



July 8, 2020

Zoning Board of Appeals Meeting July 15, 2020

SUBJECT: Variance Request  
4769 Harvey Street, Camp Bow Wow  
Article VIII Specific Land Use  
Conditions  
Sec. 48-1152(1)

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

BCI Construction and TJA Architecture, agents on behalf of Camp Bow Wow, are requesting two variances to construct a kennel at 4769 Harvey Street. The first variance is to locate the structure and outdoor kennel location closer than the 300 feet from any residence. The second variance is to locate the structure and outdoor kennel location closer than 100 feet from the side lot line. Both setback requirements are specific to the use of the property as a kennel.

A prepared resolution is attached for the Board's use.

Sincerely,

Ted Woodcock  
Planning and Zoning Administrator

TSW/  
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

## RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals hereby grants/denies the following Variance:

A variance to allow BCI Construction and TJA Architecture, agents on behalf of Camp Bow Wow, to construct a structure and outdoor kennel area within 300 feet of the adjacent residential structures at the proposed kennel at 4769 Harvey Street.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Zoning Board of Appeals in the exercise of its discretion, is convinced after receiving substantial evidence that there are/are not "practical difficulties" in carrying out the strict letter of the Ordinance because:

A. The Variance is/is not in harmony with the general purposes and intent of the Ordinance because \_\_\_\_\_;

B. That there are/are not practical difficulties in carrying out the strict letter of the Ordinance in that \_\_\_\_\_;

C. The Variance is/is not substantial as it relates to the zoning requirements, because \_\_\_\_\_;

D. That the Variance will/will not cause an increased population density to be generated on available governmental facilities because \_\_\_\_\_;

E. The Variance will/will not substantially change or affect the character of the neighborhood because \_\_\_\_\_;

F. The Variance will/will not be a substantial detriment created for adjoining property owners because \_\_\_\_\_;

G. Is/is not a difficulty that can be obviated by some feasible method other than the granting of the Variance because \_\_\_\_\_;

H. The interests of justice will/will not be served by allowing the Variance in viewing all of the circumstances and manner in which the difficulty arose because \_\_\_\_\_;

I. The plight of the landowner is/is not due to circumstances or conditions unique to the property because \_\_\_\_\_;

J. The circumstances or conditions that are unique to the property are/are not shared by neighboring properties in the same zone.

K. The circumstances or conditions that are unique to the property were/were not created by the landowner or any prior owner.

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held remotely on the 15th day of July 2020, the foregoing resolution was moved for adoption by Board Member \_\_\_\_\_.

The motion was supported by Board Member \_\_\_\_\_.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Excused: \_\_\_\_\_

Resolution declared adopted/denied.

\_\_\_\_\_  
Shelly Stibitz, City Clerk

## RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals hereby grants/denies the following Variance:

A variance to allow BCI Construction and TJA Architecture, agents on behalf of Camp Bow Wow, to construct a structure and outdoor kennel area within 100 feet of the side lot line at the proposed kennel at 4769 Harvey Street.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Zoning Board of Appeals in the exercise of its discretion, is convinced after receiving substantial evidence that there are/are not "practical difficulties" in carrying out the strict letter of the Ordinance because:

A. The Variance is/is not in harmony with the general purposes and intent of the Ordinance because \_\_\_\_\_;

B. That there are/are not practical difficulties in carrying out the strict letter of the Ordinance in that \_\_\_\_\_;

C. The Variance is/is not substantial as it relates to the zoning requirements, because \_\_\_\_\_;

D. That the Variance will/will not cause an increased population density to be generated on available governmental facilities because \_\_\_\_\_;

E. The Variance will/will not substantially change or affect the character of the neighborhood because \_\_\_\_\_;

F. The Variance will/will not be a substantial detriment created for adjoining property owners because \_\_\_\_\_;

G. Is/is not a difficulty that can be obviated by some feasible method other than the granting of the Variance because \_\_\_\_\_;

H. The interests of justice will/will not be served by allowing the Variance in viewing all of the circumstances and manner in which the difficulty arose because \_\_\_\_\_;

I. The plight of the landowner is/is not due to circumstances or conditions unique to the property because \_\_\_\_\_;

J. The circumstances or conditions that are unique to the property are/are not shared by neighboring properties in the same zone.

K. The circumstances or conditions that are unique to the property were/were not created by the landowner or any prior owner.

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held remotely on the 15th day of July 2020, the foregoing resolution was moved for adoption by Board Member \_\_\_\_\_.

