August 17, 2023 Zoning Board of Appeals Allendale Charter Township

ZONING BOARD OF APPEALS AGENDA

Date: April 17, 2023 Time: 7:00 p.m. Place: Allendale Township Offices

- 1. Call the meeting to order
- 2. Approval of the April 13, 2023, meeting minutes
- 3. Approval of the agenda for August 17, 2023
- 4. Public Comment for non-public hearing items
- 5. Public Hearing:
 - Variance Request
 - A request from DeJong Leasing LLC, owners of NB Outlet, located at 11185 84th Ave. for relief from Section 21.03, 21.04E1, and 24.06H.
- 6. Public Comments
- 7. Adjourn

Allendale Charter Township Zoning Board of Appeals

Date:	Thursday April 13, 2023
Time:	7:00 p.m.
Place:	Allendale Township Offices
Members Present:	R. Chapin, J. Jacquot, E. Westerling, R. Nadda, S. Caird
Members Absent:	None
Staff Present:	S. Kushion
Recording Secretary:	R. Nadda
Guests Present:	Duke Schut – Duke Construction Mark Schmidt – Biz Stream

- 1. Meeting was called to order at 7:02 p.m. by Chair R. Chapin
- 2. Election of officers

a. Motion was made by E. Westerling, seconded by S. Caird, to maintain the same officers.
b. Officers are: R. Chapin, Chairman; J. Jacquot, Vice Chairman, R. Nadda, Secretary
Motion carried 5:0

3. Motion was made by J. Jacquot and supported by E. Westerling to approve Minutes of August 1, 2019, as written.

Motion carried 5:0

4. Motion was made by C. Chapin and supported by J. Jacquot to approve the agenda for April 13, 2023.

Motion carried 5:0

- 5. There were no public comments.
- Public Hearing regarding a Variance Request was opened by R. Chapin at 7:07 p.m. Variance Request: A request from Duke Construction for a variance at 11480 53rd Ave, also known as permanent parcel 70-10-24-335-001 to make an exception for a 24ft. drive instead of the required 26ft. drive on a two way parking lot.

Duke Schut, Duke Construction presented the need for this variance. Steve Kushion relayed his conversation with the Allendale Township Fire Department. They did not have any concerns as far as their ability to get the fire trucks there if the drive is 24ft. vs. 26ft. The Public Hearing closed at 7:25 p.m.

The Board discussed various aspects of this variance and reviewed each point separately of Section 28.04. A vote was taken for each point.

Point A – Yes: 5 Point B – Yes: 5 Point C – Yes: 5 Point D – Yes: 5 Point E – Yes: 5

Based on the results of these 5 points, E. Westerling made a motion, supported by J. Jacquot, to grant the variance as requested.

Motion carried 5:0

- 7. There were no public concerns or comments.
- 8. The meeting was adjourned at 7:55 p.m.

Respectfully submitted by R. Nadda, Recording Secretary



MEMORANDUM

TO: Allendale Charter Township Zoning Board of Appeals

FROM: Steve Kushion, Zoning Administrator

DATE: August 10, 2023

RE: Variance Application- NB Outlet

The Zoning Board of Appeals is scheduled to hear a request from DeJong Leasing LLC, owners of NB outlet at 11185 84th Ave.

Property Information

This property is located at 11185 84th Ave. and is 7.6 acres and consists of a building that houses NB outlet as well as a small operation selling pre-manufactured sheds in the side yard to the west of the building.

Information provided by Applicant

The applicant has provided an application for variance, narrative statement addressing the standards for a variance, and a site plan that was submitted to the Planning Commission for the parking lot expansion.

Variance Request: The applicant is asking for variances from Section 21.03, 21.04E1, and 24.06H. I will provide you with those sections of code below.

Section 21.03:

PARKING LOT PAVEMENT REQUIREMENT. All parking facilities required for uses mentioned in Section 21.06 of this Chapter shall be hard-surfaced with a pavement having an asphalt or concrete binder except the following.

The applicant states that the current driveway is gravel, as is 84th Ave, and customers can access the paved portion of the parking lot off Lake Michigan drive. The applicant goes on to state that there will be little traffic on the proposed gravel expansion of the parking lot and aisle.

Section 21.04.E1

For all uses within the R-4, O, GC, and C-3 Districts, and for any other commercial retail, service use, or for multi-family developments, raised concrete curb and gutter shall be provided along all paved perimeters, including but not limited to, drives, parking lots, landscaped islands, and loading areas.

The applicant states that the existing paved areas do not have curbing and that the addition of curbing would appear odd and not fit in with the current conditions on site.

