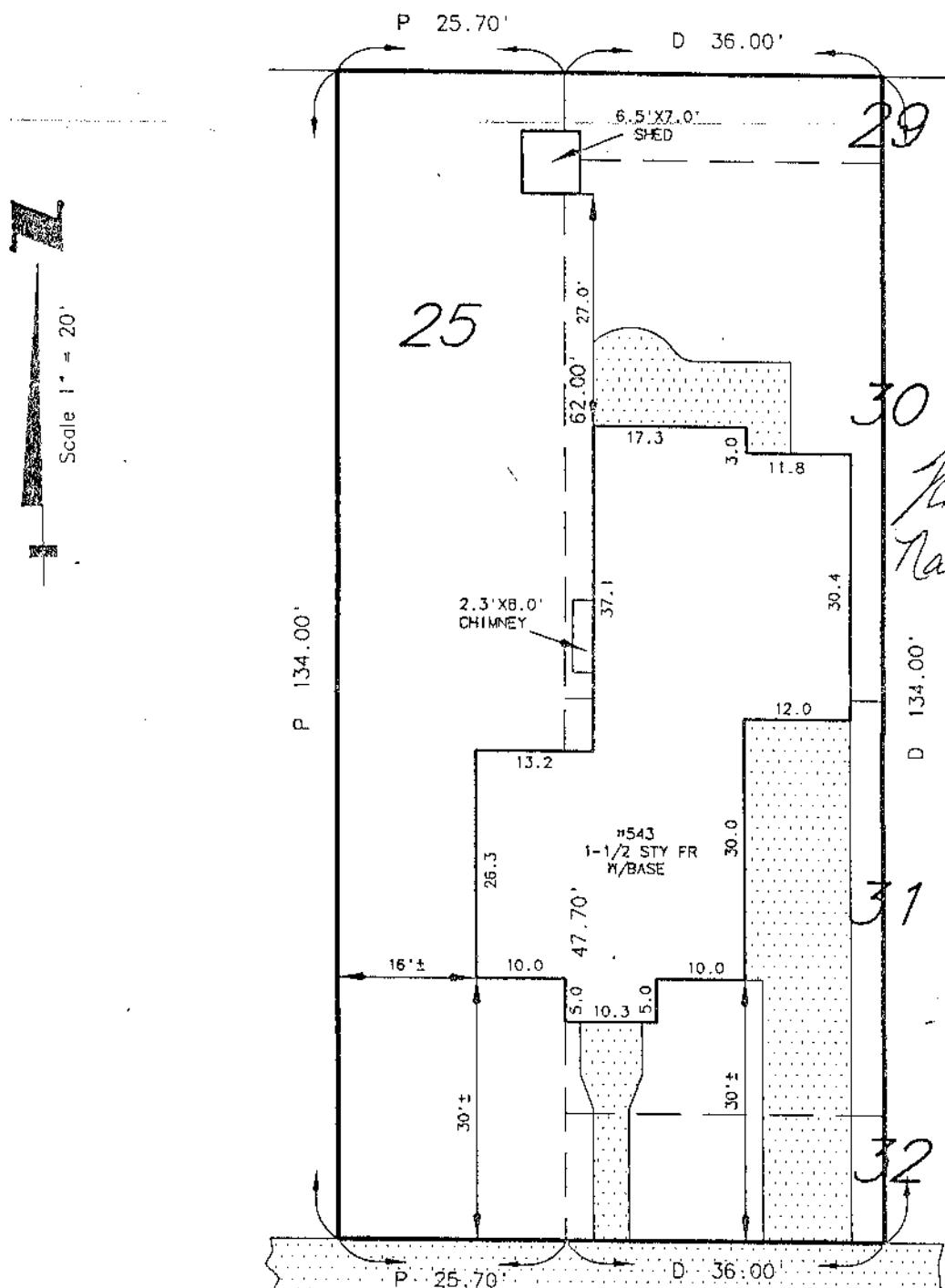


This is to certify to VanDyke Mortgage

that we have examined the premises herein described, that the buildings are located entirely thereon as shown, and that they do not encroach except as shown hereon. This report, prepared for mortgage purposes only, does not represent a property line survey, and no property corners were set. This report is not to be used for the establishment of any fence, building, or other improvements. The locations of fences, walls, or other indications of occupancy along or near boundary lines are not shown. This report was made from the legal description shown below. The description should be compared with the abstract of title or title policy for accuracy, easements, and exceptions. This examination was prepared for the mortgagee in connection with a new mortgage, and no responsibility is extended herein to the present or future land owner.