The motion was supported by Board Member \_\_\_\_\_.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Excused: \_\_\_\_\_

Resolution declared adopted/denied.

\_\_\_\_\_  
Shelly Stibitz, City Clerk



## Internal Memo

July 9, 2020

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, Camp Bow Wow, 4769 Harvey Street

Following please find comments regarding the variance requests for Camp Bow Wow, 4769 Harvey Street:

### MASTER PLAN

The current zoning of the property at 4769 Harvey Street PUD (Planned Unit Development). The Master Plan states that this property is to be zoned for "Regional Commercial" which is compatible with the C-2 General Retail Commercial and C-3 Major Commercial zoning districts. In this case, PUD zoning could be appropriate as well, should the land use be consistent with either the C-2 General Retail Commercial or C-3 Major Commercial zoning districts. The entire Harvey Street corridor bordering East Hile Road and US-31 ramp to the north and E Pontaluna Road to the south is PUD zoned allowing for development and land use flexibility.

### LAND USE

4769 Harvey Street is currently a vacant parcel. Land uses in the area include Breakway Bicycles & Fitness to the north, Kaley Park Kennels Pet Resort to the immediate south and west, with two single-family homes to the north and south as well. Across Harvey Street is the former Great Lakes Downs complex in Fruitport Township.

The proposed use of a kennel is compatible in the C-2 General Retail District with a special use permit and that the kennel is housed in a building that is approved for a use as an animal hospital. A kennel is not a principal or special use in the C-3 Major Commercial zoning district. As noted above, there is the Kaley Park Kennels Pet Resort adjacent to the proposed Camp Bow Wow parcel, so the use is consistent with what is in the area.