Section 24.06.H

Enclosures. All dumpsters and other appropriate containers shall be placed in an enclosure constructed as follows:

a. An enclosure shall be constructed with durable materials that compliment and match the materials used in the principal structure. Chain link with slats is prohibited.

b. An enclosure shall provide a solid visual screen on all four (4) sides. An enclosure containing separate pedestrian access from the gate opening shall ensure the same solid visual screen when viewed from a public or private street.

c. The front of the enclosure shall be gated and shall include property hardware to secure the gate in a stationary position when open and closed. The bottom of the gate shall be installed at least six (6) inches above grade level. The gate shall be affixed to steel bump guard posts of no less than six (6) inches in diameter and which are completely filled with concrete.

d. The interior back wall of the enclosure shall be protected with steel bump guard posts located at least one (1) foot from the interior of the side and back walls. The bump guard posts shall be spaced three (3) feet apart. All steel bump guard posts shall be no less than six (6) inches in diameter and completely filled with concrete. Allendale Township Zoning Ordinance Site Plan Review 24-13

e. For any enclosure containing a dumpster or other appropriate container, the minimum interior width of the enclosure and its opening shall be ten (10) feet and shall be clear of obstructions, including the gate, its hinges, and steel bump guard posts. In addition, at least two (2) feet of clearance from the side walls of the enclosure shall be provided. Where enclosures contain more than one (1) dumpster or container, the minimum interior width shall equal the combined widths of the dumpster/container plus a minimum of two (2) feet clearance from each side. The minimum interior length for all enclosures containing a dumpster shall be at least two (2) feet greater than the length of the dumpster or dumpsters it contains.

f. Any enclosure constructed prior to the adoption of this language shall only be replaced pursuant to this Section, to the extent practicable as determined by the Zoning Administrator, and may not be restored or repaired in accordance with Section 26.04.

The applicant states that the current dumpster has been located on the property for many years and is screened by the building itself. The Dumpster is located 325 feet from LMD and 150 feet from 84th ave.

Conclusion:

The Zoning Board of Appeals should determine if the standards for a Zoning Variance are met. Here are the standards for approval of a variance-

A. That compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

B. That the granting of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

C. That the plight of the landowner is due to the unique circumstances of the property.

D. That the problem is not self-created, nor created by the applicant's predecessor in interest.

E. That granting the variance will insure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

It should be noted that financial loss or gain is not a standard of approval regarding approval of a variance. The ZBA should make the determination to approve or deny based on the standards above, or conversely, recommend that the ordinance be amended if they feel that is a better avenue. Usually, recommendations for Ordinance Amendment comes after the ZBA has seen recurring variance requests from a certain Ordinance requirement.

I hope the information provided is helpful to you as you consider this variance request. If you have any questions or concerns please do not hesitate to contact me and I will assist in any way that I am able. You may reach me at either (616) 667-8803 or 616-895-5143 or by email at skushion@pcimi.com

Steve Kushion Zoning Administrator



July 7, 2023

Ms. Kelli McGovern Allendale Township 6676 Lake Michigan Drive PO Box 539 Allendale, Mi 49401

RE: 11185 84th Avenue – NB Outlet - Variance Requests Allendale Township, Ottawa County, Michigan

Dear Ms. McGovern:

Enclosed please find following items related to the Zoning Board of Appeals application for the proposed parking addition to the NB Outlet property, located 11185 84th Avenue:

- Signed Zoning Board of Appeals Variance Application
- Narrative outlining the variance requests
- 5 copies of the site plan set

Please note that a pdf of the above information has also been emailed to township staff as well. Also, please note that the owner will be delivering the \$250 submittal fee/escrow deposit directly to the township offices.

It would be appreciated if you would review this information and place this project on the soonest available Zoning Board of Appeals agenda for review and consideration of the requested variances.

If you have any questions or need additional information, please contact me at (616) 292-5953 or via email at switte@nederveld.com.

Sincerely,

Steve Witte, P.E. Project Manager

Enclosures

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Allendale

"Where community is more than just a concept!"

