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- 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.*

The applicant states that the property is unique because it is adjacent to Lake Macatawa and both the private and public storm drains outflow to Lake Macatawa. The combination of high Lake Michigan water levels and the inability for storm water to drain will reportedly leave much of the applicant's property underwater. The applicant notes that the connection to the water was made over 50 years ago, before the Eldean family purchased the property, and the recorded water levels have not been this high in that time period.

Staff Comments: Staff agrees that the plight of the applicant is not due to general conditions of the C-2 Zoning District, but rather the location of the property. However, Staff is aware of several other commercial properties on the north side of Lake Macatawa that have been affected by the high water levels and seasonal flooding. Staff has concerns that if this variance is granted for gravel parking areas, it will become a more frequent request from other properties.

**Cancelled**

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

The applicant states that the Lake Michigan water levels may reach unprecedented heights in 2020, surpassing any previously-measured years, going back to when the Army Corps started keeping records in 1918. Further, the applicant emphasizes that the height of water levels is not self-created, and if it were not anticipated to happen, there would not be a ZBA request.

Staff Comments: Staff agrees that the rising water levels and associated flooding are not self-created by the applicant. However, not wanting to permanently address the flooded parking issue, and instead utilize a less expensive alternative, is a self-created hardship. If the ZBA agrees, this standard has not been met.

Recommendation:

It is Staff's consideration that the four (4) standards for granting a non-use variance have not been met, and that granting this variance may set precedent for other commercial parking areas in Park Township. If the ZBA agrees the four standards have been met and a variance is granted for gravel parking lots, consider making a condition that a letter of credit be required for the removal of the gravel by a specified date. If the gravel is not removed by that date, the applicant would be required to come before you again to discuss a more permanent solution.