



AGENDA

PARK TOWNSHIP ZONING BOARD OF APPEALS

Meeting

April 20, 2020

6:00 p.m. via "Zoom" Remote Conferencing

1. Call to Order

Please note that this meeting is only scheduled to proceed until 6:30 PM.

2. Approval of the Agenda

3. Approval of Minutes: January 27, 2020 – Regular Meeting.

4. Appeals: Note: Public notices were not mailed to all property owners and occupants within 300 feet of all affected parcels, as Item #1 is a continuation of a matter that was tabled at the January 27, 2020 meeting. If a public hearing has already been held (as it was in January), the Michigan Public Meetings Act does not require a continued matter to be re-noticed.

Item #1. A request by Eldean Shipyard to finish three (3) separate parking areas utilizing sand, crushed concrete, and/or gravel 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 at 2301 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-465-001, Zoned C-2 Resort Service District); 2223 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-480-023, Zoned C-2 Resort Service District); and 2200 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-480-019, Zoned C-2 Resort Service District).

5. Other Business

6. Announcements

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

**MINUTES
PARK TOWNSHIP
ZONING BOARD OF APPEALS**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
January 27, 2020
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Vice-Chair Dave Fleece called to order the regular meeting of the Park Township Zoning Board of Appeals at 6:30 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

Present: Dennis Eade, Dave Fleece, John Foster, Jim Gerard, Sally Pollock (Alternate)

Absent: Doug Dreyer (with notice)

Staff: Greg Ransford, Planner

APPROVAL OF AGENDA:

Eade moved, supported by Pollock, to approve the agenda as submitted.

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

APPROVAL OF MINUTES:

Foster moved, supported by Gerard, to approve the minutes of December 23, 2019 Regular Meeting as submitted.

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

BUSINESS ITEMS:

Item #1 - A request by Eldean Shipyard to finish three separate parking areas utilizing sand, crushed concrete, and/or gravel 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 at 2301 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-465-001, Zoned C-2 Resort Service District); 2223 South Shore Drive, Macatawa, MI 494934

(Parcel 70-15-33-480-023, Zoned C-2 Resort Service District); and 2200 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-480-019, Zoned C-2 Resort Service District).

Ransford introduced the item. The applicant has noted that if the water levels of Lake Macatawa continue to rise, the Eldean Shipyard will need to raise many of their parking lots. They propose to increase the height of the parking areas by raising the drains, placing concrete blocks and fabric cloth around the perimeter of the areas, then filling with sand/crushed concrete/and/or gravel, and sloping the areas to the driveways. The applicant has stated they believe the high water levels will reduce over time and the gravel will eventually be removed. They hope this will occur in about two to three years. Ransford pointed out that there will be no extension of the footprint, it is just a resurface. If the applicant reconfigures the parking areas then a site plan submission to the Planning Commission is required.

Herb Eldean spoke to his request and said he was willing to answer questions.

Foster asked if there has been flooding up to this point.

Eldean said a week ago, in three hours' time, the water was over South Shore Drive extending a few inches over the center yellow line in the road. There was about 6" of water. There was high water at Thanksgiving last year. During the Christmas holiday there was also high water.

In his experience, very high water occurred in 1973 and again in 1986 which was the record for the highest water level on the lake.

Foster asked how long does it take for the water to recede. Eldean said it depends how long the drain pumps work.

The County drain is backed up now and the pumps can't keep up with the water coming in.

Pollock asked what is the difference between building up the parking lot surface with concrete or asphalt and the crushed gravel.

Eldean said if the water doesn't come up he won't have to do it. If it does he is trying to be ahead of the game. It is his opinion that the crushed concrete should work.

Eade asked Eldean if he could he do permanent asphalt now in consideration of the possibility of 8-10" of water level now, rather than wait for a flooding situation.

Eldean is hoping they won't have to do this. He is rolling the dice right now. They were able to stay ahead of the flooding in 1986 by removing the blacktop and putting in fill and grass.

Pollock asked if all the lots are equally affected.

Eldean said the elevations are different on the property including the parking lots.

Gerard asked if the pump can't keep up when the water rises, what does high water do to the asphalt.

Fleece said it depends on the saturation of the subsoil and the rigidity of the surface materials.

Ransford said he didn't know. It depends on duration of the high water but he didn't know to what extent the damage would be.

PUBLIC HEARING

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

Charles DeVries spoke to his concern about the past experiences of the neighbors in Macatawa Park. Given the possibility of high water, the parking area could be washed away and close down the road on South Shore. At Thanksgiving last year the water was high across from the ship store and it caused problems. Mud was running down the road and into driveways. It was his opinion that a temporary fix is asking for trouble for residents in the area who will incur water damage to their homes.

