AGENDA

PARK TOWNSHIP
ZONING BOARD OF APPEALS

Special Meeting
October 12, 2020
6:30 p.m.

1. Call to Order

2. Approval of the Agenda

3. Approval of Minutes: September 14, 2020 Regular Meeting

4. Appeals: Note: Public notices were mailed to all property owners and occupants within 300 feet on or before Sunday, September 20, 2020 and published in the Holland Sentinel on Sunday, September 20, 2020. A revised public hearing notice, indicating the special meeting date and time, was posted at the Park Township Hall and on the Park Township website on October 6, 2020.

   Item #1. A request by Karin Kapteyn, to allow construction of a deck with a rear yard of approximately 20 feet where no less than 25 feet is permitted per Section 38-306(3) of the Park Township Zoning Ordinance. Said land and premises are located at 142 Bower Street, Holland, MI 49424. (Parcel 70-15-27-177-016, Zoned R-4 Medium Density One & Two Family Residence District)

   Item #2. A request by John & Karen Daniel, to allow a business to operate within the C-1 Zoning District without a paved parking area or driveway, where concrete, asphalt, or environmentally friendly porous paving is required per Section 38-605(3) of the Park Township Zoning Ordinance. Said land and premises are located east of the intersection of Ottawa Beach Road and Waukazoo Drive, Holland, MI 49434 (Parcels 70-15-25-160-029 and 70-15-25-160-049, Zoned C-1 Neighborhood Business District).

   Item #3. A request by John & Karen Daniel, to allow a business to operate that is not conducted wholly within a completely enclosed building, where uses are required to be conducted wholly within a completely enclosed building per Section 38-424(a) of the Park Township Zoning Ordinance. Said land and premises are located east of the intersection of Ottawa Beach Road and Waukazoo Drive, Holland, MI 49434 (Parcels 70-15-25-160-029 and 70-15-25-160-049, Zoned C-1 Neighborhood Business District).

   Item #4. A request by John & Karen Daniel, to allow a business to operate within the C-1 Zoning District without public water, where all uses within the C-1 Zoning District shall be serviced with public water per Section 38-424(b) of the Park Township Zoning Ordinance. Said land and premises are located east of the intersection of Ottawa Beach Road and Waukazoo Drive, Holland, MI 49434 (Parcels 70-15-25-160-029 and 70-15-25-160-049, Zoned C-1 Neighborhood Business District).

5. Other Business
6. **Announcements**

   Next scheduled meeting date is November 9, 2020 (rescheduled due to Election Day).

7. **Public Comment**

   This is an opportunity for the public to address the Board and to make any appropriate comments. Please limit your comments to 2-3 minutes per person.

8. **Adjourn**
CALL TO ORDER:

Chair Dreyer called to order the regular meeting of the Park Township Zoning Board of Appeals at 6:30 P.M., held via Zoom conferencing according to Executive Order of the Michigan Governor.

ATTENDANCE:

Present: Doug Dreyer, Dave Fleece, John Foster, Jim Gerard, Kathy Grimm (Alternate)

Absent: Dennis Eade (with notice)

Staff: Emma Posillico, Zoning Administrator

APPROVAL OF AGENDA:

Fleece moved, supported by Gerard, to approve the agenda as submitted.

Voice Vote: Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Foster moved, supported by Fleece, to approve the minutes of the August 10, 2020 Regular Meeting as submitted.

Voice Vote: Ayes 5, Nays 0. Motion carried.

BUSINESS ITEMS:

Item #1 - A request by Jeremy VanEyk, on behalf of Jefra Groendyk, to allow construction of an addition to a residence with a side yard of 8 feet where no less than 10 feet is permitted per Section 38-246(2) of the Park Township Zoning Ordinance. Said land and premises are located
at 2502 Eagle Lane, Holland, MI 49424. (Parcel 70-15-28-340-032, Zoned R-2 Lakeshore Residence District)

Posillico introduced the item. The property is described as Lot 16 of Heneveld’s Supervisor Plat No. 9 of Eagle Crest Park, and is 0.13 acres, or approximately 5,660 square feet in area. There is an existing 816 square feet residence on the property that was constructed in approximately 1940. The applicant wishes to construct a 9 ft. (135 sq. ft) addition to the southwestern corner of the residence.

The proposed 9 foot addition is 8 feet from the western property line. It also extends 9 feet into the rear yard which is permitted through rear yard averaging. This is a nonconforming structure.

The applicant has obtained a Soil Erosion and Sedimentation Control permit from the Ottawa County Drain Commission and has applied for a permit from EGLE for construction within the critical dune area. Any zoning and building permits issued for the property would require an EGLE permit prior to issuance.

The applicant, Jefra Groendyk, said she purchased the property in 2003. The project will maintain the integrity of the neighborhood.

Jeremy vanEyk spoke to the application. He has been working with the Township and the Zoning Administrator to be certain they are meeting requirements. The house does not currently conform to the side yard setback. Extending the structure into the rear yard area requires the side yard variance. The house layout is within the other required setbacks and there is no encroachment on the road.

Fleece asked if the proposal is part of a two story addition.

VanEyk said yes. It is a two story and they are expanding the upstairs.

Foster asked whether this could have been built away from the existing deck area, on the east side of the existing residence, without encroaching into the rear yard.

VanEyk explained that they cannot extend to the east side of the house because that is where the septic system is located. It has been checked by the Ottawa County Health Department and it is in good shape so they want to keep it where it is. Thus, extending in that direction is not an option.

Fleece asked why it was necessary to bring this request to the Zoning Board of Appeals.

Dreyer said it is still a variance that has to be approved by the Zoning Board of Appeals because it is adding to an existing nonconforming wall.

Foster asked if there will be a living area included in the extension.

VanEyk said the entry way is to be extended and opened out to add more space on the main floor. The upstairs bedroom will also be expanded.
PUBLIC HEARING

Dreyer opened the Public Hearing at 6:44 P.M.

There was no comment.

Dreyer closed the Public Hearing at 6:44 P.M.

Dreyer noted there were three letters submitted to the Township which were in support of the request.

Fleece moved, supported by Foster, to approve the variance as requested.

Fleece reviewed the three standards for Building Setback Exception (Sec. 38-483(e)(2):

   a. The proportion of the main wall which has been altered by the addition.

It appears the applicant is building an addition which blends with the existing home, and the intent is to keep the existing structure intact.

   b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood, and

The Eagle Crest community has smaller lots and consists of nonconforming structures which have required variances to be modernized. Given the western property line abuts a driveway for the residence to the west, the proposed addition won’t block airflow or light. The addition will have minimal effect on neighbors.

   c. The addition shall not be less than 5’ from the side and rear lot lines and shall not be less than 10’ from the front lot line.

The proposed addition is greater than 5’ from the side and rear lot lines. It meets the standard.

Roll Call Vote:

Fleece, aye; Dreyer, aye; Foster, aye; Gerard, aye. Grimm, aye.

Ayes 5, Nays 0. Motion carried

Item #2 – A request by Gerald Degraeve, to allow construction of a 391 square foot accessory building where a maximum size of 360 square feet is permitted per Section 38-491(b)(1)b of the Park Township Zoning Ordinance. Said land and premises are located at 248 Sea Esta Avenue, Holland, MI 49424. (Parcel 70-15-27-301-026, Zoned R-3 Low Density One Family Residence District)

Posillico provided the background for this request. The property is approximately 0.42 acres in area, or about 18,037 square feet. There is an existing residence on the property, about 2,027 sq. ft., a single level constructed in approximately 1970, with an attached garage.
The maximum allowable size for a detached accessory building is 2% of the lot size which would be approximately 360 square feet. The applicant is seeking to construct a 391 square foot accessory building which is 31 square feet greater than allowed. The reasoning for the variance request is the storage of two pieces of outdoor equipment, and so that the applicant does not have to order building materials in fractions of an inch.

The applicant, Gerald Degraeve, spoke to his request. The problem is the size of a boat and trailers that he wants to store inside. He needs to build the structure 17’ wide to make this possible. He is asking to extend 1’-4” wider to fit the trailers inside.

Foster referred to the drawing of where the building would be located. He asked the applicant if he planned to clear a lot of the trees in the area behind the building.

Degraeve said the canopy of trees is smaller and wouldn’t have to be cleared. He doesn’t think he would have to cut down any of the trees.

Gerard asked Posillico about the size of the lot. Some of the square footage is omitted because it is in the public right-of-way. Is this correct?

Posillico explained that any time someone proposes an accessory building it is based on the property size that Ottawa County has. In different districts, the property line either goes to the center line of the road or will be at the right-of-way. This is often a 30’ difference across the property. In this case, part of the yard is in the right-of-way. We can’t include that amount of property to determine the size of an accessory building since it is not technically part of his legally described property. It is not part of the computation.

Foster asked Degraeve where he has been storing equipment without a shed on his property.

Degraeve said he has been storing his equipment in his backyard and in the driveway, so the accessory building would allow the equipment to be stored indoors.

PUBLIC HEARING

Dreyer opened the Public Hearing at 6:56 P.M.

There was no comment.

Dreyer closed the Public Hearing at 6:56 P.M.

There was no correspondence submitted to the Township.

Foster asked if the height of the building is within the code limit.

Dreyer said it was.

