

AGENDA

TALLMADGE CHARTER TOWNSHIP ZONING BOARD OF APPEALS

SPECIAL MEETING
JANUARY 7, 2025
7:00pm

CALL TO ORDER

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES FROM THE AUGUST 7TH 2024, SPECIAL MEETING

NON-AGENDA ITEM INQUIRIES

NEW BUSINESS

- Election of Officers
- Public Hearing
 - Michael Pare – 1600 Lake Michigan Dr – 70-10-26-100-019
 - Seeking relief from:
 - Section 15.07 – Off-Street Parking for Physically Handicapped Persons
- 2025 Meeting Schedule

OLD BUSINESS

- None

ZONING BOARD OF APPEALS MEMBER COMMENT

ADJORNMENT

**TALLMADGE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 7, 2024**

7:00pm Marv Bennink called the meeting to order.

MEMBERS PRESENT: Marv Bennink- Chairman, Mary Gavin, Tip Bronkema, Timothy Smith. Also Present: Alexis Gulker, Zoning Administrator, Greg Ransford, Planner, 5 residents and applicant. Absent: Shirley Bruin

APPROVAL OF THE AGENDA: Mary Gavin motioned to approve the agenda. Tim Smith supported and it carried unanimously.

APPROVAL OF THE MINUTES FROM March 5, 2024 REGULAR MEETING: Tim Smith motioned to approved the minutes as presented. Mary Gavin supported and it carried unanimously.

NON-AGENDA ITEM INQUIRIES:

Q: Val Schwallier neighbor, Tree fell on shed, does he need to come to ZBA for approval?

Discussion about position of shed and distance from property line. Yes, Zoning would need an application, along with \$50 fee. If the location of new shed would be too close to the property line, then an application to ZBA would be required.

NEW BUSINESS

- Public Hearing
 - o Jason Mills –10240 4th Avenue– 70-10-36-260-015
 - o Seeking relief from:
 - Section 7.04(b) – R-1 Single Family Area Regulations (Front Yard)
 - Section 17.04 (d)2 – Nonconforming Structures

Marv Bennink opened the floor to applicant, Jason Mills. Mr. Mills states his brother started this project and things went a bit haywire, and now his is left with picking up the pieces. Explained how he is restricted on the placement of the deck due to the location of room within the home, and views of the lake, along with the location of neighbor homes and trees. States most of his house is already non-conforming and has been

Q: Tim smith – Wondering if the new projects were constructed structural safely. A: Applicant states yes.

Q: Tim smith – asks about hand railing on the deck. A: Alexis states that the project was put on hold, and a railing will be required. Applicant states that his intention as well.

Marv Bennink asks: Is the deck along roadside and the house – is it new? A: Part of walkway is new and a portion was existing. What did the old part serve? It was the entrance to the house, it was a large landing along with a ramp that went further.

Q: Marv Bennink: Is brother a license builder? A: NO. States the brother is no longer living there, and will not be heading the remaining of the project.

Q: Marv Bennink: What does the flat Roof around the corner of the new deck covers: A: the Garage. And did not use this surface as a deck, because it does not access the house interior in a practical way.

Tim Smith moves to open to public hearing. Tip Bronkema supports and it carries unanimously.

Neighbor: Asks about clarification of the 2 items being addressed.

A: The house is 12ft from the road, and needs to be 50ft. So applicant is expanding the non-conforming building, which requires ZBA review.

Neighbor: States the house looks nice where it is, as long as the project is done to code standards for safety.

Mary Gavins moves to close to public hearing. Tip Bronkema supports and it carries unanimously.

ZBA members discuss among each other.

Marv Bennink address the need to meet all 5 standards. He highlights standard 5, which addresses that the item in question could be considered self-created.

Greg Ransford addresses the history of standards, and how the ZBA works, and how it serves a purpose.

Tip Bronkema motions to approve the variance request. Tim Smith seconds. Mary supports. Marv Bennink opposed. VOTES – 3 supports, 1 oppose. Variance request is approved.

OLD BUSINESSS

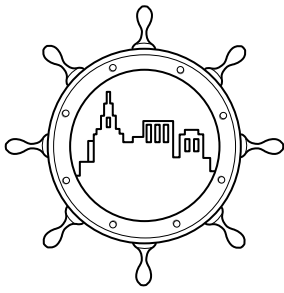
- None

ZONING BOARD OF APPEALS MEMBER COMMENT – NONE

Tim Smith motioned ADJORNMENT. Mary Gavin seconded and it carried unanimously.

Adjournment – 7:45pm

Respectfully submitted,
Jennifer Bosch



Fresh Coast Planning

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Alexis Gulker
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MEMORANDUM

To: Tallmadge Charter Township Zoning Board of Appeals
From: Alexis C. Gulker
Date: December 27, 2024
Re: Michael Pare – Dimensional Variance Request of Handicap Parking Spaces

Attached is an application for a dimensional variance request from Michael Pare of Blue Water Pools for property located at 1600 Lake Michigan Drive parcel number 70-10-26-100-019. The property is located within the General Commercial Zoning District (C-2).

The applicant seeks relief from Section 15.07 – Off-Street Parking for Physically Handicapped Persons of the Tallmadge Charter Township Zoning Ordinance (TCTZO) to only have three handicapped parking spaces which is less than the required amount of five in the TCTZO due to requesting to have 108 parking spaces for a special use.

The application has been reviewed and found complete.

Property Details

The property is located at 1600 Lake Michigan Drive and is 2.55 acres on the south side of Lake Michigan drive, immediately east of Woodland Equipment.

The property currently has 40 parking spaces, 33 of which are for employee parking spaces and three are handicap and four are for customer parking. It is important to note, the applicant recently went to the Tallmadge Charter Township Planning Commission (TCTPC) for a special use request to add more parking (up to 108 parking spaces in total) for the storing of vehicles, trailers, and equipment for their permitted commercial use and received a recommendation of approval to the Tallmadge Charter Township Board of Trustees. The application will be before the Board of Trustees in January. A condition of the recommendation was that the applicant receive a variance from the Zoning Board of Appeals (ZBA) or else they would be required to add two more handicap parking spaces.

Dimensional Request

As aforementioned, the applicant seeks the following dimensional variance:

1. Three handicapped parking spaces where the minimum required spaces are five.

Standards for Review

As you know, you are required to examine your Standards for Review (Section 21.07(d) below) to appropriately consider the request, and in order to grant a variance, all of the standards shall be met. In an effort to assist with your review, we provided our comments in italic font for each standard.

- (d) Standards for Review - Dimensional Variance. For a dimension variance, the Board of Appeals must find that all of the following facts and conditions exist.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.

It does not appear there are exceptional or extraordinary circumstances or conditions applying to the property in question due to the fact that this site is similar to other commercial property that are required to put in the required number of handicap parking. Therefore, it does not appear to meet this standard.

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

The applicant argues the variance is necessary to have enough customer parking. Our opinion is the applicant enjoys the right to park and store (PC granted) lots of equipment, and vehicles on the site but doesn't need the variance to do so. He owned/owns more land to the east and could easily remedy the situation without a variance by adding more land to the site.

3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

If the variance is granted it will not be a substantial detriment to adjacent property, but it could potentially impair the intent and purpose of the ordinance or the public interest to allow for less handicapped parking spaces than what is required.

4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

It appears the situation is not so general and recurrent in nature due to the fact that other commercial sites put in the required number of handicap parking spaces required by the ordinance.

5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

The circumstances appear to be self-created, as the property has plenty of room for two more parking spaces that can be for handicap use. Further, there is no exception or extraordinary circumstance with the property that prohibits them from putting in two more spaces or changing two of their existing/proposed storage spaces to handicap.

As you are aware, a dimensional request requires a majority vote of the membership.

Public Hearing

The application has been scheduled for a public hearing at your January 7, 2025, special meeting at 7:00pm. If you have any questions, please let us know.