LEGAL DESCRIPTION

Lot 25 and that part of Lots 29-32, including Vanden Berg's Addition commencing 33.00 feet North and 124.00 feet West of the Southeast corner of said Lot 32; thence North 134.00 feet; thence West 36.00 feet; thence South 134.00 feet; thence East 36.00 feet to the point of beginning, Roosenraad's Supervisor's Plat No. 2 and Vanden Berg's Addition to the City of Zeeland, Ottawa County, Michigan.



lot 25
CENTRAL AVENUE

LEGEND

- SET STEEL BAR
- FOUND IRON STAKE
- FOUND CONCRETE MONUMENT
- R RECORDED DIMENSION
- SET WOOD STAKE

- P PLAT DIMENSION
- M MEASURED DIMENSION
- D DESCRIPTION DIMENSION
- C CALCULATED DIMENSION
- FENCE

- P — P — POWER LINE
- [Concrete] CONCRETE [Wood Decking] WOOD DECKING
- [Asphalt] ASPHALT [Brick Paving] BRICK PAVING

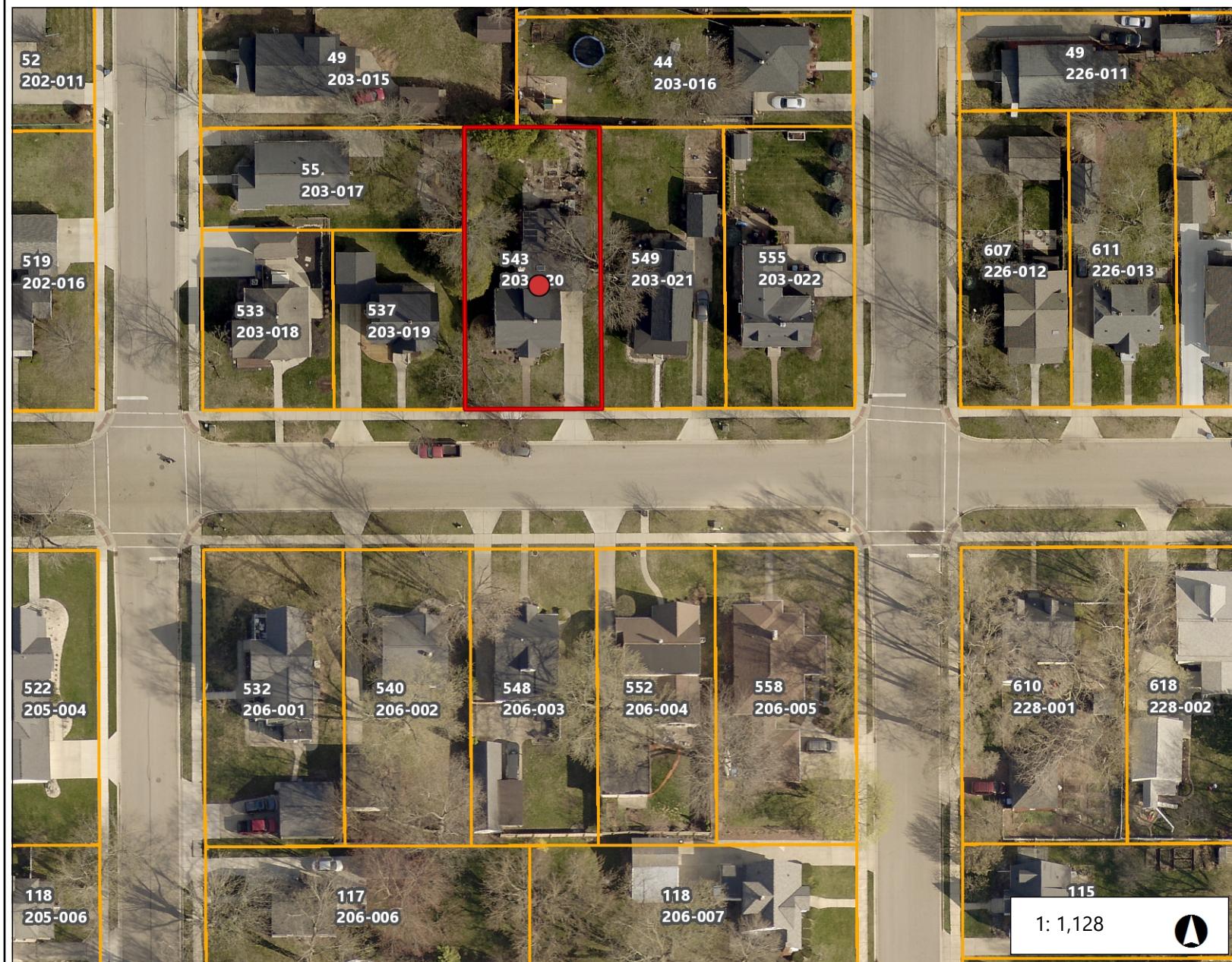
If the seal is not violet colored, this drawing is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Sheet 1 of 1 Sheets

