

CITY OF HUDSONVILLE

Zoning Board of Appeals

February 16, 2016

(Approved May 17, 2016)

3492 and 3500 Chicago Drive – Pizza Ranch – Dimensional Variances

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

Present: VanDenBerg, Leerar, Hanson, Herweyer, Lubbers, Strikwerda and Schut

Absent: Vander Maas

NEW BUSINESS

1. 3492 and 3500 Chicago Drive – Pizza Ranch – Dimensional Variances

Chairman VanDenBerg opened the public hearing.

Dan Fredricks, PE of Land & Resource Engineering, INC, 3800 West River Drive, Comstock Park, MI 49321 has submitted a request on behalf of Dan & Val Westra Holdings, LLC for 3492 and 3500 Chicago Drive for Zoning Variances from the City of Hudsonville Downtown Zoning Ordinance in accordance with the chart below. This project is also going to the Planning Commission on February 17 for Site Plan and Special Use Permit approval. This request is divided into two parts based on the numbering in the chart.

Here are the proposed variances:

<u>3492 & 3500 CHICAGO DRIVE</u>	Existing Regulation	Proposed Regulation	Variance Required
A. Parking Lot access per Section 12.08 E	Need driveway	No driveway	No driveway
B. 1. Front Door Spacing per Section 6.05 C. 2	50' max.	73'	23'
I 2. Building Composition Bay size per Section 6.05	50' max.	73'	23'
3. Gable Roof per Section 6.05 B. 4	Yes	No	No
4. Window on front façade for Cottage Retail Building with Shopfront Frontage per Section and window on front door per Section 6.05 F. 2, Illustration 6.31	35% min. 40% min	23% 28%	12% 12%
5. Eliminate window design standards per Section 6.05 L, Illustration 6.36	Will meet requirements, so request withdrawn		

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

Request A:

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

- This is an existing site that does not have adequate space to alter the parking spaces and provide room for a clearly defined driveway.

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

- There is not room to create a parking lot with a clearly defined driveway. This requirement kicks in when at least 70% of the parking area is reconstructed so they could leave it as is and save money.
- The applicant is making extensive alterations along Harvey Street, per the city's recommendations, to improve the parking design and enhance the access.
- The city is working on converting Harvey Street into a pedestrian friendly street, and the changes they propose have this redesign in mind.
- The applicant is spending money to improve the site.

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

- The applicant is working with an existing layout. Their plans show a serious effort to bring what they can into compliance for parking.

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

- Their parking design matches the situation along both the Service Drive and Harvey Street.
- There are ongoing discussions, including with MDOT, as to how to move forward with the parking design along the Service Drive. At this point in time, it is best to leave the Service Drive parking design as it currently is.
- There is not enough space on this block for a different parking design.

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

- They have made a true effort to improve the parking situation and there have been a few iterations on their parking design as we have gone through the application process.
- Their other option is to do nothing, which doesn't help anyone.

- The proposed design also gives them room to have landscaping along their building and better fits the future design of Harvey Street.

A motion was made by Leerar, with support by Lubbers, to approve the dimensional variance to eliminate the need for a clearly defined driveway for 3492 and 3500 Chicago Drive per Section 12.08 E of the City of Hudsonville Downtown Zoning Ordinance. This approval is based on the finding that the 5 questions are answered affirmatively.

Yeas 5, Nays 0

Request B:

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

- This is two existing buildings plus another 13' wide addition on an existing building that is undergoing a significant overhaul. The purpose for requiring doors to be no more than 50' apart is to improve the walkability of downtown and improve the window shopping experience. Requiring the 'bays' to be no more than 50' wide also has to do with the appearance of a walkable downtown.
- It is certainly unique to work with two different construction types, one building being wood, the other being masonry, along with having an addition being built, and to be cognizant of an attached building on the other side that is not part of this project.
- The building design elements that are not being accomplished has a lot to do with the existing buildings. Their building design is a cross between a 'cottage retail' building and a 'retail' building. The building location and design more closely fits cottage retail. This building addition also does not require an additional door, and it is not reasonable to expect to meet the bay criteria for Pizza Ranch with their proposed building overhaul.
- Window is being placed where it makes sense due to the existing wall supports and interior walls. Adding a hip or gable roof is not reasonable with the existing building.

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

- The applicant is spending a significant amount of additional money in an effort to bring the buildings into compliance, including remodeling the front of the building.
- They are also trying to keep the original western look of the Pizza Ranch.

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

- The applicant is working with two existing buildings and an expansion into the adjacent vacant area. Their plans show a serious effort to bring what they can into compliance.
- They are taking what is there and creating a better product.
- This project is also attached to another building that is not a part of this project.

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

- The final building design is a significant improvement over what is existing. The applicant has done what they can to meet the city's standards, and still maintain the Pizza Ranch architectural style.
- The spirit of the ordinance was to improve the look of the building.
- This building design brings it much closer to the existing zoning standards. Since the buildings on this block are not built up to the street, the window and door requirements are not as significant.

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

- A lot of changes have been made to the building to bring it into compliance. Changes include adding a window on the front, putting a full-sized canopy with support posts back on the front, and altering the window design to meet city standards.
- The next best option is to tear down and relocate the buildings, but that will not happen and is not feasible unless the buildings are permitted to further decay to the point that it is not worth redeveloping them. That goes against what is best for the city.
- Without these variances the applicant will not build, the proposed enhancements will not happen, and the city would be forced to be content with the status quo for many years to come.
- The applicant is trying to keep their corporate identity along with complying with the ordinance.

A motion was made by Leerar, with support by Lubbers, to approve to approve the dimensional variances for a cottage retail building with a shopfront frontage at 3492 and 3500 Chicago Drive to allow for 73' door spacing where 50' is required for a 23' dimensional variance per Section 6.05 C. 2, to allow for 73' building composition bay size where 50' is required for a 23' dimensional variance per Section 6.05 I, a hip or gable roof is not required per Section 6.05 B. 4, and to allow the amount of window on the front wall and front door to be 23% and 28% respectively where 35% and 40% are required for a 12% dimensional variance per Section 6.05 F. 2, Illustration 6.31 of the City of Hudsonville Downtown Zoning Ordinance. This approval is based on the finding that the 5 questions are answered affirmatively.

Yeas 5, Nays 0

2. A motion was made by Leerar, and supported by Herweyer to adjourn at 8:23 p.m.

Yeas 5, Nays 0

Respectfully Submitted,

Teri Schut
Planning & Zoning Assistant