

CITY OF HUDSONVILLE

Zoning Board of Appeals

June 18, 2019

Approved August 20, 2019

5695 Park Avenue – Kory Blackburn – Dimensional Variances to enable a lot split

Acting Chairman Saxbee called the meeting to order at 7:13 p.m.

Present: Saxbee, Groot, Nyitray, Leerar, Strikwerda, Perrin and Steffens

Absent: VanDenBerg (until 7:38pm)

1. A motion was made by Leerar, with support by Groot, to approve the minutes of the May 22, 2018 Zoning Board of Appeals meeting.

Yeas 4, Nays 1 (VanDenBerg Absent)

NEW BUSINESS

2. **5695 Park Avenue – Kory Blackburn – Dimensional Variances for lot split**

Acting Chairman Saxbee opened the public hearing.

Barbara Rinck from Keller Williams Realty Rivertown reviewed the request to split 5695 Park Avenue to allow for another residential parcel. Two dimensional deviations have been requested for this property to be split. This property consists of two historical lots from the original Morren’s Subdivision Plat that was created in 1950.

Here is the requested variance:

<u>5695 PARK AVENUE</u>		EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
1.	MINIMUM LOT SIZE IN R-1-B ZONE DISTRICT – SECTION 5-4 D. 1.	10,000 s.f.	8,300’	1,700’
2.	DETACHED ACCESSORY BUILDING PROPERTY LINE SETBACK – SECTION 4-3 A. 4.	4’	1.3’	2.7’

The staff report was presented.

Acting Chairman Saxbee closed the public hearing.

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

- What was the setback for a garage in the 1950's when it was built? It was not known
- Did the homeowner or the city combine the parcels? It is two historical lots from the original plat that the original homeowner combined.

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

- There will be financial gain from this request but, the intent is to get it back to what was historically there or what was planned to be there.
- It matches existing parcel fabric along the street.

Has the immediate practical difficulty been caused by anything other than what the applicant has done? No/Yes

No

- The current owner wants to separate the lots.

Yes

- Based on the placement of the garage constructed before the current owner took possession to the historical lot line or future lot line for the vacant lot.
- The original owner bought these two lots when the area was first developed.
- One of the original lots remains vacant.

3. 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

- Compliments the cities master plan to increase density
- Consistent with the character of the neighborhood for lot size and setbacks.
- The size of the variance proposed was discussed.

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

- a) Use the historical lot line. Each lot would be 9,150 s.f. for an 850 s.f. variance and the existing detached garage would be 1.3' from the lot line for a 2.7' variance.
- b) Lot 26 on the attached map, where the house is located, can be made so it is conforming. This would create a larger lot size deviation for Lot 27, the vacant part of the parcel, along with a lack of frontage. Lot 26 would be 82' wide leaving 68' of width for a 7' dimensional variance for the frontage, which is a more substantial variance. Lot 27 would be 8,300 s.f. for a 1,700 s.f. variance.

- c) Each new parcel keeps 75' of frontage and then shift the lot line so the existing garage remains conforming by keeping a 4' setback. This results in only needing the lot area variance and it is not a significant shift in the amount of the variance. It is a shift of about 200 s.f. from the historical lot line by starting at the building setback and staying at least 4' from the garage then going perpendicular to the rear lot line. It results in Lot 26 being about 9,350 s.f., and Lot 27 being about 8,950 s.f.
- d) Wait until the new zoning ordinance is completed. Under the current draft, a new lot could be created without a dimensional variance. Although it is just a draft. It currently lists the minimum lot area as 9,000 s.f. and minimum lot frontage as 65'
 - a. With using the historical lot line, the deviations are consistent with the neighborhood

A motion was made by Saxbee, with support by Lear, to accept the following deviations from the City of Hudsonville Zoning Ordinance:

A motion to approve the following deviations from the City of Hudsonville Zoning Ordinance to allow 5695 Park Avenue to be split into two parcels. A lot area dimensional variance of 850 s.f. to allow for two lots of 9,150 s.f. where 10,000 is the existing regulation in accordance with Section 5-4 D. 1, and a side yard building setback of 1.3' for the existing garage on Lot 26 from Morren's Subdivision where 4' is the existing regulation in accordance with Section 4-3 A. 4. This approval is based on finding that the 5 questions can be answered affirmatively.

Yeas 5, Nays 0

- 4. A motion was made by Saxbee, with support by Nyitray, to adjourn at 7:58 p.m.

Yeas 5, Nays 0

Respectfully Submitted,

Sarah Steffens
Planning / Zoning Assistant