

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD May 26, 2021

The meeting was called to order at 7:00 p.m. by Vice-Chairperson Kelly Kuiper.

Members Present: Tom Healy, Michael Bosch, Brock Nanninga, Kelly Kuiper, Trevor Petroelje, alternate
Members Absent: Kendall Grable, Chair
Others Present: Victor Vuong, Secretary and Zoning Administrator

#210526-01 – Approval of the Minutes of the April 28, 2021 Zoning Board of Appeals Meeting

The minutes of the regular meeting held on April 28, 2021 were presented.

Moved by Michael Bosch, seconded by Brock Nanninga, to approve the minutes as presented.

Yeas: Michael Bosch, Tom Healy, Brock Nanninga, Kelly Kuiper, Trevor Petroelje

Nays: None

MOTION CARRIED UNANIMOUSLY.

#210526-02 – (VAR2105) Nate Heyboer (Z Land Properties), 4475 8th Ave., is requesting to have a 20-foot front yard setback from both Chicago Drive and Rosewood Street, a variance of 10 feet from the 30 feet required in Chapter 24 in a Highway Service (HS) Commercial district, and to allow parking and building within the 30-foot required front yard setback, a variance from Chapter 24 Footnote K which states except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures and required off-street loading areas shall not be provided in the front yard and from Sec. 26.3(D) which states when a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives, and to have a total of 10 feet in side yard setbacks, a variance of 15 feet from the 25 total feet required for side yard setbacks in Chapter 24, on parcels of land described as P.P. # 70-14-23-250-060 and P.P. # 70-14-23-250-061, located at 1078-1100 Chicago Dr., Georgetown Township, Ottawa County, Michigan. ([Application](#), [Plan](#))

Trevor Petroelje declared a conflict of interest due to having a business relationship with the applicant and stated they will be working on the project together.

Moved by Tom Healy, supported by Michael Bosch, to determine there is a conflict of interest due to the fact that Trevor Petroelje and the applicant will be working on the project together.

Yeas: Tom Healy, Michael Bosch, Kelly Kuiper, Brock Nanninga

Nays: None

Abstained: Trevor Petroelje

MOTION CARRIED.

The Zoning Administrator presented the [staff report](#).

Steve Witte of Nederveld, joined by Nate Heyboer of Z Land Properties, presented the request, including the following comments:

- It is an odd shaped and small property, triangular shaped. There are 2 front yards and 1 side yard, so there's a very small building envelope when you apply the required setbacks. The plans show 20 feet off of Chicago and 29.9 feet from Rosewood. The reason for the request on both Rosewood and Chicago is so the ZBA can determine where they can slide the building. The side yard setback is met because there's only one side yard. The triangular shaped lot is very acute which limits the building envelope. There are other properties along Chicago Drive within the setback requirements. The existing buildings on this property are closer to the lot lines than the proposed building, so it will make the property less nonconforming. They are proposing a single drive off of Rosewood with 10 parking spaces. The west side of the building has overhead doors. So in reality, the parking spaces will be less than what's shown on the site plan, but they still meet the requirements.

Tom Healy asked why is there not a drive on Chicago Drive?

Steve Witte said the thought is Chicago Drive is the busier road and MDOT typically doesn't like drives off of Chicago Drive. He knows MDOT will say the drive will have to come off of Rosewood.

Kelly Kuiper asked will the barrier free spaces be shifted because of the overhead doors?

Steve Witte said they will eliminate the spaces in front of the overhead doors.

Kelly Kuiper asked is there a consideration of a turnaround in the parking lot?

Steve Witte said he's trying to make the variance request as minimal as possible.

Kelly Kuiper said she would like to see an updated site plan showing a revised parking lot to reflect what will actually be done.

Steve Witte said he can do that.

The Chairperson opened the public hearing.

Matt Smith, 1074 Rosewood St., said they never approached him. He said the place went up for sale for very cheap and he wanted to put a storage building on it and it was shot down by the Township immediately. He was told immediately "no". The house is currently a dump, it's an eyesore. When he bought his house, he wanted to redo his porch and the Township said no because it was in the setback. The Fire Department was already in there, there are gaping holes in the building, doors are removed, children everywhere, and the property is wide open. The plan looks really nice, but he thinks a lot of people will be hurt because so many people wanted this property but they were told no. There's a lot of cars using Rosewood and it will be busier with the drive on Rosewood. He would like to see the drive on Chicago Drive and have a speed bump. He's made a lot of upgrades to his home and a lot of neighbors take pride in their street. What exactly is the business that will be here?

