Georgetown Charter Township

1515 Baldwin St., Jenison, MI 49428

Zoning Board of Appeals Meeting Agenda

February 24, 2016, 7:30 p.m.

1. Call To Order

2. Approval Of The Minutes

3. Public Hearings

   3.I. A. (VAR1603) Heyboer Holdings, LLC, 5001 40th Ave., Is Requesting To Have Multiple Family Dwellings (Apartments) With Three Stories, A Variance Of A Half Of A Story From The Maximum Of Two And A Half Stories Allowed In Chapter 24, In A (HDR) High Density Residential District, On A Parcel Of Land Described As P.P. # 70-14-13-200-030, Located At 303 Baldwin St., Georgetown Township, Ottawa County, Michigan

   Documents: VAR1603 APPLICATION.PDF, VARIANCE LETTER.PDF, RIVERSTONE LOFT ELEVATION DRAWINGS.PDF, RIVERSTONE LOFT LAYOUT.PDF, RIVERSTONE TOWNHOME ELEVATION DRAWINGS.PDF, RIVERSTONE TOWNHOME LAYOUT.PDF, SITE PLAN UPDATED 01122015.PDF

   3.I.i. Staff Report

   Documents: VAR1602 STAFF REPORT.PDF

4. Elect Officers

   Current: Tom Healy, chairperson; Joyce Weise, vice-chairperson; Greg Honderd, secretary

5. Other Business

6. Adjournment

PERMIT NUMBER: VAR1603

APPLICATION FOR ZONING APPEAL

Georgetown Charter Township
1515 Baldwin St, P.O. Box 769
Jenison, MI 49429
616-457-2340

revised: 1/26/09

APPLICANT INFORMATION

COMPANY NAME: HEYBOER HOLDINGS LLC	PHONE: 616-896-8414
APPLICANT NAME: NATE HEYBOER	
ADDRESS: 5001 40TH AVENUE	CITY / STATE / ZIP: HUDSONVILLE, MI 49426

PROPERTY INFORMATION

COMPANY NAME: HEYBOER HOLDINGS LLC	PHONE: 616-896-8414
OWNER / AGENT NAME: NATE HEYBOER	TITLE: OWNER
ADDRESS: 303 BALDWIN STREET ✓	CITY / STATE / ZIP: JENISON, MI 49428
PARCEL NUMBER: 70-14-13-200-030 ✓	ZONING DISTRICT: HIGH DENSITY (HDR) ✓

EXISTING USE: VACANT

REQUEST INFORMATION

STATE THE NATURE OF THE APPEAL, INTERPRETATION OR VARIANCE REQUEST:

The variance request is to allow 3 story buildings while the ordinance allows 2.5 story buildings.

SECTION OF THE ORDINANCE RELATING TO THE REQUEST:

Chapter 24

EIGHT (8) FOLDED COPIES OF A SITE PLAN ARE REQUIRED TO ACCOMPANY THIS APPLICATION

APPLICANT SIGNATURE

I HEREBY ATTEST THAT THE INFORMATION ON THIS FORM IS TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE AND COPIES OF ALL MATERIALS SUBMITTED TO THE BOARD WILL ALSO BE SUBMITTED TO THE TOWNSHIP. I UNDERSTAND THAT I MAY BE REQUIRED TO BE SWORN IN TO GIVE TESTAMONY. I HEREBY GRANT PERMISSION FOR MEMBERS OF THE TOWNSHIP BOARD OF APPEALS TO ENTER THE SUBJECT PROPERTY FOR THE PURPOSE OF GATHERING INFOMRATION RELATED TO THIS REQUEST. IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF AND BOARD MEMBERS TO ENTER THE SUBJECT PROPERTY FOR PURPOSES OF GATHERING INFORMATION TO REVIEW THIS REQUEST. I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

APPLICANT SIGNATURE:	**DATE:** 1-12-16

FOR OFFICE USE ONLY

DATE OF ZONING BOARD OF APPEALS MEETING:	DATE ADVERTISED:	DATE PROPERTY NOTICES WERE SENT:

Sec. 28.11 of the Georgetown Charter Township Zoning Ordinance establishes the powers and duties of the Zoning Board of Appeals. All Variance requests must meet the specific standards listed in that section in order to be approved. In the space below or additional sheets, if needed, state how your request meets each of the approval standards.

Section 28.11 of the Zoning Ordinance states:

(C) **Variances.** The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this Ordinance, when the applicant demonstrates that ALL of the following conditions will be satisfied.

(Please describe, in detail, how your request meets each of the following standards.)

(1) Granting the variance be in the public interest and will ensure that the spirit of this Ordinance shall be observed. *(Will the intentions of the ordinance be upheld and will there be no detrimental effects to the public if the variance is granted?)*

The spirit of the ordinance is to maintain a low-rise, high density character (section 11.1). The request is to allow construction of low-rise buildings which will consist of an enclosed garage located beneath two levels of living quarters. The mean roof height of the buildings will be less than the zoning district's building height limit of 35', thereby maintaining a low-rise character.

(2) Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted. *(Is the use to which the variance relates allowed in the zoning district where the site is located?)*

The proposed use for the site is consistent and allowable in the High Density (HDR) zoning district and no use variance is requested.

(3) That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance. *(What unusual circumstances related to the property, that are different from other neighboring properties, necessitate the request?)*

The existing property is characterized by its proximity to the Grand River. A portion of the site is currently below the Grand River floodplain elevation and the floor elevations of the buildings needs to be constructed 1' above the 100-year flood elevation. This variance allows for stacked construction which creates a smaller building footprint. A smaller footprint will require less fill soil which leads to less impact on the existing floodplain volume. This site is unique from other sites in the Township due to the existing floodplain elevation over much of the site.

(4) That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions to an approved variance will eliminate or sufficiently mitigate potential detrimental impacts. *(Present evidence that if the variance is granted, the adjacent properties will not suffer from detrimental effects.)*

Since the proposed building height will be less than allowed by the ordinance, the granting of this variance will not create visual detriment to the neighboring properties. No other detriment is proposed or envisioned with completion of the development.

(5) That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district. *(What substantial property right are you denied under the current circumstances?)*

The presence of the floodplain requires a smaller building footprint in order to minimize floodplain impacts. Neighboring parcels are naturally above the floodplain elevation, or have been filled to achieve an elevation above the floodplain elevation. Denial of the variance will lessen the owner's ability to fully develop the site as zoned and intended.

(6) That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12 *(Are there any circumstances on the property that are currently non-conforming? If so, will the non-conforming be increased or englarged?)*

There are no non-conforming circumstances at the site and none proposed by this variance request.

(7) That the variance is not necessitated as a result of any action or inaction of the applicant.(revised 4-23-2001) *(Is this request necessary because of anything that has been done or not done by the applicant?)*

No.

January 12, 2016

Re: Riverstone Townhouse Apartment

Mannette Minier, Zoning Administrator
Georgetown Charter Township Office
1515 Baldwin Street
PO Box 769
Jenison, Michigan 49429-0769

Dear Ms. Minier:

Enclosed with this narrative is an Application for Zoning Appeal and 8 sets of plans for the proposed Riverstone Townhouse Apartments to be located at 303 Baldwin Street, Jenison, Ottawa County, Michigan.

We appreciate meeting with you on various occasions to discuss the project and feel we have developed an exciting and unique project for this piece of property and the township. The main challenge for development of our site is the ground surface elevation and construction restrictions within a floodplain. Because of these construction restrictions, we have designed a relatively small building footprint for the site's perimeter buildings which will allow us to maximize the site density. The building design includes an attached garage on the first floor and 2 levels of living quarters above the garage. The purpose of the variance request is to allow for this 3-story building construction, while the ordinance limits buildings to 2.5 stories.