Foster asked for a description of the building.

Dreyer referred to the last page of the application where there was a rendering of the proposed building.
Foster moved, supported by Gerard, to approve the variance.

Foster reviewed the Authorization for a Larger Accessory Building Standards Review:

- **The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;**

The size of the building is meant to be larger due to the items the applicant wishes to store. His lot size is compromised by the fact that part of the yard is in the right-of-way and is not included in the lot size used for accessory building computations. It is also generally a smaller lot.

- **The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;**

The accessory building will be behind the main house and will not be taller than the house, or will not be seen from the road given the location.

- **The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;**

Other than the main house there are no other buildings on the lot. The proposed change will be compatible with the neighborhood.

- **Whether or not the accessory building will affect light and air circulation of any adjoining property; and,**

The circulation of light and air is not a problem. The building is well back behind the adjoining residences and there is no other home behind it.

- **Whether the accessory building will adversely affect the view of any adjoining property.**

This is not a problem given the size of the building and its location on the lot. It will not affect the view of the neighbors.

**Roll Call Vote:**

Fleece, aye; Dreyer, aye; Foster, aye; Gerard, aye; Grimm, aye.

Ayes 5, Nays 0. Motion carried.

**Item #3 - A request by Karin Kapteyn,** to allow construction of a deck with a rear yard of approximately 17.5 feet where no less than 25 feet is permitted per Section 38-306(3) of the Park Township Zoning Ordinance. Said land and premises are located at 142 Bower Street, Holland, MI 49424. (Parcel 70-15-27-177-016, Zoned R-4 Medium Density One and Two Family Residence District)
The property is described as lot 2 of Wind Stream Subdivision No. 1. It is 0.23 acres or approximately 10,019 square feet. There is an existing residence of the property, approximately 1,014 square feet in size, excluding an attached garage. The existing residence was built in 1995 with the existing 10x10 ft. rear deck.

The applicant requires approval for the variance because the proposed deck change will encroach on the rear yard setback with this request.

Staff has been advised by the Township Attorney that if a non-conforming deck is being replaced exactly to the existing footprint it may be approved by Staff. However, the applicant proposes to increase the footprint of the non-conforming area toward the rear property line, expanding beyond an established setback. Staff believes that a variance is required for the rear yard setback of the proposed deck. Extending the deck 2.5' toward the rear property line would result in a rear yard setback of about 17.5 ft. where a 25 ft. rear yard is required.

The applicant, Karin Kapteyn, spoke to her application. The backyard is unusable and they would like to add more space on the deck for entertaining. The backyard area is wetland and no residences are behind their property.

Grimm asked the applicant to explain the situation with the backyard, and if there was any other space in the yard that was usable.

Kapteyn said it is wetland. It’s usually dry but because of the rain this year it is wetter than normal. They have had no water issues with the house and the drainage is appropriate. There is a firepit in the backyard but that can’t be extended without effort.

Foster asked if the deck is in bad shape or does she just want to expand the size of the deck.

Kapteyn said she just wants to enlarge the deck for more space.

Foster asked if there isn’t room now for a table and chairs. Kapteyn said it doesn’t allow more than a small table and a couple of chairs.

Fleece asked about putting the deck stairs on the east side rather than the back.

Posillico said stairs aren’t counted in the setback configuration (they are exempt), so just the deck area is applicable to the variance request.

**PUBLIC HEARING**

Dreyer opened the Public Hearing at 7:11 P.M.

There was no comment.

Dreyer closed the Public Hearing at 7:11 P.M.

There was no correspondence.
Gerard recalled a couple of years ago the Zoning Board of Appeals had an application when someone wanted to enlarge a deck with no property behind them. He recalled not granting the variance. How do we balance this request with that one?

Foster said we look at each application on its merits. This rear yard is compromised with a floodplain and/or wetland fairly close to the house. Having a regular yard that could be used would be different. He considered this is a burden for the applicant.

Fleece asked for clarification whether the applicant’s backyard is considered a wetland or a flood plain.

Posillico confirmed the applicant’s backyard is a wetland per the EGLE wetland maps, but is not a floodplain according to FEMA’s 2011 floodplain maps.

Fleece asked if there is a concern regarding construction. Does the applicant have to apply to EGLE for permission to complete construction in a wetland?

Posillico said in her experience, if hand tools are used in construction and no heavy equipment is brought to the site, the applicant will not require an EGLE permit.

Foster asked, to clarify, if there is a motion to deny, can the applicant rebuild a deck similar to what is there now.

Posillico confirmed that was correct, the exact footprint of the existing deck could be replaced without a variance.

Dreyer said the applicant could potentially build a longer deck if denied, utilizing the variance standards for constructing an addition along an existing non-conforming setback. He reminded the Commissioners that approval has to meet all four standards for a non-dimensional variance.

Gerard moved, supported by Fleece, to deny the variance request.

Dreyer advised Gerard that only one standard requires justification for denial.

Gerard reviewed the first standard:

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.

Gerard said this standard has not been met. There is the option that the deck can be constructed lengthwise to the back of the house so the applicant can get the desired space. The yard is being used in other ways as well. Consistent with past applications the standard has not been met.
Roll Call Vote:

Fleece, aye; Dreyer, aye; Foster, aye; Gerard, aye; Grimm, aye.

5 ayes, 0 Nays to deny request.

**Item #4 – A request by Thomas Selvius**, to allow construction of an accessory building on a vacant parcel, where a principal structure is also required per Section 38-491(b)(1)a of the Park Township Zoning Ordinance. Said land and premises are located on the eastern side of North Lakeshore Drive, north of Ransom Street. (Parcel 70-15-04-200-014, Zoned R-1 Rural Residence District)

Posillico summarized this request. The property is a vacant parcel approximately 1.15 acres, or 50,097 sq. ft. in area. The applicant intends to use the proposed accessory building for storage of vehicles without a principal building on the property. The applicant does own the residence on the western side of the street, located at 4541 N. Lakeshore Drive. Section 38-491(b)(1) of the zoning ordinance states accessory buildings are not allowed on lots that do not have a principal structure also on the lot. The applicant is seeking to construct a 7,500 square foot accessory building to hold a car collection. This request is for a non-use variance.

Posillico noted Agenda Item 5 is in regard to the size of the proposed accessory building. The Zoning Board of Appeals will only consider that item if they approve this variance request to allow an accessory building without a principal structure.

Thomas Selvius, the applicant, spoke to his request. When he bought the property on the west side of Lakeshore, he didn’t know the lot on the east side of the street was not formally incorporated into the western property, and he didn’t plan to build anything on the east side of the street. He thought he had built a garage at his residence with space he would need, however, he has started to collect cars and now needs extra space. The lot across the street is wooded and the trees would not be touched. He would like to construct the building there. It wouldn’t be seen except during the winter but it would be well hidden. On his property on the lake side, the only place to build is in front of the residence. He is willing to place a deed restriction on the property on the east side of the street to state that the property could not be sold as a separate parcel, but would have to be sold with the residence on the west side of Lakeshore.

Grimm asked if he considered adding onto his garage.

Selvius said his garage sits between the house and pool house so it would not work. He has two garages now and they are both full. He would like to have the car collection on his property.

Foster asked about the property on the east side of Lakeshore. He noticed some large trees on the property where the proposed accessory building is located. It appeared the applicant will have to cut down a few trees to accommodate the proposed building. He walked onto the property and made the observation.
Selvius proposes to build the building as far to the northeast as possible. The tree stand is more dense around the perimeter but the center is lighter. It won’t affect visibility. He admitted he would have to cut down some trees. He could move the proposed building closer to the center of the woods.

PUBLIC HEARING

Dreyer opened the Public Hearing at 7:30 P.M.

Lindsey Johnson, a neighbor, asked about the lighting on this building. It was her opinion that the current volume of 24 hour daylighting at the main house would transfer to this additional building. It impacts the view shed in the evening from the main house. She assumed that security lights would be similar to those at the main house.

Selvius said the lighting would not mimic the main house. It’s just a storage building. Perhaps he would install a mercury light, however, he doesn’t want to draw any attention to the building.

Caroline Genners had concerns in granting approval to this request. It would be setting a precedent to allow accessory buildings without a principal building. If the Zoning Board of Appeals says yes to this request it will have to say yes to all requests and would change the construct of Lakeshore Drive and the community. This is a historic community and should be respected as residential only.

John Lee owns property in the neighborhood. He said this would certainly set a precedent for allowing storage buildings in a residential area. He commends the Zoning Board of Appeals for upholding the standards which should be met. Using residential space for storage runs counter to the purpose of a residential district. He believes the concept of having a building only for storage on a residential parcel would set a precedent from Ransom Street to New Holland Avenue. He is concerned about this – it runs afoul of the zoning ordinance.

Catherine Heldt was in agreement with her neighbors.

Gail Schaumann lives a few doors south of Selvius. She was concerned about the size of the footprint. This is a residential area and the minimum building area is two acres. This lot is just one acre. It’s not buildable at all based on this size requirement. She pointed out the property on the east side is under different ownership from the property on the west side of the street.

Posillico said the lot is a buildable lot. If a lot that is existing is nonconforming, it may be buildable for a single-family residence if it meets certain requirements. The owner could build a single-family residence.