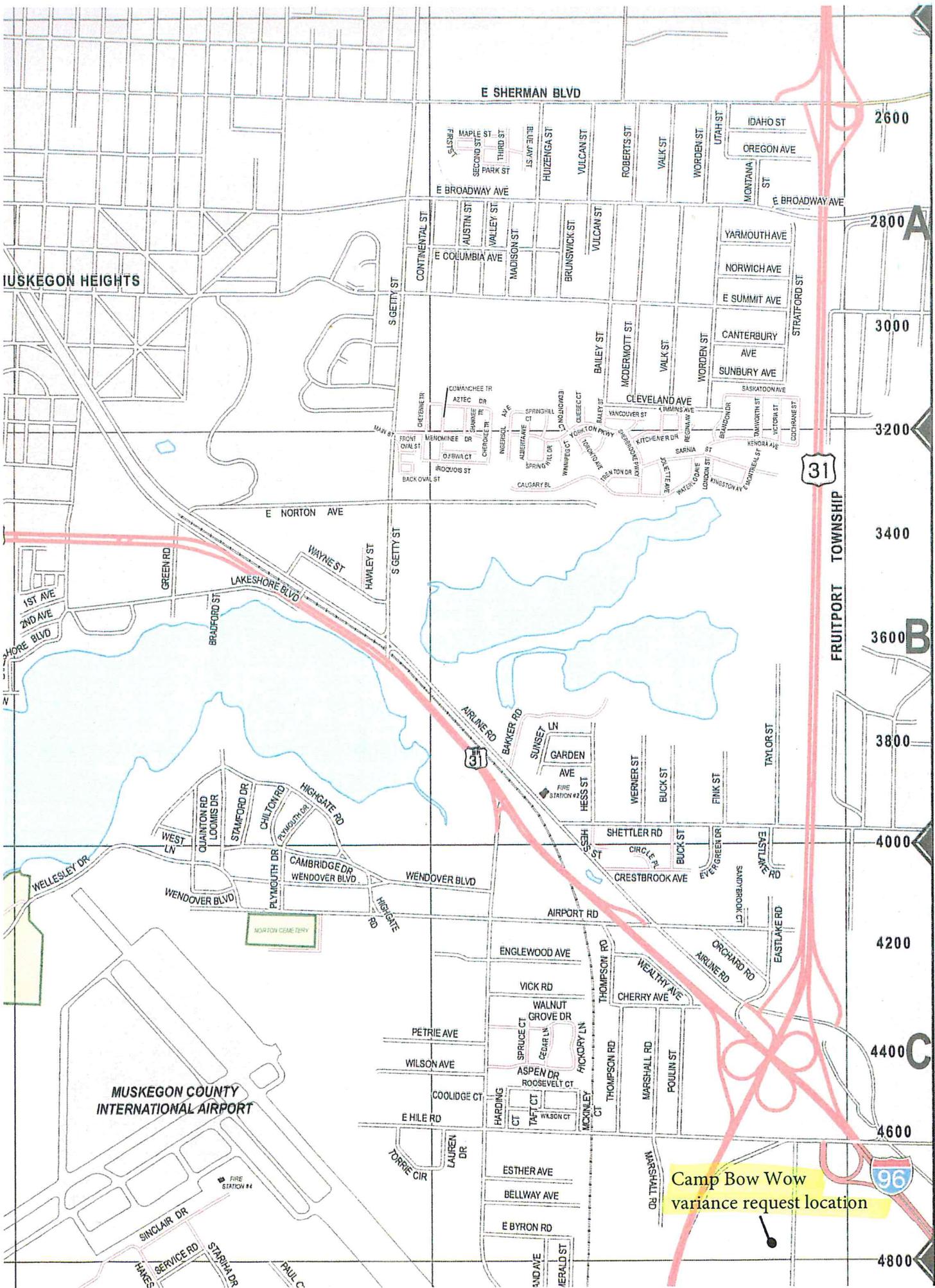
### COMMENTS

The actual Camp Bow Wow building and any outdoor kennel area has to meet two conditions to be an approved use in the City of Norton Shores, per Sec. 48-1152(1) of the Code of Ordinances:

- (1) The structure and fenced in area which will house the kenneled animals shall be placed no closer than 150 feet from the front lot line and 100 feet from the rear and side lot lines, and no closer than 300 feet to any residence other than the owner's.
- (2) The second condition has to do with adequate buffering measures, but that is not part of the variance request. It will be something the Planning Commission reviews when/if the site plan and special use permit are filed. The Planning Commission will review the site plan and special use permit only if the variances are granted.

It should be noted that both the building and kennel area, per City ordinance, have to meet the specific land use conditions, not just the outdoor area. As proposed, the submitted site plan shows the building area is approximately 120' from the adjacent residence to the north and the outdoor kennel area with the outdoor kennel area being further away. The building is 25' from the northern property line instead of the 100' as required by ordinance and the outdoor kennel area is further away, but still shorter than 100' from the side lot line.





MUSKEGON HEIGHTS

E SHERMAN BLVD

2600

2800

3000

3200

3400

3600

3800

4000

4200

4400

4600

4800

FRUITPORT TOWNSHIP

31

96

MUSKEGON COUNTY INTERNATIONAL AIRPORT

Camp Bow Wow variance request location

FOR CITY USE

Planning Commission Date \_\_\_\_\_

Z.B.A. Date 7/15/20

Date Received 6/26/20

CITY OF NORTON SHORES, MICHIGAN  
VARIANCE REQUEST

**NOTE TO APPLICANT**

Meetings of the Planning Commission are scheduled on the second Tuesday of each month at the Norton Shores Library, 705 Seminole Road, at 5:30 p.m. The Zoning Board of Appeals Meetings are held on the fourth Wednesday of each month in the Municipal Building, 4814 Henry Street, at 4:00 p.m.

**GENERAL REQUIREMENTS**

The Zoning Board of Appeals (ZBA) is created to offer reviews and decisions when an interpretation of the Zoning Ordinance or zoning district boundary is questioned, when an order or decision of an administrative official or body is questioned, when the Zoning Ordinance empowers the ZBA to hear specific uses, or when a variance from the strict interpretation of the ordinance is sought to avoid a specific hardship. A hardship must involve a unique situation rather than one that represents a minor inconvenience. The ZBA is not a legislative body, it does not have the power to rezone or change uses. Any decision of the ZBA must comply with the basic spirit (intent) of the ordinance while maintaining the public health, safety and welfare of the area and the community at large. If the request represents a significant change from the established intent, then an amendment to the Zoning Ordinance may be the proper solution.

In order to expedite a request, certain basic information must be submitted to allow ZBA members the opportunity to properly understand and consider the request. When providing the required information, the applicant may attach additional or supplemental information if deemed useful.

**REQUIRED INFORMATION**

I. Name of Applicant requesting ZBA Review and Opinion

Name(s) Doug Kloostra

Address(s) 2896 Leonard St. Marne MI 49435

Phone(s) 616-677-6025

II. Location of Property

Street name and number: 4760 HARVEY ST.

---

A drawing(s) indicating the following information shall also be attached to the application (such drawing shall be to scale):

1. A drawing of the subject site, lot, etc., with property line dimensions.
2. The size and location of existing buildings and specific uses on the site.
3. The size and location of any proposed buildings and/or uses on the subject site.
4. Existing buildings and/or uses on adjacent properties.
5. Existing and proposed setbacks to buildings on the subject site and to buildings on adjacent parcels along any common property lines.
6. Such building or structural elevations and/or floor plans that may be important in determining particular building heights, use areas and/or site development needs.
7. Photographs or other exhibits if you feel they aid in clarifying your request.