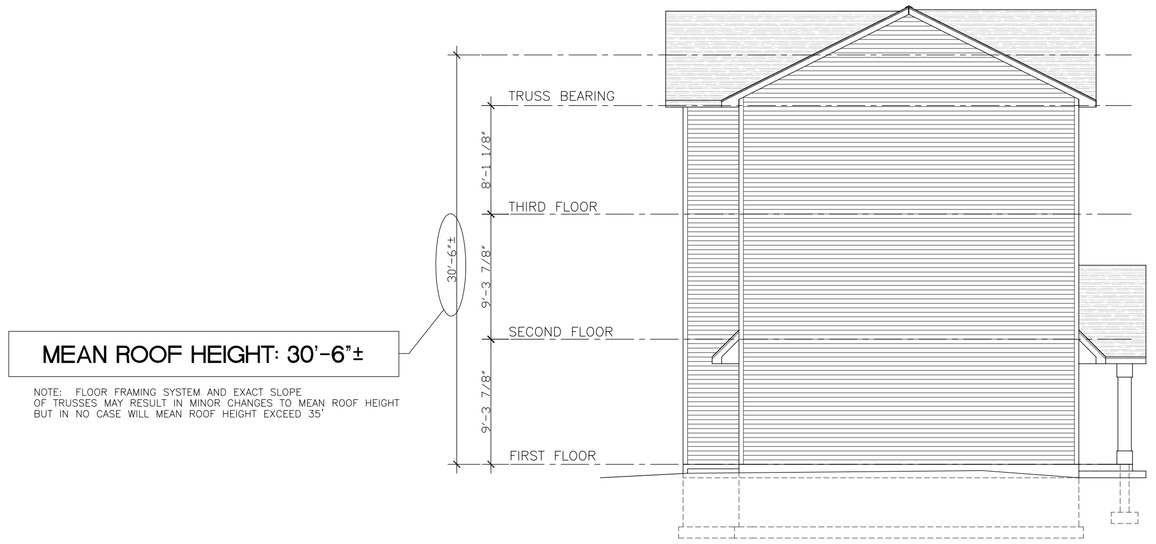
The preliminary site plan for the development shows two phases of construction. Phase I currently includes two 8-unit, 3 bedroom buildings and two 10-unit 2 bedroom units. A total of 36 units are proposed for Phase I.

Phase II is labeled to include the remainder of the site development. However, Phase II will be completed as market demands and may include modifications to the preliminary layout based on marketability and final floodplain permitting requirements. Any site layout changes would still meet the current zoning requirements.

We appreciate your consideration of our variance request and look forward to working with the township during construction of this exciting and unique development.

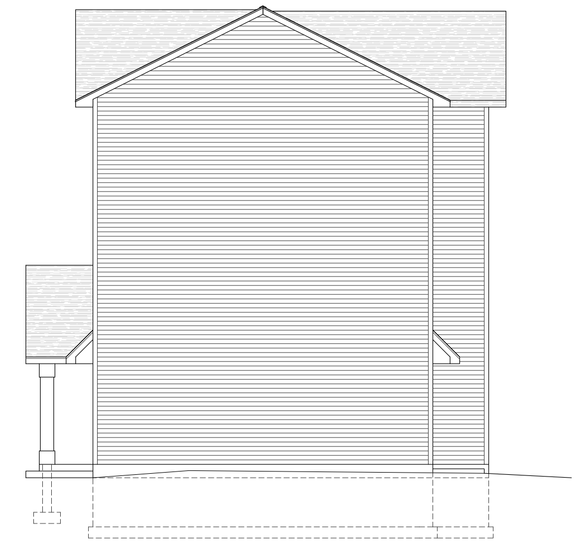
Sincerely,

Nate Heyboer
Heyboer Holdings LLC



SIDE ELEVATION

SCALE: 1/8"=1'-0"



SIDE ELEVATION

SCALE: 1/8"=1'-0"

REAR ELEVATION

SCALE: 1/8"=1'-0"

FRONT ELEVATION

SCALE: 1/8"=1'-0"

PRELIMINARY

RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1580 44th ST., S.W.
GRAND RAPIDS, MICHIGAN 49509
PH. 616 531 3850

BUILDING D:
RIVERSTONE TOWNHOME APARTMENTS
8 UNIT TWO STORY
303 BALDWIN ST. JENISON, MICHIGAN 49428

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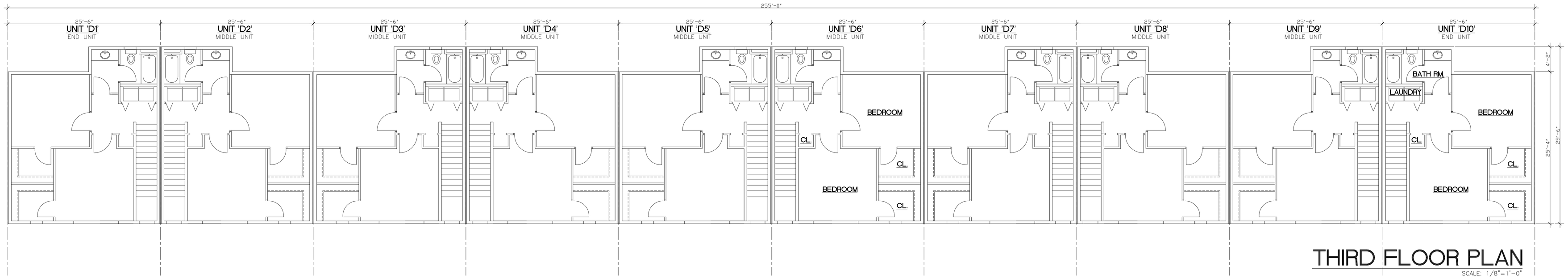
JOB NO. 452615

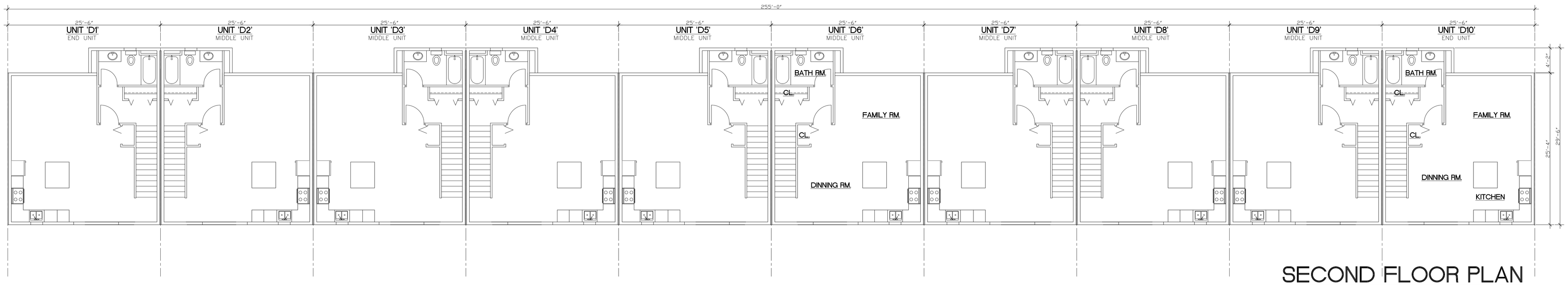
DATE
B.Z.A. REVIEW: 1/12/16

SHEET NO.
A4.1D



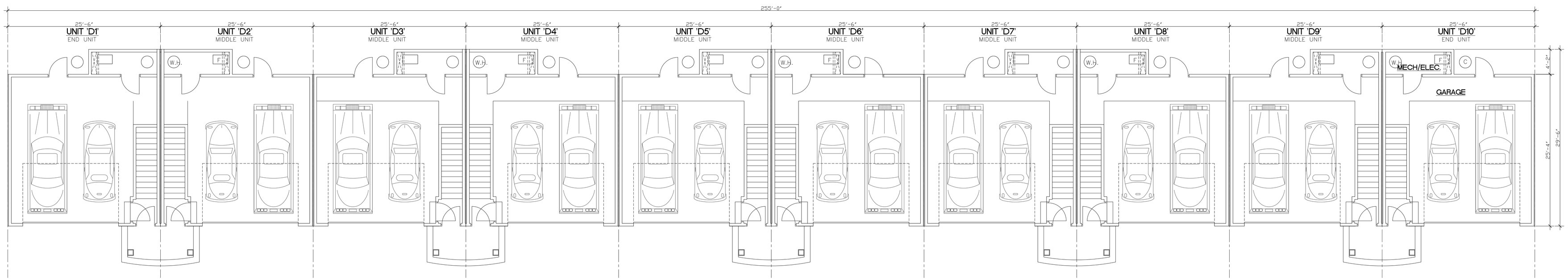
THIRD FLOOR PLAN

SCALE: 1/8"=1'-0"