Schaumann understood the lot was sold with the intent to have property that wasn’t buildable.

Dreyer said it was platted before the current zoning and Master Plan. Now it can be built on.
Fernande Pruden said an accessory building without a residence is a storage building. She supports the other residents’ comments. Her family has been on her property for over 100 years. The generation following her is growing up on property that her grandparents bought. It would be a shame for the character of the neighborhood to be adversely affected in this case. The neighbors recognize the importance and care of the properties along the lake shore.

Christine Pruden owns lots on the east and west side of Lakeshore Drive and is concerned what a commercial building would do aesthetically to the neighborhood.

Barb Lee enjoys being on the lake shore. Being a gardener, she doesn’t want trees cut down which is bad for the environment. When the leaves fall that’s a long time to see a big building sitting there as an eyesore on Lakeshore Drive.

Michael Leonard repeated the importance of not allowing commercial buildings on residential lots. It will establish a bad precedent to allow this.

Marie Martinall lives down the street from Selvius. She is afraid the neighborhood will become commercial. It’s a poor precedent and she is opposed to the approval of this request.

Robert Schaumann owns approximately 40 acres surrounding the Selvius property on the east side. He encouraged the Zoning Board of Appeals to maintain the zoning restrictions. This proposal does not fit into the cultural history of the lakeshore. The integrity of this property is important to him. He is opposed to the request.

Dreyer said there were four letters against the request that were sent to the Township.

Dreyer closed the Public Hearing at 7:49 P.M.

Foster said he could not recall an instance where this type of situation was involved. He knows along Lakeshore Drive there have been a couple of instances where people wanted to build an outbuilding for storage. However, the requests included buildings located on the residential property, but not on a separate lot.

Foster moved, supported by Fleece, to deny the request.

Foster said that Standards c and d can’t be met. In addition, he concurred with the public comments that granting approval would set a precedent. The zoning standards are very clear about not allowing this request.

Posillico said a brief summary of the standards that the ZBA believe can’t be met would be appropriate in lieu of reviewing all the standards.

- That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g. an odd shape or a natural feature like a stream or wetland) and not due to general conditions of the zoning district.
Foster provided a brief summary: There are no wetlands on this property, so there are not unique circumstances to the property. It would not do justice to the property owners nearby and this type of building is not allowed without a residence on the same property. It isn’t allowed in the residential zoning district.

Roll Call Vote:

Foster, aye; Dreyer, aye; Fleece, aye; Gerard, aye; Grimm, aye.

Ayes 5, Nays 0. Motion to deny approved.

Selvius asked if he attached a small residence on this lot would the storage use be allowed.

Posillico said that was feasible to construct a residence with an attached garage, so long as he met the requirement that the garage is no larger than 75% of the footprint of the residence.

Item #5 – A request by Thomas Selvius, to allow construction of a 7,500 square foot accessory building where a 993 square foot accessory building would be permitted per Section 38-491(b)(1)b of the Park township Zoning Ordinance. Said land and premises are located on the eastern side of North Lakeshore Drive, north of Ransom Street. (Parcel 70-15-04-200-014, Zoned R-1 Rural Residence District)

For the record, this item was deleted from the agenda. Further consideration was moot because the previous related request (Item #4) was denied.

Item #6 – A request by Pine Creek Construction, on behalf of Bob and Carol Fewless, to allow construction of an addition to a residence with a front yard of approximately 17 feet where no less than 40 feet is permitted per Section 38-306(1) of the Park Township Zoning Ordinance. Said land and premises are located at 2247 Second Avenue, Holland MI 49424. (Parcel 70-15-33-279-004, Zoned R-4 Medium Density One and Two Family Residence District)

The property is described as Lot 49 and the western half of Lot 50 of Bosma’s Addition, and is 0.13 acres, or approximately 5,632 square feet in area. There is an existing 690 square feet residence on the property that was constructed in approximately 1969. The applicant wishes to construct a 240 square foot addition along the eastern side of the residence.

The addition meets the required side and rear yard setbacks but extends the existing nonconforming front yard setback of about 17 feet. Front yard averaging is not feasible in this case because there are no other residences within 300 feet on the same side of Second Avenue, and the 40 foot front yard setback requirement of the R-4 District prevails.

Carol Fewless said she and her husband have owned the cottage for over 22 years. Its location is unique in that it is surrounded by the Holiday Havens and Dune Dogz parking lots. The State Park is on the other side. The requested additional 8’ would allow her to add a queen size bed in the bedroom and expand the living space. All homes are nonconforming in the community with small front yards.
Doug Gritter of Pine Creek Construction said the front yard setback will remain the same. They are staying within the building envelope, keeping the front yard the same, and just adding 8’ to the residence. There will be no effect on the neighbors and the roof line will be the same.

Gerard asked if the addition is on the east side or the south side.

Gritter said it is actually on the south side, or lake side, to be correct. The front yard is on Second Avenue.

Posillico clarified that 17 ft. is the distance from the face of the house to Second Avenue.

Gritter confirmed the addition is on the south side, the side towards Lake Macatawa, by the driveway.

Dreyer explained that it is an extension of a nonconforming wall.

**PUBLIC HEARING**

Dreyer opened the Public Hearing at 8:04 P.M.

There was no comment.

Dreyer closed the Public Hearing at 8:04 P.M.

**Gerard moved, supported by Fleece, to approve the variance.**

Gerard reviewed the three standards for Building Setback Exception (Sec. 38-483(e)(2):

a. *The proportion of the main wall which has been altered by the addition.*

The main wall has been altered but keeps the same distance of the front of the house from Second Avenue. It is not imposing on the front yard.

b. *The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood, and*

The neighborhood is composed of mostly nonconforming lots. This will conform with what is already there. It’s one of the smaller properties in the community.

c. *The addition shall not be less than 5’ from the side and rear lot lines and shall not be less than 10’ from the front lot line.*

It meets the standard.

**Roll Call Vote:**

Foster, aye; Dreyer, aye; Fleece, aye; Gerard, aye; Grimm, aye.
Ayes 5, Nays 0. Motion carried.

PUBLIC COMMENT

Dreyer opened Public Comment at 8:07 P.M.

There was no comment.

Dreyer closed Public Comment at 8:08 P.M.

ANNOUNCEMENTS

A. The next scheduled meeting date is October 5, 2020. Posillico said the Daniels’ farmers’ market item is on the agenda.

ADJOURNMENT

Fleece moved, supported by Foster, to adjourn the meeting at 8:08 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
September 16, 2020

Approved:
Four (4) applications have been received for the October 12, 2020 Zoning Board of Appeals meeting.

**Item #1.** A request by Karin Kapteyn, to allow construction of a deck with a rear yard of approximately 20 feet where no less than 25 feet is permitted per Section 38-306(3) of the Park Township Zoning Ordinance. Said land and premises are located at 142 Bower Street, Holland, MI 49424. (Parcel 70-15-27-177-016, Zoned R-4 Medium Density One & Two Family Residence District)

**Applicable Ordinance Sections:**
Sec. 38-306, Area regulations (in part).
(3) Rear yard. There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than 50 feet.; and

Sec. 38-483(e)
(2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
- a. The proportion of the main wall which has been altered by the addition;
- b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and
- c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

**Background:**
The property is described as lot 2 of Wind Stream Subdivision No. 1. The property is 0.23 acres, or approximately 10,019 square feet. There is an existing residence on the property, approximately 1,014 square feet in size, excluding the attached garage. The existing residence was built in 1995 with the existing 10 ft. x 10 ft. rear deck. Per Ottawa County GIS, the rear wall of the residence is located 30 feet from the rear property line, with a 10 ft. x 10 ft. deck extending towards said property line. As such, the existing deck is approximately 20 feet from the rear property line. The applicant is proposing to demolish the existing deck and replace it with a 10’ x 16’-7” deck. It should be noted that since the existing (and proposed) decks are greater than 30 inches above grade, they are considered within setback computations. Further, the proposed stairs are not included within the setback computations as steps are exempt from the building setback requirements per Section 38-483(e)(1)c of the Zoning Ordinance. An aerial view of the property is below.
Zoning Board of Appeals Considerations:
As you will recall, the applicant came before you in September 2020 to consider a rear yard setback of 17.5 ft., as the deck was proposed to be expanded towards the rear property line. That variance request was denied as it did not meet the standards for a dimensional variance. However, the applicant has revised their plans for the deck expansion, and is now proposing to reconstruct the deck utilizing the existing 20 ft. rear yard setback, but to extend the deck to the east and west. Building setback exemptions are provided for under Section 38-483(e)(2) of the Zoning Ordinance, which notes that additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals. Since the subject deck was constructed well before 2016, and the applicant is requesting a continuation of the rear yard of 20 ft., your Standards of Review below reflect those listed in Section 38-483(e)(2).

Building Setback Exception Standards Review:
Pursuant to Sec. 38-483(e)(2), the Zoning Board of Appeals shall consider the following standards in granting authorization for a building setback exception:

a. *The proportion of the main wall which has been altered by the addition;*

   The applicant states that the existing deck is 10’ x 10’. The proposed plan extends the deck approximately 1’-10” to the east, and 5’ to the west for a total size of 16’-7”x10’. The applicant notes that the l-shaped stair intrudes into the southwest corner.

