

CITY OF HUDSONVILLE

Zoning Board of Appeals

May 20, 2014

(Approved June 17, 2014)

FORMAL: **Approval of the April 16, 2014 Zoning Board of Appeals minutes**
3108 Van Buren Street – Ryan and Ashley Zuiderveen - Dimensional Variances
5779 Balsam Drive – Vitale’s – Dimensional Variances

INFORMAL: None

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

Absent: Leerar

FORMAL SESSION:

1. Chairman VanDenBerg called the meeting to order at 6:00 p.m.
2. Welcomed new member, Larry Herweyer, to the Zoning Board of Appeals.
3. A motion was made by Lubbers, and supported by Vander Maas to approve the April 16, 2014 meeting minutes.

Yeas 4, Nays 1 (absent)

4. 3108 Van Buren Street – Ryan and Ashley Zuiderveen – Dimensional Variances

Chairman VanDenBerg opened the public hearing.

Ryan Zuiderveen of 3108 Van Buren Street presented the application for dimensional variances on his property. A petition of signatures of support was submitted and read at the meeting. The fence picture and topographic image from the file were shown to the board.

Here are the proposed variances:

| | Existing regulation | Proposed regulation | Variance required |
|--|---------------------|---------------------|-------------------|
| 3108 Van Buren Street | | | |
| Fence Height per City Code Section 10-3 (a). | 3’ | 6’4” | 3’4” |
| Along Wilson Avenue | 30’ | 3’ | 27’ |
| Along Rear Alley | 30’ | 15’ | 15’ |

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

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

- There are public roads on 3 sides of the lot.
- The home is close to the west lot line, making it so following the code will leave a narrow area where the fenced in portion of the lot can be.
- There is a 30' setback from the rear yard.
- The variance that was received for the garage along the rear yard enables approving the fence to be placed in line with the front edge of the garage, 15' from the alley.

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

- Safety for children is most important.
- Maximizing the outdoor area where the children can play safely.

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

- It is unique to have public right-of-way on 3 sides of a lot in Hudsonville.
- The front yard setback along Van Buren Street is very large due to the home's location.
- If the house was closer to Van Buren Street, the rear yard could be up to 40' wider, allowing for more of the yard to have a taller fence.

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? No

- Unless it follows the approved Downtown Zoning Ordinance.
- Allowing a taller fence 3' from Wilson Avenue for almost the entire length of the lot will be different than the other variance that was approved along Barker Street.
- It is also against the recently approved Downtown Zoning Ordinance that set a new standard, which allows corner lots to have additional fenced in area.
- The recommended area equals an average-sized lot in this neighborhood.

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

- The applicant lists landscaping or doing nothing as a couple alternatives. Neither option eliminates the safety concerns.
- The request is 3' from the Wilson Avenue lot line, including beside the house. Since this home is closer to the front lot line than the front yard building setback,

this would give them more fenced in yard than others in the neighborhood, especially other corner properties and it would stick out for that reason.

A motion was made by Vander Maas, with support by Lubbers, to approve the dimensional variance for a 4' vinyl coated chain link fence for 3108 Van Buren Street being 15' from the rear alley, and 10' from Wilson Avenue behind the rear line of the house where a maximum 3' high fence is permitted according to City of Hudsonville Code of Ordinances Section 10-3 (a). This approval is based on the finding that the 5 questions are answered affirmatively for the revised fence location in accordance with Section 16-5 G of the Hudsonville Zoning Ordinance.

Yeas 4, Nays 1 (absent)

5. 5779 Balsam Drive – Vitale’s - Dimensional Variances

Chairman VanDenBerg opened the public hearing.

Maurizio LoGiudice owner of Vitale’s Hudsonville of 5779 Balsam Drive, Hudsonville, MI 49426, presented the application for dimensional variances on his property. His wife Joan and their kids were also present.

Here are the proposed variances:

| | 5779 Balsam Drive | EXISTING REGULATION | PROPOSED REGULATION | VARIANCE REQUIRED |
|----------|---|---------------------|---------------------|-------------------|
| A | BUILDING IN SIDE YARD SETBACK PER SECTION 5-14 E. 4.b.i | 10' | 1' | 9' |
| B | FENCE HEIGHT PER CITY CODE SECTION 10-3 (b). | 6'4" | 8'4" | 2' |

The staff report was presented.

Chairman VanDenBerg closed the public hearing.

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

- A.** Yes.
 - It is not an actual building that is going into the side yard. It is a cooler, which means the roof is much lower than a structure typically defined as a building.
 - It is part of a condominium development where there is no direction to expand.
- B.** Yes.
 - The fence will buffer the cooler.

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

- A.** Yes.

- The intent is to improve the work space and make for better working conditions.
- The kitchen/freezer area is extremely crowded.

B. Yes.

- The intent for the fence is to improve the appearance.

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

A. Yes.

- The intent is to improve current working conditions and to make it safer for the employees.

B. Yes.

- The fence is intended to buffer the cooler, which is a steel shell. They are not designed to be attractive so the fence will buffer the cooler, improving the appearance.

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?

A. Yes.

- The cooler is not the same as an actual inhabited building so if this is approved, there will not be a significantly noticeable difference compared to other properties in the district.
- This is more of a cold storage area it is not designed for customers.
- It is safer for employees.

B. Yes.

- The purpose of the additional 2' of height is to buffer the cooler for a better appearance.

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

A. Yes.

- There are no other options; there is nowhere else to expand the cooler.
- The current setup is hardly manageable.

B. Yes.

- A fence is the best way to improve the appearance. Being a cooler, there isn't anything that can be done to improve its appearance.

A. A motion was made by Herweyer, with support by Vander Maas, to approve the dimensional variance of 9', allowing for a 1' side yard building setback for a cooler storage building at 5779 Balsam Drive according to the submitted site plan where a 10' side yard building setback is required according to Section 5-14 E. 4.b.i of the City of Hudsonville Zoning Ordinance. This approval is based on the finding that the 5 questions are answered affirmatively in accordance with Section 16-5 G of the Hudsonville Zoning Ordinance with the following condition:

1. The condensate from the freezer may not discharge onto the adjoining property.

Yeas 4, Nays 1 (absent)

B. A motion was made by Lubbers, with support by Herweyer, to approve the dimensional variance of 2' fence height, allowing for a 8'4" fence for 5779 Balsam Drive according to the submitted site plan where 6'4" fence height is allowed in the side yard according to City of Hudsonville Code of Ordinances Section 10-3 (b). This approval is based on the finding that the 5 questions are answered affirmatively in accordance with Section 16-5 G of the Hudsonville Zoning Ordinance with the following condition:

1. If protective devices, such as bollards are required for the fence and they need to be located on the adjacent property, written approval from the property owner is needed.

Yeas 4, Nays 1 (absent)

INFORMAL SESSION:

6. A motion was made by Lubbers, and supported by Vander Maas to adjourn at 8:25 p.m.

Yeas 4, Nays 1 (absent)

Respectfully Submitted,

Teri Schut
Planning & Zoning Assistant