III. Nature of Request

Summarize the question or problem and reference the specific section(s) of the ordinance which is involved, (for example: The lot is located in an R-2 Single Family Residential District which requires a minimum side yard of seven (7) feet with the total of both yards equaling at least 17 feet, Article Eight of the Zoning Ordinance. Applicant wishes to reduce the eastern setback to four (4) feet, the setback to the west will be 13 feet which provides a total of 17 feet. Therefore, applicant requests a variance from the minimum seven (7) foot setback only).

---

---

---

---

---

IV. Effect of Request on Applicant

What specific problem(s) would be created to the petitioner if the request is not granted?  
What are the unique conditions that apply to the property or request as opposed to other properties in the area and the City at large?

This piece of property is long and narrow so therefore does NOT meet the minimum width for a kennel use. The property advantage is that it is surrounded by a commercial PUD and the dog kennel location is at the rear of the property and separated by a proposed earth berm with 6'-0" tall blue spruce trees and juniper bushes. the two adjacent single family residences are within the required 300' setback. This property is also lined with trees

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?  
The intent of the Zoning Ordinance is to separate the dog kennels from adjacent residential structures due to potential noises and smells. Camp Bow Wow prides itself on minimizing these two issues to near zero and with the distances as laid out and landscaping, fencing, insulated enclosed building and an HVAC system that changes the air quality within the building and is filtered and exhausted along with NO washing / rinsing of outdoor play areas with an environmentally friendly disposal system eliminates the perceived issues.
2. If the variance is allowed, what effect will there be regarding the increased population density thus generated on available governmental facilities?  
the granting of this variances does NOT change the density of use of this use as it only has scheduled drop off and pick up times and is NOT a heavy traffic use.
3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?  
No. The entire area is Zoned Commercial PUD and with the mitigation as described above there will NOT be any detriment to the surrounding areas
4. Can the difficulty be obviated by some feasible method, other than a variance?  
No as it is a setback issue related to older style kennels and their operations and those older perceived issues are NOT present in this proposal and it's use and methods of operation
5. Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance?  
Yes. The reasonings given above meet the intent of the Zoning Ordinance to mitigate the noise and smell of a dog kennel by those items listed above and the fact that the area is zoned Commercial PUD will in the long run have the current residential uses change to the commercial uses in the future
6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?  
Yes the property is Zoned properly, has a long deep lot configuration and the surrounding properties are lined with trees and the steps listed above will eliminate the potential for the concerns of the old dog kennel practices

## PROCESSING PROCEDURE

### Residential Requests

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, residential requests will be scheduled to appear before the ZBA. This will occur only when it is found that the application is complete and all information is included.
- II. The ZBA will hold the public hearing at their next scheduled meeting. Following the hearing, the ZBA may take the following actions:
  - A. Approve the request subject to the terms and conditions set forth in the application.
  - B. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
  - C. Deny the request as not being in the public interest and as not being contrary to the basic spirit and intent of the Zoning Ordinance.
  - D. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

### Non-Residential Requests

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete and all information is included.
- II. At the Planning Commission meeting, a review and discussion of the request will be held. The Planning Commission will then make a recommendation to the ZBA on whether or not the variance should be granted. Their recommendation will be based on the finding of "practical difficulties" from a planning standpoint.
- III. The ZBA will hold the public hearing at their next scheduled meeting and take into consideration the Planning Commission's recommendation. Following the hearing, the ZBA may take the following actions:
  - A. Approve the request subject to the terms and conditions set forth in the application.

- B. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
- C. Deny the request as not being in the public interest and as not being contrary to the basic spirit and intent of the Zoning Ordinance.
- D. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

**ACKNOWLEDGEMENT AND CERTIFICATION**

It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that any approval of the Planning Commission and ZBA involving site improvement use and/or construction does not relieve the applicant from obtaining other applicable authorizations, (for example: site plan, building and safety and engineering approval, etc.).

The applicant(s) also understands that the submission of incomplete or inaccurate information will only result in delays. The applicant (s) also grants permission to authorized Planning Commission, Zoning Board of Appeals and City staff members to access the above referenced site address for inspection purposes.

 6-24-20  
 \_\_\_\_\_  
 Signature of Petitioner                      Date

\_\_\_\_\_  
 Signature of Owner if                      Date  
 If different than petitioner