   Staff Comments: It does appear that the applicant is attempting to add onto the deck area without encroaching further into the rear yard. While the proposed stairs do encroach into the rear yard, as aforementioned stairs are exempt from setback requirements. If the ZBA agrees, this standard may be met.
b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and

The applicant states that the property behind the residence is a wetland, and the 100-year floodplain is shown crossing the property, hence the area behind the residence is unbuildable. The deck will not adversely affect the neighboring properties nor encroach on their view. The applicant notes further that there is minimal usable space in the backyard and the deck and stair will greatly increase the ability to enjoy the backyard. The ground is not conducive to a lawn due to the many trees, and the terrain slopes to the back and thus allows for only a small flat patio area to the west of the east of the deck.

Staff Comments: Staff agrees that given the arrangement of adjoining properties, it is unlikely that the proposed deck expansion will have any negative effects on the surrounding neighborhood. Pending any comment received at the public hearing, and if the ZBA agrees, it appears this standard may be met.

c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

Staff Comments: The proposed addition would be greater than five feet from the side and rear lot lines. As such, this standard has been met.

Recommendation:
Staff finds that the proposed deck addition aligns with the existing rear yard setback, and may not have any negative impacts on neighboring properties. If the ZBA agrees, and there are not substantive public concerns, consider approving this request to construct a deck with a 20-foot rear yard setback.
Item #2. A request by John & Karen Daniel, to allow a business to operate within the C-1 Zoning District without a paved parking area or driveway, where concrete, asphalt, or environmentally friendly porous paving is required per Section 38-605(3) of the Park Township Zoning Ordinance. Said land and premises are located east of the intersection of Ottawa Beach Road and Waukazoo Drive, Holland, MI 49434 (Parcels 70-15-25-160-029 and 70-15-25-160-049, Zoned C-1 Neighborhood Business District).

Applicable Ordinance Sections:
Sec. 38-605, Requirements for parking areas (in part).
Every parcel of land hereafter established as an off-street public or private parking area for 10 or more vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

(3) The parking lot and its driveway shall be surfaced with concrete, asphalt pavement or a type of environmentally friendly porous paving, and maintained in good condition, free of dust, trash, and debris.

Background:
The subject properties are 0.8228 acres (western parcel) and 0.6585 acres (eastern parcel), which together is just under 1.5 acres or approximately 64,525 square feet in area. The subject properties are currently vacant of permanent structures, but have been used for a farm market since late April 2020. An aerial view of the subject properties is below.

As you may recall, the subject properties were previously approved for the Coastal Condominiums storage and residential Planned Unit Development (PUD) project. Earlier in 2020, the previous property owner’s representative applied to the Township to renew the PUD,
which was approved for a one-year renewal. Shortly thereafter, the subject properties were purchased by John & Karen Daniel.

In April 2020, Karen Daniel contacted Township Staff about potential establishing a farm stand on the properties, for Visser Farms to sell food during the height of the COVID-19 pandemic. Township Staff worked with the Daniels, and issued a three-month peddler’s license for Visser Farms to sell food from the subject properties. After conferring with the Township Attorney, it was determined that the Coastal Condominiums PUD approval was rescinded from the property, due to the new owners’ desire to establish a different use on the property.

In the summer of 2020, Township Staff received a complaint that there were actually three vendors selling food from the property, which the complainant believed was a violation of the peddler’s license. Given that the license was issued for Visser Farms only, Township Staff issued a violation letter to the Daniels, informing them that the number of vendors on the property would need to be reduced to one in order to comply with the peddler’s license that was issued. The Daniels responded that there were always three vendors selling from the property, which had since become known as the Waukazoo Market. The matter was considered by the Planning Commission, who discussed the issue of multiple vendors exceeding the original peddler’s license, and utilized their prosecutorial discretion to suspend ordinance violation proceedings against the Daniels. Further, the Township extended the peddler’s license to allow three vendors on the property.

The applicant has explained to Township Staff that as the summer of 2020 progressed, it became clear that they wish to extend the use of the property to a larger scale farm market, beyond the confines of a peddler’s license for three vendors. However, Township Staff’s analysis of the current Zoning Ordinance has indicated that a farm market is not a permitted use in the C-1 Neighborhood Business District, but it may be a use that could be authorized through a Special Use Permit.

When the Township Planner was initially reviewing a preliminary site plan for a Special Use Permit from the applicant, it was noted that there are three provisions of the Zoning Ordinance that the applicant is not proposing to meet with the farm market use. As such, in order for the Township to authorize a Special Use Permit for a farm market on the subject properties, the applicant needs to first obtain variances.

Staff would like to emphasize to the Zoning Board of Appeals, which will likely be echoed by the Township Attorney – the ZBA is not considering the Special Use Request to continue the use of the property as a farm market or Christmas tree sales lot, as the Planning Commission will ultimately consider that request. The ZBA is also not considering the Park Central Concept for the area, which the Planning Commission may utilize in their analysis of the Special Use Request. Lastly, the ZBA is not considering the public survey and/or petitions that the applicant provided, if the farm market should be allowed to stay in Park Township beyond 2020; again, the Planning Commission may decide to consider those provided documents. However, the ZBA is tasked with analyzing the variance requests, and determining if there is a practical difficulty or an unnecessary hardship associated with each request.
Zoning Board of Appeals Considerations:
The first variance that the applicant is seeking is to allow the farm market to operate within the C-1 Zoning District without a paved parking area or driveway, where concrete, asphalt, or environmentally friendly porous paving is required per Section 38-605(3) of the Park Township Zoning Ordinance. Currently, the vendors on the property drive over the two grass curb cuts from Ottawa Beach Road to park their vehicles then set up their tents for each market day. Patrons to the market utilize the unpaved parcel to the west (70-15-25-160-048) for parking. The applicant currently has an agreement with that property owner to share parking, as the hours during which the market operates differ from those during which the Itty Bitty Bar uses the parking area.

It should be noted that when the unpaved parcel to the west (70-15-25-160-048) began to be utilized for overflow parking for the Bar and other businesses in the plaza, the Township notified the property owner that the parking area needed to be paved. The property owner began working on a site plan submission to expand the parking area, but it was never formally submitted. The property owner has attempted to expand the parking area, including the paved area, against the Township’s requirements, on more than one occasion over the past two years.

While the variance requests for your consideration are not standard dimensional variances, they are non-use variances. As such, the standards of Section 38-70(1) apply and appear below.

Non-use Variance Standards Review:
Pursuant to Sec. 38-70(1), the Zoning Board of Appeals has the authority to grant variances where there are practical difficulties or an unnecessary hardship, shall consider the following standards, and shall make an affirmative finding as to each standard to authorize a non-use variance:

a. That strict compliance with the zoning ordinance regulating the minimum area, yard set backs, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;

The applicant states that the initial cost of providing a paved parking area would be $45,000, which would be excessive given the minimal usage of the property. The cost is a “wasted effort” due to a non-optimum placement of a parking lot and ingress/egress on the parcel for eventual permanent building construction. According to the applicant, it would cost an additional $10,000 to remove the parking lot and driveway in preparation for eventual permanent building construction. The parking lot and driveway would sit idle without any usage for the majority of the week, resulting in a “neighborhood oddity.” Lastly, according to the applicant, the grass parking lot and driveway for the market has proven to be effective, as evident by the usage of similar parking and driveway construction at the David Dirkse Skatepark area, which apparently has more hours of operation and utilization.

Staff Comments: Staff encourages the ZBA to consult with the Township Attorney, but it is Staff’s interpretation that a financial hardship is not sole grounds for granting a variance request. As you will note throughout the application materials, the
applicant references the vendors on the property as “business partners,” so it is difficult for Staff to believe that the cost of paving a parking area would be solely the burden of the applicant.

Additionally, while the applicant continues to note that the market is a temporary use, the Township has to consider that it may become a permanent use. For instance, if the current property owner decides to sell the property, the next buyer may wish to continue use of the property for an outdoor market. It is the applicant’s responsibility, as the property owner, to develop an effective site layout. Stating that there would be non-optimum placement of a parking lot and ingress/egress is not the Township’s issue, but rather something the applicant would need to address.

To address the applicant’s contention that a parking area sitting idle for the majority of the week would result in a “neighborhood oddity” – Staff disagrees with this sentiment. The Ottawa County Fairgrounds are a 68-acre parcel that generally sit empty (or with minimal use) for approximately 11 months of the year. Staff is unaware of any recent complaints of the Fairgrounds as a “neighborhood oddity.” Further, shared parking is permitted in the Park Township Zoning Ordinance, so it is possible that the market could arrange to share their paved parking with the shopping plaza located to the immediate west (similar to the current agreement for the unpaved parking area). As aforementioned, the requirement for paving has been emphasized to the owner of the shopping plaza since he attempted to expand the paved parking area several years ago without approval by the Planning Commission.