Nate Heyboer, 6115 West Bay Ct., said special equipment will be stored there for his business DHE Plumbing & Mechanical. A demo permit will be pulled and the existing buildings will be taken care of immediately. The building at his other location is full. There will be no retail or customers coming in, it's for storage. There will be someone there once or twice a week.

Tom Healy asked will anything be stored outside?

Nate Heyboer said no. Maybe a trailer, but that's it.

Kelly Kuiper said even though the variance is for the current owner, the variance stays with the land and a new owner could use it for a different use.

Kevin Dewitt, 1074 Chicago Dr., Dewitts' Auto Service, said the plan shows sanitary sewer will connect to Chicago Drive, but he doesn't think there's sanitary sewer on Chicago. If this is true then they will have septic tank and it will change the footprint of the building.

Steve Witte clarified where the sanitary sewer is on Chicago Drive to the building. There will not be septic tank, it will be public sewer.

Elizabeth Kempker, 1028 Rosewood St. said she's been in Georgetown for 2 years. She has a concern about the driveway on Rosewood. There's a lot of children on the road. Many of them walk the street. Many cars drive on that road.

Amber Danders, 1066 Rosewood St., said the first 3 houses on that corner, there are 9 kids. People drive super fast on Chicago Drive. The traffic there scares her because it's a residential area. She believes Chicago Drive is the best option for the drive. Who's going to keep up on the property, will it be an eyesore?

Gene Dewitt, 1074 Chicago Dr., said he's concerned about the 10-foot side yard setback. He's hoping for a compromise. Will there be a detention pond? How many overhead doors?

Kelly Kuiper said the detention pond is out of their jurisdiction and will be reviewed by the Ottawa County Water Resources Commission.

Nate Heyboer said he hopes to have 1 tall overhead door and 2 small ones. They're working on the architectural plans right now.

Steve Witte said he's waiting on approval from the ZBA and staff comments before moving forward with reaching out to Ottawa County Water Resources Commission. He reiterated this building is just for storage so it shouldn't be a big concern regarding traffic. It is not a heavy intense use at all.

The Chairperson closed the public hearing.

Kelly Kuiper said the staff report says six standards are met and discussion is up to the ZBA to determine if standard 4 is met. She agrees with the staff report that standard 1 is met regarding the spirit of the ordinance.

Tom Healy agrees that standard 1 is met.

Kelly Kuiper said for standard 2, it's clear this is met because it's not a use variance. She said for standard 3, a number of variances exist along Chicago Dr. so maybe the Township should look at adding something to their ordinance to establish something along Chicago Dr.

Tom Healy said over the years, variances are requested when there's an existing building and setbacks have not been in conformance with ordinance adoptions for quite a while. It's similar to Baldwin in the Meijer area; there is insufficient front yard space to have an improvement in many of those places.

Michael Bosch said the credit union next to Tommy's Express Car Wash is similar to this, which is irregularly shaped.

Kelly Kuiper said the ZBA should decide on standard 4. Will this variance create a detriment to surrounding properties in the immediate area?

Tom Healy said this property is zoned HS, so this particular use is a use by right on this property. There are several other commercial properties permitted by right that could go in there as well. So for the residents across Rosewood, this proposed use is relatively low in intensity, but the possibility exists anytime in the future for a more intense use to move onto that parcel because they are allowed by right as it's provided for in the ordinance. So relatively speaking here, the intensity of the use is much less than it could be. He said it meets the requirements for standard 4.

Kelly Kuiper said this body is not here to discuss the location of the drive on Rosewood. That location is subject to a drive permit by the Ottawa County Road Commission. That is a public street and they have legal access to it.

Brock Nanninga agreed with everything that's been said. He said with the landscaping that's been proposed and current condition of the property, he doesn't see a detriment to the immediate surrounding properties.

Michael Bosch agreed with Tom Healy that they have a right with HS zoning to do a lot more intense uses. He agrees with Kelly Kuiper and Brock Nanninga. He said the screening of the greenway will actually be an improvement. He thinks standard 4 is met.

Kelly Kuiper read standard 5 and everyone agreed standard 5 is met.

Kelly Kuiper read standard 6.

