

Zoning Board of Appeals

Regular Meeting Agenda

Monday, July 25, 2016
7:00 p.m., City Council Chambers



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – May 23, 2016
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business – Public Hearing

Hanson Cold Storage of St. Joseph, MI is requesting the following two (2) variances for a proposed cold storage facility to be located at 1660 and 1800 Second Avenue:

- a) A variance from the requirement in zoning ordinance section 1802-3 which requires loading areas to be located in side or rear yard and not facing the street. The applicant proposed load in the front of the building.
- b) A variance from the height limit of 40 feet (zoning ordinance section 1103) to construct the facility 60 feet in height.

7. Commissioner Comments

8. Adjourn

RESPECTFULLY SUBMITTED,

Linda Anderson
Zoning Administrator

Zoning Board of Appeals

Regular Meeting Minutes

Monday, May 23, 2016
7:00 p.m., City Council Chambers

REVISED 5-19-2016



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.

2. Roll Call

Present: Tom Stegeman, Judi Stimson, Mark Wheeler, Jodi Carlson (alt.), Bob McAlear,
Dennis Lewis

Absent: Scott Boyd

2a. Election of Officers

Lewis opened the floor for election of officers.

Motion by Stegeman, to nominate Scott Boyd for chair, second by Miller.

All in favor. Motion carried.

Motion by Miller, second by Stegeman to elect Scott Boyd as chair.

All in favor. Motion carried.

Motion by Stegeman to nominate Dennis Lewis for co-chair, second by Wheeler.

All in favor. Motion carried.

Motion by Miller, second by Stimson to elect Dennis Lewis as co-chair.

All in favor. Motion carried.

Lewis noted that because Boyd is not present he would chair the meeting.

3. Approval of Agenda

Before the approval of agenda, Lewis noted that the application for 141 Dunkley has been withdrawn.

A member of the audience called a Point of Order, explaining that the applicant for the 141 Dunkley property is present.

Lewis asked Anderson for clarification, to which Anderson responded that the owner of the property at 141 Dunkley contacted Anderson last week and withdrew the application, which is within her rights to do. Anderson also explained that the agenda was revised and re-noticed and posted according to requirements.

Motion by Stimson, second by McAlear to approve the revised agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – March 28, 2016

Motion by Stimson, second by Wheeler to approve the March 28, 2016 meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Tom Feeney, 2929 76th Street SW, Byron Center, Michigan: Regarding the appeal for 141 Dunkley. Stated the applicants were not notified that their application had been withdrawn and asked whether they get a refund.

Anderson responded that is up to the owner. The city has done the advertising, notification and posting. The funds have been used.

The applicants thanked the board for their time and left.

6. New Business – Public Hearing

Susan Worthley of 231 Huron Street (80-53-021-002-00) is asking for three (3) variances in order to make alterations to her Huron Street property. The variances requested involve an expansion of a legal non-conforming structure.

The variances requested are:

Lot coverage increase to 51% where 40% is maximum
Front steps to within 1.5 feet of lot line where six (6) feet is the minimum
Rear setback 24 feet where 25 feet in the minimum

Anderson introduced the request and noted the house is already non-conforming as is the lot. Anderson explained that this is an application to increase non-conformity, noting that all the information is provided in the application. Anderson commented, "It is tight, we did see that. They are not going closer on the sides but will be in front and rear."

Lewis asked if this were a conforming lot, based on the square footage, what variances would be required. Anderson explained that the side setback would be a total of fifteen feet, so one side setback could be three feet and the other would be twelve feet. The front

setback would be 15 feet and the rear setback would be 25 feet. Lot coverage would be 40 percent. Lewis noted he just wondered what it would be if the lot were conforming.

A brief discussion ensued with Anderson giving more details and Wheeler giving an example to better understand the request if it were on a conforming lot.

Motion by Miller, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Susan and George Worthley, 231 Huron Street, South Haven. S. Worthley explained that they used to bring their children to South Haven when their children were younger and rent a house for a week. Noted they fell in love with the area, so decided to buy a second home here. S. Worthley explained that her husband is semi-retiring and they want to sell their house in Wheaton and move to South Haven permanently. "We want to sit on our back deck and look at the boats come in and out but we can't do it without adding a garage for our cars as no parking is permitted on the street in winter." S. Worthley added that they also want to add a little more living space and put a garden and landscaping where the current garage is. Regarding the steps in the front, S. Worthley stated they have never been able to use the front door because there are no steps there, so you either go into the two doors that lead into the basement or in the back, but noted that if they reside there year round it would be nice to have a front entrance.