Don Rosie, a Macatawa Park neighbor, said his concern was the parking lots. If a channel is created the water will go into residents' basements. Water created a dam around one of his properties and flooded the basement. Drainage away from properties is not possible when the water is too high. What will be built will create a channel from 32nd Street all the way down South Shore Drive. He suggested a survey be done to find out where the water will go and what will happen to the water when the roadway floods. Flooding in that area has and will create property damage.

Foster asked Rosie if he lived east or west of the Eldean property.

DeVries said he lived in Macatawa Park by the post office. His family has had property for 100 years in that area and they have a lot of problems with water control when there is flooding.

John Gronberg owns a slip in the Eldean complex. He served as President for the Macatawa Park Cottagers Association. He recommends a collateral effort. Perhaps a review could include raising South Shore Drive. He recalled in 1953 when the water levels were high, the County built a temporary road starting at the Yacht Club, extending across the Eldean property, and onward to the gate. He understood the County engineers are anticipating 12-18" of water more than what we experienced in the area last year. His concern is we are going to have to address this problem in a different way. He will be asking the County Road Commission if there is a possibility to look at a remedy. The rain pattern has changed and it puts us in a different scenario. We should be proactive in reaching a solution.

Bonnie Gronberg said she and her husband own two parking spaces and a dock at Eldean's. She believed that if gravel is used for the lot surface, deep water will force it to go into South Shore Drive. Concrete and gravel will end up in lake and South Shore Drive. Is there a better solution? She requested that the Township look for alternatives to solve the flooding problem in this area.

Fleece closed the Public Hearing at 6:58 P.M.

Pollock suggested what needs to be done is an in-depth study by the Township and the County Road Commission.

Foster said his observation is that this situation is above and beyond what the Zoning Board of Appeals can decide. This would solve a short term problem but we need to look at the long term.

Fleece said keeping gravel corralled is problematic and he understands the concerns regarding the impact on the South Shore roadway.

Foster said we need more information and suggested tabling the request.

Fleece said the Zoning Board of Appeals appreciated Eldean bringing the problem to their attention. Everyone is compromised in this community.

Gerard asked Eldean what can the docks handle if the water goes up.

Eldean said the docks can tolerate about 10" more of high water.

Eade asked if he can raise the electrical lines.

Eldean said they have been raising the level of the docks since last April. He said some of the docks are even with the water, some are higher, but none are under water.

Foster observed on a recent visit he made to the area that the water is about 6" from the seawall. He asked how high up is the proposal to raise the drains.

Eldean said they are not raising the drains. There are other drains in the system he has no control over. They will raise only the drains in the parking lots on his property.

Eldean agreed with his neighbors that the water will run down South Shore Drive in high water regardless of what he does with the parking lots. There is one lot with gravel because it is in Laketown Township because they don't require any hard surface. He has discussed the situation with Laketown Township for several years. Laketown Township says it doesn't have the funds to fix the drain system. The main drain is Ottawa County, but Laketown Township is involved along with Park Township as part of the Tri County Government entity.

Fleece asked if there could be a concrete threshold installed to contain the gravel and concrete. He was concerned about the open areas from the lots that would provide a channel for water.

Eldean said the red lines are the concrete retainers on the drawing. Driveways into the parking lots will be raised up. Parking for cars will be removed near the road where the incline will be installed.

Eldean noted that If we wait for a study we'll never get it.

Eade said there would be instability with the gravel mix. It was his opinion that there needs to be a more comprehensive solution.

Foster recommended denying the request to install gravel then the applicant would have to use concrete. That is the other option. He lives by the post office so understands the problem.

Fleece asked Eldean for a timeframe to complete the project.

Eldean said it would be this spring.

Fleece asked how long would it take to finish the present installation of cover materials for the parking lots.

Eldean estimated three to four weeks of full time construction activity.

John Gronberg volunteered that there is immediacy for a water control solution. If the roadway could be elevated it would create a barrier.

Eldean said he would install his own pump system and place barriers around the store.

Pollock said this problem is bigger than the Zoning Board of Appeals. She agreed that Eldean is trying to be proactive but thinks it will create additional problems for others in the neighborhood.

Fleece said he lacks enough detailed information to make a decision.

Eade said, given the magnitude of this problem, he isn't comfortable in granting a variance that will just exacerbate the situation. Can staff recommend that the Planning Commission or the Township Board come up with a recommendation?