Lastly, to address the applicant’s statement that a grass parking lot and driveway has been effective for the David Dirkse Skatepark; the ZBA will be familiar with the fact that the Skatepark is accessed through a paved driveway coming off of Ottawa Beach Road. Yes, there is a grass parking area, but there is no direct access from the grass parking area to Ottawa Beach Road. The Waukazoo Market currently has two grass curb cuts that the vendors utilize to access the field where they sell goods. Given that the applicant is proposing to continue the market through December, Staff has concerns about the vendor trucks utilizing grass driveways that are not capable of being treated for inclement weather given their grass material. As the ZBA knows, Ottawa Beach Road is a heavily-traveled corridor where drivers can reach moderate speeds; Staff has concerns about potential traffic implications of market trucks exiting the property using slick grass driveways. Additionally, Staff would argue that while the Dirkse Skatepark does have longer hours than the market is currently proposing, there are likely fewer users per day, and a lower volume of traffic given the extended hours.

Based on the applicant’s provided reasoning, and Staff’s contention that a financial hardship does not constitute reasoning to grant a variance, Staff finds that strict compliance requiring a paved parking area and driveways for the proposed use is not unnecessarily burdensome. If the ZBA agrees, this standard has not been met.
b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met;

According to the applicant, none of the property neighbors have been forced to comply with the ordinance, resulting in excessive financial burden.

Staff Comments: Staff is unaware of any neighboring properties that are used for commercial purposes that do not have paved parking or drive areas. As aforementioned, the adjacent property to the west continues to share gravel parking with the market, and has been advised that the parking must be paved according to the Township’s Ordinance.

If the applicant is referring to the Eldean Shipyards, which received a variance to use gravel in some of their parking lots as a temporary means to address the rising lake waters, Staff believes this is an entirely different request based on the unusually high water levels. Staff has concerns that granting this request to not provide paved parking and driveways will not do substantial justice to other property owners in the C-1 Zoning District, but rather provide precedent for other businesses to seek (and potentially receive) the same variance. If the ZBA agrees, this standard has not been met.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district; and

The applicant states that the Waukazoo Market is unique due to the low usage of the property, the outdoor nature of the market (where apparently black asphalt would be non-harmonious), and that the land is a greenscape when the market is not in use.

Staff Comments: It appears that the applicant is referencing unique characteristics of the use of the property, rather than the property itself. The standard above reflects unique circumstances of the property, such as a natural feature or odd shape. Staff finds that the unique circumstances of a farm market are directly related to the C-1 district, rather than the property itself. As such, if the ZBA agrees, this standard has not been met.

d. That the practical difficulties alleged are not self-created.

The applicant provides reasoning that the PUD that was previously approved for the property was not desired by surrounding residents, and that the market study (conducted and provided by the applicant) indicates that a farm market is purportedly the highest and best use of the property.
Staff Comments: The ZBA is not tasked with determining what the highest and best use of the property is. Generally speaking, the permitted uses and arguably Special Uses within the C-1 District, have been recognized as the highest and best use for a property that is so zoned. While Staff empathizes that there is such user support for the market, said support does not hinge upon the market being allowed to continue using a gravel parking lot.

Staff would argue that the applicant’s unwillingness to provide a paved parking area and driveways is entirely self-created, and that this standard has not been met.

Recommendation:
Staff does not believe that there are practical difficulties or an unnecessary hardship that warrant granting a variance from providing paved parking and driveways to the Waukazoo Market. It appears to Staff that the applicant is relying on the cost to pave parking and drives, in addition to an unwillingness to comply with the Township Ordinance, as reasoning to request the variance. If the ZBA agrees, consider denying this request to not provide paved parking and driveways to the Waukazoo Market.
Item #3. A request by John & Karen Daniel, to allow a business to operate that is not conducted wholly within a completely enclosed building, where uses are required to be conducted wholly within a completely enclosed building per Section 38-424(a) of the Park Township Zoning Ordinance. Said land and premises are located east of the intersection of Ottawa Beach Road and Waukazoo Drive, Holland, MI 49434 (Parcels 70-15-25-160-029 and 70-15-25-160-049, Zoned C-1 Neighborhood Business District).

Applicable Ordinance Section:
Sec. 38-424(a), Required conditions. With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building.

Background:
Please see Item #1 for background information.

The second variance that the applicant is seeking is to allow the farm market to operate from outdoor tents, not conducted wholly within a completely enclosed building, where uses are required to be conducted wholly within a completely enclosed building per Section 38-424(a) of the Park Township Zoning Ordinance. Currently, the vendors on the property utilize approximately 5-8 tents that are removed at the end of each market day. As you will note in the application materials, the applicant is proposing one configuration of the market from April through October of each year, and a varying configuration from November through December. As you will note in both site plans, there are no permanent structures proposed for either site configuration.

While the variance requests for your consideration are not standard dimensional variances, they are non-use variances. As such, the standards of Section 38-70(1) apply and appear below.

Non-use Variance Standards Review:
Pursuant to Sec. 38-70(1), the Zoning Board of Appeals has the authority to grant variances where there are practical difficulties or an unnecessary hardship, shall consider the following standards, and shall make an affirmative finding as to each standard to authorize a non-use variance:

a. That strict compliance with the zoning ordinance regulating the minimum area, yard set backs, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;

The applicant states that the Waukazoo Market is an outdoor shopping experience, comprised of individual vendors in pop up tents. According to the applicant, there are not intentions to construct an enclosed building at this time.

Staff Comments: Given that the C-1 Zoning District does not specifically list an outdoor market as a permitted or Special Use, it is sensible that the Ordinance requires all businesses to be conducted within an enclosed building. However, Staff understands that outdoor markets are by nature, not within an enclosed building.
While there are certainly indoor markets with multiple vendors across the United States, Staff understands the applicant’s contention that the Waukazoo Market is intended as an outdoor experience. If the applicant proceeds with the outdoor market concept, which the Planning Commission will likely consider for a Special Use Permit, it would appear that strict compliance with the Zoning Ordinance is unnecessarily burdensome. If the ZBA agrees, it appears this standard may be met.

b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met;

The applicant states that to their knowledge, none of the neighboring properties have negative concerns with the Market being conducted outdoors. The applicant further states that the property is located within a residential neighborhood setting.

Staff Comments: Staff disagrees with the applicant’s statement that the property is located within a residential neighborhood setting, particularly as the applicant references the Park Central Concept, which is a development concept for the general area that includes the subject property. Further, with the shopping plaza (including a gas station) immediately to the west, as well as the office complex on the north side of Ottawa Beach Road, Township Hall to the northwest, and the Ottawa County Fairgrounds to the west, Staff argues that this is decidedly not a strictly residential setting.

However, granting the variance to allow a market to remain outdoors and not be within an enclosed building, would do substantial justice to the applicant, and potentially to other property owners in the C-1 District that may consider similar uses in the future. If the ZBA agrees, it appears this standard may be met.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district; and

The applicant re-states their summary of what makes the Waukazoo Market unique that was provided with the first variance request, but adds that since the market has been operating within tents for the past 18+ weeks, an enclosed building would be a poor concept.

Staff Comments: As explained in Staff’s comments to standard (c) of Item 1, it appears the applicant is emphasizing unique aspects of the use of the property, rather than the circumstances of the property itself. However, Staff does agree that an outdoor market is a unique use within the C-1 District, as it is not currently a permitted use by-right. Staff encourages the ZBA to discuss this standard to determine if you believe it has been met.
d. *That the practical difficulties alleged are not self-created.*

The applicant states that the market is a pleasant outdoor experience, and they do not require an enclosed building to deliver this experience to their patrons. The applicant also provides guidelines that were apparently part of the farm market that was operated in 2012 at the Ottawa County Fairgrounds. According to the applicant, this ordinance is “ludicrous.”

Staff Comments: It should be emphasized that 2012 was eight years ago, and according to various Township Staff, the farm market that was operated at the Ottawa County Fairgrounds was not successful due to the location set back with limited visibility from Ottawa Beach Road. As the ZBA will be familiar with, changes to the Zoning Ordinance are generally made when an issue frequently occurs and it becomes apparent that there are aspects of the Ordinance that should be updated to reflect current conditions. One failed farmer’s market in the Township, nearly a decade ago, likely was not substantiation for the Township to consider adding outdoor markets as permitted uses in the C-1 District. As such, Staff disagrees with the applicant’s statement that current ordinance is “ludicrous,” as there have not been other requests to establish businesses that are not in enclosed buildings within this zoning district.

Staff disagrees that creating an outdoor marketplace is not a self-created hardship, as it is feasible to have multiple food vendors within an enclosed business. However, Staff does understand that the applicant has created a market that has functioned utilizing outdoor tents. Staff encourages the ZBA to discuss this standard to determine if you believe it has been met.

Recommendation:
Staff finds that the lack of current regulations within the Zoning Ordinance for outdoor markets may create a practical difficulty in requiring that businesses within the C-1 District be conducted completely within an enclosed building. Pending comment from Township legal counsel, Staff encourages the ZBA to discuss if standards (a) through (d) have all been met, as is required by Section 38-70(1) of the Park Township Zoning Ordinance.
Item #4. A request by John & Karen Daniel, to allow a business to operate within the C-1 Zoning District without public water, where all uses within the C-1 Zoning District shall be serviced with public water per Section 38-424(b) of the Park Township Zoning Ordinance. Said land and premises are located east of the intersection of Ottawa Beach Road and Waukazoo Drive, Holland, MI 49434 (Parcels 70-15-25-160-029 and 70-15-25-160-049, Zoned C-1 Neighborhood Business District).

Applicable Ordinance Section:
Sec. 38-424(b), Required conditions. All uses permitted in the C-1 Neighborhood Business District shall be serviced with public water.

