

MINUTES OF THE SPECIAL MEETING OF THE GEORGETOWN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS HELD August 16, 2021

The meeting was called to order at 7:00 p.m. by Chairperson Kendall Grable.

Members Present: Tom Healy, Michael Bosch, Brock Nanninga, Kelly Kuiper, Kendall Grable  
Members Absent: None  
Others Present: Victor Vuong, Secretary and Zoning Administrator

**#210816-01 – Approval of the Minutes of the May 26, 2021 Zoning Board of Appeals Meeting**

The minutes of the regular meeting held on May 26, 2021 were presented.

Moved by Brock Nanninga, seconded by Kelly Kuiper, to approve the minutes as presented.

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

Nays: None

MOTION CARRIED UNANIMOUSLY.

**#210816-02 – (VAR2108) Association for Covenantal Reformed Christian Education (for First Reformed Protestant Church)**, 1675 Baldwin St., is requesting to have a 3.68-acre site to be used for a K-12 school, a variance of 36.32 acres from the minimum site size required in Sec. 20.4(U)(1) which states the minimum site size for elementary schools shall be 20 acres, middle schools shall be 30 acres, and high schools shall be 40 acres – where a combination exists, the greater land area shall apply, and a variance from Sec. 20.4(U)(4) which states a greenbelt shall be provided in accordance with Sec. 3.11 where, in the opinion of the Planning Commission, screening is needed to minimize visual, noise, or other impacts from the proposed development; in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-15-279-046, located at 1675 Baldwin St., Georgetown Township, Ottawa County, MI. ([Application](#), [Supplement To Application](#), [Plan](#))

The Zoning Administrator presented the [staff report](#) with additional information gathered from the applicant through conversation prior to the meeting: there will be 6 classrooms, there are currently 23 high school students in grades 9-12 and that number may grow to around 30 as they are receiving a few more students, the school will not use any space of the church as an auditorium or assembly hall, and the school will not be in session during church hours.

Jim Ens, Attorney with Miller Johnson, accompanied by representatives of the church, presented the request with the following comments:

- They're hoping to start classes on September 7 on the church property for children of members of the church so timing is crucial. To clarify, they are not a licensed school yet, they will only be assisting homeschool students until they get licensed. The request is in conjunction with a special land use application that will be reviewed by the Planning Commission in two days, but before getting there, they're asking for two variances. They don't have the 40 acres required by the ordinance in Sec. 20.4(U)(1); they're shy of 4 acres. They believe they subjectively meet the four standards that the staff report stated the Zoning Board of Appeals shall determine. The size of their student body is not like a normal school and the ordinance requirements were written for typical schools.

- Regarding standard 1, Jim Ens said the spirit of the ordinance is that adjacent property owners have a reasonable expectation that neighboring uses don't get out of control. That's generally the spirit of zoning ordinances. In this situation, parents are invested in the education of their children and that's a good thing from a public interest standpoint. They'll be teaching in the same building that their children worship in.
- Regarding standard 3, Jim Ens said it's not a practical difficulty, rather, it's an impossibility. They can't grow their property to be 40 acres. The number of students per acre is less than all the other schools in the area. Without this variance, they cannot proceed with the school.
- Regarding standard 5, Jim Ens said they want to be able to teach students whose parents go to their church. Sandy Hill Elementary, Jenison Christian, Early Childhood Center, and Pinewood Elementary are all less than 20 acres. They're all able to do what they want to do.
- Regarding standard 7, Jim Ens said it's not like they had 43 acres and sold off 40 acres. They've just never had 40 acres.
- Jim Ens said the applicant is open to a cap of 78 students. They will live with their cap. They met the cap today, but they have some weeks to go. It might be that they have 30 or 40 more students. If the Zoning Board of Appeals think the cap is necessary, then they will live with that cap, but they're asking for consideration of more than 78. They miss-guessed on the 78 students because they underestimated the popularity of homeschool settings lately. The increase in popularity over the last 12 months is likely a product of government mandated procedures as a result of COVID. He believes the Zoning Board of Appeals might see more requests like this in the future from other churches.

The Chairperson opened the public hearing.