State of Michigan
Gerald T. Ford
Surveyor No. 33976
Registered Land Surveyor No. 33976
BED LAND SURVEYOR

Recertified: 9-18-97

HOLLAND ENGINEERING, INC. 418 E. 8TH STREET HOLLAND, MICHIGAN 49423 / 616-392-5938			
Date 1-30-92	Drawn By NJO	Checked By GTF	Surveyed By EK
For: VanDyke Mortgage			
Mortgagor: Richardson		Job No. 92-01-137	





21 South Elm Street • Zeeland, Michigan 49464 • (616) 772-0872 • (616) 772-0880

MEMORANDUM

DATE: Friday, August 4, 2023

TO: Zoning Board of Appeals

FROM: Tim Maday, Community Development Director

RE: August 8, 2023 ZBA Meeting Agenda– Dimensional/Non-Use Variance Application for 543 E Central Ave

This memo has been sent to provide information on the variance application that will come before the Zoning Board of Appeals on August 8, 2023.

Background:

The subject parcel is an R-1 zoned, interior lot that is 61.7' wide by 134' feet deep, for a total area of 8,267 square feet. The parcel is improved with a single-family dwelling with an attached garage.

Description of request

The applicant proposes to install a roof structure over the existing 5' deep by 10.3' wide uncovered concrete front entry/porch. The dwelling has a setback of 30', and the front porch/entry has a setback of 25'.

City Ordinance review

The City's R-1 district regulations require main buildings to provide 30' of front yard setback, but also contains a provision which allows an uncovered deck, stairway or front porch to extend up to 10' into the required 30' front yard. The current uncovered front porch extends 5' into the required front yard, and complies with this regulation. The applicant is seeking to add a roof structure over the existing front porch, which is not permitted by ordinance, and is seeking a Zoning Board of Appeals dimensional variance for the roof structure.

Criteria for consideration of application:

The granting of a dimensional/non-use variance requires a finding that a practical difficulty or an unnecessary hardship exists. Section 2.205 (b) of Volume II of the Zeeland City Code lists the criteria to be considered when determining if a practical difficulty exists. This criteria is listed below:

- (1) That there are exceptional or extraordinary circumstances or conditions that apply to the property in question, which include these three items:
 - a. Circumstances and conditions that do not generally apply to other properties in the same zoning district;

- b. Such circumstances or conditions, being, therefore, truly unique and, thus, not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or circumstances; and,
- c. Such circumstances, that if the ordinance were enforced, would cause a practical difficulty for the applicant. Unique circumstances or conditions affecting a parcel, property, and/or land must be found to exist in at least one of the following three ways:
 - 1. Having an unusual shape or location or other physical characteristic, like extreme narrowness, exceptional shallowness, unusual shape, and/or unusual topographical characteristics (like a wetland, large boulder, or deep ravine);
 - 2. Having an extraordinary situation related to the land, building, or structure; or,
 - 3. Having unusual use or development of immediately adjoining property.

- (2) That if a variance is not granted, the applicant will be unable to enjoy substantial property rights and privileges similar to those possessed by others in the same zoning district and vicinity.
- (3) That the possibility of increased financial return is not the primary reason for this variance request.
- (4) That the variance would not be significantly detrimental to the property adjacent to that in question and to the surrounding neighborhood.
- (5) That the variance would not harm the intent and purpose of this ordinance.
- (6) That the immediate practical difficulty has not been caused by anything the applicant has done.

Action on application:

Provided that the Board is satisfied that sufficient information has been provided at the public hearing, action is needed to approve or deny the application. This action should come in the form of a motion to approve or deny the application, and contain findings as to how each of the tests above have or have not been met. As a dimensional/non-use variance application, three affirmative votes are needed to complete action on this application.

I hope that this memo is helpful in providing a description of the application that will come before the Board on Tuesday, August 8th, the criteria to be used to evaluate the application, and what action is necessary. Please do not hesitate to contact me with any questions you may have regarding this memo, or this Zoning Board of Appeals application.



