

**CITY OF HUDSONVILLE**

**Zoning Board of Appeals**

August 20<sup>th</sup>, 2024

(Draft)

**5221 Cherry Avenue – Ottawa Area Intermediate School District – Inability to Use Land  
3007 Van Buren Street – West Michigan Beef – Dimensional Variance**

Chairman VanDenBerg called the meeting to order at 7:03 p.m.

Present: Foster, Heward, Kamp, Saxbee, VanDenBerg

Absent:

Staff Present: Steffens, Strikwerda

**PUBLIC COMMENT (NON-AGENDA ITEMS)**

**MINUTES**

2. A motion was made by Saxbee, with support by Kamp, to approve the minutes of the July 16<sup>th</sup>, 2024, Zoning Board of Appeals meeting.

Yeas 5, Nays 0

**UNFINISHED BUSINESS**

3. **5221 Cherry Avenue – Ottawa Area Intermediate School District – Inability to Use Land**

James Lewis, Olivia Ziener, John Kerner, Mike Nagelkirk presented the request.

The staff report was presented.

This request is for the Ottawa Area Intermediate School District (OAISD) to be permitted to move into the ground floor of the B2 building (5221 Cherry Avenue). Their use of Trades or Vocational School is permitted on the upper floors only in the form generating districts of downtown, including the subject site in the Mixed-Use Zone District (MU).

Chairman VanDenBerg opened a time for public comment on this agenda item.

Public Comment was as follows:

- Letters of support from Pizza Ranch and Velocity Nutrition were read into the public record.
- Dallas and Joslin, Ottawa ISD users, Georgetown Twp Residents.
  - Staying downtown helps to stay in the community and access the various stores

- near their location, goal is inclusivity instead of exclusivity.
- 2<sup>nd</sup> floor would be dangerous if there would be a fire because it took 4 men to take Dallas down the steps at the high school. So, there would be a similar situation there.
- Expansion is important to help with space to get him to be able to walk in his walker and practice that, not just stand and they can get some exercise.
- Loves having adults' services, and it is a great environment and school.
- Chris Lamer, Chief Finance Officer, Ottawa ISD.
  - Want to be a good community partner. They would have a big multi-purpose space and could be a great resource for the community to have opportunity to use for various events and they would like to be a partner on it.
- Andrew Gemmen, Gemmen's ACE Hardware.
  - Not speaking against the program, they have been in business for 34 years and love the program that is in place. He looks at the potential future for what the downtown can be, continue to build, and gain businesses. To continue that momentum, we need to be able to bring in other businesses, his is driven by foot traffic due to fighting large businesses with large pockets. To allow the downtown to grow, it needs to be a business district. Look at what this property is and keep it as what it is intended to be while helping both parties. This is about the future of the downtown business district.
- Jack Garrett, NAI Wisinski of West Michigan (Representative of Building Owner).
  - The other two suites are planned to be retailers. Ottawa ISD would play a role in those businesses. The area to the right is a shorter height because of the family fare use. The first suite was also hard to fill because of the mezzanine that is above. This limitation of the "lean to" in the third suite will make it challenging to attract a retail tenant.

Chairman VanDenBerg closed the time for public comment on this agenda item.

The following board discussion took place:

- Current Special Land Use for Ottawa ISD.
  - If this passes, that special land would continue with the property they are currently in and could potentially limit the retail use in that space? Correct, there is a chance of that, as well as all the other uses permitted in the MU district.
- Precedent.
  - Each case is looked at in its own merit. If it was the exact need with mobility issues, it could be denied.
- Growth.
  - If this group grew larger, could they exist where they are now with the special land use and in the new space if it was approved? Yes, that is possible.
  - If we were to approve this, and they continued to grow, and suite two in this specific building was available, could we say no? Approving this would give validity to them wanting to expand in the future, it would be difficult to say no.

**1. Are there unique circumstances or conditions that apply to your property?**

- Developed as a grocery store, the next tenant didn't work out, so it is now vacant. ISD is within the same building and would be a viable tenant.

Yes.

**2. Does the request for this variance go beyond the possibility of increased financial return for you, the applicant?**

- It does go beyond the financial return because it is for practicality.
- This is a non-profit so financial return is not a factor for them.
- Have they explored all other locations for expansion?
  - Currently have Hudsonville, Grand Haven, Holland, and Coopersville.
  - They did look at Jenison at the family dollar and another location on Cottonwood. They are on the border of where they serve and they want this location as a regional hub, so these other places were not an option for them.

Yes.

**3. Has the immediate practical difficulty been caused by anything other than what the applicant has done?**

- The practical difficulty is because space has limitations to what they need it for.
- There is no issue with their location now, they have the right to be there, the issue is that they need more space to meet the goals that they have for their programming. Yes, the zoning ordinance has changed, but they have special land use currently which means they wouldn't have been allowed to be there by right. It is inadvertently caused by them because it is for their specific use. They still would have needed to come back in their current space if the ordinance didn't change because that was done by SLU in the first place and not permitted by right.
- They could stay and use other areas to help with capacity and they are able to stay where they are.
- There is an issue now with their space because they need it to accommodate the students they already have, not just for future use.
- When they initially moved to their existing space with the SLU the assumption was that the ordinance wouldn't change around them to make this a variance discussion rather than a special land use.