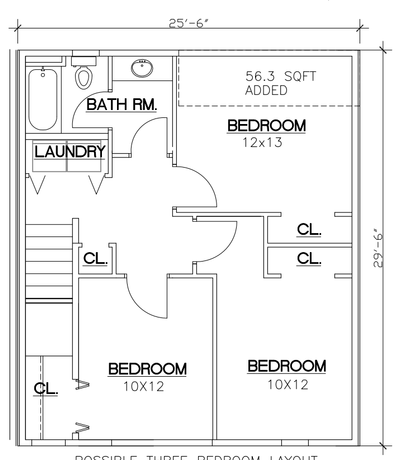
SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"



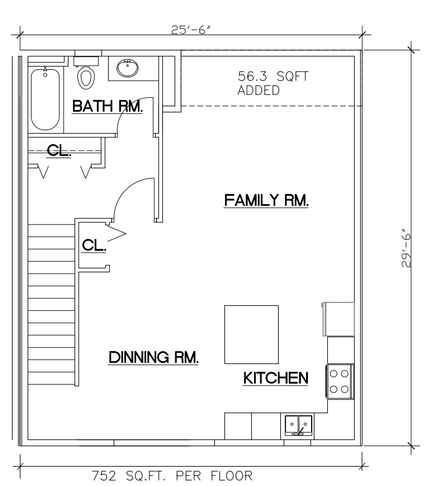
FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"



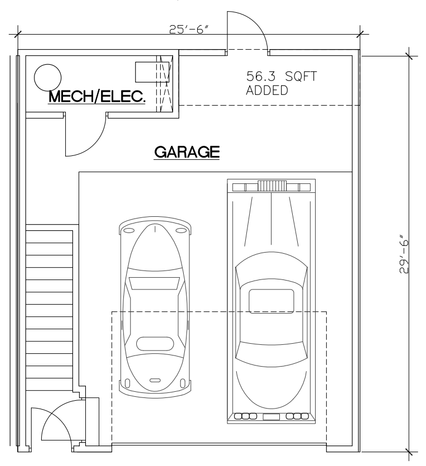
POSSIBLE THREE BEDROOM LAYOUT
ADDS APROX. 56.3 SF PER FLOOR
WHICH IS 169 SF PER UNIT

ALTERNATE 3rd FLOOR PLAN



752 SQ.FT. PER FLOOR

ALTERNATE 2nd FLOOR PLAN



ALTERNATE 1rst FLOOR PLAN

10 UNIT STRUCTURE AREAS	
3rd FLOOR DWELLINGS:	6,960 Sq.Ft.
2nd FLOOR DWELLINGS:	6,960 Sq.Ft.
SUB TOTAL:	13,920 Sq.Ft.
GARAGE LEVEL:	6,960 Sq.Ft.
TOTAL:	20,880 Sq.Ft.

TYPICAL TOWNHOUSE AREA	
3rd FLOOR DWELLING:	696 Sq.Ft.
2nd FLOOR DWELLING:	696
SUB TOTAL:	1,392 Sq.Ft.
GARAGE LEVEL.:	696 Sq.Ft.
TOTAL:	2,088 Sq.Ft.

PRELIMINARY

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BUILDING D:
RIVERSTONE TOWNHOME APARTMENTS
8 UNIT TWO STORY
303 BALDWIN ST. JENISON, MICHIGAN 49428

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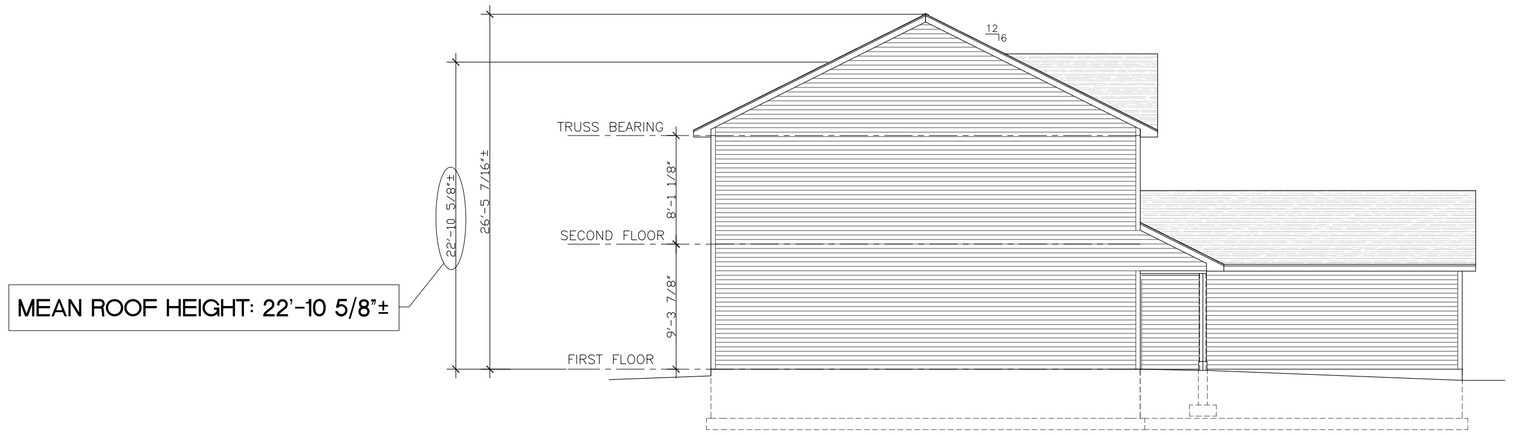
JOB NO. 452615

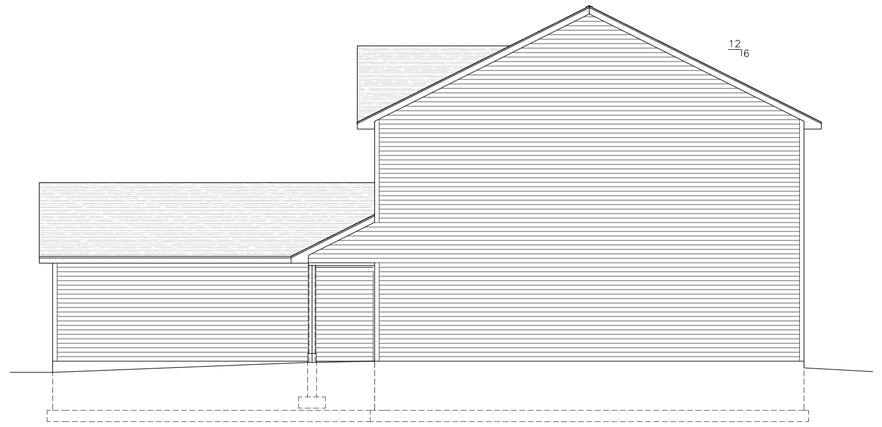
DATE
B.Z.A. REVIEW: 1/12/16

SHEET NO.
A1.1D



SIDE ELEVATION

SCALE: 1/8"=1'-0"



SIDE ELEVATION

SCALE: 1/8"=1'-0"

REAR ELEVATION

SCALE: 1/8"=1'-0"

FRONT ELEVATION

SCALE: 1/8"=1'-0"

PRELIMINARY

RP

RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1580 44th ST., S.W.
GRAND RAPIDS, MICHIGAN 49509
PH. 616 531 3850

BUILDING A:
RIVERSTONE TOWNHOME APARTMENTS
8 UNIT TWO STORY
303 BALDWIN ST.
JENISON, MICHIGAN 49428

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JOB NO.
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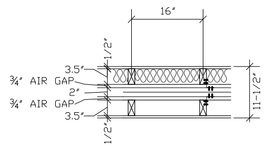
DATE
B.Z.A. REVIEW: 1/12/16

SHEET NO.
A4.1A

WALL TYPES LEGEND

WALL TYPE: (A)



U.L. LISTED WALL ASSEMBLY DESIGN U336
SEPERATION WALL NON-BEARING, 2 HOUR RATED
PROTECTED WALL, BEARING OR NON-BEARING
S.T.C. RATING: 57 (3" MINERAL WOOL BATT ONE SIDE) TEST RAL-TL-88-351
(OPTIONAL) S.T.C. RATING: 60 (3" MINERAL WOOL BATT EACH SIDE) TEST RAL-TL-88-350
SEE USG PUBLICATION SA-925 FOR FURTHER INFORMATION: https://www.usg.com

UNIT SEPARATION WALL: (Max Height - 66 ft)
1. **Floor, Intermediate or Top Wall -** 2 in. wide channel shaped with 1 in. long legs formed from No. 25 MSG galv steel, secured with suitable fasteners spaced 24 in. OC.
2. **Metal Studs -** Steel members formed from No. 25 MSG galv steel having "H" -shaped flanged spaced 24 in. OC; overall depth 2 in. and flange width 1-3/8 in.
3. **Gypsum Board*** - Two layers of 1 in. thick gypsum board liner panels, supplied in nom 24 in. widths. Vertical edges of panels friction fitted into "H" -shaped studs.
CGC INC - Type SLX.
UNITED STATES GYPSUM CO - Type SLX
USG BORAL ZAWAWI DRYWALL L L C SFZ - Type SLX
USG MEXICO S A DE C V - Type SLX.