Amy Welch, 1643 Baldwin St., said she's curious about the infrastructure, traffic, and the time the students will be coming and going. She's concerned about the amount of people that will be in, or behind, her backyard when she's not home. Her son is a student at Sandy Hill and she said that's already an issue with traffic. She asked what a typical school day is. Will they be using the youth building that the church has?

Julia Moore, 1647 Baldwin St., said noise and traffic alone will be excessive and dangerous. She will have to fight traffic to take her own kids to school every day. She said the property lacks more than 10% of the acreage requirement. This will decrease the value of her property. She asked the Zoning Board of Appeals to decline the request. She said in the 3 months the church has been there, she has seen teenage boys be destructive to their own property so she is concerned it might not get better. She asked how will the school be held accountable to the number they want to hold cap?

Karen Jousma, 7639 Ridgewood Dr., asked how will they be governed? Will it be the same guidelines as a public school? She said she would like to be a good neighbor and consider it, and past churches have been good neighbors. She asked how far can they go with bringing in more students?

The Chairperson closed the public hearing.

Tom Healy asked where are the current students meeting? Is there a current facility?

Jim Ens said no, this is a new endeavor.

Tom Healy asked what's required from the state of Michigan to qualify as a K-12 school?

Jim Ens said their firm has education lawyers that would be able to answer it better, he's not able to answer it.

Kelly Kuiper asked where will the 6 classrooms be located?

Jay VanBaren, representative of the church, said the classrooms will be in the basement of the square part of the building. He said there's an egress stairwell to get down there.

Kelly Kuiper asked if they talked to the Township staff before they bought the property to see if it would be allowed?

Jay VanBaren said no.

Kelly Kuiper asked will there be a lunch place, cafeteria, or gym class? How will the school day be structured?

Jay VanBaren said there will be no facilities outside and no sporting facilities. They are only looking to have classes and be done with the school day.

Brock Nanninga asked what was the thought process of purchasing this property in May with this activity in mind? Was this the plan to begin with?

Jay VanBaren said they are a small church that broke off and at first they weren't thinking about having a school.

Jim Ens said they don't know of any available churches with 40 acres.

Brock Nanninga asked what's the intention of outdoor activities?

Jay VanBaren said he wasn't sure.

Brock Nanninga said if he were a neighbor, he'd like fencing so kids don't go on their property.

Jay VanBaren said he believes there's fencing there.

Michael Bosch asked the applicant to confirm that there will be no building expansions.

Jim VanBaren said that is correct.

Michael Bosch said there looks to be 3 ingress/egress.

Jim VanBaren said that is correct.

Michael Bosch said there's quite a lot of ways to get in and out. He asked what's the capacity of the building?

Jay VanBaren said he's not sure.

Michael Bosch asked about a cap.

Jay VanBaren said they would be comfortable with 118.

Kelly Kuiper said one thing to remember is the variance stays with the property. She said the goal of churches is normally to grow in size. She said if they grow and leave this site, the variance will stay with the property forever and anyone can use this property as a school. She said the applicant applied with an estimate of approximately 50 students, but have already reached their proposed cap of 78. She wants to know how it will work in the long term.

Jim Ens said although the variance will stay with the property, the Zoning Board of Appeals can apply conditions to the variance. He said they are not adverse to conditions. They're just asking for leniency because they underestimated the popularity of what they are doing. They think the cap of 118 students will limit the use to a small, Christian school.

Kelly Kuiper said conditions are important to consider here but she's sometimes leery with conditions. She's concerned about how this will be governed because this is a complaint driven township.

Tom Healy asked what will be the schedule, days and hours?

Jay VanBaren said it will be Monday through Friday from 8:00 am to 3:00 pm. They are hoping to shrink down that hourly time because it is a homeschool setup.

Tom Healy asked since it will primarily consist of children from families that are members of the congregation, what are the number of families that part of the congregation?

Jay VanBaren said 78 families.

Tom Healy said since placing a cap on the use is not part of the ordinance, the Zoning Board of Appeals cannot impose a cap unless it is offered by the applicant. If the use is in violation of that limit, the special land use permit can be revoked and the school use will be cancelled. He asked the applicant to offer a cap.

Kendall Grable said he can't find any high school that does not meet the size requirement. He said lot of elementary schools don't meet zoning requirements though.