Ransford said the burden is on the applicant to prove if the proposal is sufficient for an adequate solution. It is legitimate to ask for additional information. The Zoning Board of Appeals can table this for the time being until you have enough information to make a decision. The Township Engineer could attend the next meeting, and the applicant's engineer can also provide information.

Foster said an engineer's assessment would have helped here.

Ransford said he will direct questions to the Township. The Zoning Board of Appeals can certainly ask for more information to not create a greater problem.

Fleece asked Eldean if his plan was an engineer's solution.

Eldean said the solution was his.

DeVries suggested raising the road along with the parking lot which would create a dike. This would be a simple solution.

Fleece noted this would require County involvement.

Gerard said the potential issues for the neighbors make this situation more serious.

Eldean asked if the lower left lot could be taken off the table for now. That lot is closer to the neighbors.

Gerard asked if the Township engineer could look at the situation before anything is decided.

Foster moved, supported by Pollock, to table the request until February when we have a report from the Township engineer.

Gerard asked that the engineer address runoff potential and creation of trough effects by water.

Roll Call Vote

Gerard, aye; Foster, aye; Fleece, aye; Pollock, aye; Eade, aye.

Ayes 5, Nays 0. Motion carried.

Ransford will share the information with Posillico who will contact the Township engineer.

#2 – A request by Tom Barz, on behalf of Katherine Green, to allow construction of an addition to a single-family residence with a rear yard of approximately 43 feet where 50 feet is required per Section 38-216(3), and with a side yard of 15 feet where no less than 20 feet is permitted per Section 38-216(2) of the Park Township Zoning Ordinance. Said land and premises are located at 17125 Fifth Street, Holland, MI 49424 (Parcel 70-15-09-256-008, Zoned R-1 Rural Estate District).

Ransford provided the background information for this request. There is a standard dimensional rear yard request and a side yard request because the home was established before 2016. There are supplemental standards for the side yard request. The rear yard request is for a 7 feet variance at 43' rather than 50'. The side yard variance request is for 15' rather than the required 20'.. The deck will be replaced by a 150 square foot three season room. The lot is 10,400 square feet where two acres is required. He noted the applicant is on about 1/10th of the two acre requirement. The lot and home were created in the 1990s.

Katherine Green spoke to her request. They have cramped space and want to add a room to increase the living area.

PUBLIC HEARING

Fleece opened the Public Hearing at 7:35 P.M.

Tom Barz, builder, spoke to the proposal. The concern is to try to preserve trees over 100 years old that are on the property. He has looked at a pergola and awnings which are expensive. The wind is a factor in considering the life of an awning. Adding the room was the best alternative since the family needed additional space. It will follow the existing building wall on the east side of the house.

Foster asked about the retractable type of awning.

Barz said the retractable type can still be affected by wind.

Fleece noted one letter was received by the Township in support of the proposal.

Green said another neighbor is in support.

Fleece closed the Public Hearing at 7:40 P.M.

Foster said because of the lot size and the expense of any options he has no problem with the request.

Ransford said there are two sets of standards that must be reviewed: four for the rear yard setback request and three for the side yard setback request. They should be considered separately.

Gerard moved, supported by Eade, to approve the rear yard setback.

Gerard reviewed the Non-Use (Dimensional) Variance Standards Review (rear yard setback):

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 burden is the small lot size which is also nonconforming.

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;

Due to the nature of the lot it will be constructed in a manner consistent with existing dwelling and, with the support of the neighbor, the request will provide justice to everyone involved.

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 wetland) and not due to general conditions of the zoning district;

The property is unique because of the nonconforming lot size.

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

The property owner did not create the small, nonconforming lot or plant the trees.

Roll Call Vote:

Gerard, aye; Foster, aye; Fleece, aye; Pollock, aye; Eade, aye.

Ayes 5, Nays 0. Motion carried.

Foster moved, supported by Eade, to approve the variance request for the side yard setback.

Foster reviewed the Building Setback Exception Standards Review (side yard setback):

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

The main wall of the house is not affected since the extension is to the back. It blends with the existing roof.

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

There would not be any detrimental effect to the neighbors. The property owner has one written and one oral support from two neighbors. The request will not alter airflow or the view.

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

The setback will be 15'.

Roll Call Vote:

Gerard, aye; Foster, aye; Fleece, aye; Pollock, aye; Eade, aye.

Ayes 5, Nays 0. Motion carried.

#3 – Other Business – Revised 2020 Meeting Schedule

Pollock moved, supported by Foster, to approve the revised 2020 Meeting Schedule.

Voice Vote:

Gerard, aye; Foster, aye; Fleece, aye; Pollock, aye; Eade, aye.

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS

The next meeting date is February 24, 2020. Ransford said there are two requests to date.

PUBLIC COMMENT

Fleece opened Public Comment at 7:52 P.M.

There was no comment.

Fleece closed Public Comment at 7:52 P.M.

ADJOURNMENT

Pollock moved, supported by Foster, to adjourn the meeting 7:53 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
January 29, 2020

Approved:

From: [Wade Eldean](#)
To: [Gregory Ransford](#)
Cc: [Zoning](#); [Jerry Hunsburger](#); [herb eldean](#); [Howard Fink](#); [Emma M. Posillico](#); [ZBA](#)
Subject: Re: Eldean Shipyard Parking Material Variance Request
Date: Sunday, February 23, 2020 10:34:03 AM

Caution! This email is from an external address and contains a link. Use caution when following links as they could open malicious web sites.

Greg/Township/ZBA,

This is Bullsbt! On 2/13/20 I emailed Emma that I wanted to be heard at the Feb 24th meeting! We were tabled at the last meeting. As I mentioned to Greg, the State of Michigan is attempting to help lakefront property owners by decreasing permit fees and permit review times to expedite the property owners ability to protect their properties in this high-water emergency. Park Township is doing the opposite by requiring redundant and unnecessary engineering (elevating costs) and by cancelling much needed meetings and not putting this on the agenda (extending review times)!

The email I sent to Ema on 2/13/20 follows this paragraph and this request should have put me on the Feb. 23 ZBA Agenda. Even though there is supposed to be a meeting on the 2nd Thursday of each month, there is apparently no meeting in March, so now the next meeting is April, again extending review times. As you may know, the water is at its lowest point in February each year, then starts going up. We are trying to plan ahead and make the necessary improvements so that we do not have to close our business or parts of our business. By not hearing this application, you are handcuffing our ability to make the necessary improvements to protect our property and business and putting us in a race against time and rising waters.

Wade Eldean

----- Forwarded Message -----

Subject:Re: Eldean Shipyard Parking Material Variance Request

Date:Thu, 13 Feb 2020 13:26:10 -0500

From:Wade Eldean <wade@eldean.com>

To:Zoning <zoning@parktownship.org>

Emma,

I will not be proceeding with any engineering review at this time, but would like to remain on the agenda to provide additional and updated information to the ZBA:

1. We will pave the 2 skinny lots in question furthest West along the water, across from the neighbors that had complained. So those lots can be removed from the request.
2. We will attempt a Levy and pump system to try to use the main parking lot in its

current condition. This lot is next to our Marina Shipstore on the North Side of the Road. So that lot can be removed from the request.

3. We would still like approval for the the lot on the South Side of Road, across from the Marina Shipstore. A report from Prien and Newhoff should not be required as we will be working on this in conjunction with the Ottawa County Water Resources (there is a public drain in this parking lot that is failing/sinking) and the soil and erosion permit should cover the concerns that the ZBA may have.

Thank you,

Wade

Wade Eldean

Eldean Shipyard

wade@eldean.com

616-335-5843

www.eldean.com

On 2/11/2020 10:10 AM, Zoning wrote:

Wade,

Good morning. I apologize for the confusion on this, but we have determined that it would be best if you provided an escrow to fund the analysis to be done by Prein & Newhof, rather than paying them directly. Similar to the escrow required for a site plan, we would require \$3,000 to be submitted to the Township to authorize Prein & Newhof to begin.

After speaking with Prein & Newhof this morning, at this point it will be challenging for them to complete a report prior to the February 24th meeting. The next meeting is scheduled for April 6th.

Please let us know how you will be proceeding. Once you submit the escrow, we will let Prein & Newhof know.

Thank you,

Emma M. Posillico, AICP

Zoning Administrator

Office Hours: Tuesday & Thursday: 8 AM – 12 PM, 1 PM – 5 PM

Park Township

52-152nd Avenue

Holland, MI 49424

Phone: (616) 738-4244

www.parktownship.org

Wade Eldean
Eldean Shipyard
wade@eldean.com
616-335-5843
www.eldean.com

On 2/22/2020 9:35 PM, Gregory L. Ransford wrote:

Wade:

Good evening. I wanted to let you know that as a result of the only applicant on the ZBA's upcoming agenda withdrawing his application yesterday, Chairperson Dreyer has cancelled the ZBA meeting on Monday. Please feel free to coordinate with Emma any materials you wish to provide the ZBA for the April meeting and she can place you on the agenda.