Zoning Board of Appeals

Variance Application

Submission Date: July 10, 2023

Property Owner:	DeJong Leasing, LLC (Attention: Greg DeJong)			
Mailing Address:	11828 Kathy Jo Lane; Allendale, MI 49401			
Phone Number:	(616) 551-4884	Cell Phone:		
Email Address:	gregdejong@gmail.com		Fax:	
Owner's				
Signature:				

Applicant Name: (if not owner)	Same as owner = DeJong Leasing, LLC			
Mailing Address:	11828 Kathy Jo Lane; Allendale, MI 49401			
Phone Number:	(616) 551-4884	Cell Phor	ne:	
Email Address:	gregdejong@gmail.com	Fa	x:	
Applicant's Signature:	Ary De J	5		

Who is the responsible party for future invoices? Check one:

Property Owner

· Applicant

1. Property Information:

Address of	Property:	111	85 - 84th Av	enue			
Permanent	Parcel Nur	nber:	70 - 09 -	24 -100	- 022		
Legal Desc	ription of Pi	operty	(or attach to th	ne application):		
The following	g described pro	emises site	uated in the Towns	ship of Allendale,	Ottawa Co	ounty, State of Michig	gan:
1/4 corner of minutes 34 s	Part Northeast 1/4 of the Northwest 1/4 of Section 29, Town 7 North, Range 14 West, described as follows: Beginning at the North 1/4 corner of said Section 29; thence North 87 degrees 52 minutes 59 seconds West 330.00 feet; thence South 0 degrees 11 minutes 34 seconds West 1001.22 feet; thence South 87 degrees 45 minutes 09 seconds East 330.00 feet, more or less to the North and South 1/4 line of said Section 29, thence North along said North and South 1/4 line to the point of beginning.						
(Warranty De	eed recorded i	n Instrume	ent No. 2015-0028	878, dated July 3	1, 2015, O	ttawa County Regist	er of Deeds)
Lot Area:	6.49 A	C +/-	Lot Depth:	1001 FT +	-/-	Lot Width:	330 FT +/-
Current Zo	ning of Parc	el:	l Cur	rent Use of Pa	rcel:	NB Outlet	
				1			

List all deed restrictions:

None that we are aware of

- Please include a site plan that includes:
 - a. Boundaries of property and location within the Township.
 - b. Any proposed structures with setbacks from the property lines.
 - c. Present zoning of the property and abutting properties.
 - d. Location of existing structures on abutting properties.
- 2. <u>Detailed Request</u> If, for any question, additional space is needed, please attach additional pages.

Please check one of the boxes below to indicate the type of request you are applying for:

X Dimensional Variance	Appeal of Administrative Interpretation	
	Appear of Authinistrative interpretation	

Detailed request:

Variance from Section 21.03 to allow existing gravel drive/loading area to the east and south of the ex building to remain gravel and not be paved.

Variance from Section 21.04.E1 to allow the existing (and proposed) paved area to not have curbing on the perimeter of the area.

Variance from Section 24.06.H to allow the ex dumpster located in the rear of the building to not have an enclosure.

Please mark below the requirement(s) which are the subject of the variance request.

□ Setback	□ Signs	Lot Coverage	Loading Space
		🕅 Obscuring	
□ Front	□ Size	Wall/Fence	🛛 Height
□ Side	Area Requirements	Off-Street Parking	🗆 Rear

Other (Please Specifiy): Please see 'Detailed request' above

Please mark below the characteristic(s) of your property which necessitate the granting of your request.

Too Narrow	Elevation	🗆 Soil
Too Small	□ Slope	□ Subsurface
Too Shallow	□ Shape	🛛 Other (Please Specify):

The property is already developed. This project is 'just' for adding 23 additional parking spaces. The variances are requested to allow non-conforming conditions to remain.

Justification for granting the requested variance/modification. The applicant must show that strict application of the provisions of the Zoning Ordinance to the property would result in practical difficulties of unnecessary hardships inconsistent with the general purpose and intent of the ordinance. For the Board of Appeals to determine whether unnecessary hardship exists, the applicant should provide answers to each of the following questions:

Allendale Charter Township

a. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance/modification is not granted?

Yes X No not without hardship
If not, what unnecessary hardship will result? The project is a small project that extends the ex north parking area to the west to add 23 parking spaces. Strict compliance with the ordinance for the entire (already developed) site results in excessive project costs that make the 23 new parking spaces very much cost-prohibitive.
 b. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law? (self-imposed hardships are not entitled to variances) X Yes No
If no, please explain: The building and site have existing for many, many years and to our knowledge proper approvals were previously obtained for the site as it exists today.
 c. Will strict application of the terms of the ordinance deny use of the property for any purpose to which it is reasonably adapted? Yes X No but not without hardship
If yes, please explain: The property/site are already in use, so the property can continue to be used without the proposed additional parking spaces. However, the proposed additional parking assists the ex business and does not change the character of the property.
d. Is the requested variance/modification due to unique circumstances present on your property?
If yes, please explain the unique conditions: The site is already developed and the conditions for which the variances are requested are in essence to allow existing non-conformities to remain. This is covered under Article 26.3 of the zoning ordinance.
e. Would granting the variance/modification be contrary to the adopted Master Plan?
If yes, please explain: Granting the variances/modifications are not contrary to the Master Plan. The use and building already exist. Granting the variances do not change the use of the property or how it relates to the Master Plan.

