

**CITY OF EAST GRAND RAPIDS ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

A public hearing will be held on the zoning variance application of Jeff and Allison Dykhouse for the property address of 944 Breton Road SE. The applicant has applied for a variance for the following:

- Accessory Building Setback (Chapter 50, Section 5.70A) - The applicant is requesting a variance to rebuild a detached garage with the same footprint and in the same location as the current detached garage. This garage would have a minimum 1.3' setback from the side (south) lot line where 3' is required.

The application and plans may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at www.eastgr.org/notices.

The Zoning Board of Appeals welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Zoning Board of Appeals at 750 Lakeside Drive SE, East Grand Rapids, MI 49506. To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at (616)940-4817, or jgianotti@eastgr.org.

Date: Wednesday, September 28, 2022
Time: 5:30 p.m.
Place: East Grand Rapids Community Center Commission Chambers
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Jay Gianotti, AICP
Zoning Administrator

Request for Zoning Ordinance Variance



City of East Grand Rapids

Date: 8/25/2022

Note to Applicant: Please pay careful attention to provide the necessary documents required and to answer the questions in this application as accurately and completely as possible. This will give you the best possibility of your application appearing on the earliest agenda for consideration by the Zoning Board of Appeals. The City reserves the right to delay or withhold a public hearing for a variance request that does not meet the standards of submission.

All requests for a zoning variance are subject to a public hearing. The applicant will be advised of the hearing date, time and location and is required to present a verbal summary of the request to the Zoning Board of Appeals (ZBA) prior to the public hearing. In addition, the City Services Office shall publish notice of the public hearing in a newspaper of general circulation in the local unit of government, as well as provide notice of the public hearing to all property owners within a 300 foot radius of the subject property not less than fifteen (15) days before the date the application will be considered for approval per the Michigan Zoning Enabling Act. Per Sec. 5.100 of the City Code, a concurring vote of majority of the members of the ZBA is required to approve a variance request.

A non-refundable filing fee of \$500.00 must accompany your application. A \$700.00 post construction fee is also required for retroactive variance requests.

Applicant Name: Jeff and Allison Dykhouse

Address: 944 Breton Rd Grand Rapids, MI 49506

Property Address (if different than above):

Daytime Phone: Jeff - (616) 813-4186 Allison - (616) 890-0777

Email: jeff.dykhouse@gmail.com, allison.dykhouse@gmail.com

Legal Description of Property*: Lot 4, John Paul's Addition to the City of East Grand Rapids

Permanent Parcel (Tax) Number: 41-14-34-303-005

Briefly state the requested variance (Citing the specific section(s) of the Zoning Ordinance from which you are seeking a variance) *:

Our existing detached garage is sinking and leaning to the left therefore needing to be replaced. We need to replace the existing garage and fix the foundation and rebuild a new garage with the same footprint. Our garage is not currently 3 feet from our property line. Section 5.70A(7)

*(Use Attachments if Necessary)

(Continue to second page)



Narrative Statement:

Sections 5.103(C) and 5.103(D) of the City Code provides criteria for variance review for dimensional and use variances, respectively. Review of these standards are based on competent material and substantial evidence. Please attach a narrative statement that, A) details your request, and B) addresses the appropriate standards of review.

Please note: variances are approved only when all of the relevant review criteria are met, and where there is a genuine practical difficulty or unnecessary hardship with the property. Variances are not to be granted solely to avoid compliance with the zoning ordinance or where there is another feasible option or use for your property. Please contact the Zoning Administrator if you have any questions.

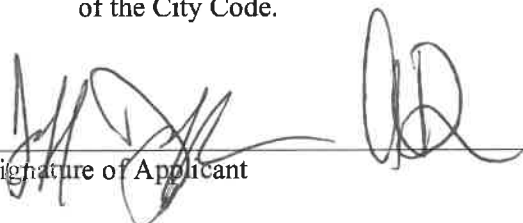
Other Required Materials:

Two (2) copies of a detailed, *scaled* site plan and elevation drawing showing the nature of the variance request, including, but not limited to: property boundaries, existing and proposed structures, the distance from the property lines of each existing building or structure and of each proposed building or structure, and height of all proposed structures. Please also show and label abutting street(s). Pictures may be attached with your application to better demonstrate your request. Additional information may be required by the Zoning Administrator.

By signing below, I acknowledge the following:

- I have reviewed all of the submission requirements and review standards for variances.
- The information submitted here is complete and accurate to the best of my knowledge.
- I permit any member of the ZBA and City Staff to enter onto my property for the purpose of considering this variance request. I further understand that ZBA members are not permitted to engage in any conversations during such site visits.
- The ZBA will only consider and vote on the specific request and site plan that is submitted with this application. Negotiations of this request during the meeting or public hearing are not permitted.
- The ZBA may attach reasonable conditions to an approved variance.
- If a variance is granted, substantial steps toward effecting the variance must be taken within twenty-four (24) months of approval, or the variance will become null and void per section 5.104 of the City Code.