Thanks,

Gregory L. Ransford, MPA
Principal
Fresh Coast Planning
950 Taylor Avenue, Ste. 200
Grand Haven, MI 49417
616-638-1240
www.freshcoastplanning.com

On Thu, Feb 20, 2020 at 10:14 AM Gregory L. Ransford
<greg@freshcoastplanning.com> wrote:

Wade:

Pursuant to our conversation today, I spoke with the Township Legal Counsel regarding your desire to have the ZBA rule on your request without the evidence they required. The Township Council expressed concern with the ZBA essentially providing approval *contingent* on what the OCWRC might

require. As a matter of proper process, he would advise the ZBA to provide a ruling based on the evidence before them and of course pursuant to their standards of review, related to that evidence, so they can apply *conditions* as a result of that evidence. Without the information the ZBA requested, they would be in a position to rule with uncertainties and therefore, no specific conditions but a contingency. That said, while he did indicate it would not be the process he would advise, the ZBA could rule with such a contingency.

In regards to the meeting Monday night, you can be present as Emma noted and the ZBA may or may not elect to amend the agenda to continue with your request.

Please let me know if this raises further questions.

Thanks,

Gregory L. Ransford, MPA
Principal
Fresh Coast Planning
950 Taylor Avenue, Ste. 200
Grand Haven, MI 49417
616-638-1240
www.freshcoastplanning.com

----- Forwarded message -----

From: **Wade Eldean** <wade@eldean.com>
Date: Wed, Feb 19, 2020 at 4:11 PM
Subject: Re: Eldean Shipyard Parking Material Variance Request
To: Gregory L. Ransford <greg@freshcoastplanning.com>
Cc: Zoning <zoning@parktownship.org>, Jerry Hunsburger <jhunsburger@parktownship.org>, herb eldean <herb@eldean.com>, Howard Fink <hfink@parktownship.org>, Emma M. Posillico <emma@freshcoastplanning.com>

Greg,

Honestly, if the gravel material is not a problem, then we should be all set. The elevation and regards to flooding should not be part of the ZBA review as we are allowed to raise and pave the parking lots without ZBA or any township approvals.

I'll be around most of the day tomorrow if you can give me call.

Wade

Wade Eldean
Eldean Shipyard
wade@eldean.com
616-335-5843

www.eldean.com

On 2/19/2020 8:37 AM, Gregory L. Ransford wrote:

Wade:

Good morning. It is unfortunate that you were not present at the ZBA meeting to hear their discussion. The ZBA did not have any concerns with the materials for the lot. The concern was whether what you proposed would cause flooding issues for adjacent properties, the road, etcetera. Your submission did not provide any evidence that the design would protect adjacent property, the road, etcetera, from the improvement. Herb noted that the design was performed by people at your company and not an engineer. As a result of these discussions and to address public comments that were provided at the meeting, the ZBA postponed the matter to ask that Prein and Newhof, as the Township Engineers, verify the results of your design proposal. I think the ZBA would also accept a report from an engineer hired by yourself.

As for the next meeting, as Emma noted, both the Chair and the Vice-Chair indicated that this can be heard again in April if the requested engineering is provided. Given it sounds like you do not wish to provide this information, I suggest that you send a separate letter or email asking the ZBA to continue your matter in April without those materials. Since you have a right to due process, we would advise the ZBA to take the matter up in April as a result of that correspondence. I caution you, however, that without this information I would not expect a decision to be favorable to you. This is simply my perception since I was present at the previous meeting. I am trying to put you in the best position to acquire approval and my sense from that meeting is, without any evidence that your proposal will not cause adjacent problems, the ZBA does not have enough information to rule favorably.

Please let me know if this raises any questions.

Thanks,

Gregory L. Ransford, MPA
Principal
Fresh Coast Planning
950 Taylor Avenue, Ste. 200
Grand Haven, MI 49417
616-638-1240
www.freshcoastplanning.com

On Wed, Feb 19, 2020 at 8:09 AM Wade Eldean
<wade@eldean.com> wrote:

Emma and Greg,

This is infuriating! I can not present to the ZBA because you say so based on us not having additional engineering done? I will call to follow-up with Greg, but to start, please review the Park Township Recreation Master Plan Draft, page 51 and 52, which reads: "The Park will be built out in phases. Phase 1 is currently being engineered and is scheduled for partial **completion in 2020. Phase 1 includes a new parking lot layout** for the combined boat launch and Kayak Park, a universally accessible kayak launch, kayak storage, benches, seating areas, walkways, and native landscaping."