PROTECTED WALL: (Bearing or Nonbearing Wall).

4. **Wood Studs -** Nom 2 by 4 in. max spacing 24 in. OC. Studs cross braced at mid-height where necessary for clip attachment. Min 3/4 in. separation between wood framing and fire separation wall.

5. **Gypsum Board -** Classified or Unclassified - Min 1/2 in. thick, 4 ft wide, applied either horizontally or vertically. Gypsum board attached to studs with 1-1/4 in. long steel drywall nails spaced 8 in. OC. Vertical joints located over studs. (Optional) Joints covered with paper tape and joint compound. Nail heads covered with joint compound.

6. **Attachment Clips -** Aluminum angle, 0.063 in. thick, 2 in. wide with 2 in. and 2-1/4 in. legs. Clips secured with Type S screws 3/8 in. long to "H" studs and with Type W screws 1-1/4 in. long to wood framing through holes provided in clip.

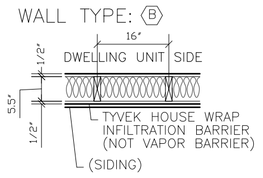
6A. Clip placement (Item 6) for separation walls up to 23 ft high. Space clips a max of 10 ft OC vertically between wood framing and "H" studs.

6B. Clip placement (Item 6) for separation walls up to 44 ft high. Space clips as described in Item 6A for upper 24 ft. Remaining wall area below requires clips spaced a max 5 ft OC vertically between wood framing and "H" studs.

6C. Clip placement (Item 6) for separation walls up to 66 ft high: Space clips as described in Item 6A for upper 24 ft. Space clips as described in item 6B for next 20 ft. below the upper 24 ft. Remaining wall area below requires clips spaced a max of 40 in. OC vertically between wood framing and "H" studs.

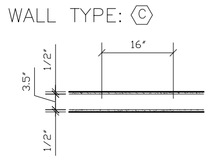
7. **Non-Bearing Wall Partition Intersection -** (Optional) Two nominal 2 by 4 in. stud or nominal 2 by 6 in. stud nailed together with two 3in. long 10d nails spaced a max. 16 in. OC. vertically and fastened to one side of the minimum 2 by 4 in. stud with 3 in. long 10d nails spaced a max 16 in. OC. vertically. Intersection between partition wood studs to be flush with the 2 by 4 in. studs. The wall partition wood studs are to be framed with a second 2 by 4 in. wood stud fastened with 3 in. long 10d nails spaced a max. 16 in. OC. vertically. Maximum one non-bearing wall partition intersection per stud cavity.
Non-bearing wall partition stud depth shall be at a minimum equal to the depth of the wall.

WALL TYPE: (B)



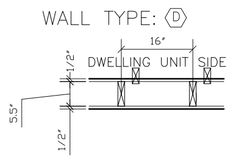
EXTERIOR WALL
LOAD BEARING, 0 HOUR RATED
2X6, WOOD STUDS, SPF NO.2 OR BETTER, AT 16" ON CENTER, ONE LAYER OF 1/2" GYPSUM WALLBOARD ON INTERIOR FACE APPLIED USING 1" TYPE S DRYWALL SCREWS AT 12" O.C., STUD CAVITY INSULATED, PAPER FACE TO INSIDE (WHERE APPLICABLE), EXTERIOR SHEATHING SHALL BE 1/2" OSB WITH TYVEK "HOUSE WRAP" WIND BARRIER OVER SHEATHING PER MANF. RECOMMENDATIONS, THEN SIDING AS REQUIRED.
EXTERIOR GARAGE WALLS MAY REPLACE 2x6 STUDS WITH 2x4 STUDS AND MAY ELIMINATE INSULATION

WALL TYPE: (C)



INTERIOR WALL LOCATED TOTALLY WITHIN ONE DWELLING UNIT AND NOT SHARED WITH ANY OTHER UNIT OR EXTERIOR WALL
LOAD BEARING (OR NOT LOAD BEARING), 0 HOUR RATED
2X4, WOOD STUDS, SPF NO.2 OR BETTER, AT 16" ON CENTER, ONE LAYER OF 1/2" GYPSUM WALLBOARD ON EACH FACE APPLIED USING 1" TYPE S DRYWALL SCREWS, USE ⅝" WATER RESISTANT GYPSUM BOARD AT ALL WET LOCATIONS (E.G. BATHTUBS, SHOWERS), AT LAUNDRY USE 2x6 STUDS TO ACCOMIDATE DRYER VENT, AT TOTALLY ENCLOSED AND UNACCESSIBLE CHASE GYP. BOARD IS ONLY REQUIRED ON ROOM SIDE MIN. STC REQUIRED=0

WALL TYPE: (D)



INTERIOR WALL LOCATED BETWEEN ONE DWELLING UNIT AND IT'S GARAGE AND NOT SHARED WITH ANY OTHER UNIT OR EXTERIOR WALL
LOAD BEARING (OR NOT LOAD BEARING),
2X6, WOOD STUDS, SPF NO.2 OR BETTER, AT 16" ON CENTER, ONE LAYER OF 1/2" GYPSUM WALLBOARD ON EACH FACE APPLIED USING 1" TYPE S DRYWALL SCREWS AT 12" O.C., STUD CAVITY INSULATED, PAPER FACE TO INSIDE (WHERE APPLICABLE),

GENERAL NOTES:

1 TYPICALLY ALL INTERIOR DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD. EXTERIOR DIMENSIONS ARE MEASURED TO THE OUTSIDE FACE OF SHEATHING AND/OR FACE OF FOUNDATION WALL. SOME FEATURES ARE DIMENSIONED TO A CENTERLINE AND ARE INDICATED AS SUCH.

2 ALL APPLIANCCES, CABINETS, COUNTERTOPS AND CLOSET SYSTEMS SHALL BE AS SELECTED BY OWNER.

3 ACCESSIBILITY REQUIREMENTS DO NOT APPLY TO THIS PROJECT. HOWEVER, IT IS RECOMMENDED THAT BLOCKING BE PROVIDED IN FIRST FLOOR BATHROOM WALLS FOR FUTURE GRAB BARS LOCATED AS INDICATED IN ANSI A117.1 FOR TYPE 'B' UNITS. IT IS ALSO RECOMMENDED FIXTURES BE INSTALLED WITH CLEARANCES IN COMPLIANCE WITH ANSI A117.1 FOR TYPE 'B' UNITS ON THE FIRST FLOOR.

4 ACCESSIBILITY REQUIREMENTS DO NOT APPLY TO THIS PROJECT. HOWEVER, DOOR CLEARANCES AND HARDWARE SHALL COMPLY WITH ALL RELAVENT ACCESSIBILITY REQUIREMENTS OF ANSI A117.1 FOR TYPE 'B' UNITS.