 Signature of Applicant



 Signature of Property Owner
 (If Different from Applicant)

 Print Name

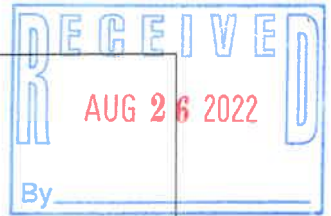
Jeff Dykhouse / Allison Dykhouse

 Print Name

City of East Grand Rapids – City Services
 750 Lakeside Dr. SE, East Grand Rapids, MI 49506
 Phone 616.940.4817 FAX 616.831-6121



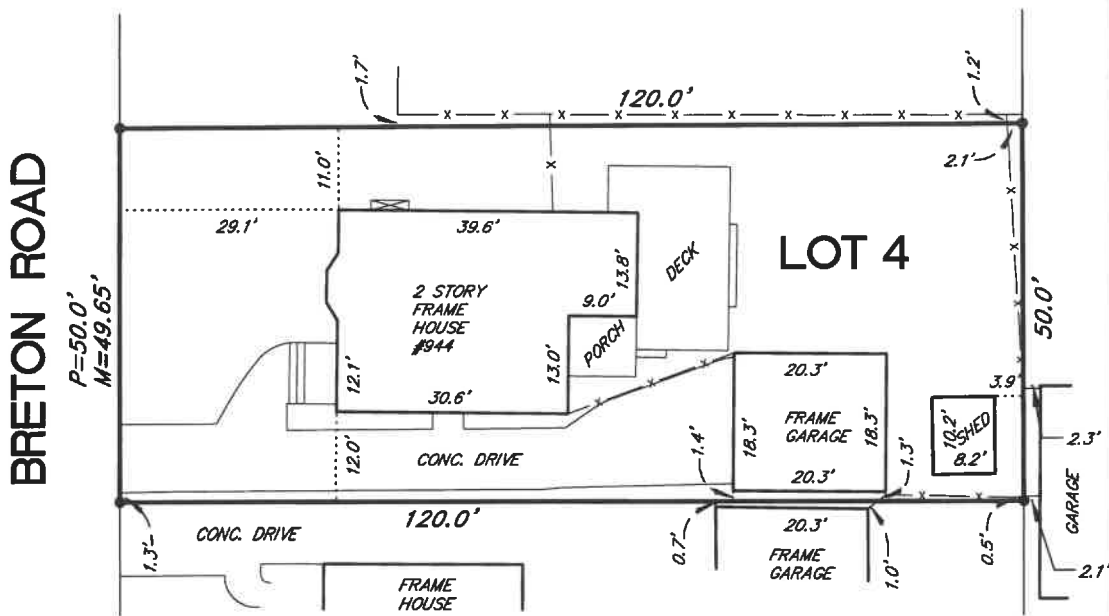
Project No. 220981
 Date: August 25, 2022
 For: Dykhouse, Allison
 944 Breton Rd
 E Grand Rapids, MI 49506



RE: Boundary survey



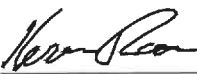
LEGAL DESCRIPTION

Lot 4, John Paul's Addition to the City of East Grand Rapids, Kent County, Michigan, according to the recorded plat thereof.



NOTE:
 A title insurance policy was not provided at the time of this survey. One should be obtained to compare for accuracy of legal description and easements of record.

I hereby certify that the buildings and Improvements are located entirely thereon and that said buildings and improvements are within the property lines and that there are no existing encroachments upon the lands and property described unless otherwise shown hereon.

<p>LEGEND</p> <ul style="list-style-type: none"> o - IRON STAKE - SET ● - IRON FOUND □ - WOOD STAKE R - RECORDED DIMENSION D - DEED DIMENSION P - PLATTED DIMENSION M - MEASURED DIMENSION CL - CENTERLINE x-x - FENCE LINE 	 <p>Roosien & Associates SURVEYING AND ENGINEERING</p> <p>5055 PLAINFIELD AVENUE, NE GRAND RAPIDS, MICHIGAN 49525 TELE. (616) 361-7220 FAX (616) 361-1822</p>		<p>BY </p>
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To Zoning Board of Appeals:

We are applying for a variance to zoning ordinance **5.70(A) (7)**: *A detached accessory building shall be located at least three feet from both side and rear lot lines.*

Our current detached garage needs to be completely replaced due to deteriorating structural and foundational components. The garage is sinking, so much so that the garage door track has to be adjusted every several years in order to operate correctly. The side boards are rotting and need to be replaced and the entire garage structure is leaning significantly to one side.

Our hope is to tear down the existing structure, because there are no significant components that are able to be saved or rebuilt. We would like to rebuild a new garage on the exact same footprint of the existing structure. Our garage is currently one foot and four inches from the side property line at the front of the garage and one foot and three inches from the side property line at the back of the garage.

We believe that this variance request meets the review criteria established by this zoning board in 5.103(C). Please see the relevant information below:

1. There are several factors that are peculiar to our property that we do not believe exist for a majority of the residential properties in East Grand Rapids. Our property has a single lane driveway that is adjacent to the neighboring driveway. The existing garage on our property and the garage on our neighbor's property were built with less than the three foot setback ordinance being met. In order to move our garage to meet the setback guidelines, it would require the removal of the deck and the fence that are near the front edge of the garage. The backyard on our lot is small and any loss of backyard space is a detriment to our children and our pets by the loss of overall, usable green space.
2. We did not build the existing garage, which currently does not meet the zoning ordinance for this type of structure. This structure was allowed to be built by a different party and we are hoping to replace the deteriorating building.
3. Our plan is to rebuild a new detached garage on the existing floor plan of the current garage. There will not be any detriment to the neighboring property because it will be exactly the same dimensions and placement as the existing structure. We do not believe that this project would be contrary to the spirit of the city zoning ordinances, since it will be no different from the current site plan that exists on the property.
4. We do not believe that this is applicable to our variance because we are not using neighboring lands.

Overall, we ask for the Zoning Board to approve this variance so that our family can rebuild a dilapidated structure that could become a danger to one that will improve the property value for us and our neighbors. We appreciate your time and consideration for this request.

Respectfully submitted,

Jeff and Allison Dykhouse

RECEIVED
AUG 26 2022
By _____



Cracking foundation



Cracking foundation



Rotting boards



Cracking foundation



Rotting boards



Leaning structure



Rotting boards



Location of fence and deck



Side by side garages