The Zoning Administrator said the Township does not have zoning authority over public schools. The Township only has zoning authority over private schools. That's why so many schools are not in conformance with the zoning ordinance.

Kendall Grable said they've probably discovered an issue with the ordinance.

Jim Ens said the site design standards don't apply to public schools so that already places them at an advantage over private schools because private schools have to comply with zoning requirements. He said what may happen in the future is a church may ask for a text amendment as alternative schooling choices evolve.

Tom Healy said he's not familiar with any churches that don't conduct classes on a weekly basis. So the discussion is getting down to determining what constitutes as schooling and what does not. He said the church he goes to also offers classes. He thinks there's a problem in trying to define at what point a church becomes a school and not a church. To the point of the ordinance, the special

land use requirement has four items: acreage, 200 feet of frontage on an arterial street, a minimum distance of 200 feet for athletic fields from any property line abutting a residential zoning district, and a greenbelt requirement. The discussion is down to the acreage requirement. He said the 200 feet of distance for athletic fields is not an issue because the parcel is too small to begin with. He said the greenbelt requirement is a matter that should be left for the Planning Commission because the ordinance says “in the opinion of the Planning Commission”. That puts this question solely in the hands of the Planning Commission and it should remain there. He said the Zoning Board of Appeals should deny the request for a variance from the greenbelt requirement and leave it up to the Planning Commission. So it leaves the Zoning Board of Appeals with a single question on acreage.

Kendall Grable said this is an issue that they’ve discovered on how the ordinance has been written because it puts private schools at a disadvantage, but that’s not the question today. The focus should be on the seven standards. He believes standard 1 is met because being able to teach your children is part of the spirit of the ordinance.

Tom Healy agreed that standard 1 is met. He said Georgetown Township respects people’s religious and educational beliefs.

Kelly Kuiper said she generally agrees that having a school within the church is within the spirit of the ordinance, but this will also impact the neighbors. There’s some logic behind requiring a certain amount of acreage. The reason why school sites are so large is because it provides room for a parking lot with good flow, buffers, and athletic fields. She also thinks the 20, 30, and 40-acre requirement is to protect neighboring properties. The church is essentially taking a use that occurs on Wednesdays and sometimes twice on Sundays, and upgrading it to everyday.

Brock Nanninga agreed standard 1 is met.

Michael Bosch agreed standard 1 is met.

All members of the Zoning Board of Appeals agreed standard 2 is met.

Kendall Grable said he doesn’t see how standard 3 is met. He said although there may be practical difficulties, there are also alternatives even though those options might not be what the applicant has in mind.

Tom Healy said standard 3 is tough. He said the Zoning Ordinance doesn’t apply to public schools and that creates an uneven playing field for private schools. He said there’s no proposal to reconfigure the property or building or increase development. It comes down to the intensity of use. It’s going from Wednesday and Sunday to Monday through Friday and Sunday. He said he visited the site during a busy time and it was difficult to navigate, but in terms of the standards, the site abuts a major road. The only thing missing is the acreage requirement and athletic facilities which are not mandated for the school.

Kelly Kuiper said the difference in the standards that apply to public and private schools is pretty exceptional so meeting standard 3 is easy.

Brock Nanninga said standard 3 is met because it’s a unique situation and the property has its limitations.

Michael Bosch said there are other schools that are small in size as well. He said the church can be open as much as they want and can even have a concert every day from 7:00 am to 11:00 pm. Kendall Grable said what he questions about this is, what's unique about this property that does not apply to another property that the Zoning Board of Appeals would say yes to? The only thing that is unique about this property is that it's small. If it was a bigger property, this request would not come in front of the Zoning Board of Appeals.

Kendall Grable said regarding standard 4, Georgetown Township is a growing area, traffic and growth will keep increasing.

Kelly Kuiper said there's been an expectation for the neighboring single family homes that there would be a church next door. She said churches are generally open Wednesday and twice on Sundays. This might be a potentially negative change that will impact neighboring properties.

Brock Nanninga said this could be a different type of church where they can go to church all day every day. He said standard 4 is met based on the language of the ordinance. He doesn't believe it is a substantial detriment.

Michael Bosch said standard 4 is met.