Michael Bosch said the variance will let the nonconformity be done legally.

Kelly Kuiper said for standard 7, the unique configuration trumps all and no matter what we consider here, variances will be requested regardless when there is a uniquely shaped property for commercial use.

Brock Nanninga said this building is very small and it's tough to work with the shape of the property.

Everyone agreed standard 4 is met.

Moved by Tom Healy, seconded by Brock Nanninga, to adopt the staff report as finding of fact and move to approve the variance for (VAR2105) Nate Heyboer (Z Land Properties), 4475 8th Ave., to have the following:

- 1. To have a 20-foot front yard setback (as exactly displayed on the site layout plan) from both Chicago Drive and Rosewood Street, a variance of 10 feet from the 30 feet required in Chapter 24;**
- 2. To have parking within the 30-foot required front yard setback, a variance from Chapter 24 Footnote K which states except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures and required off-street loading areas shall not be provided in the front yard;**
- 3. To have parking and drives within the 25-foot front yard setback adjacent to a Residential District, a variance from Sec. 26.3(D) which states when a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives;**
- 4. To have a total of 10 feet in side yard setbacks, a variance of 15 feet from the 25 total feet required for side yard setbacks in Chapter 24;**

in a Highway Service (HS) Commercial district on parcels of land described as P.P. # 70-14-23-250-060 and P.P. # 70-14-23-250-061, located at 1078-1100 Chicago Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance, with the following conditions:

- 1. To construct the building with the same setbacks as exactly displayed on the site plan that was included with this request.**
- 2. Remove the striping indicators to eliminate the extra parking spaces in front of the overhead doors.**

Yeas: Tom Healy, Michael Bosch, Brock Nanninga, Kelly Kuiper

Nay: None

Abstained: Trevor Petroelje

MOTION CARRIED.

#210526-03 – (VAR2106) Marty and Karol Schaner, 1424 Oakwood Dr., is requesting to have a 1.5-foot rear yard setback and 2-foot side yard setback for an accessory building, a variance of 3.5 feet for the rear property line and 3 feet for the side property line from the 5 feet that is required in Sec. 3.4(C) which states the eave line (which could be a maximum of three (3) feet) of an accessory building shall not be located closer than five (5) feet to any side or rear lot line; in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-11-322-008, located at 1424 Oakwood Dr., Georgetown Township, Ottawa County, Michigan. ([Application](#), [Accessory Building](#))

The Zoning Administrator presented a [staff report](#) and letters of support from neighbors ([1423 Beechwood Dr.](#) and [1440 Oakwood Dr.](#)).

Marty Schaner, 1424 Oakwood Dr., presented the request, including the following comments:

- The concrete was poured ahead of time. He thought he was okay with the location of the concrete. The neighbors have no issues with it. That's the only place he can put it due to the drain field.

Michael Bosch asked was the concrete poured prior to applying for a building permit?

Marty Schaner said yes.

Michael Bosch clarified if the site plan considered the eaves?

Marty Schaner said no but that can be changed.

Brock Nanninga asked what's the building for?

Marty Schaner said he helps out with boy scouts and it will be used to store a lot of scouting equipment.

Kelly Kuiper asked about the drain field. She said drain fields typically take up more space than how it is drawn on the site plan.

Marty Schaner said the site plan is accurate.

Kelly Kuiper asked if the accessory building can be moved closer to the home.

Marty Schaner said there's not much area to get into the back of the house.

The Chairperson opened the public hearing.

No one was present to make public comments.

The Chairperson closed the public hearing.

Kelly Kuiper said the staff report says standards 2, 4, and 6 are met. She said for standard 1, as a body we should put out of our minds that the concrete pad has already been poured, it shouldn't impact the request for the variance tonight.

Brock Nanninga said the spirit of the ordinance is to protect properties around him. He has neighbor support now but the variance stays with the property and the neighbors can change. He said he's not sure if this maintains the spirit of the public interest. His neighbor can list the house tomorrow and the new neighbor may have an issue with it.

Kelly Kuiper said when she thinks of the spirit of the ordinance, are people allowed to have a 600 square foot building or is the spirit to just allow an accessory building. The interpretation might be that the 600 square foot is the spirit that should be thought about.

Tom Healy said what Kelly Kuiper is talking about goes into the heart of standard 5. Even if one standard isn't met, the ZBA has the responsibility to deny. Even though there's the right to have 600 square feet, there's not a right to have one that can't fit.

