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MEMORANDUM

To: Tallmadge Charter Township Zoning Board of Appeals
From: Gregory L. Ransford, MPA
Date: July 27, 2026
Re: Pater – Dimensional Variance Request

Attached is an application for dimensional variance from Mitchell Pater for his property located at 13781 2nd Avenue, parcel number 70-010-01-400-036, where he operates a self-storage facility within the Industrial Zoning District. The applicant recently received final phase approval from the Tallmadge Charter Township Planning Commission to construct four buildings, one of which is located parallel to the south property line.

In regards to the south property line, pursuant to Section 3.17(c)1 of the Tallmadge Charter Township Zoning Ordinance (TCTZO) the applicant is required to install a six to eight foot tall fence or wall, or in the alternative, construct a berm or obscuring greenbelt, as a result of the abutting residential use. As you will note within the site plan materials, the approved building will be located 30 feet from the side (south) lot line and will stand approximately 13 feet tall at its highest point. Given a number of factors but with particular regard to the height of the building and its wall facing the south property line essentially acting as a fence itself, the applicant seeks relief from this screening requirement. Pursuant to Section 3.17(c)3 of the TCTZO, the Tallmadge Charter Township Zoning Board of Appeals (TCTZBA) may waive or modify the screening requirements where cause can be shown that no good purpose would be served. For your convenience, below is a copy of Section 3.17(c) of the TCTZO with the table, in part.

Section 3.17 – Landscaping and Screening Requirements

(c) Required Fences or Greenbelts for Transitional Purposes. Fences, berms, greenbelts or combinations thereof shall be required to provide various forms of transition which contribute to a more compatible, safe, attractive, and functional community as follows:

1. For those Zoning Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to any AG, RP, R1, R2, R3, or R4 districts or residentially used property a decorative obscuring fence or wall as required below. An earthen berm or obscuring greenbelt may be utilized in place of a wall, subject to the review and approval of the Planning Commission. See items (d) and (e) of this Section for berm and greenbelt requirements.

Use	Height Requirements
I-1 Districts	6'0" to 8'0" high fence or wall. (Height shall provide the most complete obscuring possible).

2. Required fences or walls shall be located on the lot line except where underground utilities interfere with such location, or where this Ordinance requires conformance with front yard setback lines in abutting residential districts.
3. The Zoning Board of Appeals may waive or modify the foregoing

requirements where cause can be shown that no good purpose would be served.

The application has been reviewed and found complete. We believe granting the variance may be appropriate.

Property Details

As aforementioned, the applicant recently received approval for the final phase of his development, which includes construction of the southernmost building 30 feet from the south property line. The original approval of the development was as a conditional rezoning to industrial for the use as generally outlined on the site plan. The property to the south is currently zoned within the Rural Preserve Zoning District and is used residentially, as we previously noted. As the applicant notes within their materials, two small accessory buildings owned by the adjacent property are located over the property line and into the subject property. Given this, the applicant contends that compliance with a fence on the property line is not possible without the relocation of those buildings. Certainly, we agree.

Dimensional Request

As a result of your authority provided by Section 3.17(c)3, the applicant outlines how they believe the requirement of a fence or greenbelt would serve no good purpose. To that end, they request relief from this section for the entire south property line.

Standards for Review

While there are no standards of review provided by the TCTZO related to the “no good purpose” provision for the authority of the TCTZBA, we believe it is appropriate to use your typical standards at the very least to establish a reasonable method to conclude that no good purpose exists, should you conclude such. Given this, below are your Standards for Review (Section 21.07(d)) 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.

Given the two accessory buildings located over the property line and owned by the adjacent parcel to the south, there are limitations to complying with Section 3.17(c)1 of the TCTZO. While the applicant could establish a berm or greenbelt in-lieu of a fence, the option of a fence is remedied impossible, for some of the lot line, as a result of the accessory buildings and as a result, “forces” the applicant to pursue a berm or greenbelt. As you will note within Section 3.17(c)2, the fence is required to be located on the property line. As a result of these two accessory buildings over the property line, they create an exceptional or extraordinary circumstance for the property.

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 contends that the waiver is necessary to complete an approved development unimpeded by the physical conditions (the two accessory buildings) on the

property that the applicant did not create and cannot unilaterally remedy. It seems that their preservation and enjoyment of a property right may be impacted by said buildings.

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.

Unless the TCTZBA is compelled to require some extent of landscaping, the proposed building on the south side of the subject parcel will not contain windows and will act as a wall itself, with the exposure of some roofline. Given this, the screening of a wall with another wall or fence seems to serve no good purpose. In the instance the screening was to shield parking, pedestrian areas, or areas of light or activity within a building of windows or other glass elements, screening may be appropriate, however, the type of building and its orientation seem to lack the need of further screening. As a result, the variance will not be of substantial detriment to adjacent property or materially impair the intent and purpose of the Ordinance or the public interest.

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.

Given the aforementioned regarding the two accessory buildings, and the proposed building location and type, and that the TCTZBA is to review is no good purpose will be served, we do not believe a general regulation should be created.

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

The two accessory buildings owned by the adjacent property owner located over the property line are not self-created. While a berm or greenbelt could be used in-lieu of the wall or fence, again, that installation may serve no good purpose given the character of the proposed building.

As aforementioned, we believe approval of the variance request may be appropriate.

Public Hearing

The application has been scheduled for a public hearing at your August 5, 2026, special meeting at 7:00pm. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Mark Bennett, Supervisor