Tom Healy said regarding standard 4, one of the reasons for the content of the special land use standards was access and frontage on major arterial streets for the purpose of schools not locating deep in subdivisions where people are driving through the complete neighborhood for the purpose of delivering and picking up students. This property is on one of the major streets in the Township. There are four standards for a special land use for a school and with the exception of the acreage requirement, this property meets the other three standards. So when you start entertaining the number of acreage and the possibility of obtaining 20 acres in Georgetown Township, it's a very difficult challenge to meet. The alternative for schools is to move to another township. That's not what the Township wants to see happen. The Township wants to allow property owners to use their property to the best of its capabilities. There are homes all along Baldwin, even next to Meijer. He said standard 4 is met.

Kendall Grable said regarding standard 5, public schools are out of their purview. Public schools can do whatever they want.

Tom Healy said for standard 5, public schools are not held to the same acreage requirement. The applicant's property meets the 200 feet of arterial roadway requirement. In addition to all this, the Planning Commission still has to grant the special land use and that's another whole set of conversations aside from the Zoning Board of Appeals. He said standard 5 is met.

Kelly Kuiper said for standard 5, it's a special land use, not a by-right use to begin with. When she thinks of substantial property right, she thinks of by-right uses.

Brock Nanninga said for standard 5, it's not a property right because they need a special land use to even do this.

Tom Healy said the reason why the Zoning Board of Appeals is meeting first is because if a special land use is granted and it can't comply with the ordinance standards, then a variance has to be granted for it to take effect. So if the Zoning Board of Appeals doesn't grant this, then the special land use request is gone.

Michael Bosch said for standard 5, private schools and public schools are essentially the same thing, they're all schools.

All members of the Zoning Board of Appeals agreed standard 6 is met.

Kendall Grable said for standard 7, the action of the applicant was buying a parcel that's not big enough for a school.

Tom Healy said he also doesn't see how standard 7 is met.

Kelly Kuiper agreed that standard 7 is not met. She said that's why she asked earlier if the applicant asked the Township staff if the use of a school would be permitted before buying the property and when did they think about putting a school in.

Brock Nanninga said standard 7 is not met based on the language of the ordinance as it is written. It's a parcel that doesn't meet the requirements for a school.

Michael Bosch said he has not seen anything for sale in the past 6 years that is 40 acres. It's an impossibility. He said regarding standard 7, nobody should ask for a variance because everything is the action of the person. He said standard 7 is met.

Kendall Grable said although the Zoning Board of Appeals has discovered there is a flaw in the ordinance, their job is to see if all seven standards are met.

Kelly Kuiper said the ordinance is for property site constraints. She said the property was purchased in May of this year and this request is coming almost after the fact. She said nobody approached the Township to see if the use would be okay. She said it doesn't sound like anyone on the Zoning Board of Appeals is particularly opposed, but the challenge is to say all the standards are met.

Kendall Grable said standard 7 is an undue burden.

Brock Nanninga said the ordinance is put in place so people can know what they can do with their property. The language of the ordinance as it's written, this is not met.

Michael Bosch said the Planning Commission can't be pushed to rewrite the ordinance every time because there can't be ordinances for everything and that's why the Zoning Board of Appeals exists.

Kelly Kuiper said in the perfect world, if all standards are met, how can the Township enforce this? Even if the Zoning Board of Appeals determines the seven standards are met, what will it look like to have the use at this location? From historical practice, it's not going to look like this 5 years from now. The 3.68 acres may be okay for 78 or 118 students, but what if they grow to 600 students?

Michael Bosch said that's why the fire capacity is important.

Tom Healy said he has trouble with allowing this to be limited by the Fire Chief because a lot of people can be packed into a church.

Michael Bosch said there is a physical limitation because of the size of the building.

Tom Healy said yes, but they have the equivalence of the size of an auditorium.

Kendall Grable said the ordinance should be rewritten.

Tom Healy said he believes the greenbelt should be left for the Planning Commission because granting a greenbelt waiver is granted into perpetuity with the land. If the Planning Commission waives it, it is only applicable for when the special land use is still good.

**Moved by Tom Healy, seconded by Brock Nanninga, to open the floor to public comments at this time.**

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

Nays: None

MOTION CARRIED UNANIMOUSLY.

The floor was opened to public comments.