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Allendale Charter Township

f. Would granting the variance/modification ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done?

X	Yes	No	
Please expl	lain:		
Among othe	er things, th	e ordinance	provides for the ability of businesses to orderly and safely operate and
be success	ful in the toy	wnship. By	granting the variances, the township is allowing an existing business to

add parking to their existing site to provide customers a safe location to park to go to the existing business g. Would granting the variance/modification, in effect, be rezoning this property to allow a use

g. Would granting the variance/modification, in effect, be rezoning this property to allow a use that otherwise is not permitted in this zoning district?

Yes	X	No

Please explain: The use and the building already exist. The proposed project is for the expansion of the parking area. Parking is also a permitted use for an existing business. Therefore, granting the variances will not allow a use to exist that would otherwise not be permitted.

4. Impact on Surrounding Properties

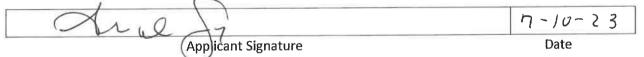
a. How do you propose to minimize any potential negative impacts which your proposed variance may cause?

Please explain: The variances have no negative impacts to the surrounding area. The existing parking/pavement does not have curbing. The drive areas to the east and south of the building already gravel (as is 84th Avenue). The existing dumpster located south of the building is not visible to the roadway/other properties due to the location of the building, the placement on the site, and the surrounding buffers. These are all existing conditions, so there will be no negative impacts if the variances are approved.

5. <u>Affidavit</u>

I acknowledge that if the request is granted or other decisions favorable to me are rendered upon this appeal, this decision does not relieve me from compliance with all other provisions of the ordinance.

I also certify that the information provided is correct to the best of my knowledge and hereby appeal to the Zoning Board of Appeals.



- Please include 5 sets of the submittal and 1 electronic copy for staff review along with your application and escrow fee. (When ready for submission to the Zoning Board of Appeals, smaller than typical plans are allowed when they can be easily interpreted and are to scale.)
- Please see Resolution 2011-2 for our full escrow fee policy. If you would like a copy of this policy, it is available online or by request at the Township office.
- If your escrow is not kept up to date, according to our policy, the Township reserves the right to withhold approval of your project, issue a stop work order, or withhold final occupancy until the escrow balance is made current.

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Allendale Charter Township

For Office Use Only		
Date Received:		
Received:		
Amount Paid:	Check No:	

Allendale Charter Township Zoning Ordinance

Sec. 28.04 VARIANCES; POWERS AND STANDARDS.

The Board of Appeals shall have the power to hear and decide in accordance with the provisions of this ordinance any request for interpretation of the Zoning Ordinance, requests for variances, and decide any special questions on which the Board is authorized to pass. The Board shall have the power to authorize, upon appeal in specific cases, such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest, but only in such cases where the Board finds beyond a reasonable doubt that owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this ordinance would cause practical difficulty and where it finds that all of the following facts and conditions exist:

A. That compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

B. That the granting of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

C. That the plight of the landowner is due to the unique circumstances of the property.

D. That the problem is not self-created, nor created by the applicant's predecessor in interest.

E. That granting the variance will insure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

Allendale Charter Township

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NB Outlet -11185 84th Avenue

Allendale Township, Michigan

Project Overview

DeJong Leasing, LLC owns the property at 11185 84th Avenue. The existing building is currently being leased to NB Outlet, which uses the building as retail and storage. NB Outlet sells overstock items and is currently open to the public only a couple of days a week. The open area west of the existing building is used to display sheds that are for sale. The proposed project consists of the addition of 23 parking spaces to the existing parking area located north of the building.

In the review of the entire existing site, it was noted that there are a number of existing non-conformities that exist that the owner is requesting to be allowed to remain. Guidelines for this are provided in Section 26.03 of the zoning ordinance.