Based on the discussion Chairman VanDenBerg requested a roll call vote.  
Yea 3, Nay 2 – (Kamp, VanDenBerg)

**4. Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy?**

- This request does not uphold the spirit of the ordinance as the vision and future of the downtown is for businesses and retail. If this was to go in the special land use stays with the two suites that they currently occupy. They currently have the right to be where they are now, so it wouldn't deny them the right to exist there. Since family fare moved out the

majority of this building is not activated due to the secretary of state and this use as it exists now. This allowance would hinder that movement. There has been a lot of push to bring in new businesses and get people downtown. To have vibrancy and pedestrian traffic with a lot of stops for people to go to draw people in from the greater community.

- The other two suites in this building would retain retail use and there is the option for the ISD's old suites to become available to retail options as well. But the potential exists for a similar use to enter those suites. Another business with their current use would have to fill that space, not just a school, trade, vocational use. Denying this would prevent what other uses in the zone district would have.

Based on the discussion Chairman VanDenBerg requested a roll call vote.

Yea 2, Nay 3 – (Foster, Kamp, VanDenBerg)

**5. Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible.**

- They have explored all the options within the city limits and determined they were not the right fit and would be potentially dangerous to their students.
- Is it viable for them to remain in the space where they are? It isn't up to them on if they grow or not, they serve the population in the area and as more people are in need of that they will need a larger educational facility. Where they are has meet their need up until now.
- How long has the growth been an issue that was just dealt with, versus growing now because they need it or if they don't want to continue with the system they have been using.
- Are there opportunities for them to grow in other communities in the area? Yes, there are just logistical challenges that go with that.

Based on the discussion Chairman VanDenBerg requested a roll call vote.

Yea 2, Nay 3 – (Kamp, Saxbee, VanDenBerg)

A motion was made by Kamp, with support by VanDenBerg, to deny the use by OAISD for a young adult special education program to locate on the ground floor in the north unit of 5221 Cherry Avenue as shown on the submitted site plan, containing approximately 17,000 sf. This is in accordance with Section 2.04.17.C.4.e. from the City of Hudsonville Zoning Ordinance. This denial is based on the findings from the 5 questions used for determining dimensional variances.

Yeas 3, Nays 2 (Heward, Saxbee)

**4. 3007 Van Buren Street – West Michigan Beef – Dimensional Variance**

Don VanderBoon of West Michigan Beef presented the request.

The staff report was presented.

A 15' variance is being requested for a 50' flagpole where 35' is the maximum permitted. The flagpole height is based on the height requirements of the underlying zone district. The Light Industrial (IND-L) maximum building height is 35'.

The following board discussion took place:

**1. Are there unique circumstances or conditions that apply to your property?**

- The building height is 35' but with the additional equipment and pertinences extending off the roof are close to 50'. The consumers energy poles on the front of the property are also taller than a 50' flagpole.

Yes.

**2. Does the request for this variance go beyond the possibility of increased financial return for you, the applicant?**

- This is based on aesthetics, not a financial return.

Yes.

**3. Has the immediate practical difficulty been caused by anything other than what the applicant has done?**

- This has been a long project, it is a great building, and with it being a long project the construction started before the ordinance went into effect. If that flagpole was called out on the plan, and constructed before the ordinance changed, they would have been able to change it. For the building permit, there is a delayed amount of time where the applicant didn't start construction, then chose to start construction would we block them from putting up that flagpole?

Yes.

**4. Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy?**

- Denying would prevent the businesses from having the same size flagpole several other businesses have.
- There isn't strong hardship due to no exception for mechanical equipment height. People are looking at the tallest point on the building versus the height of the building wall.
- Only see a taller flagpole complimenting the building.
- Why is the pole ask 50'? They picked a height they felt was best for the building. Already bought the flagpole and traveled to get it, then found out that it was too tall.
- It would have been more beneficial to build a simpler building for the applicant, but the materials they used were required by city code. The reasoning for the mechanical equipment is hard to say that the building is taller.
- When the site plan was approved, they were allowed to have a 50' flagpole.

Yes.

**5. Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible.**

- They investigated having multiple poles versus one pole and did not like the way it looks. That also would have covered up more of the building view and the materials that were required by the Planning Commission.
- An alternative could have been using a 35' pole. It is not typical to dictate a height on a site plan, the fact it was called out on the site plan to be installed, just without height, should warrant them to put up a pole size that they want. The other alternatives could block the aesthetics of the building which was required by the planning commission and the city.

Yes.

A motion was made by Kamp, with support by Foster, to approve the deviation for a 50' flagpole where 35' is permitted in accordance with Section 4.01.18 of the City of Hudsonville Zoning Ordinance. This approval is based on the findings from the 5 questions used for determining dimensional variances.

Yeas 3, Nays 2 (Saxbee, VanDenBerg)

5. A motion was made by Foster, with support by VanDenBerg, to adjourn at 8:50 pm.

Yeas 5, Nays 0

Respectfully Submitted,

Sarah Steffens  
Deputy Planning and Zoning Director