

**CITY OF HUDSONVILLE**

**Zoning Board of Appeals**

December 20<sup>th</sup>, 2022

Approved June 20<sup>th</sup>, 2023

**3471 Kelly St – DJs Pizza – Dimensional Variance**

Chairman VanDenBerg called the meeting to order at 7:01 p.m.

Present: Holtrop, Foster, Leerar, Saxbee, VanDenBerg

Absent: None

Staff Present: Steffens, Strikwerda

1. A motion was made by Saxbee, with support by Leerar, to approve the minutes of the November 16<sup>th</sup>, 2021 Zoning Board of Appeals meeting.

Yeas 5, Nays 0

**NEW BUSINESS**

**2. 3471 Kelly St – DJs Pizza – Dimensional Variance**

Chairman VanDenBerg opened the public hearing.

Dan Snoeyink of DJs Pizza and Bruce from Prestige Products presented the request.

The staff report was presented.

Variances are being requested for proposed expansions along both the front and rear of DJ's Pizza Pub at 3471 Kelly Street. On the front façade, the request would enable a canvas roof over vinyl and/or screen sides which do not meet the Building Type façade standards.

Public Comment was as follows:

- None

**Storefront Materials and Retail Building Type Standards**

The following discussion took place amongst the board:

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

Yes. This is the only Hudsonville Plaza building that has potential to come out the front. The sidewalk going through the restaurant and the outdoor dining area is unique.

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

Yes. Opportunity to have more patrons in at a time during COVID.

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

No. The front façade requirements can be met with a building addition. The sidewalk would be an additional challenge for the expansion. The second story balcony is a better fit for this space and it was approved in October of 2021, but costs have just gone up for building.

**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?**

No, the canopy does not follow the zoning ordinance and would be in place for years as a permanent roof rather than a canopy that is allowed to be out only 5 ft from the wall rather than the whole patio area.

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

Yes, they looked at doing the two-story deck that would meet the requirements of the zoning ordinance.

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

Deviations from Section 3.01.07 N. Storefront materials, and Section 3.03.02 Retail Building Type standards from the City of Hudsonville Zoning Ordinance for a canvas and vinyl addition over the patio. These deviations are based on the findings from the 5 questions used for determining dimensional variances.

Yeas 5, Nays 0

**Minimum Rear Yard Building Setback.**

Dan Snoyink of DJs Pizza presented the request.

Public Comment was as follows:

- Dan Jensen of Jensen Jewelers. Concerned about a loss of business. He just put a new server in that costs 40k and is worried about the downtime that his electric and business would be missing or if there is damage from the work that is done. Would like to see the building not fully touch the Jensen jewelers wall so he doesn't have to move his electric systems.

The staff report was presented.

The second request is for a 0' rear-yard building setback to match other buildings, including the adjacent building, in the Hudsonville Plaza.

The following discussion took place amongst the board:

- Easement. This gas easement seems to be something that does not have any utility in it so it would be good to look into it being removed. Consumers has verbally said they have an easement as well.

- **Jensen Utility Access.** The utilities on Jensen Jewelers may be more of an issue for Planning Commission as this meeting is only to allow the rear yard building setback to be 0 ft instead of 5 ft.
- **DJs Utility Access.** DJs access for their utility is on the north wall of their building. They are hoping to keep that intact and will see if they will relocate them based on cost.
- **Doors.** Other business have access to the rear of their buildings with the parking lot being there. Putting in an easement to make sure DJs always is able to open their doors is a good thing to protect their business.

Chairman VanDenBerg closed the public hearing.

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

Yes. In the plaza structure the other businesses go back to the zero rear lot setback and the property behind is a parking lot.

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

Yes. It would match what already exists with the other buildings.

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

Yes. The adjacent building already has a zero setback. This building has the widest part of the parking lot behind it.

**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. The other buildings match the zero setback and this would make the building consistent with the others.

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

Yes. He presented different options with either outdoor seating or indoor seating plus the kitchen addition.

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

To reduce the rear-yard building setback to 0' where 5' is required in accordance with Section 2.04.17 E., Table 2.04.02 Retail Building Type Site Placement from the City of Hudsonville Zoning Ordinance. This deviation is based on the findings from the 5 questions used for determining dimensional variances with the following condition:

1. Provide legal documentation from the neighboring property owners to the north permitting access to their property.
2. Confirm in writing from current owner of the gas line easement (as the successor to the Michigan Consolidated Gas Company) that the planned building extension will not impair their easement rights; OR confirm that the gas easement has been released and is no longer in force against the property.

3. Obtain a license agreement or an easement from the owner of the parking lot to ensure the egress doors at the north end of the proposed expansion will have enough space to open, and ensure those doors will not be blocked by cars, dumpsters, snow piles, etc.

Yeas 5, Nays 0

3. A motion was made by Holtrop, with support by Leerar, to adjourn at 7:47 pm.

Yeas 5, Nays 0

Respectfully Submitted,

Sarah Steffens  
Planning / Zoning Assistant