Stegeman noted when Wally lived there the porch had steps but when Needham redid that he tore the steps out. Stegeman stated that the applicants are asking to restore the steps to the porch back to what it was.

Jodi Carlson asked if the steps were going to be where they originally were. G. Worthley noted they want to put them a little to the side, Stegeman said they used to be centered before.

G. Worthley said they would like to add a fence and gate to the front that would enclose the steps.

Lewis asked about the rear setback and whether it will be 25 feet from the back of garage to lot line. S. Worthley said it would be 24 feet from the garage to the back lot line. Anderson said the stairs are not really a problem, but since it is already non-conforming, they are increasing the non-conformity further with the garage replacement.

Lewis said his questions are answered and wondered if anyone else has questions. There were no further questions for the applicant.

Motion by McAlear, second by Stimson to close the public hearing.

All in favor. Motion carried.

Miller noted that he lived in that neighborhood for 20 years. "There are so many nonconforming structures in that neighborhood that the conforming structures are nonconforming. The other thing that is truly unique is that 30 feet is not very much to work

with. That's about as minimal as you get unless you watch *Tiny Houses* on TV. In my opinion, we should grant all three variances."

Stegeman stated that he feels that these people are selling their home and coming to South Haven. It used to be a little rental and they are not trying to rent out; there are enough renters in that neighborhood. "They'll need parking, I like that they aren't renting and are going to be full-time residents."

Lewis commented that he is in favor of them building a garage; everyone is required to have two parking spaces and the applicants are not asking for a huge garage, 24 feet x 22.5 feet, smaller than a typical garage so he has no problem with the rear setback variance. Regarding the front steps Lewis noted, "The deck is existing; you should have egress to the front door. I don't want to say, 'tear down the front deck', so I don't have a problem with it. If this were a standard lot we wouldn't even be talking about lot coverage."

McAlear asked if we would be setting a precedent by approving these variances. Anderson explained that what you want to look at in this case is how many lots this small there are in the R1-A zoning district. There may be a few, but she does not think this is a situation that occurs regularly throughout the city, so she wouldn't recommend a zoning ordinance amendment to address this question. "That is a very narrow lot." McAlear concluded that this is an exceptional situation which Anderson concurred with.

Stimson asked whether it is required to have two entries and exits from a house to which Anderson responded that she thinks so, noting there is a door so they could exit but would have to jump off the deck.

Motion by Miller to approve all three variances due to the extenuating circumstances of having an undersized lot, which is a condition specific to that property and does not require a change to the ordinance.

Anderson noted that the board, in discussion, has addressed the requirements as outlined by the ordinance and found adequate evidence that all standards in Section 2205 have been met..

Second by Wheeler.

A roll call vote was taken:

Ayes: Miller, Stimson, Stegeman, Wheeler, Carlson, McAlear, Lewis

Nays: None

Motion carried.

7. Commissioner Comments

Lewis requested an update on the property on LaGrange with the landscaping. Anderson explained that Code Enforcement has been checking and they have been informed they are one pot short.

Lewis asked if there any applications for next month and Anderson stated she has had inquiries but no applications. Anderson will notify the board if something comes in before the deadline.

8. Adjourn

Motion by Miller, second by McAlear to adjourn at 7:55 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6 a) and b) 1600 and 1800 Second Avenue Variances

City of South Haven

Background Information: Hanson Cold Storage of St. Joseph, MI is requesting the following two (2) variances for a proposed cold storage facility to be located at 1660 and 1800 Second Avenue:

- a) A variance from the requirement in zoning ordinance section 1802-3 which requires loading areas to be located in side or rear yard and not facing the street. The applicant proposed loading in the front of the building.
- b) A variance from the height limit of 40 feet (zoning ordinance section 1103) to construct the facility 60 feet in height.

Recommendation: Staff recommends that the ZBA members review all submitted materials as well as the staff findings of fact and visit the property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance. Each of the two (2) variance requests should be acted on individually.