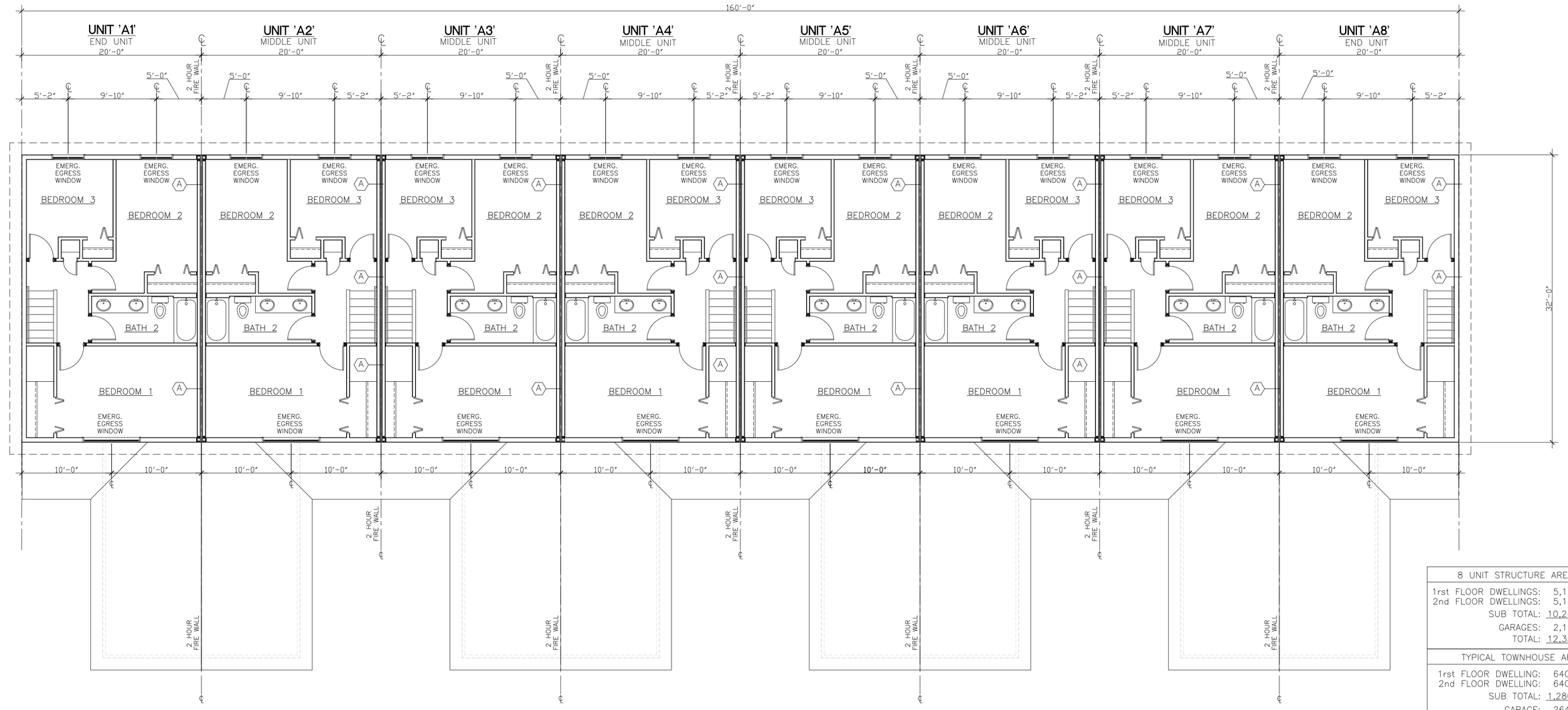
5 ENGINEERED SHOP DRAWINGS FOR ALL STRUCTURAL MEMBERS SHALL BE PREPARED BY SUPPLIER MADE SPECIFICALLY FOR THIS PROJECT. DRAWINGS SHALL INDICATED COMPONENT SIZES, LOCATIONS, RELEVANT ENGINEERING DATA AND INSTALLATION DETAILS AS REQUIRED AND PER CODE.

6 FIRE STOP PORCH ROOF AND ALL OVERHANGS WITH 7/16 PLYWOOD AT MINIMUM EVERY 20'

7 FIRE STOP ALL BULKHEADS AT EXTERIOR WALLS

8 FIRE BLOCK ALL BULKHEADS WITH 1/2" GYP. BOARD AT MINIMUM EVERY 20'

9 ALL DRYWALL EXPOSED TO SHALL HAVE AT MINIMUM A LEVEL 1 FINISH



NOTE:
EACH INDIVIDUAL DWELLING UNIT SHALL BE ISOLATED FROM ADJACENT DWELLING UNITS WITH A 2 HOUR FIRE WALL (WALL TYPE "A") RUN FROM CONC. FLOOR/FOOTING TO THE ROOF DECK/SHEATING AND FROM THE REAR DWELLING UNIT WALL TO THE FRONT GARAGE WALL (O.H.D. WALL). EACH DWELLING UNIT SHALL BE STRUCTURALLY INDEPENDANT FROM ADJACENT DWELLING UNITS. SEE M.R.C. SECTION 302.2 (NOT SPRINKLED) AND SECTION 302.2.4

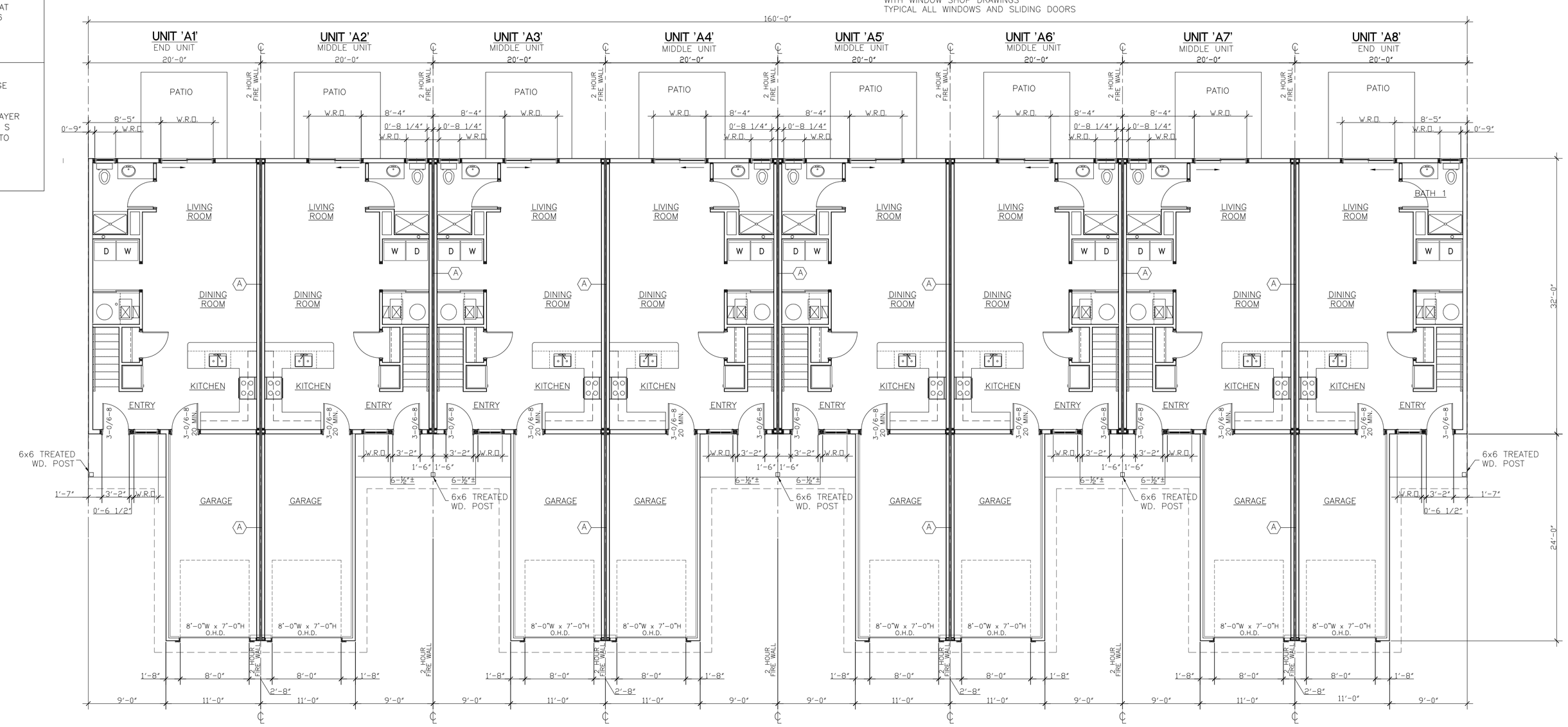
8 UNIT STRUCTURE AREAS	
1rst FLOOR DWELLINGS:	5,120 Sq.Ft.
2nd FLOOR DWELLINGS:	5,120 Sq.Ft.
SUB TOTAL:	10,240 Sq.Ft.
GARAGES:	2,112 Sq.Ft.
TOTAL:	12,352 Sq.Ft.