Associate Planner

Attachments

cc: Mark Bennett, Supervisor



ZBA
Paid 11-6-21
check #16394

TALLMADGE CHARTER TOWNSHIP
Ottawa County
O-1451 Leonard Street, Grand Rapids, Michigan, 49534

ZONING BOARD OF APPEALS APPLICATION

REQUEST FEE: \$750.00

PROCEDURE:

Name of Applicant: Blue Water Pools / MGP 2

Address of Applicant: 12271 Sunset Creek Ct NW
Grand Rapids MI 49534

Email: Michael@bluewaterpoolsgr.com Telephone: 616-201-8889

Property Location: 1600 Lake Michigan Dr. NW
Grand Rapids, MI 49534

Permanent Parcel Number: _____

Subdivision: _____ Lot Number: _____

Parcel Size: 2.5 Acres Current Zoning of Property: _____

Existing Use of Property and/or Structure: Pool & Backyard Living Construction Co.

Proposed Use of Property and/or Structure: Same

Point of Contact Name(POC)*: Michael Pare'
*Point of Contact shall be the only person contacted by the township regarding the application

POC Telephone: 616-201-8889 POC Email: Michael@bluewaterpoolsgr.com

NOTE: Provide the legal description of the property. A survey of the property documenting accurate measurements must be provided. The applicant may be required to post a performance bond or other performance guarantee in an amount to be determined by the Zoning Board of Appeals.

VARIANCE REQUEST:

Section(s) of the Tallmadge Charter Township Zoning Ordinance from which relief is sought:

Handicap OFF STREET Parking

Reason for seeking variance: We have 4 customer

parking spaces, 33 employee parking
spaces and proposed 33 company
vehicle parking, and 28 parking
spaces for TRUCK, TRAILER and
equipment parking. Since we have
3 handicap parking spaces for the
32 employee + customer parking, we
request that no additional handicap
parking spaces would be required for
the 61 private parking spaces reserved
for company use only.

NOTE: The applicant must attach a site plan showing the dimensions of the property, setbacks to front, rear and side lot lines, the location and dimensions of all existing buildings and structures, any proposed buildings or structures, the location of any driveways or easements, the area of the property where the variance is being sought and such other information as may be required.

I agree to authorize members of the Zoning Board of Appeals and representatives from the Zoning or Building Department to enter my property in order to review the particulars of my request.