The variances being requested are as follows:

- 1). Section 21.03 A variance is requested to allow the existing gravel drive aisle and loading areas to the east and south of the existing building to remain gravel and not have to be paved. Regarding this request, please note the following:
 - The drives/area has always been gravel.
 - 84th Avenue is a gravel road.
 - The customers for NB Outlet have access to the site and paved parking areas off the existing paved driveway off Lake Michigan. Therefore, little to no customer traffic will be driving on the drive aisle located east (and/or south) of the building.
- 2). Section 21.04.E1 A variance is requested to allow the existing and proposed parking/paved area to not have to have curbing around the perimeter.

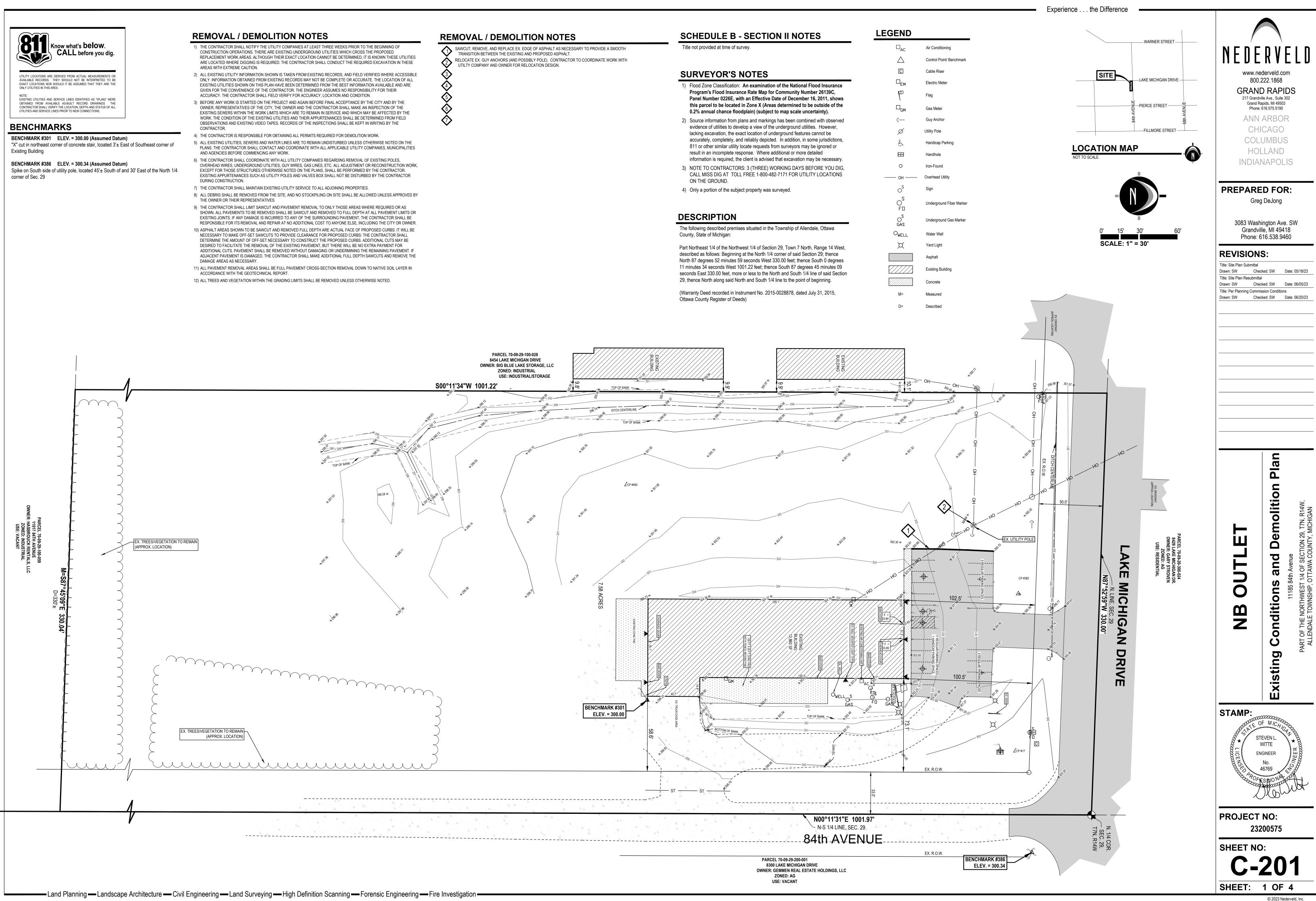
Regarding this request, please note the following:

