

CITY OF HUDSONVILLE

Zoning Board of Appeals

March 17, 2015

(Approved December 1, 2015)

FORMAL: **Approval of the January 20, 2014 Zoning Board of Appeals minutes
4155 32nd Avenue – Action Water Sports – Dimensional Variance
3291 Hudson Trails Drive – Action Water Sports – Dimensional Variance**

INFORMAL: None

Present: VanDenBerg, Vander Maas, Lubbers, Hanson, Herweyer, Strikwerda and Schut

Absent: Leerar

FORMAL SESSION:

1. Chairman VanDenBerg called the meeting to order at 7:00 p.m.
2. A motion was made by Herweyer, and supported by Lubbers to approve the January 20, 2015 meeting minutes.

Yeas 5, Nays 0

3. 4155 32nd Avenue – Action Water Sports – Dimensional Variance

Chairman VanDenBerg opened the public hearing.

Kevin Zoodsma with Action Water Sports presented the request for a dimensional variance for a taller fence in their front yard building setback area as shown on the table below in accordance with the City of Hudsonville Code of Ordinances. The Planning Commission approved a site plan with the layout included with this application. A dimensional variance is required to approve the fence height where it is proposed on the site plan.

Here is the proposed variance:

<u>4155 32nd Avenue</u>	Existing Regulation	Proposed Regulation	Variance Required
FENCE HEIGHT PER CITY CODE SECTION 10-3 (a)	3'	6'	3'

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

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

- The same variance was approved for their property on the other side of their building along Hudson Trails Drive.
- The adjacent business, Hudsonville Truck and Trailer also received a variance for a 10' chain link fence in their front yard. Both existing areas with a taller fence are used for protecting stored equipment.
- This fence will protect an area used to display and store expensive boats and equipment.
- The fence will be decorative, matching their existing fence to the west of their building.

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

- The intent is to protect their stored equipment. No financial gain.
- The proposed fence is also an ornamental fence with brick pillars and wrought iron rather than a cheaper design.

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

- Historically there have been theft and trespassing concerns that they want to prevent and a fence is seen as the best way to do this.
- People were going through boats that were being stored and not for sale.
- Boats cannot be completely secured.

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 intent of the fence is safety on the property and fence height variances have been granted for Action Water Sport's property west of their existing building and at Hudsonville Truck and Trailer to the west of their property along Hudson Trails Drive.
- It will be an attractive fence that has brick columns that match their building and existing fence.

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

- A 3' fence does not prevent the potential theft.
- Barbed wire was considered, but that is not attractive.
- A taller fence is the best way to help with security.
- This will be a nicer looking fence that the public can see and it protects their property and inventory.

A motion was made by Vander Maas, with support by Lubbers, to approve the 3’ dimensional variance for a 6’ fence in the front yard building setback area for 4125 32nd Avenue in accordance with the approved site plan. This approval is based on the finding that the 5 questions are answered affirmatively for additional fence height according to City of Hudsonville Code of Ordinances Section 10-3 (a) with the following condition.

1. Extend the decorative fence along the south lot line to the front line of their building for aesthetic reasons.

Yeas 5, Nays 0

4. 3291 Hudson Trails Drive – Action Water Sports – Dimensional Variance

Chairman VanDenBerg opened the public hearing.

This request matches the previous request, except it is for the property they purchased across Hudson Trails Drive just west of Rainbow Grill.

Here is the proposed variance:

<u>3291 Hudson Trails Drive</u>	Existing Regulation	Proposed Regulation	Variance Required
FENCE HEIGHT PER CITY CODE SECTION 10-3 (a)	3’	6’	3’

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

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

- The same variance was approved across the street for Action Water Sports in 2012, and for the business adjacent to that property, Hudsonville Truck and Trailer, which has a 10’ chain link fence in the front yard. Both existing areas with a taller fence are used for protecting stored equipment. This fence will protect an area used to display expensive boats and equipment.
- This fence will not be decorative. It will be a chain link fence with a black coating.
- The location is towards the industrial area across the street from Hudsonville Truck and Trailer property, which has a 10’ chain link fence along their frontage.
- This request is only for a corner of the fence as most of it is outside of the front yard building setback area, as can be seen on the attached site plan.
- A 3’ tall fence cannot prevent nefarious activities.

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

- The intent is for protection and safety of their equipment.
- This will cost the applicant money.

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

- The intent is to protect the property from theft and trespassing concerns.

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 intent of the fence is safety on the property and fence height variances have been granted for Action Water Sport's property west of their existing building and at Hudsonville Truck and Trailer.
- The fence type will match what is across the street at Hudsonville Truck and Trailer.

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

- A 3' fence does not prevent the potential theft. Barbed wire was considered, but that is not attractive. A taller fence is the best way to help with security.
- It will be an attractive fence, which avoids a negative impact to the public and it protects their property and inventory.

A motion was made by Vander Maas, with support by Herweyer, to approve the 3' dimensional variance for a 6' fence in the front yard building setback area for 3291 Hudson Trails Drive in accordance with the approved site plan. This approval is based on the finding that the 5 questions are answered affirmatively for additional fence height according to City of Hudsonville Code of Ordinances Section 10-3 (a).

Yeas 5, Nays 0

INFORMAL SESSION:

5. A motion was made by Lubbers, and supported by Herweyer to adjourn at 7:45 p.m.

Yeas 5, Nays 0

Respectfully Submitted,

Teri Schut
Planning & Zoning Assistant