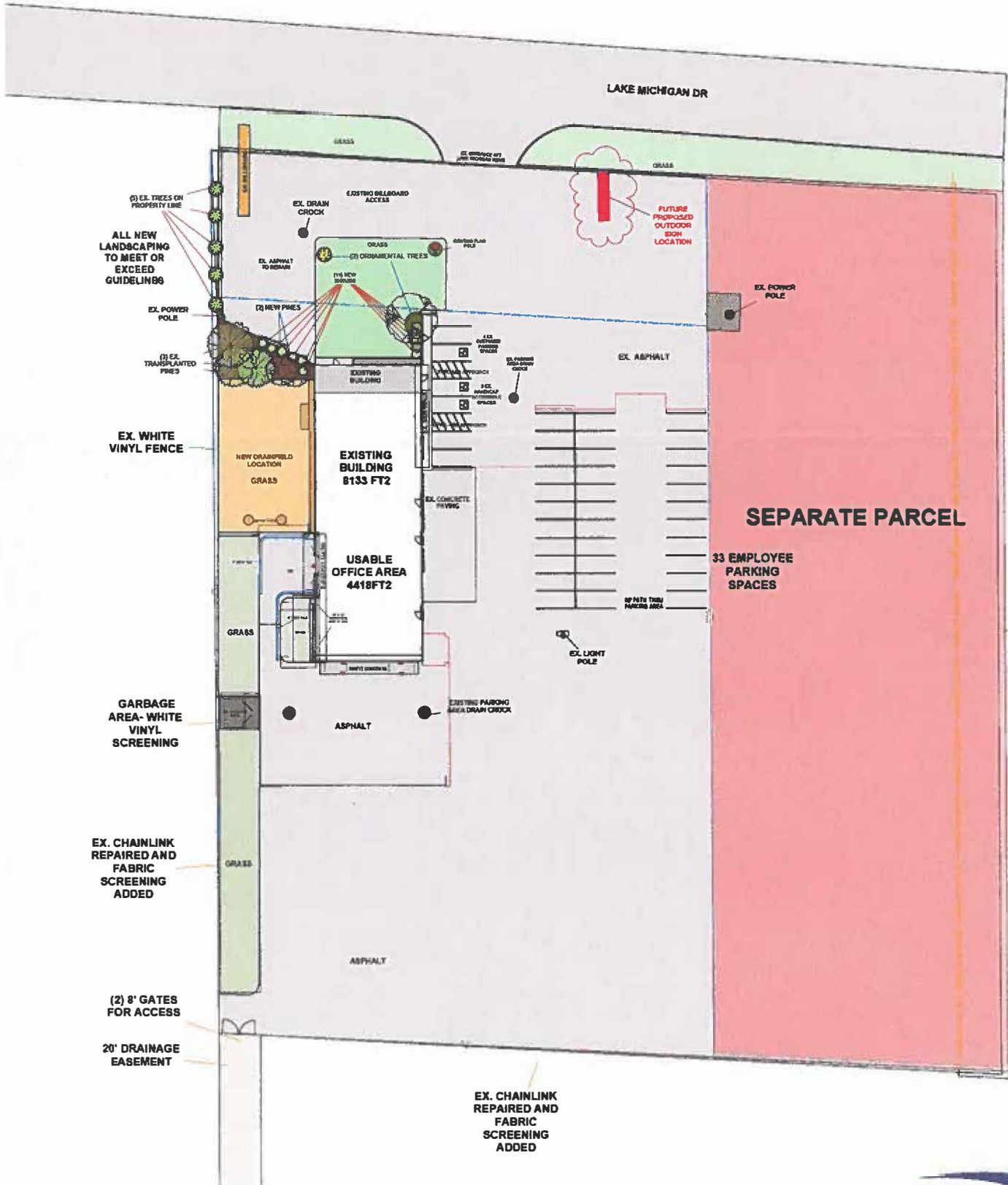
11-6-24

Date



Applicant's Signature

CURRENT SITE PLAN



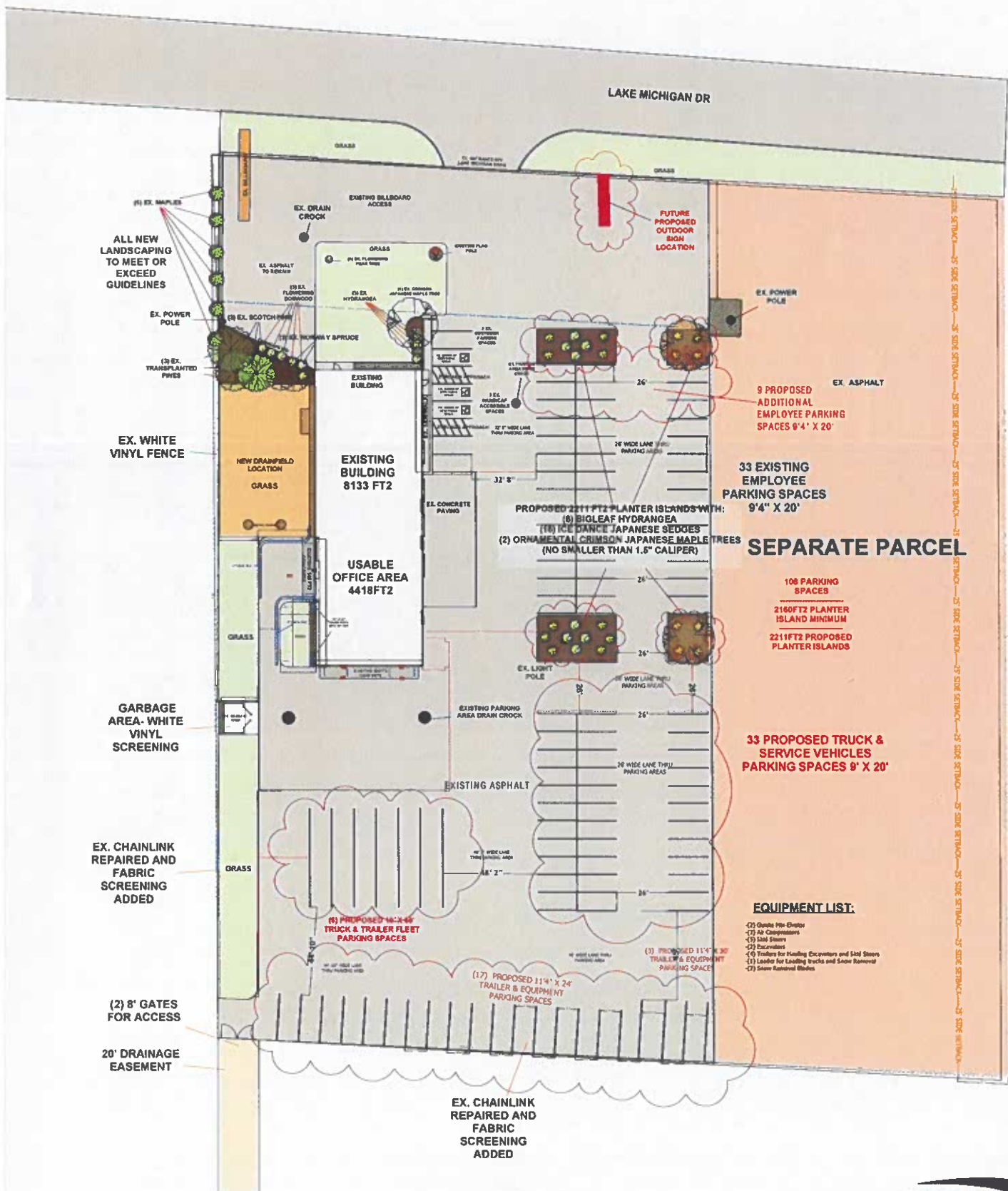
1600 Lake Michigan Dr
 NW, Grand Rapids, MI
 49534

BLUE WATER
 POOLS • LANDSCAPE • DESIGN



Scale: 1/8" = 1' 0"

PROPOSED SITE PLAN

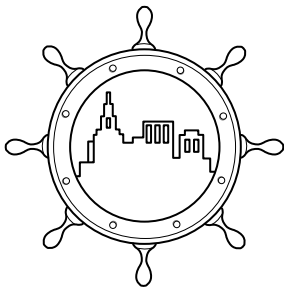


1600 Lake Michigan Dr
 NW, Grand Rapids, MI
 49534

BLUE WATER
 POOLS • LANDSCAPE • DESIGN



Scale: 1/32" = 1'-0"



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MEMORANDUM

To: Tallmadge Charter Township Zoning Board of Appeals
From: Alexis Gulker
Date: December 27, 2024
Re: 2025 Zoning Board of Appeals Meeting Schedule

Below is a proposed meeting schedule of the Zoning Board of Appeals for the year 2025. It is important to note that the September 2nd meeting is the day after Labor Day. In addition, the April meeting would be during the week of Spring Break, when the Township Hall will likely be closed.

As you know, this schedule requires your approval. In the event you agree with this schedule, with or without amendment, you may simply hold a voice vote and note the results in the meeting minutes.

Tuesday, February 4, 2025
Tuesday, March 4, 2025
Tuesday, April 1, 2025
Tuesday, May 6, 2025
Tuesday, June 3, 2025
Tuesday, July 1, 2025
Tuesday, August 5, 2025
Tuesday, September 2, 2025
Tuesday, October 7, 2025
Tuesday, November 4, 2025
Tuesday, December 2, 2025

If you have any questions, please let us know.

Alexis Gulker
Planner