Kelly Kuiper said there are constraints by the drain field and possible elevation concerns.

Trevor Petroelje asked can he leave the concrete and have a smaller building that meets the setbacks?

Kelly Kuiper said yes.

Trevor Petroelje agreed that standards 1 and 5 are not met.

Brock Nanninga agreed with what's been said and other properties have been able to have accessory buildings within the ordinance. He asked is it large equipment or a lot of equipment?

Marty Schaner said a lot of equipment.

Brock Nanninga asked is it a detriment to have a smaller building?

Marty Schaner said no, he can work with a smaller one. He said he's applying for the variance because the concrete was already poured.

Michael Bosch said this is a tricky one. With the elevation in the back, it's a tricky one. Although a smaller building is not ideal, it could work or it could be moved just a little bit. Unfortunately, the building permit application should've been the first step taken and the concrete pad wouldn't have been poured in the first place.

Kelly Kuiper said as much as the board wants to help the applicant, they have to follow the ordinance. She said standards 1, 3, 5 and 7 are not able to be met.

Moved by Tom Healy, seconded by Michael Bosch, to adopt the staff report as finding of fact and move to deny the variance for (VAR2106) Marty and Karol Schaner, 1424 Oakwood Dr., to have a 1.5-foot rear yard setback and 2-foot side yard setback for an accessory building, a variance of 3.5 feet for the rear property line and 3 feet for the side property line from the 5 feet that is required in Sec. 3.4(C) which states the eave line (which could be a maximum of three (3) feet) of an accessory building shall not be located closer than five (5) feet to any side or rear lot line; in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-11-322-008, located at 1424 Oakwood Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request does not meet the seven standards of the ordinance. Specifically, standards 1, 3, 5, and 7 have not been met due to the reasons that were discussed and the ZBA can't grant the variance based on those reasons.

Yeas: Tom Healy, Kelly Kuiper, Brock Nanninga, Michael Bosch, Trevor Petroelje

Nays: None

MOTION CARRIED UNANIMOUSLY.

#210526-04 – (VAR2107) Gary Nienhuis, 6460 Wrenwood Dr., is requesting to have a 38-foot rear yard setback, a variance of 2 feet from the 40 feet required in Chapter 24 in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-23-471-007, located at 6460 Wrenwood Dr., Georgetown Township, Ottawa County, Michigan. ([Application](#), [Site Plan](#))

The Zoning Administrator presented a [staff report](#).

Michael Bosveld of Michael Bosveld Builder, contractor for Gary Nienhuis, 6460 Wrenwood Dr., presented the request, including the following comments:

- They found out the foundation was nonconforming when they tried to pull a building permit. He would like to just put the house back to where it was.

The Chairperson opened the public hearing.

No one was present to make public comments.

The Chairperson closed the public hearing.

Kelly Kuiper read standard 6.

Michael Bosch said he's not expanding any nonconformity and there's been a precedence set with prior variances and this might be something the Planning Commission can look at because this comes up often.

Brock Nanninga said the precedence has been set with prior variances and the building was conforming when it was built.

Tom Healy agreed standard 6 is met and this is why the ZBA exists so that the applicant isn't required to move the foundation.

Trevor Petroelje agreed standard 6 is met.

Kelly Kuiper agreed standard 6 is met.

Moved by Brock Nanninga, seconded by Trevor Petroelje, to adopt the staff report as finding of fact and move to approve the variance for (VAR2107) Gary Nienhuis, 6460 Wrenwood Dr., to have a 38-foot rear yard setback, a variance of 2 feet from the 40 feet required in Chapter 24 in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-23-471-007, located at 6460 Wrenwood Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance.

Yeas: Michael Bosch, Brock Nanninga, Tom Healy, Kelly Kuiper, Trevor Petroelje

Nays: None

MOTION CARRIED UNANIMOUSLY.

#210526-05 – Other Business

There was no other business at this time.

#210526-06 – Public Comments

No one was present to make public comments at this time.

#210526-07 – Adjournment

Moved by Tom Healy, seconded by Kelly Kuiper, to adjourn the meeting at 8:45 p.m.

Yeas: Kelly Kuiper, Brock Nanninga, Tom Healy, Michael Bosch, Trevor Petroelje

Nays: None

MOTION CARRIED UNANIMOUSLY.