

CITY OF HUDSONVILLE

Zoning Board of Appeals

June 20th, 2023

(Draft)

5800 & 5850 Balsam Drive – Cedar Crest Dairy – Dimensional Variance

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

Present: Foster, Leerar, Miedema, Saxbee, VanDenBerg

Absent: None

Staff Present: Steffens, Strikwerda

1. A motion was made by Leerar, with support by Foster, to approve the minutes of the December 20th, 2022 Zoning Board of Appeals meeting.
Yeas 5, Nays 0

NEW BUSINESS

2. 5800 & 5850 Balsam Drive – Cedar Crest Dairy – Dimensional Variance

Chairman VanDenBerg opened the public hearing.

Jack Barr of Nederveld presented the request.

The staff report was presented.

Two variances are being requested for a proposed 32,936 s.f. building expansion along the rear of Cedar Crest Dairy's site at 5800 & 5850 Balsam Drive. The rear yard building setback is required to be 20', a 10' setback is being requested for a variance of 10'. The building height is required to be 35', 40' is being requested for a variance of 5'. For clarification, the addition goes over a lot line and the lots will be combined.

Public Comment was as follows:

- None

Chairman VanDenBerg opened the public hearing.

Rear Yard Setback

The following discussion took place amongst the board:

- Would there be any encroachment on the ROW? No, the ask is 10' closer to the lot line than required.

- Would there be an issue with the building placement if the spur went back in? No, the building will be on Cedar Crest property and will not be in the way.
- Does the railroad have any requirements like an easement? No, it is just ROW that they own like the city owns a road.

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

Yes, given that the ROW width the railroad owns is extended only on this property. This would be well off the railroad tracks compared to other properties.

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

Yes, improved traffic flow will occur based on the building location.

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

Yes, this issue is from a railroad spur that is no longer in use that the property cannot change.

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, they will still be further back than adjacent properties from the railroad tracks due to the spur.

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

Yes, the railroad company is not interested in selling the property and the applicant has made attempts to purchase the property from them.

A motion was made by Leerar, with support by Miedema, to approve the deviation to reduce the rear-yard building setback to 10' where 20' is required in accordance with Section 2.04.15 E. 1. d. ii from the City of Hudsonville Zoning Ordinance. This deviation is based on the findings from the 5 questions used for determining dimensional variances.

Yeas 5, Nays 0

Building Height

The following discussion took place amongst the board:

- The request is approximately 40' is the applicant comfortable with asking that as the absolute max? Yes, they are requesting 40' but planning on building at 39'.
- Is this project all one phase? Yes, this is planned to be all one phase.
- Is this the same finish as the building to the north? Yes.
- Timeline. 2-3 months to start and 8 months to construct so the applicant is hoping to be done in less than a year.
- There are tall mature trees to the east of the property so this addition and the variances would not be terribly noticeable unless you turned your head.

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

Yes, the building is at the rear of the lot, it will be 200' from the closest lane of Chicago Drive, the taller portion of the building will be in the center of the addition so it will not be as noticeable.

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

Yes, there are efficiency reasons to go up that high and other businesses have received a similar variance.

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

Yes, the freezer storage is unique, and the increased height is not a significant impact.

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, there is precedent from other properties, being at the back of the lot from the frontage on Balsam it will not have a large impact.

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

Yes, efficiency is important, it is better to go up than out in this use.

A motion was made by Foster, with support by Miedema, to approve the deviation to increase the maximum building height to 40' as a cap from the required 35' maximum in accordance with Section 2.04.15 G.1.C. from the City of Hudsonville Zoning Ordinance. This deviation is based on the findings from the 5 questions used for determining dimensional variances.

Yeas 5, Nays 0

3. A motion was made by Leerar, with support by Foster, to adjourn at 7:26 pm.

Yeas 5, Nays 0

Respectfully Submitted,

Sarah Steffens
Planning / Zoning Assistant