



**CITY OF ZEELAND
ZONING BOARD OF APPEALS MEETING MINUTES
COUNCIL CHAMBERS
21 SOUTH ELM STREET
AUGUST 8, 2023
6:00 PM**

Secretary Stegink called the meeting to order at 6:00PM and requested a Roll Call.

Present: Board Members Paul DeBoer, Lara Kovacs, Linda Mergener, Dave Stegink, and Kevin Streeter

Absent: Member Scott Bartolomei

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

Stegink introduced new member DeBoer. Maday explained the City Council had voted not to reappoint Chairman Doug Barensen.

Annual Election of Officers

City Attorney Donkersloot conducted the annual election of officers.

Motion 2023.02

Moved by Mergener to elect Bartolomei as the Zoning Board of Appeals Chairman.

Supported by Stegink

Ayes: DeBoer, Kovacs, Mergener, Stegink, and Streeter

Nays: None

Absent: Bartolomei

Motion Approved.

Motion 2023.03

Moved by Mergener to elect Stegink as the Zoning Board of Appeals Vice Chair.

Supported by Streeter

Ayes: DeBoer, Kovacs, Mergener, Stegink, and Streeter

Nays: None

Absent: Bartolomei

Motion Approved.

Motion 2023.04

Moved by Stegink to nominate Mergener as the Zoning Board of Appeals Secretary.

Supported by Streeter

Ayes: DeBoer, Kovacs, Mergener, Stegink, and Streeter

Nays: None

Absent: Bartolomei
Motion Approved.

3 E Main Ave – Scott Geerlings – Dimensional/Nonuse Variance Request

-6:05PM Stegink opened the public hearing.

Maday explained the City purchased 3 E Main Ave in 2019, sent out Request for Proposals for a 2 to 3 story mixed use building and Midwest Construction was chosen. He stated Midwest has purchased the adjacent parcel at 9 E Main Ave, both properties are zoned C-2, Central Business district meaning 100% lot coverage is allowed and the City handles onsite parking.

Maday explained the variance request is for the intersection visibility requirement, which states nothing is allowed between 3 feet and 8 feet tall in a clear vision triangle 20 feet each way from the intersection of E Main Ave and N State St right of way lines. He stated Midwest wishes to construct a 3 foot 4 inch square support column within the triangle.

Maday stated the Board must consider the Zoning Ordinance standards and 3 votes are needed to approve or deny. He noted that the Board would need to find that the standards of practical difficulty or unique or exceptional situation have been met. He reviewed a staff memo that included comments regarding each of the tests to be considered when determining if a variance was appropriate.

Maday stated no Staff comments were received. He noted the ZBA granted a variance for a similar situation in 2014 for the Generational Wealth building at 244 E Main Ave.

Scott Geerlings of ScottG, LLC explained he has been working with City Staff for 2 years on the development of this building. This building will be at the west gateway to downtown and the City seeks a traditional design that looks like it's always been there. He stated the he owns the Curtis Center at the corner of W 7th St and College Ave in Holland. That building has a similar design with column, and there have been no traffic related issues. He explained the column supports upper floors, and without it, apartments would be angled with less usable space.

Secretary Stegink asked the following six questions from the Zoning Board of Appeals Application to determine if the Board should approve the dimensional variance request.

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?

Geerlings read the answer to this question from the Zoning Board of Appeals Application: "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?

Geerlings read the answer to this question from the Zoning Board of Appeals Application: "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 on 3'4" square allows for 20' of both the South and West elevations to be open for clear view.". Geerlings noted the amount of required clear vision space is exceeded, with the exception of the column.

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

Geerlings read the answer to this question from the Zoning Board of Appeals Application: "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?"

Geerlings read the answer to this question from the Zoning Board of Appeals Application: "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 or purpose of this Ordinance?

Geerlings read the answer to this question from the Zoning Board of Appeals Application: "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?

Geerlings read the answer to this question from the Zoning Board of Appeals Application: "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."

Kovacs commented there are a lot of pedestrians in that area, the column is close to the curb, the City wants to be walkable, and stated she is more concerned about pedestrian safety than cars. She asked about parking. Geerlings stated the rear parking lot would be reconstructed.

Maday explained there are 16 feet from column to the N State St curb. He noted that snowmelt will be installed around the building as part of the City's Main Avenue reconstruction project.

Kovacs asked about signage on the building. Geerlings stated they are not sure yet. Maday explained C-2 district allows wall signs, and projecting signs with 8 feet of clearance.

Streeter asked about parking along E Main Ave. Maday explained parking along E Main Ave would be discontinued quite far back from the intersection. He stated a recent parking study showed adequate downtown parking.

