

CITY OF HUDSONVILLE

Zoning Board of Appeals

June 15, 2021

Approved November 16th, 2021

5228 32nd Avenue – City of Hudsonville – Dimensional Variance

5284 32nd Avenue – Ryan Aukeman – Dimensional Variance Time Extension

Chairman VanDenBerg called the meeting to order at 7:04 p.m.

Present: Groot, Holtrop, Leerar, Saxbee, VanDenBerg

Absent: Kamp

Staff Present: Steffens, Strikwerda

1. A motion was made by Leerar, with support by Saxbee, to approve the minutes of the December 1, 2020 Zoning Board of Appeals meeting.

Yeas 5, Nays 0

NEW BUSINESS

2. 5228 32nd Avenue – City of Hudsonville – Dimensional Variance

Chairman VanDenBerg opened the public hearing.

Jason Tuit of 5238 32nd Avenue asked that we consider the quality of life for his home since the road is being relocated closer to his property line, seeing as he just put a substantial amount of money into his back yard fixing up his pool, putting in a gazebo and installing a white vinyl privacy fence. Options he asked the Commission to consider included a berm, landscaping, or potentially moving the road further from his property if the angle could be lessened.

An email was received from Peter Martin of 5280 32nd Avenue that was presented to the Commission.

Three variances are being requested due to the city's goal of realigning Barry Street to intersect 32nd Avenue in line with Allen Street to eliminate the staggered traffic light. This will improve traffic flow but more importantly it will improve safety for that intersection. As can be seen on the attached site plan, Barry Street will end up where the existing house and garage are located on this property. The goal of this request is to preserve the house and garage by relocating them on the remaining available space on the property which will also be combined with the adjacent lot owned by the city.

The following variances from the City of Hudsonville Zoning Ordinance are being requested:

<u>5228 32ND AVENUE</u>		EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
<u>A.</u>	MINIMUM BUILDING SETBACK FROM 32 ND AVE R-O-W – SECTION 4-7.	40'	20'	20'
<u>B.</u>	MINIMUM BUILDING SETBACK FROM BARRY ST R-O-W – SECTION 4-7.	35'	15'	20'
<u>C.</u>	MINIMUM SPACING FOR ACCESSORY BUILDING FROM PRINCIPAL BUILDING – SECTION 4-3 A 6.	10'	5'	5'

- Working with the resident next to the where the road would be re-located to buffer the noise.
- Potentially put in a concrete curbing/barrier to stop any traffic from running into Tuit's home.
- Sidewalk will be located on the north side of the realigned Barry Street, but not the south side where the new house will be.
- Has the house been considered to be rotated to better fit the lot? Yes, it has but it depends on the road design. What is before the board today is the worst-case scenario of road placement.
- Fire code is not a factor until the garage is 3' from the house.
- Landscaping to the west of the new building location, will anything that is existing stay? The city can try to keep any existing but can also consider additional buffering.
- The existing sidewalk along the south side of Barry St will remain. It will not be realigned with the street due to limited room for the house.
- The driveway will come out onto Barry Street because that road is less busy. The driveway will have to angle slightly to the east to get onto Barry Street. It is close to the intersection so it would be nice to see the location on the other side of the house.
- The Ottawa County Water Resources Commissioner accepts a 30' easement on the north side of the Buttermilk Creek centerline on the condition there can be 50' on the south side, otherwise house would be on the r-o-w line.
- Time extension added. Waiting on a permit from EGLE then need to line up about 6 different contractors before can begin construction. Permit timing is out of our hands.

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

Yes

- The house is being relocated to accommodate the relocation of Barry St which will help with safety and efficiency.

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

Yes

- Without a variance the home would be torn down and a residential lot would sit empty.

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

Yes

- Partially self-created, but that is due to fixing the traffic and relocation of the street, but it is what is good for the community.

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

- Granting this variance will uphold the ordinance, public safety and substantial justice to property owners within the district. It will allow the house to remain on a residential parcel that otherwise would not be able to fit a home.

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

Yes

- You could leave the lot vacant but that is a lot that could be for a home, and saving the home for a resident would be helpful for the community.

Chairman VanDenBerg closed the public hearing.

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 deviations from Section 4-7 of the City of Hudsonville Zoning Ordinance for a 15-foot building setback from the realigned Barry Street public road right-of-way where 35 feet is required, a 20-foot building setback from the 32nd Avenue public road right-of-way where 40 feet is required, and a deviation from Section 4-3 A 6 of the City of Hudsonville Zoning Ordinance to allow an accessory building 5 feet from the principal building where 10 feet is required. A time frame of one-year from variance approval is given to begin construction. These deviations are based on the findings from the 5 questions used for determining dimensional variances and includes the following condition:

1. 5228 and 5210 32nd Ave will be combined prior to occupancy.

Yeas 5, Nays 0

3. 5284 32nd Avenue – Ryan Aukeman – Dimensional Variance Time Extension

Ryan Aukeman received a variance to allow an accessory building to be constructed in the front yard on 9-15-2020. Once the ZBA gave approval for the accessory building location, this request was submitted to go to the Planning Commission. For various reasons it took until 2-17-2021 for this to be on the Planning Commission agenda where the size was approved.

- Variance is typically for the life of the property but only once built. Construction needs to begin within 90 days.
- Having administrative approval for the first-time extension would be helpful.

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

A motion to give 5284 32nd Avenue until 6-15-2022 to begin construction of an approved accessory building.

Yeas 5, Nays 0

4. A motion was made by Holtrop, with support by Leerar, to adjourn at 7:38pm.

Yeas 5, Nays 0

Respectfully Submitted,

Sarah Steffens
Planning / Zoning Assistant