Support Material:

Applications and narrative for each request
Staff Findings of Fact Statements for each request

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: Hanson Cold Storage Date: 6/30/16

Address: 2900 S. State Street Phone: 269-982-1390

Address of Property in Question: 1600 & 1800 Second Avenue Present Zoning of Property: I-1

Name of Property Owner(s): Hanson Cold Storage Co. dba Hanson Logistics

Dimensions and area of property 26.359 acres. See attached survey (Parcels B&C)

Dimensions of all buildings on the property (also shown on a diagram) _____
402' x 1070'

Setback measurements of all structures on the property (also shown on diagram)

Front = 250' Rear = 100' West Side = 40' East Side = 90'

Present Zoning of Neighboring Properties to the :

North RM-1 South I-1 East LDR West I-1

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): Section 1103 - Height Regulation

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

- Such variance will not be detrimental to adjacent property and the surrounding neighborhood.
The building height variance will not be detrimental to adjacent property owners. The building will be designed to "step" in height from the street. Other adjacent properties will be adequately screened.
- Such variance will not impair the intent and purpose of this Ordinance.
A cold storage distribution center is a unique building requiring special circumstances. Approval of this request does not impair the intent of the ordinance.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

The proposed facility is a cold storage distribution warehouse. In these types of facilities, cubic space is more important than square feet as pallets are stored in racking systems. New technologies allow for these racking systems to go higher creating a very cost effective and operational efficient warehouse. Having the extra height within the warehouse portion of the facility helps the intended use and unique of this type of facility. Note that the dock, office, and material handling spaces will all be 30'.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The additional height within the warehouse portion of this facility is necessary for operations, storage capacity, and warehouse efficiency.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

A cold storage distribution center is a unique facility that has distinctive requirements that are not representative of a recurrent nature.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

This property is a strategic location for Hanson and their clients. Therefore, the selection of the site is a result of client needs and a site that makes this project feasible.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

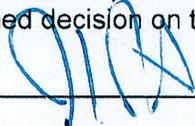
The efficiency and storage capacity gains achieved by the increase in building height makes this project feasible. Conforming to the height requirement would create an unnecessary burdensome on the owner and their operations.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The variance requested is the minimum required and results in a warehouse height representative to an industry standard within the cold storage industry.

9. That the variance will relate only to property under the control of the applicant
Hanson Cold Storage is the owner of the property.

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

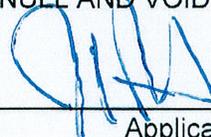


Property Owner

James A. Reits V.P. & Treasurer

7/1/16
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.



Applicant Signature

James A. Reits V.P. & Treasurer

7/1/16
Date

Rendering of
proposed front of
facility





Rendering of
Proposed Rear
yard



60' HIGH
EXAMPLE

KLLM
TRANSPORT SERVICES
© 53
156
Safely Serving North America
For Over 40 Years.

Example of
60' HIGH
Facility



STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: July 25, 2016
ADDRESS: 1600 and 1800 Second Avenue
ZONING DISTRICT: I-1 Light Industrial
LOT DIMENSIONS: 1907x602
LOT AREA: 26.359 acres
LOT COVERAGE: NA
REQUIRED FRONT SETBACK: 40 feet

VARIANCE REQUEST: The applicant, Hanson Cold Storage, is asking for a variance from the height limit of 40 feet (zoning ordinance section 1103) to construct the facility 60 feet in height in the I-1 Industrial zone.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

This property is in an industrial zone and involves the construction of a sizeable frozen food processing and storage facility. This use is compatible with the surrounding industrial park area. There is undeveloped multi-family residential land to the north. Significant landscaping along this northern boundary will be required by the planning commission in the form of either an eight (8) foot obscuring fence or landscaping.

2. Such variance will not impair the intent and purpose of this Ordinance.

Industrial uses and expansions are encouraged to locate in this zone. Provided all city requirements are met, the variance will not impair the intent of the ordinance.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

The exceptional or extraordinary circumstances apply more to the proposed use than to the property in this case. Industrial freezer storage and distribution requires more height than square footage. This is due to the racking systems used in the storage. The only portion of the facility to exceed the height requirement is the freezer area. The offices, dock and handling areas will be thirty (30) feet high.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

As stated previously, this is a use unique in the city. Where most other industrial uses rely on square footage, industrial freezer facilities need height. If the

proposed facility is not able to meet the demands of this particular industry, they may have no choice but to seek space elsewhere. The granting of this variance does not determine if the use is financially viable but it may determine where the facility is located.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

This is a unique situation and there have been no similar requests for a height variance for this reason. Cases such as this should be dealt with individually and not with an ordinance change.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The applicants require a specific structure for their business. This is not a situation where the applicants would like a variance; in this case they need it. Staff believes that this is a unique situation and worthy of the requested variance.