-6:25PM Moved by Mergener to close the public hearing. Supported by Kovacs. All voted aye.

Motion 2023.05

Moved by Mergener to approve the 20 foot dimensional variance for the required clear vision area at 3 E Main Ave, parcel number 70-17-18-356-059, to construct a 3 foot 4 inch square column on the property lines of N State St and E Main Ave in conjunction with the construction of a new 3-story building.

Based on the following findings:

1. Exceptional circumstance of corner lot in C-2 district which allows construction to property line.
2. Most property owners in C-2 district have option to build to property lines;
3. Project will not create additional financial return, but more usable residential apartments
4. Not detrimental to adjacent properties since it is at an intersection.
5. No harm to intent of ordinance since total amount of clear visibility exceeds minimum requirement for clear vision area.;
6. Current owners did not create issue.

Supported by DeBoer

Roll Call Vote on Motion 2023.05

Ayes: DeBoer, Kovacs, Mergener, Stegink and Streeter

Nays: None

Absent: Bartolomei

Motion Passes

404 Centerstone Ct – Steve Barber – Dimensional/Non-Use Variance Request

-6:34PM Stegink opened the public hearing.

Maday explained Compassionate Heart Ministries constructed a 20,000 square foot youth services facility at 404 Centerstone Ct in 2015 and wishes to construct a 1,610 square foot accessory building in the secondary front yard, in the southwest corner near W Royal Park Dr. He stated the zoning ordinance does not allow accessory buildings or accessory uses in secondary front yards. He noted application meets requirements for front and side yard setbacks, and 3 votes are needed to approve or deny.

Maday noted Mergener had requested information on a drainage swail area on the east, and asked if the garage would impact stormwater flow or stormwater calculations. He explained Royal Park area ponds handle drainage for the entire site and this gravel-base swail area is a storm surge basin which collects water if needed.

Maday read the following Staff comment:

Clean Water Department: *Only concern would be if the building had floor drains, if so, they would need a 1,000 gallon oil and grease interceptor installed that drains into the existing sewer lateral.*

Steve Barber of Midwest Construction explained the accessory building would house buses, needed since bus lifts freeze to the ground in winter.

Secretary Stegink asked the following six questions from the Zoning Board of Appeals Application to determine if the Board should approve the dimensional variance request.

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?

Barber read the answer to this question from the Zoning Board of Appeals Application:
"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 unusual to have a property where the highest visibility (by far), front yard, is a yard that is not call 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?

Barber read the answer to this question from the Zoning Board of Appeals Application:
"Most other properties within the city have three sides on which to place an accessory structure. Under the current zoning rules, this properties 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?

Barber read the answer to this question from the Zoning Board of Appeals Application:
"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?"

Barber read the answer to this question from the Zoning Board of Appeals Application:
"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 or purpose of this Ordinance?

Barber read the answer to this question from the Zoning Board of Appeals Application:
"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."

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

Barber read the answer to this question from the Zoning Board of Appeals Application:

"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."

Mergener asked which direction doors face and how parking would be affected. Barber explained doors face north toward the existing building and parking spaces in front of the doors would be removed. Maday noted parking exceeds requirements, and buses would be parked in the garage and not in the lot.

Donkersloot asked about buses. Barber stated there is one large bus, one small bus, and golf carts to be parked inside.

Maday commented garage location is difficult due to the cul de sac. Stegink commented he would not like it to be on the north. Maday noted the garage would be allowed on the north.

Craig Bunce of 1169 Esker Dr stated his wife, Donna Bunce, is the director of Compassionate Heart. He reported she has told him volunteer drivers find it difficult to clear snow from the buses, and parking buses inside would be helpful. He stated volunteers are important, and help Compassionate Heart operate on a low budget.

Stegink asked if the garage would be heated. Barber stated yes, with a unit heater.

Donkersloot asked about windows on the garage. Barber stated 3 windows on the south tie into the existing building design.

-6:47PM Moved by Mergener to close the public hearing. Supported by Streeter. All voted aye.

Mergener commented the garage looks better on the south, but the Board should consider there is space on the north where it would be permitted.

DeBoer commented Compassionate Heart provides a service to the community, needs a garage, and asked why not put garage on the north. Barber stated the view from BLI-196 is currently a nice looking building, and a garage on the north would create an eyesore.

Maday commented many properties along BLI-196 treat the business loop frontage as their front yard. He commented a garage on the north would block architectural features of the building. He stated C-3, Highway Commercial zoning supports visibility to highest traffic frontage and the ordinance supports keeping accessory uses out of visible areas.