CITY OF ZEELAND
ZONING BOARD OF APPEALS MEETING MINUTES
COUNCIL CHAMBERS
21 SOUTH ELM STREET
MAY 16, 2023
6:00 PM

Vice Chairman Bartolomei called the meeting to order at 6:00PM and requested a Roll Call.

Present: Board Members Scott Bartolomei, Linda Mergener, Dave Stegink, and Kevin Streeter

Absent: None

Also Present: Zoning Administrator Timothy Maday, City Attorney Jim Donkersloot, and Recording Secretary Amy LeVesque

-Moved by Mergener to approve the minutes of the December 20, 2022 Zoning Board of Appeals Meeting. Supported by Stegink. All voted aye.

316 W Main Ave – Mark Congrove – Dimensional/Nonuse Variance Request

-6:01PM Vice Chairman Bartolomei opened the public hearing.

Maday explained the variance request is for a 24 foot front setback when 27 feet is required and a 4 foot east sideyard setback when 10 feet is required. He explained 316 W Main Ave is a single family home zoned R-1, Single Family Residential on an interior lot 50 feet wide, 183 feet deep. He noted width does not meet 60 foot ordinance requirement, but lot exceeds requirements for area. He stated applicant wishes to replace the existing 24 foot wide by 4 foot deep porch with a 24 foot by 8 foot deep porch with front stairs, with the stairs being allowed by ordinance. He stated the requested 4 foot east sideyard setback would match the existing 4 foot setback of the home.

Maday explained R-1 requires 30 foot front yard and 10 foot side yard setbacks. He stated the zoning ordinance allows reduced front setbacks in areas where front setbacks are less than required, allowing an average of all front setbacks within 200 feet. He explained the required front setback is 27 feet for 316 W Main Ave.

Maday explained the zoning ordinance also allows an addition to follow the building setback if it meets 50% of the requirement, which would be 5 feet. He explained a variance is required since the property's east setback is 4 feet.

Maday stated a survey from the 2008 W Main Ave reconstruction shows the property's right of way (ROW) is fairly wide at 5 feet, explaining there is 5 feet between the front property line and the sidewalk. He commented, if the variance is granted, the property's front setback would appear to be 29 feet.

Bartolomei noted the City could take the 5 feet back. Maday agreed.

Maday stated standards for practical difficulty must be met: unusual characteristics of property, others enjoying privileges property owner cannot, no financial return, no harm to neighbors, no harm to ordinance, and difficulty not caused by applicant. He explained 3 votes are needed for a decision. He stated no Staff comments were received and read the following letters:

Pete & Sue Zwyghuizen: - "This is our written comments that we would like entered into the record for the Tuesday, May 16, 2023 Zoning Board of Appeals Meeting. We are giving comments to the application of Mark Congrove @ 316 W. Main for a covered front porch and side yard setback. We are happy to see improvements made to the houses in our neighborhood and feel that the proposed porch would improve the looks of the house and the neighborhood. So we are in favor of granting the application. We are Pete and Sue Zwyghuizen and we own the house directly across the street at 319 W. Main. We have owned our home since 2003. Pete and Sue Zwyghuizen"

Art & Linda Gonzalez of 310 W Main Ave: – "Our neighbors, Mark and Debbie Congrove have approached us seeking our approval of their plans to extend their front porch on 316 W Main Street by 5 feet and its roof. They have also informed us that they intend to comply with building requirements set forth in the building code, and that all work will be accomplished by a licensed contractor. We believe this will prove to be an improvement to the overall ascetics[sic] and functionality of the property and we are in agreement with what they intend to do. Thank you for your attention to this matter. Respectfully, Art and Linda Gonzalez"

Motion 2023.01

Moved by Stegink to receive Mark Congrove's 316 W Main Ave dimensional nonuse variance application responses into the meeting record.

Supported by Streeter

Roll Call Vote on Motion 2023.01

Ayes: Bartolomei, Mergener, Stegink and Streeter

Nays: None

Absent: None

Motion Passes

Dimensional variance application responses submitted by Mark Congrove:

"1. What are the exceptional or extraordinary circumstances or conditions that apply to your property, circumstances and conditions that do not generally apply to other properties in the same zoning district as your property?

