

**CITY OF HUDSONVILLE**

**Zoning Board of Appeals**

May 17, 2016

(Approved July 19, 2016)

**3310 Hudson Trail Drive – Dig Real Estate LLC (Grand Equipment) – Dimensional Variance**  
**5391 Park Avenue – Randy Hertgers – Dimensional Variance**

Chairman VanDenBerg called the meeting to order at 7:00 p.m.

Present: VanDenBerg, Leerar, Lubbers, Vander Maas, Derocha, Strikwerda and Schut

Absent: Herweyer

1. A motion was made by Lubbers, with support by Leerar, to approve the minutes of the February 16, 2016 Zoning Board of Appeals meeting.

Yeas 5, Nays 0

**NEW BUSINESS**

2. **3310 Hudson Trails Drive – Dig Real Estate LLC (Grand Equipment) – Dimensional Variance**

Chairman VanDenBerg opened the public hearing.

Jerry Brouwer from Action Water Sports reviewed the request on behalf of Grand Equipment to allow for a second freestanding sign on Grand Equipment’s property for Action Water Sports. They do not have any frontage at the end of Hudson Trails Drive. They only have an access easement on Hudsonville Truck & Trailer’s property, which does not have a reasonable location for a sign to advertise their business.

Here is the proposed variance:

<b><u>3310 Hudson Trails Drive</u></b>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>	<b>Variance Required</b>
Number of Freestanding Signs Permitted - Zoning Ordinance Section 7-9 E. 2.	1	2	1

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

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

- The Action Water Sports Wake Park is in Jamestown Township. They have a driveway at the end of the cul-de-sac but they do not have frontage that allows for signage.
- Their driveway is on an easement they obtained from Hudsonville Truck & Trailer.
- That property drops off and there are other easements and utilities that prevents the ability of putting a sign in the easement.
- This is a safety concern and a security concern for Grand Equipment.

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

- The main reason is to make it clear which direction traffic needs to go when they get to the end of the cul-de-sac.
- It is also a safety and security concern.

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

- The need for a larger directional sign was an unforeseen issue.
- Before the Wake Park even opened there were already many incidences of people driving around Grand Equipment's back lot.
- It appears functional and is a necessity.
- There does not appear to be another way to reasonably direct traffic to the Wake Park.

**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? Yes**

- Each business should be able to have an access that clearly directs traffic.
- It is evident that the current situation makes it difficult to see how to get to the Wake Park.
- The business is not visible from the street, and even the driveway is not easy to see. Some type of signage is needed to state where the Wake Park is.
- This would help to protect the public and the business.

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

- When there wasn't a sign there were traffic problems.
- They could have a pole sign on their property but it would not resolve the problem of traffic going onto Gran Equipment's property.
- A sign is a necessity, otherwise you don't know where to go.
- There doesn't appear to be a better alternative.

A motion was made by Leerar, with support by Vander Maas, to approve a second freestanding sign that is 14.5 s.f. for the purpose of clearly defining which direction to go at the end of the Hudson Trails Drive cul-de-sac at 3310 Hudson Trails Drive per Section 7-9 E. 2. of the City of Hudsonville Zoning Ordinance. This approval is based on the finding that the 5 questions are answered affirmatively.

Yeas 5, Nays 0

**3. 5391 Park Avenue – Randy Hertgers – Dimensional Variance**

Randy Hertgers of 5391 Park Avenue reviewed the dimensional variance request is for a handicap accessible ramp along the front of the house.

Here is the proposed variance:

<u>5391 Pak Avenue</u>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>	<b>Variance Required</b>
Building Setback From Public/Private Right-Of-Way - Zoning Ordinance Section 4-3 A. 3., Figure 4.1	30'	22'	8'

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

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

- The applicant is in need of a handicap ramp.
- There is one other entrance which is on the side of the house, but there are steps inside that entrance so it is not possible to construct a ramp at the allowable grade.

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

- Economic gain is not a factor with this application. It is based on need for the applicant to get in and out of the house with his physical limitations.

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

- This is not a self-created difficulty.
- The only viable way to reasonably allow a resident to access their home is to build a handicap ramp that encroaches into the front yard building setback.

**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? Yes**

- We are required to allow someone to have access to their home otherwise there will be a violation of the Americans with Disabilities Act.

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

- A handicap ramp on the front of the house is the best option.
- The other access to the house does not reasonably allow for a handicap ramp due to the interior design having steps going up to the main level.

A motion was made by Leerar, with support by Vander Maas, to approve an 8' dimensional variance for a 22' front yard building setback where 30' is required in accordance with Section 5-3 D. 7. a., Figure 4.1 of the City of Hudsonville Zoning Ordinance to allow for a handicap ramp. This approval is based on the finding that the 5 questions are answered affirmatively.

Yeas 5, Nays 0

4. Michael Hein – 5409 Park Avenue raised concern about people cutting through his property to get to the ball diamonds. Strikwerda indicated that the Parks and Recreation Committee are currently working on a plan to add pathway to the ball diamonds to help alleviate this in the future. The Sheriff's department and Little League will also be made aware of the situation.
5. New board member Thomas Derocha was welcomed.
6. A motion was made by Leerar, and supported by Vander Maas, to adjourn at 7:31 p.m.

Yeas 5, Nays 0

Respectfully Submitted,

Teri Schut  
Planning / Zoning Assistant