TYPICAL TOWNHOUSE AREA	
1rst FLOOR DWELLING:	640 Sq.Ft.
2nd FLOOR DWELLING:	640 Sq.Ft.
SUB TOTAL:	1,280 Sq.Ft.
GARAGE:	264 Sq.Ft.
TOTAL:	1,544 Sq.Ft.

SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"

W.R.O.=WINDOW ROUGH OPENING
VERIFY ROUGH OPENING DIMENSION
WITH WINDOW SHOP DRAWINGS
TYPICAL ALL WINDOWS AND SLIDING DOORS



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

PRELIMINARY

RP
RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1980 44th ST., S.W.
GRAND RAPIDS, MICHIGAN 49509
PH. 616 531 3850

BUILDING A:
RIVERSTONE TOWNHOME APARTMENTS
8 UNIT TWO STORY
303 BALDWIN ST.
JENISON, MICHIGAN 49428

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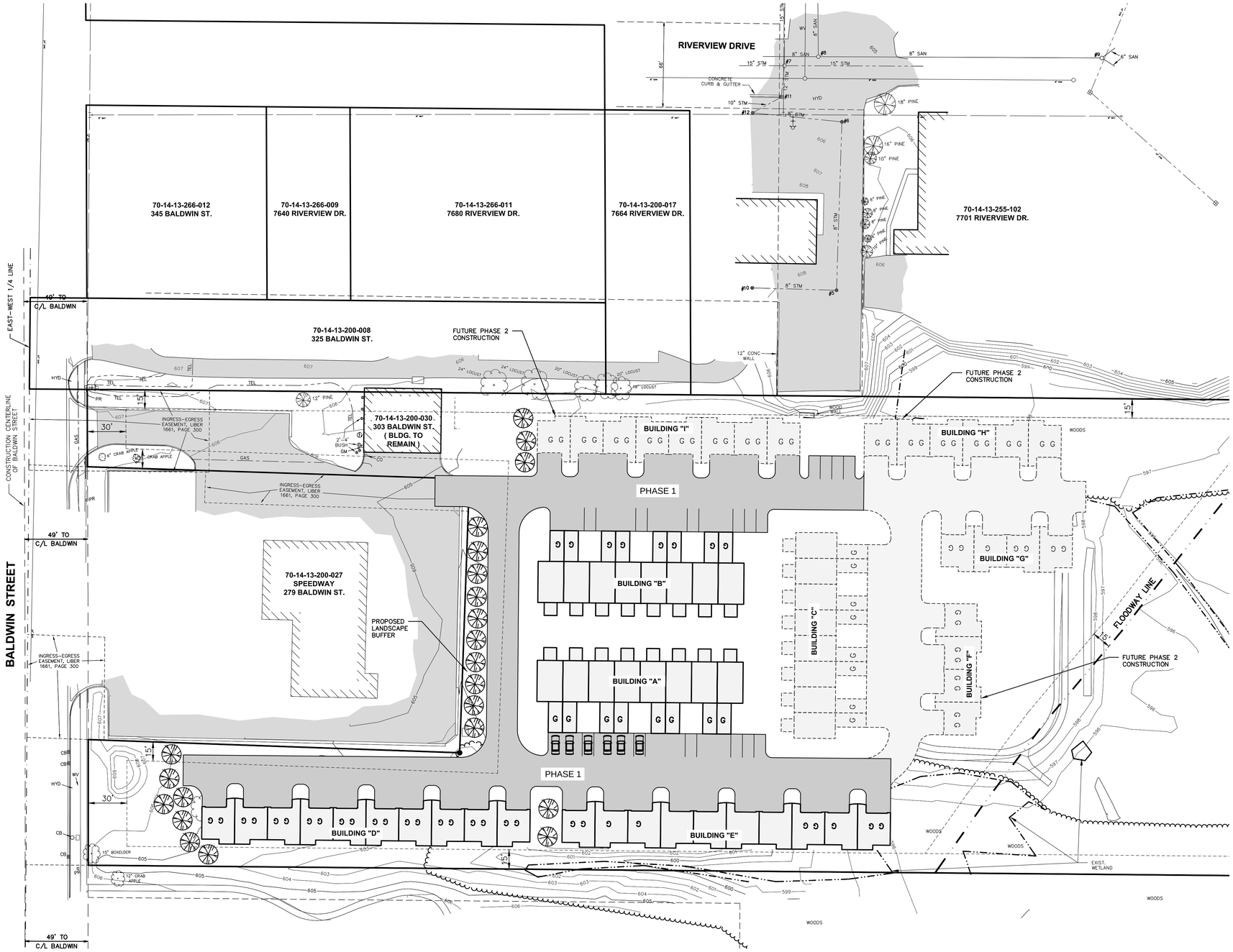
Richard Postema Associates P.C.

JOB NO.
452615

DATE
B.Z.A. REVIEW: 1/12/16

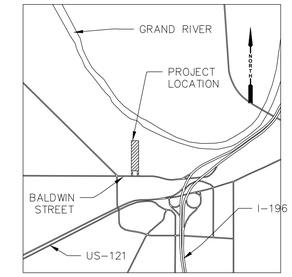
SHEET NO.
A1.1A



NORTH

0 40 80

SCALE: 1" = 40'



LOCATION MAP
NO SCALE

PROPERTY DESCRIPTION
303 BALDWIN STREET
70-14-13-200-030

THE WEST 372.50 FEET OF THE EAST 715.50 FEET OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWN 6 NORTH, RANGE 13 WEST, EXCEPT COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION; THENCE SOUTH 90°00'00" WEST 1771.46 FEET ALONG THE EAST-WEST ONE-QUARTER LINE TO THE POINT OF BEGINNING; THENCE NORTH 01°37'30" EAST 336.50 FEET; THENCE NORTH 88°22'30" WEST 213.00 FEET; THENCE SOUTH 01°25'30" WEST 342.51 FEET TO THE EAST-WEST ONE-QUARTER LINE; THENCE NORTH 90°00'00" EAST 212.00 FEET ALONG SAID ONE-QUARTER LINE TO THE POINT OF BEGINNING. ALSO EXCEPT THE SOUTHERLY 44 FEET THEREOF. ALSO EXCEPT PART OF THE NORTHEAST ONE-QUARTER, SECTION 13, TOWN 6 NORTH, RANGE 13 WEST, DESCRIBED AS COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 13; THENCE NORTH 89°35'00" WEST 1672.42 FEET ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER; THENCE NORTH 00°31'00" EAST 1639.00 FEET ALONG THE WEST LINE OF THE EAST 343.00 FEET OF THE WEST ONE-HALF OF SAID NORTHEAST ONE-QUARTER TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89°29'00" WEST 369.80 FEET TO THE EAST LINE OF COTTONWOOD FOREST (OTTAWA COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 492); THENCE NORTH 00°31'00" EAST 797.00 FEET, MORE OR LESS, ALONG SAID EAST LINE (RECORDED AS THE WEST LINE OF THE EAST 712.80 FEET OF THE WEST FRACTIONAL ONE-HALF OF THE NORTHEAST FRACTIONAL ONE-QUARTER OF SECTION 13) TO THE WATER'S THREAD OF THE GRAND RIVER; THENCE MEANDERING SOUTHEASTERLY ALONG SAID WATER'S THREAD TO THE WEST LINE (EXTENDED) OF THE EAST 343.00 FEET OF THE WEST ONE-HALF OF SAID NORTHEAST ONE-QUARTER; THENCE SOUTH 00°31'00" WEST ALONG SAID WEST LINE TO THE PLACE OF BEGINNING. AND ALSO EXCEPT ALL THAT PART WHICH LIES SOUTHERLY OF A LINE LOCATED 49.00 FEET NORTHERLY OF AND PARALLEL WITH THE CONSTRUCTION CENTERLINE OF BALDWIN STREET DESCRIBED AS: COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 13, TOWN 6 NORTH, RANGE 13 WEST, GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN; THENCE SOUTH 01°22'37" WEST ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION, 113.88 FEET, TO THE POINT OF BEGINNING; THENCE WESTERLY ALONG THE ARC OF A 6000.00 FOOT RADIUS CURVE TO THE LEFT, 125.09 FEET (CHORD BEARING SOUTH 84°21'39" WEST, CHORD DISTANCE 125.09 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 83°45'49" WEST, 84.49 FEET, TO THE POINT OF CURVATURE OF A 700.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, 266.72 FEET (CHORD BEARING NORTH 85°19'15" WEST, CHORD DISTANCE 265.11 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 74°24'19" WEST, 419.66 FEET, TO THE POINT OF CURVATURE OF AN 800.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, 196.66 FEET (CHORD BEARING NORTH 81°26'52" WEST, CHORD DISTANCE 196.17 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 88°29'24" WEST, 369.04 FEET TO THE POINT OF CURVATURE OF A 40,000 FOOT RADIUS CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, 438.75 FEET (CHORD BEARING NORTH 88°48'16" WEST, CHORD DISTANCE 438.75 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 89°07'07" WEST, 200.00 FEET, TO A POINT OF ENDING. AND ALSO EXCEPT THAT PART LYING WEST OF THE WEST LINE OF THE EAST 712.80 FEET OF THE WEST FRACTIONAL ONE-HALF OF THE NORTHEAST FRACTIONAL ONE-QUARTER OF SECTION 13, TOWN 6 NORTH, RANGE 13 WEST.

