

CITY OF HUDSONVILLE

Zoning Board of Appeals

August 20, 2019

Approved May 19, 2020

5471 North Bluff Dr – Dan & Ann Marie Meyaard – Dimensional Variance for fence and gate

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

Present: Altman, Groot, VanDenBerg, Leerar, Saxbee, Strikwerda, Steffens

Absent: Lubbers

Public present: Dan & Ann Marie Meyaard; applicants. Dave Bolhuis of 5436 North Bluff Dr

- 1. A motion was made by Leerar, with support by Groot, to approve the minutes of the June 18, 2019 Zoning Board of Appeals meeting.

Yeas 5, Nays 0

NEW BUSINESS

- 2. **5471 North Bluff Drive – Dan and Ann Marie Meyaard – Dimensional Variance for fence and gate**

Chairman VanDenBerg opened the public hearing.

Dan and Ann Marie Meyaard have requested a 5’ tall gate at the north end of North Bluff Drive along with an approximately 4’ tall split rail fence along their south and west property lines abutting their front yard. The gate would be installed at the end of North Bluff Drive with the fence being extended from there. We received a letter from Harvest Baptist Church opposed to the request.

Here is the requested variance:

<u>5471 NORTH BLUFF DRIVE</u>		EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
1.	MAXIMUM FENCE HEIGHT IN FRONT YARD FROM CITY CODE CHAPTER 10, FENCES, SECTION 10-3 (a)	3’	5’	2’

The staff report was presented.

- It was stated that allowing the 4ft on the side of the neighbor's property by right due to treating it like a side yard then down to 3 ft for the fence past the front of the neighbor's house then up to 5 ft columns and a 4 ft gate would not look right.
- The structural integrity of the gate would be compromised if it was 3ft tall and stretched over 14-16 ft, while a taller gate would hold up better over that span.
- Does the city have anything in town that has a gate on the driveway? No, but the ordinance wouldn't restrict anyone from having a 3ft gate as it would be part of a fence in the front yard.
- How many streets are set up the same way as North Bluff, the ones with no cul-de-sac they just dead end? There are about 20 set up that way.
- No one will want to do as much investment into their property as the homeowners did; so, if the bigger gate was allowed there wouldn't be too many people wanting to do the same to their property.
- Dave Bolhuis of 5436 North Bluff Dr, states that cul-de-sacs are required but there is no way to add one to this street.
- Dan Meyaard states that what is unique is people trying to gain access to Van Buren and think North Bluff would allow them that access.
- Where would it end with people in the neighborhood putting up gates to keep people from turning around? Trucks would then have to back onto Hudson blind.
- Ann Marie Meyaard states when codes are well written you do not have to have people come in for variance but because this is such a unique situation, they feel they have to come to make this special request.
- It was stated to consider this could set a precedent for the rest of the city as well, do not just consider this one property.
- Dave Bolhuis of 5436 North Bluff Dr states that he is okay with a taller gate. It matches the magnificence of the house.
- Suggestion that the fence should be measured to the top of the rail versus the top of the post, 3 feet to the top of the rail would then be fine with the posts extending above that.
- Is there a limit on the size of the columns in the ordinance? It isn't a fence or a gate so the posts wouldn't be an issue if they are built tastefully.
- The gate should be higher than the 3ft allowed. The fence would be 4 ft with the posts, the posts would be 5-6 ft then the gate would be 4-5ft tall.
- Would it matter if the height of the column would be 3 inches over what we would agree on here? No, the height can be varied and done tastefully.
- The only concern would be the gate because then the trucks would be backing down the street blind. That would cause a safety hazard.
- Is there anything that prevents someone from having a gate in general? No since you can have a 3 ft fence in the front yard and the driveway is considered being in the front yard.
- The material of the gate would be aluminum then the material of the fence would be vinyl.

Chairman VanDenBerg closed the public hearing.

- 1. Are there unique circumstances or conditions that apply to your property? Yes**
 - Dead end street without a cul-de-sac.

- Gate is considered because the driveway is in line with the street, not off to one side.
- 2. Does the request of this variance go beyond the possibility of increased financial return for you, the applicant? Yes**
- Has to do with the unnecessary traffic and damage to the property, lawn from trying to back out.
- 3. Has the immediate practical difficulty been caused by anything other than what the applicant has done? Yes**
- Existing dead-end street with an existing curb cut.
- 4. 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**
- It upholds the spirit of the ordinance with the 3ft split rail on both side with the higher columns and a gate to match the aesthetic of the fence.
- 5. Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible. Yes**
- Yes, they have tried to put up no trespassing signs that did not work.

A motion was made by Leerar, with support by Groot, to approve the following deviations from the City of Hudsonville Zoning Ordinance:

A motion to approve a deviation from Chapter 10, Section 10-3 (a) of the City of Hudsonville Code of Ordinances to exceed the permitted height of 3 ft for a fence in the front yard at 5471 North Bluff Drive within the front yard building setback area of the neighboring properties. The fence needs to be no more than 3 ft from the ground to the top of the rail gate up to 4 ft tall. The fence posts, columns and gate need to be in proportion to the diagram that was provided via email. This is based on the findings from the 5 questions used for determining dimensional variances.

Yeas 5, Nays 0

- 6. A motion was made by Leerar, with support by Groot, to adjourn at 7:56 p.m.**

Yeas 5, Nays 0

Respectfully Submitted,

Sarah Steffens
Planning / Zoning Assistant