Karen Jousma, 7639 Ridgewood Dr., said she bought her home in 1980. The prior church added on the large youth building. Everyone who surrounds the church have been good neighbors. Not everyone has a fence nor does she want everyone to have a fence. She just wants to be good neighbors. The proposal included 50 students, then 78, and now 118. She said she wants to be sure nobody will change numbers, conditions, or guidelines. She said Jenison has been a great place to live and she wants it to stay that way. She said she wants the Township to hold them accountable.

Jim Ens said he wants to address standard 7. He said everyone who ever requests a variance has bought their property. There needs to be some action other than buying the property to determine standard 7 is not met. They bought the property as a church. They just want to educate their children in a particular way.

Steve Kamps, board member of the school, 1675 Baldwin St., said he wants the neighbors to know that part of their belief is they will treat others as they would also like to be treated. As far as standard 7 is concerned, they split from another denomination. The church they split from also had a school affiliated with them. They were expelled from that school, which drove their need. That is why they are applying to have a school within their church.

The floor was closed to public comments.

Tom Healy said the special land use is for the school under the conditions the Zoning Board of Appeals places on it. The conditions continue into perpetuity as long as the school exists and operates within the standards. He believes a cap allows the school to get what they need and it allows a buffer for the surrounding neighborhood because it places a cap on the activity that will be there.

Kendall Grable said since the property is so small, any changes to the property would be difficult.

Tom Healy said yes, they will be subject to permits, site plans, and any other applicable application requirements.

**Moved by Michael Bosch, seconded by Kelly Kuiper, to adopt the staff report as finding of fact and move to approve the variance for (VAR2108) Association for Covenantal Reformed Christian Education (for First Reformed Protestant Church), 1675 Baldwin St., to have a 3.68-acre site to be used for a K-12 school, a variance of 36.32 acres from the minimum site size required in Sec. 20.4(U)(1) which states the minimum site size for elementary schools shall be 20 acres, middle schools shall be 30 acres, and high schools shall be 40 acres – where a combination exists, the greater land area shall apply; in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-15-279-046, located at 1675 Baldwin St., Georgetown Township, Ottawa County, MI: based on the finding that the request meets the seven standards of the ordinance. Specifically, standards (1, 3, 5 and 7) have been met and the reasons were discussed during the meeting.**

**With the following conditions of approval:**

- 1. If added in the future, athletic fields shall not be located closer than two hundred (200) ft. from any property line abutting a residential zoning district.**
- 2. The hard cap for the K-12 school shall be 118 students, all of whom are affiliated with the church, as offered by the applicant.**
- 3. Any future site improvements or expansions of existing buildings/structures for the K-12 school are only permitted if they are used in conjunction with the church and may only be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged, or altered by the church.**

Yeas: Tom Healy, Michael Bosch, Kelly Kuiper

Nay: Brock Nanninga, Kendall Grable

MOTION CARRIED.

**Moved by Tom Healy, seconded by Brock Nanninga, to adopt the staff report as finding of fact and move to deny the variance for (VAR2108) Association for Covenantal Reformed Christian Education (for First Reformed Protestant Church), 1675 Baldwin St., to have a variance from Sec. 20.4(U)(4) which states a greenbelt shall be provided in accordance with Sec. 3.11 where, in the opinion of the Planning Commission, screening is needed to minimize visual, noise, or other impacts from the proposed development; in a Low Density Residential (LDR) district, on a parcel of land described as P.P. # 70-14-15-279-046, located at 1675 Baldwin St., Georgetown Township, Ottawa County, MI; based on the finding that the request does not meet the seven standards of the ordinance. Specifically, standards (3, 5, and 7) have not been met and the reasons were discussed during the meeting and it was determined that it should be left up to the Planning Commission based on the language within Sec. 20.4(U)(4).**

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

Nay: None

MOTION CARRIED UNANIMOUSLY.

**#210816-03 – Other Business**

There was no other business at this time.

**#210816-04 – Public Comments**

There were public comments.

**#210816-05 – Adjournment**

Moved by Tom Healy, seconded by Kelly Kuiper, to adjourn the meeting at 9:10 p.m.

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

Nays: None

MOTION CARRIED UNANIMOUSLY.