UNDERGROUND UTILITY DATA

STORM CB#5
RIM 607.07
8" PVC INV S 604.17
8" PVC INV W 604.17
BOTTOM STRUCTURE 604.07
2' DIA RIM, 8" CASTING,
0.4" TALL CONC RING NECK,
2' DIA PRECAST STRUCTURE

STORM CB#6
RIM 605.22
8" PVC INV E 603.12
8" PVC INV S 603.12
BOTTOM STRUCTURE 602.22
2' DIA RIM, 8" CASTING,
2' DIA PRECAST STRUCTURE

STORM MH#7
RIM 605.76
12" CONC INV E 600.86
15" CONC INV W 601.06
15" CONC INV S 601.06
15" CONC INV N 599.96
2' DIA RIM, 8" CASTING,
4' DIA BRICK STRUCTURE

SANITARY MH#8
RIM 605.50
8" CLAY INV W 596.30
8" CLAY INV N 595.70
8" CLAY INV S 595.60
2' DIA RIM,
0.3" TALL CONC RING NECK,
4' DIA PRECAST STRUCTURE

SANITARY MH#9
RIM 603.92
6" PVC INV NW 596.62
6" PVC INV NE 596.62
8" PVC INV S 596.47
2' DIA RIM, 8" CASTING,
1.2" TALL BRICK NECK,
4' DIA PRECAST STRUCTURE

STORM CB#10
RIM 607.35
8" PVC INV N 604.65
BOTTOM STRUCTURE 604.35
2' DIA RIM, 8" CASTING,
2' DIA PRECAST STRUCTURE

STORM CB#11
RIM 605.01
12" CONC INV W 602.26
10" CONC INV SE 602.28
BOTTOM STRUCTURE 600.81
2' SQ RIM, 8" CASTING,
0.4" TALL CONC RING NECK,
4' DIA PRECAST STRUCTURE

STORM CB#12
RIM 604.92
8" PVC INV N 602.97
10" CONC INV NW 602.97
BOTTOM STRUCTURE 602.42
2' DIA RIM, 8" CASTING,
0.3" TALL CONC RING NECK,
2' DIA PRECAST STRUCTURE

PREPARED FOR:
DHE PLUMBING AND MECHANICAL
157 NORTH MILWAUKEE STREET
5001 40TH AVENUE
HUDSONVILLE, MI 49426
616-896-8414
616-896-8565
NATE@DHEPLUMBING.COM

Know what's below. Call before you dig.

Utility locations are approximate only. Please contact "Miss Dig" three working days prior to the start of construction for exact locations. (1-800-482-7171)

SITE INFORMATION :

ZONING: HIGH DENSITY (HDR)
REQUIRED SETBACKS:
FRONT: 30'
SIDE: 15'
REAR: 30'
BUILDING HEIGHT: 2-1/2 STORY, 35'
BUILDING SPACING: 25' MINIMUM BETWEEN BUILDINGS

PROPOSED UNITS :

42 - 2 STALL, 3 STORY
24 - 1 STALL, 2 STORY

PLAN REVISIONS
01-12-2016 ISSUED TO TWP.

PRELIMINARY SITE DESIGN (SOUTH)

FOR

RIVERSTONE TOWNHOUSE APARTMENTS

JENISON, OTTAWA COUNTY, MICHIGAN

MOORE & BRUGGINK, INC.
Consulting Engineers
2020 Monroe Avenue N.W.
Grand Rapids, Michigan 49505-6298
Phone: (616) 363-9801 Web: www.mbce.com

FIELD SURVEY / DATE:	08-12-2015
DESIGNED BY:	JMG
DESIGN DRAWN BY:	JMG
CHECKED BY:	ZSV
PLAN DATE:	09-10-2015
PROJECT NO.:	150156.01
SHEET NUMBER	1 OF 1

REQUEST

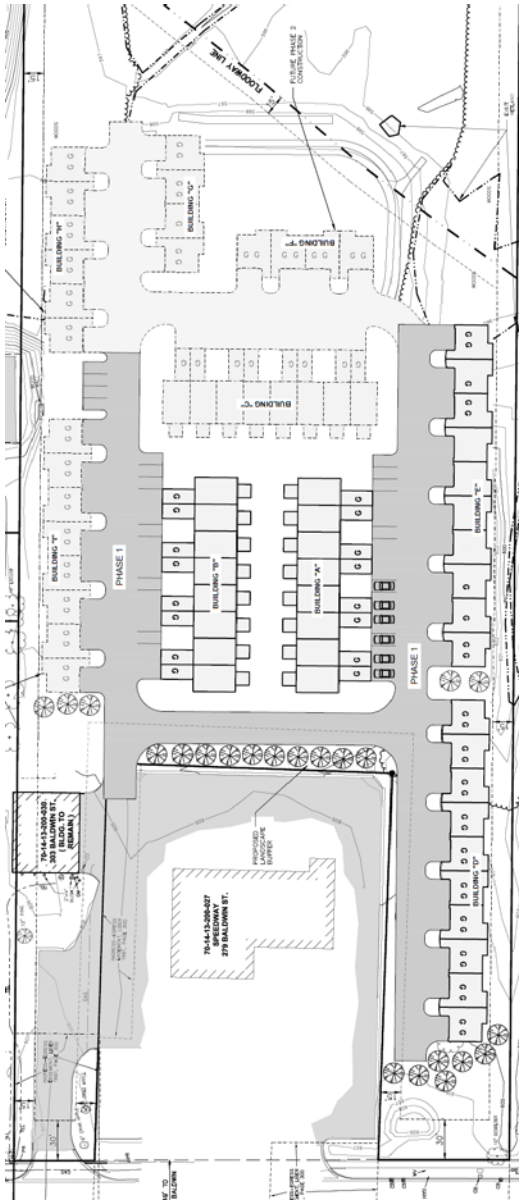
(VAR1603) Heyboer Holdings, LLC, 5001 40th Ave., is requesting to have multiple family dwellings (apartments) with three stories, a variance of a half of a story from the maximum of two and a half stories allowed in Chapter 24, and for the parcel to have a 90 foot width, a variance of 60 feet is needed from the minimum of 150 feet required in Chapter 24 footnote (g), in a (HDR) High Density Residential district, on a parcel of land described as P.P. # 70-14-13-200-030, located at 303 Baldwin St., Georgetown Township, Ottawa County, Michigan.