Background:
Please see Item #1 for background information.

The third variance that the applicant is seeking is to allow the farm market to operate without public water, where all uses within the C-1 Zoning District shall be serviced with public water per Section 38-424(b) of the Park Township Zoning Ordinance. As you will note in the application materials, there are no permanent structures proposed for the property, food and beverages will be offered out of trucks, and a vendor porta john is proposed along the southern property line.

While the variance requests for your consideration are not standard dimensional variances, they are non-use variances. As such, the standards of Section 38-70(1) apply and appear below.

Non-Use (Dimensional) Variance Standards Review:
Pursuant to Sec. 38-70(1), the Zoning Board of Appeals shall consider the following standards and shall make an affirmative finding as to each standard to authorize a non-use variance:

a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;

The applicant states that none of the business partners for the market require public water, and that the cost to provide public water is prohibitive. According to the applicant, since the market is outdoors, a water line would freeze in the winter months.

Staff Comments: Given that the C-1 Zoning District does not list an outdoor market as a permitted or specific Special Use, it is sensible that the Ordinance requires all businesses (assuming they are conducted within an enclosed building) to be connected to public water. However, Staff understands that this application is for an outdoor marketplace that utilizes temporary tents and potentially does not have a true need to provide public water. If the applicant proceeds with the outdoor market concept, which the Planning Commission will likely consider for a Special Use Permit, it would appear that strict compliance with the Zoning Ordinance to provide
public water may be unnecessarily burdensome. If the ZBA agrees, it appears this standard may be met.

b. *That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met.*

The applicant states that to his knowledge, none of the neighboring properties have any negative concerns with the market not being serviced with public water.

Staff Comments: Staff agrees that not providing public water would do substantial justice to the applicant, and may not do substantial injustice to other property owners in the zoning district. If the ZBA agrees, it appears this standard may be met.

c. *That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district; and*

The applicant states that since the market is currently operating outdoors, operating without the service of public water is not a detriment. According to the applicant, the current market does not require public water service to continue to be successful.

Staff Comments: As explained in Staff’s comments to standard (c) of Items 1 and 2, it appears the applicant is emphasizing unique aspects of the use of the property, rather than the circumstances of the property itself that would prevent the property from being able to provide public water. However, Staff does agree that an outdoor market where there are no permanent utility connections is a unique use within the C-1 District, as it is not currently a permitted use by-right. Staff encourages the ZBA to discuss this standard to determine if you believe it has been met.

d. *That the practical difficulties alleged are not self-created.*

The applicant states that the Waukazoo Market does not require to be serviced by public water to be a pleasant outdoor experience. According to the applicant, “you will create a problem if public water is mandated” since the supply line will freeze at the above-ground source if not protected properly in the winter months.

Staff Comments: Staff cannot confirm if a water supply line will freeze in the winter months, particularly as it would be technically feasible to install in-ground lines. Further, Staff would like it noted that the ZBA will not “create a problem” if public water is mandated, as the applicant contends. However, requiring water lines for uses that do not require utilities, does not appear to be a self-created difficulty. Staff encourages the ZBA to discuss this standard to determine if you believe it has been met.
Recommendation:
Staff finds that the lack of current regulations within the Zoning Ordinance for outdoor markets may create a practical difficulty in requiring that businesses within the C-1 District provide public water. Pending comment from Township legal counsel, Staff encourages the ZBA to discuss if standards (a) through (d) have all been met, as is required by Section 38-70(1) of the Park Township Zoning Ordinance.
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- ___________ DATE FILED ___________
PROPERTY ADDRESS 142 BOWEY ST 08.10.2020 09.17.2020
NAME OF APPLICANT KARIN KAPTEYN PHONE NO. 616-403-1433

Email Address kkaptyn@classicengineering.com

OWNER AS PER TAX RECORD KARIN KAPTEYN

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:
☐ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.
☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.
☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.
☐ Use variance. Note: The Use Variance Supplement is a separate form.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?
EXISTING 10'x10' DECK IS TOO SMALL TO ACCOMODATE GUESTS. THE BACKYARD IS WOODED AND WET AND IS NOT CONDUSIVE TO A LAWN. WE WOULD LIKE TO INCREASE THE DECKSIZE TO 13'x16'-7'x10' EXTENDING 2'-5' BEYOND ITS CURRENT LOCATION TO ALLOW US TO ENTERTAIN GUESTS IN OUR BACKYARD.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signature of Property Owner

Signature of Applicant

08.10.2020 Date

08.10.2020 Date
Building Setback Exception

Following are the standards which the Zoning Board of Appeals must use in considering your request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) The following projection dimensions are allowable:
   i. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area nor project more than three (3) feet into the required setback.
   ii. Roof overhangs that do not project more than two (2) feet into the required setback.
   iii. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet in to the required setback;

2) The proportion of the main wall which has been altered by the projection.

Describe the size of the proposed expansion in relation to the main or existing wall:

THE EXISTING DECK IS 10'X10'. PROPOSED PLAN EXTENDS THE DECK APPROXIMATELY 1'-10" TO THE EAST AND 5' TO THE WEST FOR A TOTAL OF 16'-7"X10' (L-SHAPED STAIR INTRUDES INTO THE SOUTHWEST CORNER)

3) The overall effect of the proposed projection on adjoining properties and the surrounding neighborhood.

Describe the effect of the expansion on adjoining properties and the surrounding neighborhood:

THE PROPERTY BEHIND IS A WETLAND. THE 100 YEAR FLOOD PLAN IS SHOWN CROSSING THE PROPERTY, HENCE THE AREA BEHIND THE RESIDENCE IS UNBUILDABLE. THE DECK WILL NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTIES NOR ENCROACH ON THEIR VIEW. THERE IS MINIMAL USABLE SPACE IN THE BACKYARD AND THE DECK AND STAIR WILL GREATLY INCREASE THE ABILITY TO ENJOY THE BACKYARD. THE GROUND IS NOT CONDUCE TO A LAWN DUE TO THE MANY TREES. THE TERRAIN SLOPES TO THE BACK AND THUS ALLOWS FOR ONLY A SMALL FLAT PATIO AREA TO THE WEST OF THE EAST OF THE DECK. THE STAIR WILL ALLOW ACCESS TO THE BACK YARD FOR COMPOSTING, ETC.
SITE PLAN
SCALE: NOT TO SCALE

STRUCTURAL NOTES
CONSTRUCTION SHALL COMPLY WITH MICHIGAN RESIDENTIAL BUILDING CODE 2015 [MRC 2015].

DESIGN LOADS

LIVE LOAD 60 PSF
GUARD RAIL 200# CONCENTRATED LOAD/50 PLF
GUARD POST 200# CONCENTRATED LOAD @ TOP

CONCRETE SHALL ACHIEVE 28-DAY COMPRESSIVE STRENGTH OF 3000 PSI

PROJECT:
REPLACEMENT DECK
142 BOWER ST, HOLLAND, MI
F-1: 24" DIA. CONC. FTG.
F-2: 18" DIA. CONC. FTG.
F-3: 12" DIA. x 8" CONC. FTG.
ALL FOOTINGS MIN. 42" BELOW GRADE

DECK FRAMING PLAN
SCALE: 1/4" = 1'-0"

PROJECT:
REPLACEMENT DECK
142 BOWER ST, HOLLAND, MI
5/4 x 6 S. PINE #1 P.T. DECKING

2 x 10 S. PINE #1 LEDGER w/ 3/8" x 3 1/2" LAG SCREWS 3-ROWS @ 8" O.C.

2 x 8 S. PINE #1 P.T. @ 16" O.C.

4 - 2 x 10 S. PINE #1 P.T.

6 x 6 POST BEYOND

7' 6 1/2"

SECTION

SCALE: 3/4" = 1'-0"

SIMPSON DTT22Zw/ 1/2" BOLT & 8-1/4" x 1 1/2" SDS

A

DETAIL

SCALE: 3/4" = 1'-0"

2 x 8 JOIST

2 x 8 RIM JOIST

4 x 4

2-1/2" BOLTS w/ WASHERS

PROJECT:

REPLACEMENT DECK

142 BOWER ST, HOLLAND, MI

DATE:

07.16.20

S2
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION


PROPERTY ADDRESS Vacant C-1 Lots[x2] Ottawa Beach Rd Holland, MI 49424 [numeric address TBD]

NAME OF APPLICANT John B. and Karen L. Daniel PHONE NO. 616-403-2204

Email Address kdaniel@chartermi.net

OWNER AS PER TAX RECORD Daniel John B-Karen L Trust #1

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S): 38-605(3) 38-424(9a) 38-424(b)

Describe the nature of the request:

☑ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☐ Use variance. Note: The Use Variance Supplement is a separate form.


What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

Sec 38-605(3) Asphalt Parking Lot and Driveway: Excessive cost ($45k) for less than 24 truck usage; outdoor pop up tent farm market is operationally seasonal in usage

Sec 38-424(a) Business conducted wholly within a completely enclosed building: Not practical for farm market operation due to individual vendors in 10' x 10' pop up tents

Sec 38-424(b) All uses in C-1 Business District shall be serviced with public water: Would be a useless service for a vendor in a 10' x 10' pop up tent, thus, ludicrous cost

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights to any other statute, deed restriction, or other property rights.