Then on the "**Prien and Newhoff**" siteplan on Page 52, the Site Plan specifically depicts an "**Expanded Gravel Parking Lot**".

Do you see what I'm getting at? Or do I have to go on? Park Township is expanding their own Gravel Parking lot that borders Lake Macatawa. If Park Township has concerns over Gravel Lots, they have already been answered because Park Township is moving forward with an expanded lot this year at this Park. You guys have already done the work and made a recent decision that it is OK to have gravel lots and gravel lots next to the Lake, so it is punitive to ask me to pay for this when you have already made this determination. Further, Prien and Newhoff has developed the plan, so they are obviously saying that a gravel lot is fine. If criteria for this expanded gravel lot was developed when making this parks plan, then just tell us what the criteria is, then we can follow it.

I have additional reasons why the ZBA request for engineering should not be required and/or would be redundant to other reports, but If I am not able to go in front of the ZBA with my application to discuss their request for engineering that they made at the meeting, then that is not just not right/fair.

Wade

Wade Eldean
Eldean Shipyard
wade@eldean.com
616-335-5843
www.eldean.com

On 2/18/2020 5:21 PM, Zoning wrote:

Wade,

Good afternoon. I have spoken with the Chair and Co-Chair of the ZBA, and included your message that revised your request for the gravel parking lots. They concur that even with a request to only make the lot on the south side of South Shore gravel, the ZBA has required that an engineered report be submitted detailing impacts on storm water and the like. As such, in order to be placed on the agenda for the April ZBA meeting, a report from an engineer is required to be submitted.

As you know, ZBA meetings are public meetings. If you'd like to speak with the ZBA at their Monday meeting, you may do so during the public comment portion of the meeting.

Thank you,

Emma M. Posillico, AICP

Zoning Administrator

Office Hours: Tuesday & Thursday: 8 AM – 12 PM, 1 PM – 5 PM

Park Township

52-152nd Avenue

Holland, MI 49424

Phone: (616) 738-4244

www.parktownship.org

Park Twp

From: Zoning
Sent: Thursday, February 13, 2020 5:07 PM
To: Wade Eldean <wade@eldean.com>
Subject: RE: Eldean Shipyard Parking Material
Variance Request

Wade,

Good afternoon. As you know, I wasn't at the January ZBA meeting, and I'm not able to attend the February one either. I've sent a message to Greg Ransford, who is covering the meetings, to inquire if he thinks the ZBA will find this acceptable to consider. From what I heard, they wanted the Engineer's interpretation, but we will wait to see how Greg responds.

Thanks,

Emma M. Posillico, AICP

Zoning Administrator

Office Hours: Tuesday & Thursday: 8 AM – 12 PM, 1 PM – 5 PM

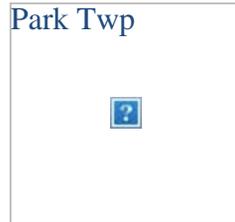
Park Township

52-152nd Avenue

Holland, MI 49424

Phone: (616) 738-4244

www.parktownship.org



From: Wade Eldean [<mailto:wade@eldean.com>]
Sent: Thursday, February 13, 2020 1:26 PM
To: Zoning <zoning@parktownship.org>
Subject: Re: Eldean Shipyard Parking Material Variance Request

Caution! This email is from an external address and contains a link. Use caution when following links as they could open malicious web sites.

Emma,

I will not be proceeding with any engineering review at this time, but would like to remain on the agenda to provide additional and updated information to the ZBA:

1. We will pave the 2 skinny lots in question furthest West along the water, across from the neighbors that had complained. So those lots can be removed from the request.
2. We will attempt a Levy and pump system to try to use the main parking lot in its current condition. This lot is next to our Marina Shipstore on the North Side of the Road. So that lot can be removed from the request.
3. We would still like approval for the the lot on the South Side of Road, across from the Marina Shipstore. A report from Prien and Newhoff should not be required as we will be working on

this in conjunction with the Ottawa County Water Resources (there is a public drain in this parking lot that is failing/sinking) and the soil and erosion permit should cover the concerns that the ZBA may have.

Thank you,

Wade

Wade Eldean

Eldean Shipyard

wade@eldean.com

616-335-5843

www.eldean.com

On 2/11/2020 10:10 AM, Zoning wrote:

Wade,

Good morning. I apologize for the confusion on this, but we have determined that it would be best if you provided an escrow to fund the analysis to be done by Prein & Newhof, rather than paying them directly. Similar to the escrow required for a site plan, we would require \$3,000 to be submitted to the Township to authorize Prein & Newhof to begin.