'- Existing single family home built (1953) prior to current ordinance, which makes alterations for accessibility difficult.
- Do not have in side yards for such a ramp, entry access.
- Width of R.O.W. is 66', and it is fully built out. And there is 5' between back of sidewalk and front of property.
- Existing width of dwelling includes single stall garage, accessibility alterations would not allow vehicle parking which is required by ordinance.
- Lot is 50' wide, when 60' is current ordinance.'

2, If you are not granted this variance, will others in your zoning district be able to enjoy substantial rights and privileges that you are unable to?

'Others have the ability to make modifications to their front & for side entries to accommodate all-weather access to dwelling. Seeking a covered entry to allow typical residential use of property.'

3. Is there evidence that the reason(s) for this variance request goes beyond the possibility of increased financial return for the applicant?

'No expected resale.'

4. Will granting this variance be significantly detrimental to your adjacent neighbors and surrounding neighborhood?

'-No, the proposed front porch set back & existing 5' of R.O.W. space behind the sidewalk will create 29' of setback from the sidewalk and keep the front building line very similar to adjacent structures. Additionally with the proposed 5' expansion of porch – will alleviate both temporary and future permanent unsightly ramp that projects into the front yard, and maintains the single-family residential character of the dwelling and neighborhood, while not impacting side yards.'

5. Will granting this variance harm the intent or purpose of this Ordinance?

'-The ordinance for set backs is to provide open space, air, & visibility. The proposed porch extension will have 29' of setback, more than many areas in the city, and on dwellings with 500' of house.'

6. Has the immediate practical difficulty been caused by anything the applicant him or herself has done?

'No. It is part of the existing configuration.'"

Mark Congrove of 316 W Main Ave explained he purchased his 1953 home 3 years ago, has added 2 bedrooms and a bathroom, and would like to construct a wider covered porch. He stated he would like his home to be accessible to a friend who is a motorized wheelchair user and to prepare for aging in place. He explained his current porch is not wide enough to allow a wheelchair to maneuver and he owns a portable accessible ramp which he plans to extend straight into the front yard. He stated he does not expect any financial gain from the project. He stated a 29 foot front setback is wider than many in the City and can't imagine the City would widen W Main Ave and take the 5 foot ROW back.

Bartolomei asked about distance between homes. Maday stated approximately 14 feet between 316 W Main Ave and the home to the east.

Stegink asked about the ramp. Congrove explained his ramp is 15 feet and he does not plan to install a permanent ramp.

Bartolomei asked why Congrove is requesting a roof over the porch. Congrove explained he would like to be able to sit outdoors protected from the weather.

Bartolomei asked why not build a 6 foot wide porch. Maday explained the ADA requires a 5 foot diameter circle.

Stegink asked if the Board could add a condition for removal of the temporary ramp. Maday stated yes, and explained not removing the ramp would be a code enforcement issue.

Congrove commented he does not intend to leave the temporary ramp in place longer than needed.

Mergener asked how much room would be needed for a permanent ramp. Maday stated he did not know, but a variance would be required. He stated a ramp could not be built inside the single stall garage since at least one parking space is required.

-6:34PM Moved by Mergener to close the public hearing. Supported by Stegink. All voted aye.

Stegink commented since a variance would be needed for an ADA compliant porch, he agrees with going farther and allowing 8 feet. He stated he has no problem with a 4 foot sideyard setback since it would be more attractive if the porch continues the building line.

Maday asked if there would a stormdoor that swings out. Congrove stated no.

Motion 2023.02

Moved by Stegink to approve the dimensional variance request for 316 W Main Ave, parcel number 70-16-24-202-003, for a 24 foot front setback when 27 feet are required and a 4 foot east sideyard setback when 10 feet are required, with the following stipulation:

- Any temporary accessibility ramp must be removed from the front setback within 24 hours of ramp placement;

Based on the following findings:

1. Hardship of pre-existing nonconforming front setback but visibly close to 27 foot requirement due to 5 foot right of way; exceptional circumstance of narrow lot and 4 foot east sideyard setback would line up with home setback;
2. Others enjoy 8 foot wide porches allowing outdoor furniture and accessibility;
3. Motivation is not primarily financial return;
4. Variances will not be detrimental to neighborhood since 2 neighbors wrote letters in support;
5. No harm intent of ordinance since front yard is unique with 5 foot right of way;
6. Current owners did not build the home.

Supported by Streeter

Roll Call Vote on Motion 2023.02

Ayes: Mergener, Stegink and Streeter

Nays: Bartolomei

Absent: None

Motion Passes

-6:44PM Moved by Mergener to adjourn. Supported by Stegink. All voted aye.

Submitted by,

Amy LeVesque
Recording Secretary