Signature of Property Owner

Signature of Applicant

27 Aug 2020

Date

27 Aug 2020

Date
Non-use Dimensional Variance Form


Sec. 38-605(3): The parking lot and its driveway shall be surfaced with concrete, asphalt pavement or a type of environmentally friendly porous paving, and maintained in good condition, free of dust, trash, and debris.

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your dimensional variance request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

> Excessive initial cost of $45,000 [contractor estimate] for minimal usage given this is a “farm market” with 10’x10’ pop up tents: current operation 3 days at 8 hour/day; seasonal usage

> Cost mentioned above is Wasted effort due to non-optimum placement parking lot and ingress/egress access on parcel[s] for eventual permanent building construction

> Additional cost of $10,000 [contractor estimate] to remove this temporary parking lot and ingress / egress driveway in prep for eventual permanent building construction

> This parking lot and ingress/egress driveway would sit idle without any usage for the majority of the week, resulting in a neighborhood oddity

> Proposed Grass Parking Lot and Driveway for Waukazo Market has been proven to be effective as evident of the usage of similar parking and driveway construction at the David Dirkske Skatepark Park Township Recreation Area. This Skatepark has more hours of available operation and utilization given the published schedule: 7 AM – 10 PM, 7 days per week

2) Whether granting a variance 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 and be more consistent with justice to other property owners.

Describe how this variance will do justice to you without doing injustice to the neighbors as described in Standard #2 above:

> To my knowledge, none of my property neighbors have been restricted or forced to comply with this ordinance resulting in excessive financial burden to enable customer or resident vehicle traffic
3) Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

- What makes the Waukazoo Market unique to request this variance is due the following:
  - Low usage of property given the market schedule of 3 days/week, 8 hrs on days of operation
  - The environment of the market is outdoor in nature by design, thus black asphalt would be non-harmonious with this theme
  - Per the landscape picture shown, when the market is “not in operation” the land returns to a beautiful greenspace presence
  - Park Township personnel have acknowledged this is a “unique market” environment for Park Township and ordinances should have been created to align with the unique nature of a farm market when originally confronted [ie, Ottawa County Fairgrounds Park Township Farm Market 2012]. Waukazoo Market is similar in structure, ie, temporary in nature.

4) Whether the problem is self-created.

Describe why this problem should not be considered as self-created:

- The Waukazoo Market and this variance request to avoid having to lay black asphalt to this greenspace parcel for this interim use is not the problem, rather the solution. The C-1 parcels sat empty and overgrown, collecting trash that blew in from the west for +20 years. The previous property owners had proposed different site construction plans. These plans ranged from expensive storage units that would have occupied the entire property footprint, to the latest which was a PUD for condominiums in the R-3 parcel and fancy storage units along the road on the C-1 parcels. The common denominator was “storage unit,” and as evident from the lack of sale, these plans failed to convince anyone this was a solid investment.

- On the other end of the spectrum of interest, as evident in our simple market study conducted, a very large majority of the +300 Park Township Voters, have equated this market at this site as the “Highest and Best Use of this Land,”
  - The reasonable, probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

- We would like to continue to surprise and delight all the people that continue to shop at the Waukazoo Market...we hope to serve you soon, and that depends on both of our decisions
Non-use Dimensional Variance Form


Sec. 38-424(a): With the exception of automobile parking and off-street parking, all business, services or processing shall be conducted wholly within a completely enclosed building.

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your dimensional variance request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

- The Waukazoo Market is an outdoor shopping experience which is the best environment given our current situation. Additionally, the current market model is comprised of individual vendors with 10’x10’ pop up tents. At this time, I am not interested to build a “completely enclosed building” to only to obtain a Special Use Permit to conduct our current market model.
- The cost to construct a “completely enclosed building” at this time is cost prohibited and is not needed.
- I would not construct a “completely enclosed building” given our weekly operation schedule since this would be a gross underutilization of a major asset.
  - 3 days / week
  - 8 hours / day
- People shopping at the Waukazoo Market have expressed they prefer the open-air market concept, given COVID-19 cleanliness concerns and social distances is much easier to maintain

2) Whether granting a variance 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 and be more consistent with justice to other property owners.

Describe how this variance will do justice to you without doing injustice to the neighbors as described in Standard #2 above:

- To my knowledge, none of my property neighbors have any negative concerns with our Waukazoo Market being conducted not within a “completely enclosed building.”
- Given our property is located within a residential neighborhood setting and our neighbors who shop at the Waukazoo Market have expressed that like to shop here during our current situation and not have to enter a “completely enclosed building.”
3) Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

➢ What makes the Waukazoo Market unique to request this variance is due the following:
  o Low usage of property given the market schedule of 3 days/week, 8 hrs on days of operation would not warrant a “completely enclosed building” due to underutilization of a major asset
  o The environment of the market is outdoor in nature by design, thus operating in a “completely enclosed building is counter to the current market design
  o Per the landscape picture shown, when the market is “not in operation” the land returns to a beautiful greenspace presence
  o This is the only market of this kind in Park Township, thus unique by its mere existence and as such a “completely enclosed building” would result in a poor concept since 10’x10’ tents would for the Waukazoo Market perfectly as demonstrated for the past +18 weeks. Don’t need to fix that which is not broken.

4) Whether the problem is self-created.

Describe why this problem should not be considered as self-created:

➢ The Waukazoo Market is a pleasant outdoor experience. We don’t require a “completely enclosed building” to deliver on this experience to our patrons. We have no problem doing this, as supported by the +300 Park Township Voters.
➢ Park Township Recreation Department was instrumental in the operation of the Park Township Ottawa County Fairgrounds Farm Market in 2012 and this was in their published guidelines:
  o “Vendors must provide their own tents (maximum size 10X10), tables, chairs and other equipment as needed.”
  o Note, they did not run this market from a “completely enclosed building” either back then since it did not make sense in 2012 either.
  o Note, appropriate Farm Market Ordinances could have been drafted in 2012 and not try to enforce this lucidious ordinance at this time for the Waukazoo Market

We would like to continue to surprise and delight all the people that continue to shop at the Waukazoo Market…we hope to serve you soon, and that depends on both of our decisions.
Non-use Dimensional Variance Form


Sec. 38-424(b): All uses permitted in the C-1 Neighborhood Business District shall be serviced with public water.

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your dimensional variance request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

- The Waukazoo Market is an outdoor shopping experience which is the best environment given our current situation. None of our business partners require public water.
- The cost to provide public water supply to the Waukazoo Market at this time is cost prohibited and is not needed.
- Given the fact that the current Waukazoo Market will be operating in 10’x10’ pop up tents, the public water line supply would freeze in the winter months.

2) Whether granting a variance 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 and be more consistent with justice to other property owners.

Describe how this variance will do justice to you without doing injustice to the neighbors as described in Standard #2 above:

- To my knowledge, none of my property neighbors have any negative concerns with our Waukazoo Market not being serviced with public water.
3) Whether the plight of the owner / applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

- What makes the Waukazoo Market unique to request this variance is due the following:
  - The environment of the market is outdoor in nature by design, thus operating without the service of public water is not a detriment to the current market model
  - The current market is simplistic in design and does not require this type of service to continue to be successful.

4) Whether the problem is self-created.

Describe why this problem should not be considered as self-created:

- The Waukazoo Market is a pleasant outdoor experience. We don’t require to be “serviced by public water” to deliver on this experience to our patrons. We have no problem doing this, as supported by the +300 Park Township Voters.
- This is not a city water safety issue as intended by the ordinance. It is a demonstrated lack of need, since we have operated for the past +18 weeks and public water service is not needed by the vendors of the Waukazoo Market.
- I will suggest, you will create a problem if this is mandated that the Waukazoo Market supply public water since we are dealing with a “temporary set-up”, ie, no permanent structures [strongly mandated by Mr. Greg Ransford, Planning Commission Contracted Advisor]. The water supply line will freeze at the above ground source if not protected properly in the winter months.

We would like to continue to surprise and delight all the people that continue to shop at the Waukazoo Market...we hope to serve you soon, and that depends on both of our decisions.
Waukazoo Market Story

27 August 2020

Dear Park Township Zoning Board of Appeals Members:

On behalf of my family, fellow business proprietors and all the great patrons that have repeatedly frequented the Waukazoo Market for their fresh produce, breads and meats, thank you in advance for taking the time to consider this variance submission. Our next step is to continue our process with the Park Township Planning Commission in pursuit of our Special Use Permit. I would like to share the Waukazoo Market story with you to begin my request for variance position.
We moved into our residence at 1119 Post Ave 28 years ago and we truly enjoy living within the great wooded area that surrounds our homestead. In fact, over the years we have added to our original property by way of four additional purchases of adjoined surrounding homes and vacant land. Our last purchase was the combined R-3 and two C-1 parcels that we purchased from David Dirkse on 15 April 2020. The main reason my family decided we would purchase this land was due to the PUD plan that, if executed, would have removed 2 acres of virgin woods on the R-3 parcel to construct condominium housing and on the C-1 parcels the PUD would enable the construction of storage units, which many Park Township Residents opposed. One of our ideas with this multile zoned purchase was to keep the R-3 parcel as a wooded buffer, providing over 2 additional acres for our family, friends and neighbor’s enjoyment, and to sell the C-1 lots at a fair market value as the commercial property that it represents.