After speaking with Prein & Newhof this morning, at this point it will be challenging for them to complete a report prior to the February 24th meeting. The next meeting is scheduled for April 6th.

Please let us know how you will be proceeding. Once you submit the escrow, we will let Prein & Newhof know.

Thank you,

Emma M. Posillico, AICP

Zoning Administrator

Office Hours: Tuesday & Thursday: 8
AM – 12 PM, 1 PM – 5 PM

Park Township

52-152nd Avenue

Holland, MI 49424

Phone: (616) 738-4244

www.parktownship.org

Park Twp



From: Ken Bosma
[<mailto:KBosma@preinnewhof.com>]
Sent: Thursday, January 30, 2020 7:22
AM
To: wade@eldean.com
Cc: Zoning
zoning@parktownship.org; Dana
Burd dburd@preinnewhof.com;
Howard Fink
hfink@parktownship.org
Subject: FW: Eldean Shipyard Parking
Material Variance Request

Caution! This email is from an external address and contains a link. Use caution when following links as they could open malicious web sites.

Wade, we are requesting that you make the formal request of us to review this and request a proposal from on us. We will need you to provide us with your background information on this project. We will not start any work on this until there is an approved agreement. Thank you.

Kenneth A. Bosma, P.E.

Prein&Newhof

t. 616-394-0200 d. 616-432-6691

f. 616-364-6955

[Website](#) | [Blog](#) | [LinkedIn](#)

From: Zoning

<zoning@parktownship.org>

Sent: Tuesday, January 28, 2020 12:40 PM

To: Dana Burd

<dburd@preinnewhof.com>; Wade

Eldean <wade@eldean.com>

Cc: Howard Fink

<hfink@parktownship.org>

Subject: Eldean Shipyard Parking
Material Variance Request

Dana & Wade,

Good afternoon. Dana – sorry to loop you into this without much background, but here is a summary:

Eldean Shipyard submitted a variance application to allow temporary gravel

parking areas on three of their properties (application and supplemental documents are attached). At last evening's ZBA meeting, the Board tabled the matter and requested that additional information be provided by the Township Engineer. The additional information requested is outlined in the attached letter to Gator Properties.

As you will both note, we do not require applicants to fund an escrow account when they apply for a variance, as the matter is typically handled by Staff and the ZBA and is covered by the application fee. However, due to the ZBA's request for a report on the application from Prein & Newhof, the Township is requesting that Wade work directly with Prein & Newhof on the payment for services. I clarified this with Howard Fink this morning, who is cc'ed if any issues arise.

It should be noted, the ZBA stated last night that they would like to see either a report from Prein & Newhof, or Dana's presence at their meeting on February 24th to explain any findings. Of course this decision will be between Dana and Wade, but we find that the ZBA often has questions at the meeting that are best answered directly by the expert.

Please let me know if either of you have any questions. Wade – we will mail you a copy of the letter for your records.

Thank you,

Emma M. Posillico, AICP

Zoning Administrator

Office Hours: Tuesday & Thursday: 8
AM – 12 PM, 1 PM – 5 PM

Park Township

52-152nd Avenue

Holland, MI 49424

Phone: (616) 738-4244

www.parktownship.org

Park Twp



STAFF MEMO

To: Park Township Zoning Board of Appeals
Subject: Variance Requests for the meeting of January 27, 2020
Date: 1/14/2020
From: Emma Posillico, Zoning Administrator

Two (2) applications have been received for the January 27, 2020 Zoning Board of Appeals meeting.

Item #1. A request by Eldean Shipyard to finish three (3) separate parking areas utilizing sand, crushed concrete, and/or gravel 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 at 2301 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-465-001, Zoned C-2 Resort Service District); 2223 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-480-023, Zoned C-2 Resort Service District); and 2200 South Shore Drive, Macatawa, MI 49434 (Parcel 70-15-33-480-019, Zoned C-2 Resort Service District).

Applicable Ordinance Sections:

Sec. 38-605(3), Requirements for parking areas (in part).

(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:

Eldean Shipyard, on behalf of property owners Gator Properties LLC and Herbert & Patricia Eldean, has submitted a variance request that affects three (3) parcels. While the majority of variance requests reviewed by the ZBA only affect one (1) parcel, given that this is the same request for all three (3) properties, Staff has considered the request as one (1) item. A brief description of each parcel follows; an image from GIS is below, with each affected parcel indicated by a red star.