- The existing drives and parking areas do not have curbing. Adding curbing at the edge of the existing pavement would impact drainage flow pattern, and it would very difficult and costly to retrofit a curb around existing improved, paved areas. And if curbing were added, it likely would result in some patches and repair adjacent the curbing, which would deter from the attractiveness of the parking area.
- The proposed additional parking area is a relatively small area and has sidewalk to the south. Having curbing around just the new parking area would appear 'odd' and it would impact the drainage design which currently shows the storm water runoff from the parking area sheet flowing to the a proposed drainage swale located north of the parking area.
- **3). Section 24.06.H** A variance is requested to allow the existing dumpster to not have to be enclosed. Regarding this request, please note the following:
 - The dumpster has been located on the property for many years.
 - The dumpster is located directly south of the existing building. The existing building itself screens the dumpster from view from the adjacent roadways. Please note that the dumpster location is approximately 325 ft from Lake Michigan Drive and 150 ft from 84th Avenue.

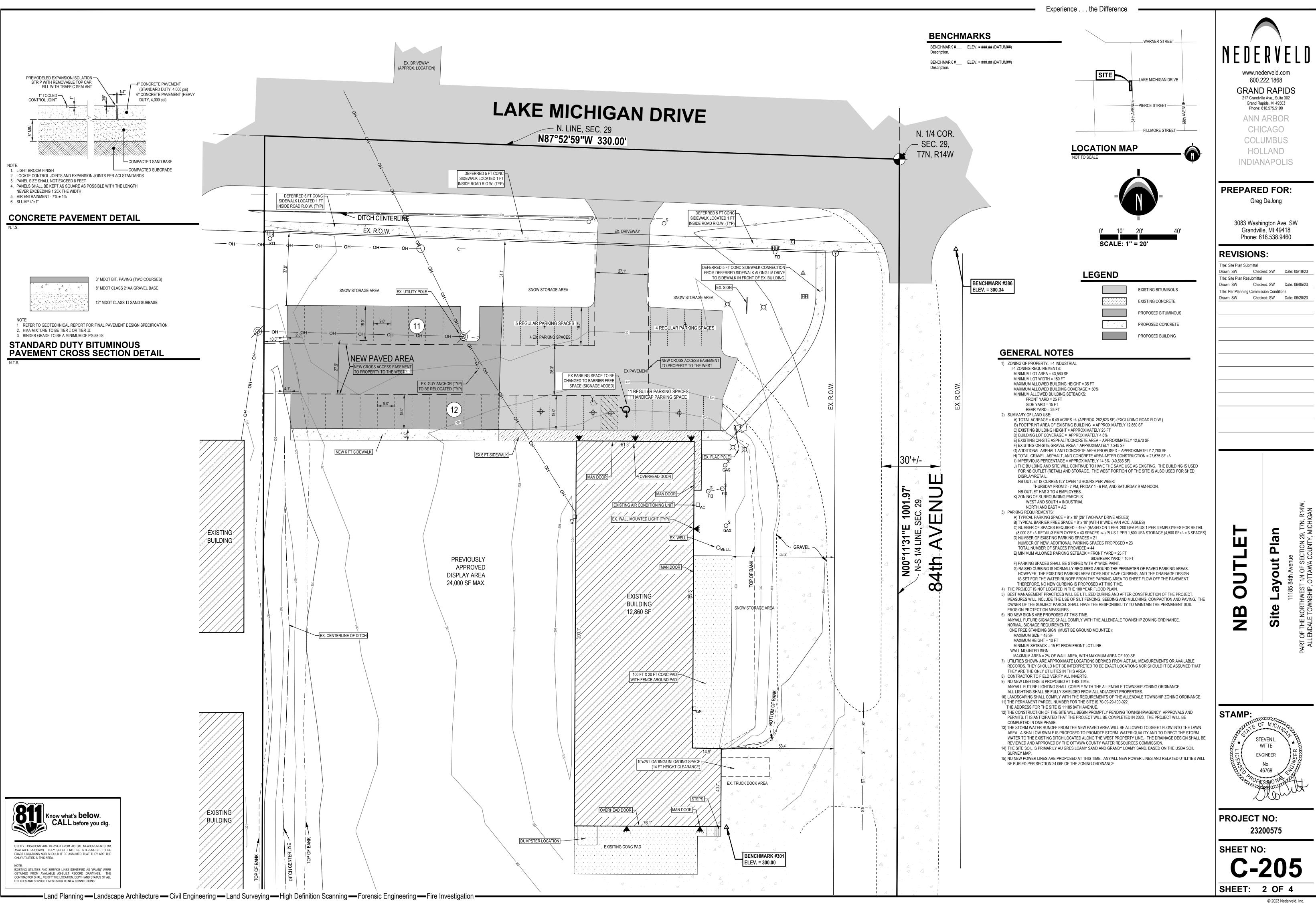


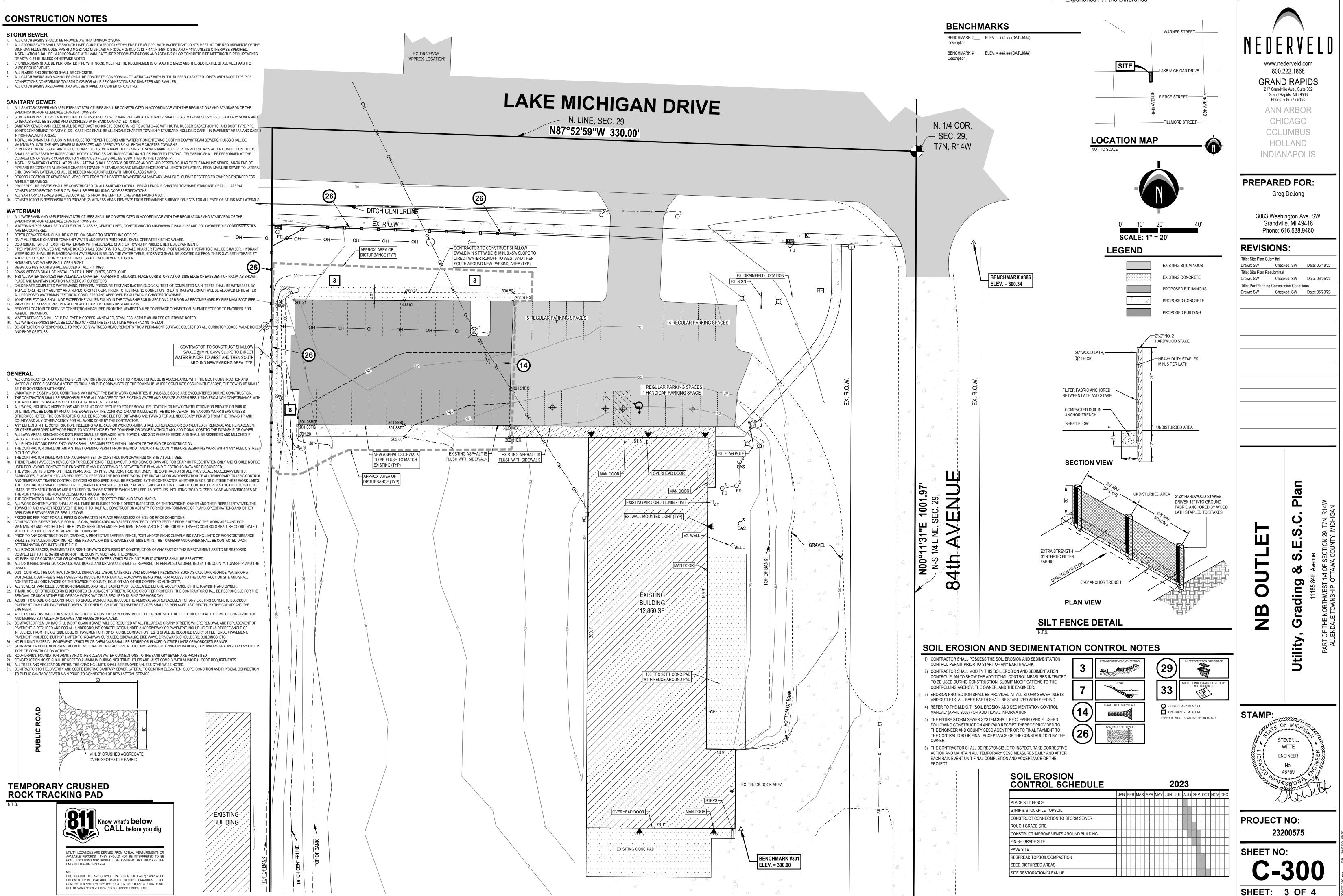
- EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR
- 4) THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION WORK.