Well, it did not take long for Karen, my wife to pursue other ideas with the commercial property. While she was driving by the Visser Farm Market Site on Chicago Drive during the dark lock-down period of COVID-19 during the month of April, she stopped and met Casey Visser. She asked him if he thought their family would be interested in setting up a market site on our soon-to-be-purchased property. Casey mentioned he would discuss this with his father, and within the same day, Phil Visser and Karen strategized the opening of the Waukazoo Market. And the rest is history!

Since the opening of the market on 25 April 2020, the Waukazoo Market shoppers have genuinely appreciated both the convenience and the great selection of food items available, from fresh produce and fruits to delicious bread assortments to savory specialty meats and tasty cheese offerings. We know this because they share their feedback openly, via the Waukazoo Market facebook site, or in causal conversation while they are shopping. They can’t express enough to us how this site needs to be of service to our community in this manner. Additionally, we’ve been able to attract many patrons in the surrounding +25 mile radius from Park Township to frequently shop the marketplace due to the unique shopping experience. Visitors, campers and boaters alike coming into Park Township while heading to the beach have also enjoyed the convenience and selection of products, sharing similar positive comments. Over our past 18 weeks of operation the marketplace has established quite the positive reputation as being the place to shop. Repeat customer’s remain enthusiastic and can’t thank us enough for changing the direction this commercial property was heading prior to our purchase. It has been with such great enjoyment and pleasure to meet and have sincere conversations with so many great residents from Park Township, surrounding communities and visitors from afar!
Recently, we conducted a marketing campaign to gauge the interest of the market customers by asking them to sign their name if they would, “support continuing the Waukazoo Market beyond 2020.” In our 3 day campaign, we received a resounding “YES” affirmation. The signature distribution was as follows: 317 Park Township Voters; 91 Greater Holland surrounding community residents; and 53 Visitors to our area. This study reaffirmed our belief that people are both appreciative and supportive of this market place. Our reasoning for this study was to determine if we should continue in this process, given the added expenses to achieve the ultimate goal of the Special Use Permit required to sustain the Waukazoo Market.

The continuation of the Waukazoo Market, in its current form, is not our long term vision for this property. Granted, the outdoor Waukazoo Market is definitely the “Highest and Best Use of this Land” for over the past +20 years. Our future vision for this prime real estate is to construct a permanent business that continues to serve the people in our area in this manner and works in harmony with the Park Central Concept for Park Township Gateway.

The question now becomes, can we work together for fair consideration of the variance submissions I have prepared without the excessive burden of added costs to comply with the stated three ordinances in pursuit of the Special Use Permit to sustain this market? As previously commented, our immediate goal was to acquire and maintain the wooded R-3 parcel. We have, in essence, resulted in a stand alone C-1 Neighborhood Business District property, on a well-traveled road that is our gateway into Park Township. As such, we have been approached by the Dollar General Corporation to purchase this commercial property and construct a variety store. I share this with you not as threat, but rather as a position of knowledge as we both proceed to next steps.

The Waukazoo Market is a prime example of how such a tragic global event like COVID-19 has been turned into such a positive outcome. We hope the journey continues. Thank you for your consideration of our variance positions.

Sincerely,

John & Karen Daniel
1119 Post Ave Holland, MI

Attachments:  
Waukazoo Market Photos  
Waukazoo Market Site Plan  
ZBA Application with Cover Letter  
ZBA Non-Use (dimensional) Variance Form[x3]

Holland Engineering Drawing  
Market Study  
Sample from each:  
PARK TOWNSHIP VOTERS  
GREATER HOLLAND AND SURROUNDING AREAS
Waukazoo Market Site Plan... when the market is closed... beautiful Greenspace
# Park Township Residents

Please sign if you support continuing the Waukazoo Market beyond 2020

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Address</th>
<th>Comment</th>
<th>Date</th>
<th>Returning Customer?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne Davis</td>
<td>✅</td>
<td>277 S. Water St.</td>
<td>Like the mid-week days</td>
<td>8/15/20</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Tony Oehmke</td>
<td>✅</td>
<td>2181 N. Bristol</td>
<td>LIKE THIS PLACE</td>
<td>8/15/20</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Carrie Tomska</td>
<td>✅</td>
<td>302 Little Station</td>
<td>Love this!</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Phyllis Richter</td>
<td>✅</td>
<td>1300 Seminole</td>
<td>Perfect! Idea.</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Barbara Luiz</td>
<td>✅</td>
<td>2012 Blue Oak Ct.</td>
<td>We appreciate this place</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Tom Luiz</td>
<td>✅</td>
<td>1800 Blue Oak Ct.</td>
<td>Keep it going. Great for community</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Ami Hoogendam</td>
<td>✅</td>
<td>1292 Edgewood Dr.</td>
<td>Keep going! Easy location</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Savannah Scholma</td>
<td>✅</td>
<td>1141 Ambertrace Ln.</td>
<td>WE LOVE IT!</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Olivia Freier</td>
<td>✅</td>
<td>141 Ambertrace Ln.</td>
<td>Don't take away our market. 😢</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Reed Vank</td>
<td>✅</td>
<td>131 Blackberry C.</td>
<td>WANT IT!</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Danielle Kell</td>
<td>✅</td>
<td>373 Mountain Park</td>
<td>LOVE IT!</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>Michelle Berman</td>
<td>✅</td>
<td>2046 Breezy C.</td>
<td>Awesome place</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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<tr>
<td>John Kuip</td>
<td>✅</td>
<td>300 Sea Biscuit Ave</td>
<td>Awesome place</td>
<td>8/15/20</td>
<td>☑ Yes</td>
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</table>
Greater Holland & Surrounding Communities

Please sign if you support continuing the Waukazoo Market beyond 2020

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Address</th>
<th>Comment</th>
<th>Date</th>
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<tr>
<td>Mary Voss</td>
<td>Mary Voss</td>
<td>3978 143rd 49423 Hamilton</td>
<td>Great Salem!</td>
<td>8/18</td>
<td>Yes</td>
</tr>
<tr>
<td>Jamie Rockhold</td>
<td>Jamie Rockhold</td>
<td>4304 132nd 49419 Hamilton</td>
<td>Love the market!</td>
<td>8-19</td>
<td>Yes</td>
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<tr>
<td>Jodi Audendale</td>
<td>Jodi Audendale</td>
<td>15420 Venusta 49420</td>
<td>Very convenient</td>
<td>8-19-20</td>
<td>Yes</td>
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<tr>
<td>Lisa Stahl</td>
<td>Lisa Stahl</td>
<td>407 Arthur Ave.</td>
<td>Love!</td>
<td>8/20/20</td>
<td>Yes</td>
</tr>
<tr>
<td>Kate VanderKolk</td>
<td>Kate VanderKolk</td>
<td>108 N Division 49420</td>
<td>So convenient!</td>
<td>8/20/20</td>
<td>Yes</td>
</tr>
<tr>
<td>Jennifer</td>
<td>Jennifer</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
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<tr>
<td>Christine Hoppa</td>
<td>Christine Hoppa</td>
<td>791 144th 49424</td>
<td>Love!</td>
<td>8/30/20</td>
<td>Yes</td>
</tr>
<tr>
<td>Julie Leonard</td>
<td>Julie Leonard</td>
<td>16437 Hidden Valley</td>
<td>Convenient</td>
<td>8/30/20</td>
<td>Yes</td>
</tr>
<tr>
<td>Renee Van Boga</td>
<td>B. Van Boga</td>
<td>2515 Nuttall G. Holland</td>
<td>Convenient</td>
<td>8.20.20</td>
<td>No</td>
</tr>
<tr>
<td>Kathy Benedict</td>
<td>Kathy Benedict</td>
<td>2874 152nd Ave.</td>
<td>Love Market</td>
<td>8/20.20</td>
<td>Yes</td>
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<tr>
<td>Renee DeVries</td>
<td>Renee DeVries</td>
<td>628 W. 27th St. 49423</td>
<td>Convenient</td>
<td></td>
<td>Yes</td>
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<tr>
<td>Tim Skirski</td>
<td>Tim Skirski</td>
<td>643 W 24th St.</td>
<td></td>
<td></td>
<td>Yes</td>
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<tr>
<td>Vel Norton</td>
<td>Vel Norton</td>
<td>14262 Ottawa Creek Ln</td>
<td>Convenient</td>
<td>8/20/20</td>
<td>Yes</td>
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Y7
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<th>Address</th>
<th>Returning Customer?</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Bill Dumas</td>
<td></td>
<td>13113 S 80th St, Wauwatosa, WI 53226</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Debbie Duggan</td>
<td></td>
<td>25884 Trestle Ln</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>George Krueger</td>
<td></td>
<td>16441 S Riverbend Dr</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Jessica Kelley</td>
<td></td>
<td>950 Glenhaven Pl, 117C, Oak Creek, WI</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Jim Pechkin</td>
<td></td>
<td>6585x2 Red Arrow Highway, Milwaukee, WI</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Kim Rost</td>
<td></td>
<td>5740 N Wauwatosa Rd</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Tony Taylor</td>
<td></td>
<td>205 E Hobbs St, Milwaukee, WI</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>