Staff does not believe this situation is self-created.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Without the requested variance, it is questionable if the facility could locate here. It is hoped and anticipated that this facility will be allowed to grow and remain in the City of South Haven.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship. **The applicant has stated that this is the minimum height required for the facility.**

9. That the variance will relate only to property under the control of the applicant. **The variance request only involves the property owned by the applicant.**

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: Hanson Cold Storage Date: 6/30/16
Address: 2900 S. State Street Phone: 269-982-1390
Address of Property in Question: 1600 & 1800 Second Avenue Present Zoning of Property: I-1
Name of Property Owner(s): Hanson Cold Storage Co. dba Hanson Logistics
Dimensions and area of property 26.359 acres. See attached survey (Parcels B&C)
Dimensions of all buildings on the property (also shown on a diagram) _____
402' x 1070'

Setback measurements of all structures on the property (also shown on diagram)

Front = 250' Rear = 100' West Side = 40' East Side = 90'

Present Zoning of Neighboring Properties to the :
North RM-1 South I-1 East LDR West I-1

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from?
Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): Section 1802 - Off-Street Loading and Unloading #3

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.
The layout presented is a better plan for this site situation as residential properties are adjacent to the rear yard. In the proposed plan, the loading docks will face the street and will be setback from the property line 200' +.
2. Such variance will not impair the intent and purpose of this Ordinance.
The purpose of the ordinance is to "screen" the loading areas. In this unique situation, it would be better to face the street than the residential area.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

The adjacent property zoning and the shape of the property create the unique circumstance that requires the requested variance.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Due to the shape of the property, the building can only be oriented in the way it has been presented. The loading dock facing the front yard allows for better access and maneuverability for the trucks.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

The various adjacent zoning conditions along with the shape and accessibility of the site create a condition/situation unique to this site and project.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

This property was selected for its strategic location for both Hanson and their clients. The layout is the result of adjacent zoning, future development, access, and the shape of the property. It is not a self-created problem.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Strict compliance would create an unnecessary burden on the proposed development.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The variance requested is required to overcome the unique circumstances of the property and the proposed development.

9. That the variance will relate only to property under the control of the applicant

Hanson Cold Storage is the owner of the property.

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

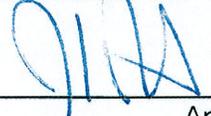


Property Owner

James A. Reits V.P. & Treasurer

7/1/16
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.



Applicant Signature

James A. Reits V.P. & Treasurer

7/1/16
Date



Hanson Hobart
Representative of
Proposed facility





ANOTHER VIEW
OF HOBART
FACILITY

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: July 25, 2016
ADDRESS: 1600 and 1800 Second Avenue
ZONING DISTRICT: I-1 Light Industrial
LOT DIMENSIONS: 1907x602
LOT AREA: 26.359 acres
LOT COVERAGE: NA
REQUIRED FRONT SETBACK: 40 feet

VARIANCE REQUEST: The applicant is asking for a variance from the requirement in zoning ordinance section 1802-3 which requires loading areas to be located in side or rear yard and not facing the street. The applicant proposes loading in the front of the building.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

This property is in an industrial zone and involves the construction of a sizeable frozen food processing and storage facility. This use is compatible with the surrounding industrial park area. There is undeveloped multi-family residential land to the north. Some landscaping along this northern boundary will be required by the planning commission in the form of either an eight (8) foot obscuring fence or landscaping.

2. Such variance will not impair the intent and purpose of this Ordinance.

Industrial uses and expansions are encouraged to locate in this zone. Provided all city requirements are met, the variance will not impair the intent of the ordinance.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

The rear of this property faces undeveloped residential property. When that property develops, the frequent truck traffic loading/unloading could prove to be detrimental to the residents living there. The main access to the property is from 2nd Avenue and using that side for loading and unloading will be much less disruptive to future residential development.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

There does not appear that other industrial properties in this industrial park have their loading docks in the front with the exception of Spencer Industries with their load dock along Dow Lane. There are also no other properties which abut up to

residential property. There does not appear to be a financial motive for the request.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

This is a unique situation in that the rear side of an industrial property abuts up to residential property. There is no other property in this industrial park with that situation. Cases such as this should be dealt with individually and not with an ordinance change.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The applicants require a very large parcel of land for their proposed facility. Fortunately for all involved, this industrial park had a large property available. Staff believes that this is a unique situation and worthy of the requested variance. Locating the loading docks adjacent to a residential zoned area would be far more disruptive than having loading docks along an internal industrial street.

Staff does not believe this situation is self-created.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Without the requested variance, the property could still be used for an industrial use but it would limit future expansion by requiring wide roadways around the sides of the site. It is hoped and anticipated that this facility will be allowed to grow and remain in the City of South Haven.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship. **There really is no minimum request in this case.**

9. That the variance will relate only to property under the control of the applicant.

The variance request only involves the property owned by the applicant.