- 2301 South Shore Drive (westernmost property identified in image below) – 0.5819 acres, owned by Gator Properties LLC, location of Piper Building Condominiums
- 2223 South Shore Drive (eastern property on north side of South Shore Drive in image below) – 3.8538 acres, owned by Gator Properties LLC, location of Eldean Shipyard
- 2200 South Shore Drive (eastern property on south side of South Shore Drive in image below) – 2.5616 acres, owned by Gator Properties LLC, residence of Herbert & Patricia Eldean, with parking area located adjacent to South Shore Drive



The applicant has provided detailed plans of parking areas on each affected parcel, and stated that said areas are leased to Eldean Shipyard. The applicant has outlined the specific parking areas, and noted in their cover letter that if the water levels of Lake Macatawa continue to rise, the Eldean Shipyard will need to raise many of their parking lots. They are proposing to raise the parking areas by raising the drains, placing concrete blocks and fabric cloth around the perimeter of the subject areas, then filling with sand/crushed concrete/and/or gravel, and sloping the areas to the driveways. As you will note in the submittal documents, the applicant has stated that they believe the high water levels will reduce over time, and the gravel will eventually be removed. Staff has confirmed with the Township Planner that if gravel is utilized and then removed, only authorization from the ZBA is required. If the applicant repaves and/or reconfigures the parking areas, then a site plan submission to the Planning Commission will be required.

Zoning Board of Appeals Considerations:

As aforementioned, per Section 38-605 (in part) of the Zoning Ordinance, “Every parcel of land hereafter established as an off-street public or private parking area for 10 or more vehicles, including a commercial parking lot, and accessory parking areas for multiple businesses, 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.” As such, the applicant is seeking a variance to surface a parking lot with sand/crushed concrete/and/or gravel, where a finish surface is required.

Non-Use Variance Standards Review:

Pursuant to Sec. 38-70, an affirmative finding as to each standard listed below must be made in order 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 the current parking lots are paved, and if the Lake Michigan water levels continue to rise as predicted, several of their parking areas will be under water. The applicant notes that it is not feasible to raise and repave the parking lots, as they are proposing an emergency solution for a temporary condition. The applicant provided supplemental information in an email to Staff (enclosed) that notes that historical data indicates that once the Lake “hits the high in its cycle, it usually drops significantly in the following 2-3 years.” They note further that if the summer of 2020 is the high period of the cycle, they should be able to remove the gravel after about two (2) years.

Staff Comments: After reviewing the application and subsequent email, it appears that one of the applicant’s primary reasons for requesting gravel parking areas is that it is less costly than asphalt or pavers. The applicant does emphasize that they are seeking an emergency solution, but Staff would like to identify that this request is being heard in January when water levels typically peak in summer months. It appears that there would be adequate time to decide on a more permanent solution prior to the water level peaking in 2020. Additionally, the applicant explains that they intend to raise the drains, place large concrete blocks and fabric cloth around most of the perimeter, fill with sand, crushed concrete and/or gravel, and slope to driveways. If the applicant is willing to invest in raising the drains and adding perimeter barriers, staff is unsure why a more permanent paving solution would not be provided. Further, if the water levels do end up receding, and the applicant removes the gravel, will the drains extend above the remaining (current) asphalt parking area? Staff does understand that providing a permanent drainage solution is financially burdensome; however, we do not believe that it is unnecessarily burdensome as outlined in standard (a.). 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.*

The applicant states that there will not be injustice to neighbors, as the Eldean family owns all of the C-2 zoned property in the district. The applicant notes that all of those owners find the variance acceptable, so there is reportedly no injustice.

Staff Comments:

While the Eldean family is associated with many of the properties in the general area, all three (3) of the affected properties are located along South Shore Drive, a relatively heavily-trafficked corridor in the summer months. Staff does have concerns about gravel being tracked from the parking areas to adjacent roadways. Further, Staff has concerns that if the lake levels do not recede in the next few years, the gravel will become a permanent fixture in the parking areas.

The applicant has noted in their attached email that there is a gravel parking lot at 2300 South Shore Drive in Laketown Township. They state that the lot does not cause any problems, and that the lesser-used parking spots grow grass/weeds that is mowed. Staff

encourages the ZBA to consider any comments received during the public hearing regarding the potential impact of gravel parking lots. If the ZBA finds that the standard has been met, Staff would encourage the Board to consider requiring the applicant to submit a letter of credit to the Township with a specified date for the removal of the gravel. If the lake levels have not receded by that date, the applicant could be required to come before you to revisit the request.

- 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.

- 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.