



Georgetown Charter Township

1515 Baldwin St., Jenison, MI 49428

Zoning Board of Appeals Meeting Agenda

September 28, 2016, 7:30 p.m.

1. Call To Order
2. Approval Of The Minutes
3. Public Hearings
 - 3.i. (VAR1604) David Luurtsema, 675 Jackson St., Is Requesting To Locate An Accessory Building In The Front Yard, A Variance From Sec. 3.4(A) Which States That Accessory Buildings And Uses Shall Not Be Erected In Any Front Or Required Side Yard And From Sec. 3.4(F) Which States In Residential Districts, A Detached Accessory Building Shall Be Located In The Rear Yard Or Non-Required Side Yard Of The Lot; In A (RR) Rural Residential District, On A Parcel Of Land Described As P.P. # 70-14-36-360-007, Located At 675 Jackson St., Georgetown Township, Ottawa County, Michigan.

Documents:

[SUBMITTAL MATERIAL.PDF](#)

- 3.i.i. Staff Report

Documents:

[\(VAR1604\) LUURTSEMA STAFF REPORT.PDF](#)

4. Other Business
5. Adjournment

PERMIT NUMBER: VAR1604

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: PHONE:
616-291-7934

APPLICANT NAME:
David Luurtsema

ADDRESS: CITY / STATE / ZIP:
675 Jackson St SW Grandville MI 49418

PROPERTY INFORMATION

COMPANY NAME: PHONE:
616-291-7934

OWNER / AGENT NAME: TITLE:
David Luurtsema

ADDRESS: CITY / STATE / ZIP:
675 Jackson St SW ✓ Grandville MI 49418

PARCEL NUMBER: ZONING DISTRICT:
70-14-36-360-007 ✓ RR

EXISTING USE:

REQUEST INFORMATION

STATE THE NATURE OF THE APPEAL, INTERPRETATION OR VARIANCE REQUEST:
Construct accessory Building in front yard

SECTION OF THE ORDINANCE RELATING TO THE REQUEST:

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 INFORMATION 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:
David Luurtsema 8-23-16

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) **Variations.** The Board of Appeals shall have the power to authorize, upon an appeal, specific variations 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?)*

It would . It will be better for
my Neighbors as They Look at the back of my
Property and if the Garage is put to the back of the
Property They will Look at it all the Time

- (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?)*

Yes

- (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 house is far off the Road and will be better
for all around if it is put in front of the house
Trees Blocking The Garage from the Road

(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.)*

It will be a nice Garage with Landscape around It
Put Trees in front so it will not be seen from the road

(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?)*

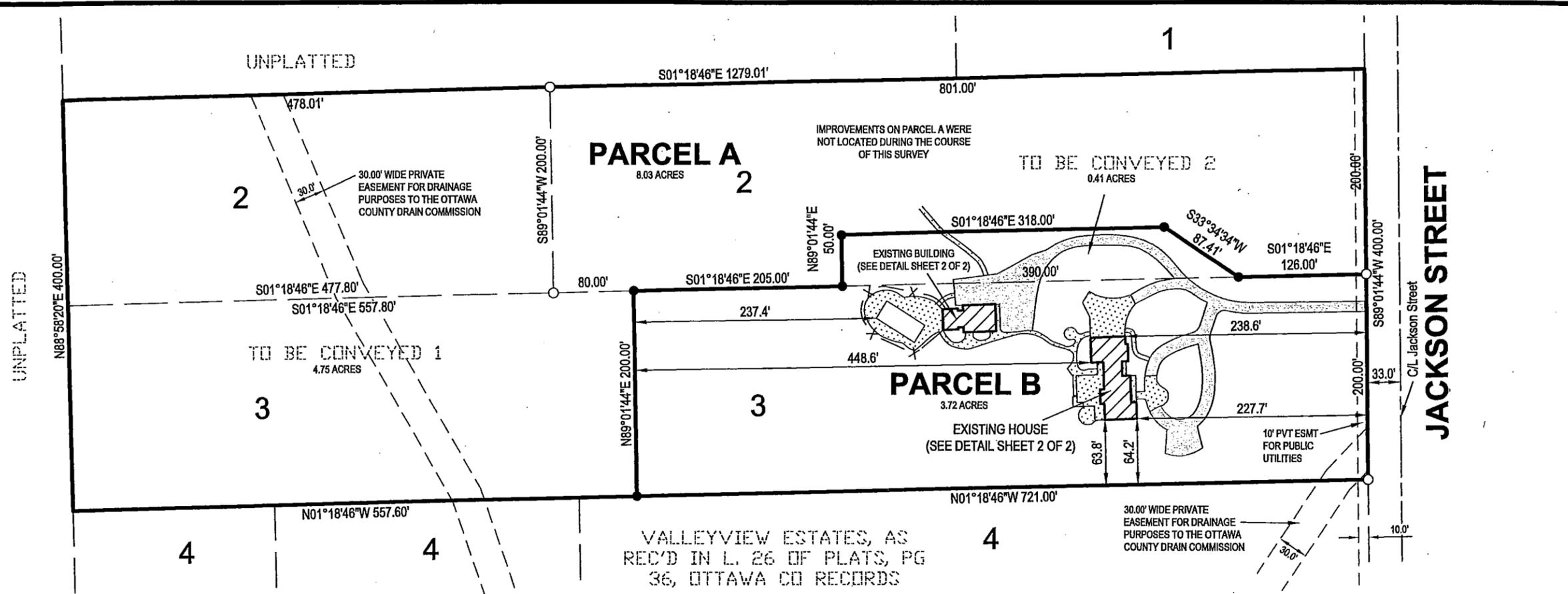
Other applicants were granted
Similar variance from ZBA for similar circumstances