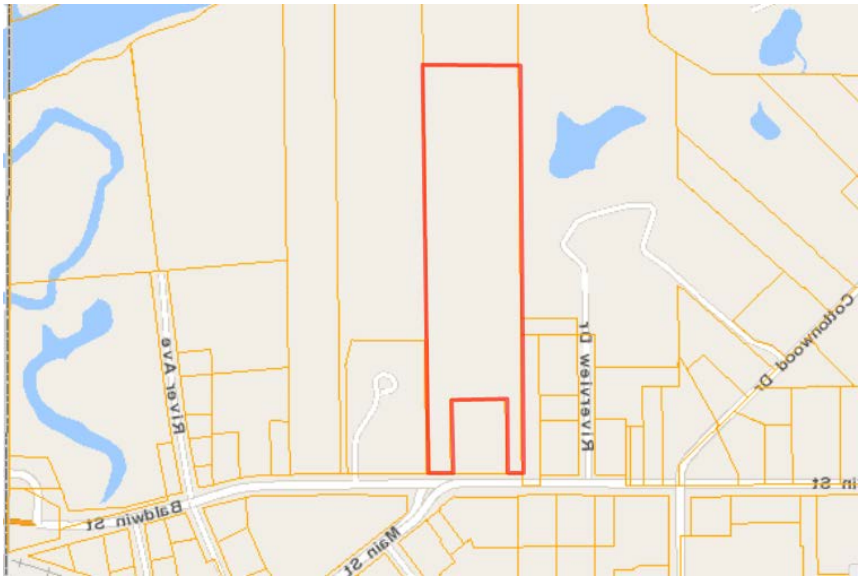
The use of apartments in the (HDR) High Density Residential district is allowed by right under Sec. 11.2(C). This is a nonconforming parcel because it does not meet the width to depth ratio; however, it was created many years ago (prior to 1981) and prior to the date that required municipal approval for lot splits.

PROPOSAL

The proposal is for the following:

- Three two-story buildings (buildings A, B and C), each with a mean height of about 22’ 11”
  - consisting of a total of 24 dwelling units
  - each with 1280 square feet of living area plus 264 square feet of garage
- Six three-story (variance needed) buildings (buildings D, E, F, G, H and I), each with a mean height of about 30’ 6” (below the maximum mean height of 35 feet allowed in Chapter 24 in the HDR district)
  - Consisting of a total of 42 dwelling units
  - Each with 1392 square feet of living area plus 696 square feet of garage
- For a total of 66 dwelling units each with a minimum of 200 square foot garage





SITUATION

For the lot width, Chapter 24 does not require a minimum lot with for a lot in the HDR district. But Chapter 24 footnote (g) requires a minimum lot size of one acre and a minimum lot width of 150 feet for a parcel in the HDR district with the use of townhouses. The parcel is over 12 acres. However, the widest spot that meets the ordinance definition of width (the shortest distance separating the closest side lot line at the setback line and again at 40 feet past the setback line) is about 90 feet, though the parcel widens out to over 300 feet after about 340 feet. The parcel was created prior to 1981 and is nonconforming due to the width to depth ratio.

For the number of stories, the proposal appears to be consistent with Zoning Ordinance requirements, including mean height (maximum of 30.5 feet mean height, less than the 35 feet allowed), <u>except</u> that the developer is requesting to have three stories, the addition of a half story from the maximum of 2 and a half stories allowed in Chapter 24 in the HDR district.

The proposal appears to be consistent with the Master Plan in regard to the uses and the density. The Future Land Use Map (adopted November 23, 2015) shows the area as HDR. The proposed density is noted to be 66 dwelling units, which is less than the total allowable density of 80 units. As certified by a land surveyor at Moore & Bruggink, Inc., 5.36 acres out of the 12.33 acres will be buildable with a DEQ permit. Therefore, 5.36 x 15 = 80 units.

Chapter 24

(i) The maximum density per acre permitted in MHR, HDR, and MHP Districts is as follows:
MHR Eight (8) units per acre
HDR Fifteen (15) units per acre

Sec. 3.20 *DENSITY COMPUTATION.*

Should density computation be required for a land development project, for the purpose of determining the total number of dwelling units that may be constructed, the net residential site shall be used.

(1) Lands within floodplains shall not be included.

SURVEYOR NOTES:

This survey has been performed utilizing information provided by Fidelity National Title Insurance Company, Title Commitment No. CCU15–06215547 REV. 1 , Dated: June 12, 2015 at 12:00 AM.

With a DEQ permit the buildable land outside of the floodplain is 5.36 acres.

DISCUSSION

The Zoning Ordinances regulates height and size of buildings, as well as the minimum lot size and width for certain uses to lessen negative impacts on surrounding property and to promote and protect the health, safety and welfare of the community. The regulations strive to balance the rights of the individual with the rights of the community.

Although the parcel is nonconforming due to the width to depth ratio, this existing parcel is consistent with the width requirement in Chapter 24 District Regulations in the HDR district since no minimum stipulated. However, the footnote (g) lists a minimum lot width of 150 feet for the use of townhouses. This makes sense for a straight parcel in order to not have a narrow parcel with the intense use that could negatively impact the neighboring property. However, this parcel is unique because although the property adjacent to Baldwin (which is used to determine lot width as per the definition in the ordinance) is narrow, after about 300 feet it

widens out. Further, the narrow property adjacent to Baldwin is between the Speedway Gas Station to the west and more apartments to the east.

With this plan, the developer proposes to have a use that is allowed in the zoning district and is consistent with the Master Plan. The tallest buildings will have a mean height of about 30.5 feet, well under the maximum of 35 feet allowed in Chapter 24 for a HDR district. Garages will be attached as required in the ordinance.

The site is impacted by a floodplain due to its proximity to the Grand River, which restricts the amount and location of construction on the site. A DEQ Permit will be required and construction must be at least one foot above the floodplain elevation. A smaller footprint will allow less fill to be added.

Variance ID	**VAR1603**
Applicant	Hyboer Holdings LLD
Address	5001 40th Ave.
Request	Three story apartment building
Date	Applied for February 24, 2016 meeting

#	YES	NO	CONDITIONS (Chapter 28.11-C)
1	X		Granting the variance(s) will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.
2	X		Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted.
3	X		That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.
4	X		That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.
5			That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
6	X		That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12.
7	X		That the variance is not necessitated as a result of any action or inaction of the applicant.

Findings. The determination can be made that standards 1 through 4 and 6 and 7 are met. The ZBA should discuss those findings and determine if they agree with the determinations. The ZBA should determine if standard 5 is met. The following was provided for information and discussion.

Standard #1 - *Granting the variance will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.*

MET. The public interest will be met because the use is allowed by right in the district, the proposal is consistent with the Master Plan and the maximum height of the buildings is significantly less than the maximum of 35 feet allowed. Required setbacks will be met. Plus, the nonconforming parcel is much wider to the north and the narrow portion is between a gas station and more apartments.

Standard #2 – *Granting the variance shall not permit the establishment within a district of any use, which is prohibited, nor shall any use variances be granted.*

MET.

Standard #3 – *That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.*

MET. The practical difficulties or reasons that result from the conditions of the property that warrant a right to waive the ordinance requirement are related to the following:

1. Relative to the lot width, the 12.33 acre parcel is nonconforming due to width to depth ratio; however, the property widens considerably to the north where a majority of the apartments will be located.
2. Relative to the addition half story, the existing site is impacted by a floodplain and having 3 stories on a smaller footprint is better than having to fill a larger footprint. Further, the tallest buildings, even with the three stories, will be well below the maximum mean height of 35 feet.

Standard #4 – *That the granting of such variances will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.*

MET. The adjacent parcel to the west contain a gas station and the parcel to the east contains other apartments. Further, the mean height of the tallest buildings will be 30.5 feet, much less than the mean height of 35 feet allowed in the ordinance.

Standard #5 – *That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.*

The ZBA will have to determine if this standard is met. A point to consider is that the adjacent properties have the right to have buildings with a mean height of 35 feet and the proposal is for a mean height of 30.5 feet, significantly less than allowed.

Standard #6 – *That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance in Section 27.12.*

Appears to be met.

Standard #7 - *That the variance is not necessitated as a result of any action or inaction of the applicant.*

Appears to be met. The nonconforming parcel was created years ago (prior to 1981) and is impacted by a floodplain.

OPTION FOR MOTION

(The ZBA should determine if the standards of the ordinance have been met.)

Motion: To adopt the staff report as findings of fact and to _____ (approve or deny) variance (VAR1603) Heyboer Holdings, LLC, 5001 40th Ave., to have multiple family dwellings (apartments) with three stories, a variance of a half of a story from the maximum of two and a half stories allowed in Chapter 24, and for the parcel to have a 90 foot width, a variance of 60 feet from the minimum of 150 feet required in Chapter 24 footnote (g), in a (HDR) High Density Residential district, on a parcel of land described as P.P. # 70-14-13-200-030, located at 303 Baldwin St., Georgetown Township, Ottawa County, Michigan, based on the finding that the request _____ (meets or does not meet) the seven standards of the ordinance. (If applicable) Specifically, standards (_____ _____) have been _____ (met or not met) and the reasons are____.

Optional:
With the following conditions_____.