



**CITY OF ZEELAND
ZONING BOARD OF APPEALS MEETING MINUTES
COUNCIL CHAMBERS
21 SOUTH ELM STREET
FEBRUARY 17th, 2026
6:00 PM**

The meeting was called to order at 6:00PM

Present: Board Members Linda Mergener, Paul DeBoer, Dave Stegink, Rebecca Perkins and Kevin Streeter.

Absent: Board Members Scott Bartolomei, and Lara Kovacs.

Also Present: Zoning Administrator Timothy Maday, City Attorney Jim Donkersloot, City Planning Consultant Paul LeBlanc and Recording Secretary Nadine Garza

Board members recited the Pledge of Allegiance.

Moved by Mergener, supported by Stegink to excuse absent Board Members Scott Bartolomei, and Lara Kovacs. Motion carried unanimously by voice vote.

Annual Election of Officers

Maday stated that since it was the Board's first meeting of the year, officers for calendar year 2026 must be elected.

City Attorney Donkersloot conducted the annual election of officers.

Motion 2026.01

Moved by Mergener to re-elect the previously elected officers to the Zoning Board of Appeals:

**Chair: Bartolomei
Vice Chair: Stegink
Secretary: Mergener**

Supported by Perkins

**Ayes: Mergener, DeBoer, Stegink, Perkins, and Streeter
Nays: None
Absent: Bartolomei, and Kovacs
Motion Approved.**

-Moved by Mergener, supported by Streeter to approve the minutes of the August 8, 2023 Zoning Board of Appeals Meeting. All voted aye. Motion carried unanimously by voice vote.

-Moved by Stegink, supported by Mergener to approve the minutes of the June 25, 2024 Zoning Board of Appeals Meeting. All voted aye. Motion carried unanimously by voice vote.

Consultant Memo

City Planning Consultant Paul LeBlanc reviewed his memorandum, dated February 10, 2026, that is attached to these meeting minutes. The memo outlines the scope, duties, and procedures of

the Zoning Board of Appeals, including the standards and tests applicable to both dimensional and use variances.

LeBlanc provided an overview of the ZBA's authority under the Michigan Zoning Enabling Act, noting that the Board serves as a quasi-judicial body responsible for ordinance interpretations, administrative appeals, and variance requests. He explained that most matters before the Board involve dimensional variances, while use variances are uncommon. He noted that conditional rezoning has further reduced the frequency of the hearing and granting of use variances.

Maday reminded Commissioners that they may ask for additional information if they have questions regarding an application after reviewing it. He also noted that the Board may request the City Attorney to draft a resolution containing their findings of fact for each of the criteria for later consideration, ensuring clarity and shared understanding of their findings before they take final action on an application.

Mr. LeBlanc stressed that variances should typically be granted only in rare and exceptional circumstances and must strictly meet the standards set forth in the zoning ordinance. He emphasized that decisions must be based on unique physical conditions of the property that create a practical difficulty, rather than on the applicant's personal preferences or financial considerations, and that all required criteria must be satisfied for approval.

LeBlanc reviewed historical and hypothetical variance applications, and discussed the relevant factors for consideration in those situations.

-7:03 Moved by Mergener, supported by Streeter to adjourn. All voted aye. Motion carried unanimously by voice vote

Submitted by,

Nadine Garza
Recording Secretary



TO: City of Zeeland Zoning Board of Appeals
FROM: Paul LeBlanc, AICP
DATE: February 10, 2026
SUBJECT: Role of the ZBA

No zoning ordinance is perfect. There will be rare and unique situations in every community that are not covered by the regulations. So, the Zoning Board of Appeals is established as a quasi-judicial body with authority to, in essence, serve as a zoning court for the City.

Creation

Zoning in Michigan is authorized by State law, under the Michigan Zoning Enabling Act (MZEA). Communities are not required to have zoning. But if they do, they must follow the MZEA requirements. Section 125.3601 of the Act states:

“A zoning ordinance shall create a zoning board of appeals.”

Duties

The MZEA establishes the duties and responsibilities of the Board of Appeals. There are three specific duties that only the ZBA can perform, though other duties can be delegated to the Board.

Specifically, the MZEA gives the ZBA power to hear three types of requests:

1. **Interpretations of the zoning ordinance or zoning map.** These requests are infrequent but there are times when a provision in the zoning ordinance is not clear or conflicts with another provision. In such cases, the zoning administrator may refer the matter to the ZBA for an interpretation. This may also occur if the boundaries on the zoning map are not clear and require a review by the ZBA. Reaching a decision on an interpretation often requires getting clarification by researching past meeting minutes of Planning Commission meetings from when the ordinance was drafted or looking back at prior zoning ordinances to determine what changes were made.
2. **Administrative appeals.** If an applicant does not agree with a decision of the zoning administrator or the Planning Commission, they may appeal that decision to the ZBA. This may come as a result of being denied approval of a site plan or the imposition of conditions on a plan approval. Most often it would be an appeal of the zoning administrator’s decision. For example, if the zoning administrator interpreted a provision one way and the applicant disagreed, the ZBA would be the arbitrator. The essential rule when hearing an appeal is that the ZBA is restricted to considering only the information that was available to the original decision maker (application materials, site plans, public hearing testimony, consultant reviews, etc.). New testimony, studies, or other materials that were not available to the original decision maker may NOT be introduced to the ZBA.

3. **Variances.** Most, if not all, of the requests heard by the ZBA fall into the category of variances. A variance is essentially authorization to deviate from the zoning ordinance requirements. There are two categories of variances – nonuse (dimensional) and use variances.

- Nonuse variances comprise the vast majority of variance requests. Any deviation from a dimensional requirement (setbacks, lot size, building height, sign size, etc.) falls into this category.
- Use variances are very rare and are requests for permission to allow a use that is not otherwise permitted in the zoning district in which the property is located. These can be very controversial and are rarely granted. A more common approach used now in lieu of use variances is conditional rezoning which allows an applicant to request rezoning to a district that permits the desired use with self-imposed conditions that restrict the future use of the property to the intended use. Conditional rezonings are heard by the Planning Commission and City Council.

Standards

As noted, nonuse variances are typically the only requests heard by the ZBA. Others are very rare. Therefore, it is critical that the ZBA understands that the decision **MUST** be made based on the standards listed in the zoning ordinance and that **MOST** variance requests will not meet those standards.

The authority to grant a deviation from the ordinance requirements should not be taken lightly. Minimum requirements in the zoning ordinance are established for good reason and only in **RARE, UNIQUE, EXCEPTIONAL, UNUSUAL, and EXTRAORDINARY** situations should a variance be granted. Many applicants approach the variance process in hope of getting permission to ignore the rules so they can build something bigger or have a better view or save money. Those are not acceptable reasons for violating the zoning requirements.

The primary consideration in reviewing a variance request must be whether there is a condition of the **PROPERTY** (topography, soil conditions, irregular shape, etc.) that either prevents compliance with the zoning requirements or imposes a practical difficulty in complying. The circumstances or desires of the owner are irrelevant. For example, wanting a bigger accessory building than allowed because the property owner has recreation vehicles that he wants to store or to accommodate a workshop are not conditions of the property that prevent compliance with the zoning limitations. Wanting a setback variance to allow a large addition to the home in order to accommodate a gourmet kitchen is not practical difficulty. Convenience for the owner is not a reason for waiving the ordinance requirements.

Section 2.205(b) of the Zeeland Zoning Ordinance establishes the standards for granting a nonuse variance. **ALL** of the standards **MUST** be met for the request to be approved.

- (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**.