(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 enlarged?)*

No

(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



PARTIAL DESCRIPTION

Part of Lots 2 and 3, Valleyview Estates, as recorded in Liber 26 of Plats on Page 36, Ottawa County Records, part of the Southwest 1/4, Section 36, Town 6 North, Range 13 West, Georgetown Township, Ottawa County Records.

(SEE SHEET 2 OF 2 FOR FULL DESCRIPTIONS)

LEGEND

- Iron - Set
- Iron - Found
- X — X — Fenceline
- [Stippled Box] Asphalt
- [Dotted Box] Concrete
- [Hatched Box] Building

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 47953



SCALE: 1" = 120' 0' 60' 120'

PREPARED FOR:
 Bill Luurtsema
 737 Jackson
 Grandville, MI 49418
 737 Jackson Street
 DRAWN BY: MEL DATE: 8-3-15
 REV. BY: CB REV. DATE: 9-23-15
 REV.: Centerline Dimension

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REQUEST

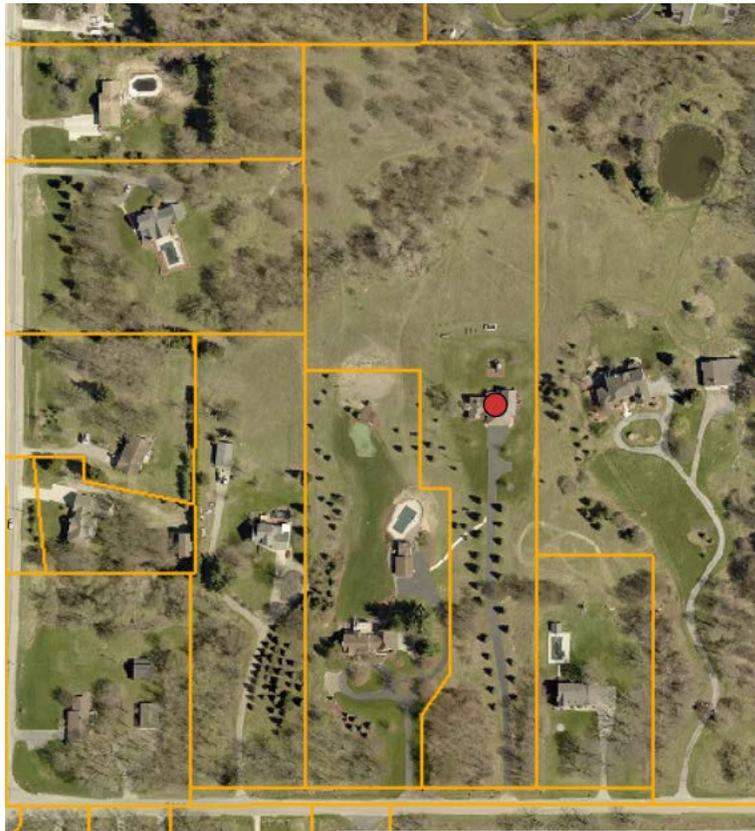
(VAR1604) David Luurtsema, 675 Jackson St., is requesting to locate an accessory building in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in a (RR) Rural Residential district, on a parcel of land described as P.P. # 70-14-36-360-007, located at 675 Jackson St., Georgetown Township, Ottawa County, Michigan.

The applicant is requesting to construct an accessory building in the front yard (in front of the house but not in the required front yard) and the ordinance only allows the accessory building to be in the rear or non-required side yard. The applicant is proposing to locate the accessory building at least 350 feet from the centerline of Jackson. The reason for the request is because the lot is heavily wooded, there are elevation changes on the rear of the site, and due to the fact that the value of the property for the owner and neighboring properties is the hilly wooded open space in the rear yard.

The parcel is 8 acres and Sec. 3.4(E)(4) allows an accessory building with a maximum area of 1,500 square feet. The applicant has indicated that the accessory building he intends to construct will be 1,500 square feet or less in area. The applicant has also indicated that the accessory building will be located a minimum of 350 feet from the centerline of Jackson St. and a minimum of 20 feet from the side lot lines, behind a grove of trees.

Therefore, the variance request is only to locate the accessory building in the front yard and the accessory building will comply with all other ordinance regulations.