- SHOWN. ALL PAVEMENTS TO BE REMOVED SHALL BE SAWCUT AND REMOVED TO FULL DEPTH AT ALL PAVEMENT LIMITS OR EXISTING JOINTS. IF ANY DAMAGE IS INCURRED TO ANY OF THE SURROUNDING PAVEMENT, THE CONTRACTOR SHALL BE
- NECESSARY TO MAKE OFF-SET SAWCUTS TO PROVIDE CLEARANCE FOR PROPOSED CURBS: THE CONTRACTOR SHALL DETERMINE THE AMOUNT OF OFF-SET NECESSARY TO CONSTRUCT THE PROPOSED CURBS. ADDITIONAL CUTS MAY BE DESIRED TO FACILITATE THE REMOVAL OF THE EXISTING PAVEMENT, BUT THERE WILL BE NO EXTRA PAYMENT FOR ADDITIONAL CUTS. PAVEMENT SHALL BE REMOVED WITHOUT DAMAGING OR UNDERMINING THE REMAINING PAVEMENT. IF

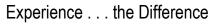


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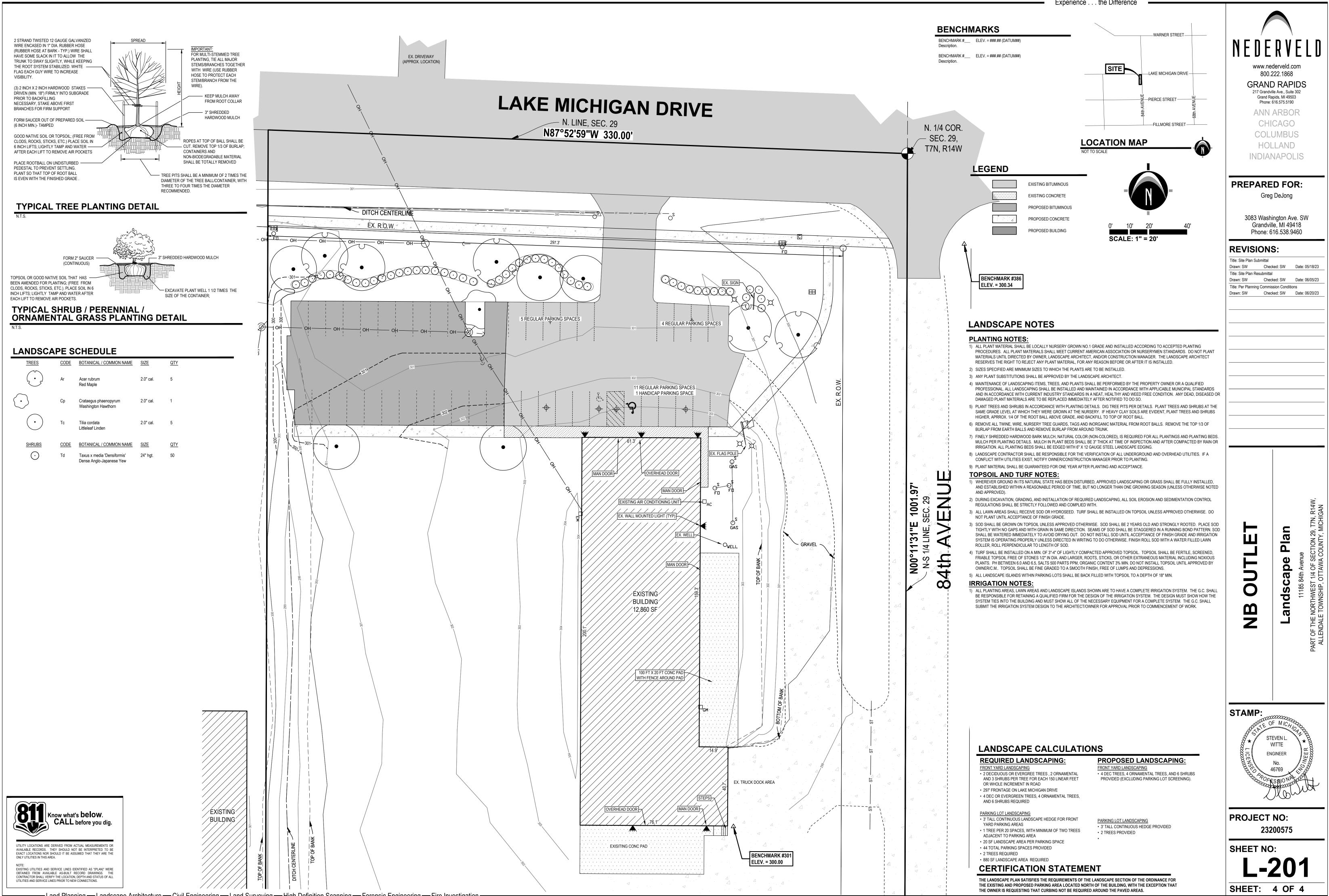




-Land Planning -Landscape Architecture -Civil Engineering -Land Surveying -High Definition Scanning -Forensic Engineering -Fire Investigation -



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