

# Zoning Board of Appeals

## Regular Meeting Minutes

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



City of South Haven

### 1. Call to Order by Scott Boyd at 7:00 p.m.

### 2. Roll Call

Present: Carlson, Lewis, McAlear, Miller, Stegeman, Stimson, Boyd  
Absent: None

### 3. Approval of Agenda

Motion by Stimson, second by Stegeman to approve the July 25, 2016 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – May 23, 2016

Motion by Miller, second by McAlear to approve the May 23, 2016 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

### 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.*

Boyd asked for board questions or comments prior to opening the public hearing.

Stegeman asked if the requested sixty feet enough is or if they need more than that. Boyd noted that 60 feet is the minimum height requested.

Lewis said if we grant this we are acting as a legislative body instead of judicial. Boyd said Lewis' point is heard and noted, "This is the Zoning Board of Appeals for variance; if it a reasonable request and doesn't harm anyone else around it should be granted. This variance is mandatory for the business to operate."

Stimson requested Anderson's thought on Lewis' concern. Anderson stated the Zoning Board of Appeals is not a legislative body but they have the authority to grant variances from the zoning ordinance. The ZBA does not have the legislative power to actually amend the ordinances. Anderson also noted that granting this does not amend the zoning ordinance; we would be granting this for one applicant and that is all. That is what state law provides; to not grant the variance would be an unnecessary hardship. Anderson pointed out that this is the first time the board has gotten a height variance request for this particular reason. "Are they acting as legislative? In some manner perhaps, but only as the state law allows it."

Motion by Miller, second by McAlear to open the public hearing on 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.

All in favor. Motion carried.

The applicant introduced himself as Andy Janson, President of Hanson Logistics, St. Joseph, Michigan and Jason Bransteter as Vice-President of design for Tippman Construction of Fort Wayne, Indiana.

Janson noted that Hanson Logistics have used Tippman on previous Hanson projects, explained they brought some drawings, Tippman has done all the preliminary and continued design work on the South Haven site. Referring to the drawings, Janson noted that on the left is the artist's rendering and to the right a view of the parcel, of which Hanson has purchased 25 acres.

Janson asked, "Why 60 feet? It is partly for economic reasons. These buildings are extremely costly to build and operate; it's more about cubic footage than square footage. This will be ammonia refrigeration, the taller we can go the more efficient and cost effective we can be, to make the project make sense. The why regarding 60 feet today is that is as tall as the forklifts and material handling equipment can handle.

In response to a question from the chair, Janson noted they have accommodated for the height. The 60 foot high part is about 300 feet back from the front yard. This is set way back. Lewis commented that he does not want to set a precedent for a 60 foot tall building right up to the road. The chair noted that Anderson did provide the answer; we are granting this property this variance. Lewis responded that it is also very important to come up with extraordinary reasons for granting the variance.

Boyd asked how many employees are anticipated to which Janson responded that Hanson is working closely with one of the world's largest food/fruit processors and packagers at this time. "They would have about one hundred employees and we have a similar facility in Hobart, Indiana and we are pushing 100 employees for our portion of the business; potentially 200 or more."

Stegeman asked if it is seasonal or year round. Janson stated it is mostly year round; it could spike during the harvest season.

Boyd asked if he should have these requests be separate to which Anderson responded that the board should certainly vote and give reasons for each item separately.

Boyd noted that request a). is for loading at the front of the building and asked for any questions or comments. Stimson asked why it is requested to have loading in the front. Janson responded that it is partly the logistics coming off the road and there is another proposed future addition in the back and putting the loading docks in the front would eliminate the need to cross employee parking with truck traffic. There is also residentially zoned land to the north (rear) side and the lights and noise of the loading docks could be intrusive to that development.

Boyd asked if those present in the audience had any questions.

Dave Paull, Park Avenue. Stated that he really has two questions having to do with environmental issues. "Is there any plan on using alternative energy sources and secondly, a bit concerned about ammonia refrigeration although I know it has been done for decades safely and wonder if they had considered alternatives."

Boyd said neither of those questions is a concern for this group but are suitable for the planning commission, so he will move forward with the zoning variances.