DISCUSSION

In regard to allowing the accessory building in the front yard, the particular circumstances affecting this parcel are:

1. This is an 8 acre site with the house located about 650 feet from the centerline of Jackson.
2. The accessory building will be at least 350 feet from the centerline. Many trees exist between the house and the street. The house and the accessory building will not be visible from the street.



3. The site has elevation changes in the rear yard.
4. The value of the site is the hilly open space in the rear yard and this value is shared by the neighboring properties.

HISTORY

The ZBA has approved similar variance requests for accessory buildings to be located in the front yard (**note that ALL of these variances were granted for the accessory buildings to be located in the front yard, not the required front yard which encompasses the 40 foot front yard setback**) when the request meets the seven standards and the lot has particular elements, such as very large front yards and trees. **Plus, ALL the accessory buildings were proposed to be further back than the required front yard setback, helping to mitigate the waiver from ordinance requirements.**

1. At the May 27, 2015 meeting, the ZBA granted a variance for **(VAR1507) Raymond Statema**, 9687 Bend Dr., to locate an accessory building in the front yard, based on the finding that the request has unique circumstances related to the ravines and meets the seven standards of the ordinance as noted in the staff report, with the condition that the accessory building shall meet all other ordinance requirements, including size, height, location on the lot (other than it may be in the front yard) and shall be at least 700 feet from the road right-of-way line which will put it past the narrow part of the parcel.
2. At the August 27, 2014, the ZBA granted a variance for **(VAR1405) F. Dale Valkier**, 10078 Bend Dr., to locate an accessory building in the front yard because the 7 standards of the ordinance were met, including the unusual circumstances that the lot was large, heavily wooded and affected by a floodplain and ravines and elevation changes.
3. At the December 10, 2014 meeting, the ZBA granted a variance for **(VAR1407) Gary Troost**, 5461 Kenowa Ave., Grandville, to have one accessory buildings located in a front yard, because the lot is deep and is wooded, the house was built three/quarters of the way back on the lot, over 860 feet from the street and the rear yard has a lower elevation and a septic system and drain field.
4. At the August 28, 2013 meeting, the ZBA granted a variance for **(VAR1305) D. J. VanderSlick**, 4958 4th Ave., to have an accessory building in the front yard, because the standards of the ordinance were met and the building was a long way off the road and there were trees on the site.
5. At the June 26, 2013 meeting, the ZBA granted a variance for **(VAR1303) Steve Jongsma**, 1112 Parsons St., to have an accessory building in the front yard because of the unusual circumstances of the property such as a large lot, many trees and elevation changes.
6. At the September 26, 2012 meeting, the ZBA granted a variance for **(VAR1208) Michael Kooienga Builder**, 3984 Ivanrest, Grandville, to locate an accessory building in the front yard at 817 Parsons.

REVIEW – For locating the accessory building in the front yard.

The standards that have objectively been met are noted with an “X” in the “yes” column and the standards that have objectively not been met are noted with an “X” in the “no” column. Any standards left blank could not be objectively met or not met and therefore must be determined by the ZBA.

Variance ID		VAR1604	
Applicant		David Luurtsema	
Address		975 Jackson	
Request		accessory building in front yard	
Date		For September 23, 2015 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			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 ZBA should determine if standards 3 and 5 are met and if they concur with the review presented.

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

Appears to be met. The spirit of the ordinance is to regulate the size, height and location of buildings on the lot in order to provide for the orderly development of land and to set minimum standards to protect property values and prevent unsightly development. This is a rural area in nature with some large lots with acreage and heavy foliage. This site is over 8 acres. The proposal is for the accessory building to be located at least 350 feet from the centerline of Jackson and will not be visible from the road.

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.

The ZBA will have to determine if this standard is met. The unique circumstances that apply to this situation are related to the following:

1. The parcel is wooded and the accessory building will not be visible from the road.
2. The site has elevation changes in the rear yard.
3. The house was built over 600 feet from the road.
4. The accessory building will be over 350 feet from the road.

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.

Appears to be met. If located at least 350 feet from the road, the variance would be mitigated by the woods in the area and the distance from the street. At this location, it would not even be visible from the street. The accessory building will be located in the rear yard of the houses on the adjacent parcels and will not be visible from the house to the northeast.



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. The ZBA has granted variance under similar circumstances. In addition, many of the neighboring site actually have accessory buildings closer to the road than this house.

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.

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 action that necessitated the variance request to be located within the front yard appears to be the location of the house on the lot over 650 feet from the road, elevation changes, and mitigating woods.

OPTION FOR MOTION

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

Motion: To adopt the staff report as finding of fact and to _____ (approve or deny) variance (VAR1604) David Luurtsema, 675 Jackson St., to locate an accessory building in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in a (RR) Rural Residential district, on a parcel of land described as P.P. # 70-14-36-360-007, located at 675 Jackson 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 _____,

with the condition that the accessory building shall meet all other ordinance requirements, including size, height, location on the lot (other than it may be in the front yard) and shall be at least 350 feet from the centerline of Jackson.