Motion 2023.06

Moved by DeBoer to approve the request to construct a 35 foot by 46 foot accessory building in the secondary front yard at 404 Centerstone Ct, parcel number 70-16-24-400-096,

Based on the following findings:

- 1. Unnecessary hardship of appearance of 3 street frontages, actually a primary front yard and a secondary front yard;**
- 2. If not granted, the owner will be denied a substantial property right since it is a large site, neighboring properties have adequate storage room;**
- 3. Applicant is nonprofit and there is expense but no additional income;**
- 4. Not detrimental to neighbors and no neighbor comments were received;**
- 5. Not harm Intent of ordinance since intent of C-3 district is a clean front yard and BLI-196 frontage appears to be front yard;**
- 6. Applicant did not design the lot or cul de sac.**

Supported by Mergener

Roll Call Vote on Motion 2023.06

Ayes: DeBoer, Kovacs, Mergener, Stegink and Streeter

Nays: None

Absent: Bartolomei

Motion Passes

543 E Central Ave – Rob Richardson – Dimensional Variance

-6:55PM Stegink opened the public hearing.

Maday explained the owners of 543 E Central Ave wish to construct a roof to cover the existing 5 foot by 10 foot front stoop as part of an exterior refresh at the R-1, Single Family Residential property with attached garage. He noted the uncovered stoop may extend into the required 30 foot front setback, but since setbacks are measured from the eave, a variance is required to construct a roof.

Rob Richardson, owner of 543 E Central Ave, explained his home has a flat front profile and he wishes to construct a roof over the front porch to improve the look and feel of the home. He noted it is difficult to remove ice from the porch since it is made of river rock.

Stegink asked if the porch would be open on front and sides. Richardson confirmed.

Streeter asked about posts. Richardson explained the posts would be even with the first step, and it's 24 feet from the sidewalk to the front step. Maday explained steps may extend 5 feet into the front setback.

Stegink commented constructing the roof would result in a 26 foot front setback.

Stegink asked the following six questions from the Zoning Board of Appeals Application to determine if the Board should approve the dimensional variance request.

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?

Richardson read the answer to this question from the Zoning Board of Appeals Application:

"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?

Richardson read the answer to this question from the Zoning Board of Appeals Application:

"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?

Richardson read the answer to this question from the Zoning Board of Appeals Application:

"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?"

Richardson read the answer to this question from the Zoning Board of Appeals Application:

"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 or purpose of this Ordinance?

Richardson read the answer to this question from the Zoning Board of Appeals Application:

"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?

Richardson read the answer to this question from the Zoning Board of Appeals Application:

"No. The dwelling was constructed prior to ownership and the intended overhang covers the existing footprint of the front porch and steps."

DeBoer commented the roof would add to the aesthetic of the home, which is good for the neighborhood.

Mergener asked if other homes have covered porches. Maday stated yes, many homes do since they were preciously allowed by ordinance, and some are enclosed.

Maday asked if Richardson had a side entry to the home. Richardson stated no, due to lack of space.

Maday stated there were no Staff comments and asked if there was a foyer. Richardson stated yes.

Nancy Richardson, owner of 543 E Central Ave, stated she would like to be able to open the front door and not have rain come inside.

-7:11PM Moved by Mergener to close the public hearing. Supported by DeBoer. All voted aye.

Motion 2023.07

Moved by DeBoer to approve the request to construct a roof over an existing 5 foot by 10.3 foot front porch at 543 E Central Ave, parcel number, 70-17-19-203-020, with a 25 foot setback when a 30 foot front yard setback is required with the following stipulations:

- The porch roof may extend only over the existing front porch and front steps of the home, and may not be extended east or west across the front of the home;
- The front porch may not be screened in or walls constructed.

Based on the following findings:

1. Practical difficulty is present: The dwelling was constructed prior to the current zoning ordinance requirements, and the internal configuration of the dwelling does not support a covered entry on the side of the dwelling.
2. Other homeowners are allowed to have covered porches;
3. Amount of financial gain would not be significant;
4. No neighbor comments in opposition to the application were received;
5. Zoning ordinance encourages the development of residential lots that enhance neighborhoods;
6. The practical difficulty was not created during by the current owner. The dwelling was constructed prior to the current owner purchasing the parcel.

Supported by Mergener

Roll Call Vote on Amended Motion 2023.07

Ayes: DeBoer, Kovacs, Mergener, Stegink and Streeter

Nays: None

Absent: Bartolomei

Motion Passes

Motion 2023.08

-Moved by Mergener to approve the minutes of the May 16, 2023 Zoning Board of Appeals Meeting. Supported by Kovacs. All voted aye.

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

Submitted by



Amy Levesque
Recording Secretary