Doug Gritter, Pine Creek Construction, owner of possible residential development adjacent to the subject property. Stated he has heard many potential developments for his property in discussion but nothing in full plan works, but certainly will have in the future. "I'm in favor of the development; I have not seen the drawings and wish they'd been available sooner." Gritter expressed that he is totally in favor of request a) from a residential standpoint. "I do have a couple of questions and comments. I thought what was going to happen was to be on the entire acreage. What I see is a

development on part of the property.” Janson clarified that they own part of the acreage and the other portion is owned by another entity.

Motion by Lewis, second by McAlear to close the public hearing on Request a): a variance regarding the loading dock.

All in favor. Motion carried.

Motion by Lewis, second by Stimson to grant the variance from the requirement in zoning ordinance section 1802-3 to allow loading in the front yard for property located at 1660 and 1800 2<sup>nd</sup> Avenue, opposite of the residential district and facing the industrial district. This variance will protect any future residential development on the north side of the property.

All in favor. Motion carried.

Lewis called a point of order, stating there needs to be a roll call vote.

A roll call vote was taken.

Yays: Carlson, Lewis, McAlear, Miller, Stegeman, Stimson, Boyd  
Nays: None

Motion carried.

Boyd entertained a motion to open the public hearing for b) A variance from the height limit of 40 feet (zoning ordinance section 1103) to construct part of the facility 60 feet in height.

Motion by Miller, second by McAlear to open the public hearing on this section of the request.

All in favor. Motion carried.

Doug Gritter, Pine Creek Construction. “This is of greater concern to us, as any of you would anticipate, as a residential developer.” Gritter noted that the request makes the height one-third in excess of the allowed zoning; that is very significant. “Not saying I’m against it; I like this development; I like this but I’m concerned that my residential property be protected.” Gritter noted that on the back by the roadway there is a retaining wall which was installed prior to Pine Creek being part of litigation and being involved. Gritter also pointed out that there is a significant stepdown from the red dotted line (on the provided drawing) into the development. “It creates another 10 feet of height difference. Now you are essentially going to 70 feet which would be a very considerable concern if this were residential.” Gritter wants some assurance of somehow, some way, a requirement for proper screening. Gritter realizes this is a Planning Commission issue and wants to make that concern noted.

Boyd stated that Gritter's concerns are noted.

Gritter reiterated that he does appreciate the development and would like to work with these gentlemen on the screening process. Gritter suggested a possible 20 foot screened offset, berm, trees, etc.

Motion by Stegeman, second by Stimson, to close the public hearing on variance b).

All in favor. Motion carried.

Miller is curious about the setback brought up by Pine Creek Construction at the rear street. Brandstetter referred to the aerial view drawing and stated it is 100' to the first section, which is one story, and 162' from the street to the 60' wall of the building.

Miller noted that because we are abutting residential, the zoning does address that, and he thinks Anderson can address that.

Lewis asked how tall the gray part is, if it is future, could it be the same height of 60 foot. Anderson noted the applicants would have to come back again to the ZBA. Lewis wondered if that was true according to our Zoning Ordinance, thinking of the setback laws we have.

Miller said to carry his thought further that he would like to commend both parties here. "You sound like real reasonable people and I see no reason why you folks can't get together and solve much of the screening issue without coming back to the Zoning Board of Appeals or before Planning Commission." Miller also feels there is no further need to discuss screening at this meeting and sees a unique situation which requires a 60 foot building which is a 20 foot variance.

Motion by Miller, second by McAlear, to allow the variance from the height limit of 40 feet (zoning ordinance section 1103) to construct the facility 60 feet in height at the property located at 1660 and 1800 2<sup>nd</sup> Street.

The exceptional circumstances for this variance involve the particular engineering requirements for large scale freezer storage facilities. This is not a request likely to be seen on any regular basis.

Boyd called for a roll call vote.

Yays: Stimson, McAlear, Miller, Stegeman, Carlson, Boyd  
Nays: Lewis

Motion carried.

## 7. Commissioner Comments

Lewis: Commented on the size of the pots at the auto detailing shop and suggested in the future specify the size of the pots.

Anderson agreed that “We weren’t specific; we were thinking of half barrels and they put in those pots and that was disappointing. We gave examples of places that had them but we didn’t tell the applicants that half barrels were what we expected.”

Stegeman: Commented positively on the trees at the Woodhams project. All agreed it was an attractive project.

## **8. Adjourn**

Motion by Miller, second by McAlear to adjourn at 7:44 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary