

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

A public hearing will be held at the date, time, and place below to consider an amendment to the zoning ordinance regarding the City's Zoning Board of Appeals (ZBA) (Sections 5.103A, 5.103B, and 5.104). The Planning Commission will discuss this amendment to clarify certain procedures of the ZBA, as well as clarify when approved variances may be terminated.

The Planning Commission may or may not make a recommendation to the City Commission at the conclusion of the public hearing. Final approval of the zoning ordinance amendment would be made by the City Commission. The proposed amendment 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 Planning Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Planning Commission 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: Tuesday, January 11, 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

AN ORDINANCE TO AMEND SECTIONS 5.103 (A) AND (B)
AND SECTION 5.104 OF CHAPTER 50
OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection A of Section 5.103 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

- A. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body or to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or to grant a variance to the Zoning Ordinance, except that a concurring vote of two-thirds of the members of the Zoning Board of Appeals shall be necessary to grant a variance from the uses of land permitted in this Chapter. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Director of Public Works. Such decision shall be binding upon the Director of Public Works and observed by him or her, and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. The decision of the Board shall be final.

Section 2. Subsection B of Section 5.103 is amended in its entirety to read as follows:

- B. The Board, after public hearing, shall have the power to decide applications, filed as hereafter provided, for variances:
- (1) Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Director of Public Works or other administrative officer in the carrying out or enforcement of the provisions of this Chapter;
 - (2) Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Chapter would involve practical difficulties (dimensional variance) or would cause unnecessary hardship (use variance); or
 - (3) Where there are practical difficulties (dimensional variance) or unnecessary hardship (use variance) in the way of carrying out the strict letter of this Chapter relating to the construction, structural changes in equipment, or

alterations of buildings or structures, or the use of land, building, or structures, so that the spirit of this Chapter shall be observed, public safety secured, and substantial justice done.

Section 3. Section 5.104 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

5.104 Time Limit on Variances and Termination of Variances.

Unless otherwise specifically provided by the Board as a condition of approval, any variance granted by the Zoning Board of Appeals shall automatically become null and void after a period of twenty-four (24) months from the date granted, unless the owner or his or her agent has demonstrated that substantial steps have been taken for effecting the variance.

If a building or structure, a part of which was constructed in reliance upon a variance granted by the City, is demolished, destroyed, or damaged to an extent of more than sixty percent (60%) of its replacement value, exclusive of the foundation, the variance which was previously granted for the building or structure is terminated. The property owner may apply for a new variance.

Section 4. This Ordinance shall be effective on _____, 2022.

Section 5. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5, of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

On _____, 2022, the East Grand Rapids City Commission adopted an Ordinance amending Sections 5.103 and 5.104 of the City Code dealing with variance standards and with time limits on and termination of variances. The amended Ordinance adds language clarifying different variance standards for dimensional and use variances and also adds language which terminates a variance that was previously granted to a structure if the structure is demolished, destroyed, or damaged to an extent of more than sixty percent of its replacement value. The full text of the Ordinance amendment is available for inspection by and distribution to the public at the Office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk