



# City of East Grand Rapids, Michigan

## CITY OF EAST GRAND RAPIDS NOTICE OF PUBLIC HEARING

A public hearing will be held on the zoning variance application of Brian and Elena Gill for the property address of 2760 Lake Drive SE. The applicant has applied for a zoning variance for the following:

- Pool Accessory Structure in Front Yard (Chapter 50, Section 5.70.A.8) - The applicant is requesting a variance to construct a pool accessory structure in the front yard 30 feet from the street right-of-way. Pool accessory structures must be in the rear yard, or in the side yard at least 60' from the street right of way.

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](http://www.eastgr.org/notices).

The City Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Mayor and City Commission at 750 Lakeside Drive SE, East Grand Rapids, MI 49506 or by email to the City Clerk at [kbrower@eastgr.org](mailto:kbrower@eastgr.org). 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 [amizikar@eastgr.org](mailto:amizikar@eastgr.org).

Date: Monday, March 18, 2019  
Time: 6:00 p.m.  
Place: East Grand Rapids Community Center Commission Chambers  
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Aleksander P. Mizikar  
Zoning Administrator

**PUBLIC WORKS DEPARTMENT – ENGINEERING DIVISION**

750 Lakeside Drive, SE • East Grand Rapids, Michigan 49506  
Telephone (616) 940-4817 Fax (616) 831-6121 [www.eastgr.org](http://www.eastgr.org)

Partners with





**VARIANCE  
2760 LAKE DRIVE, S.E.**



**Request for Zoning Ordinance Variance**

Date: February 8, 2019

*Note to Applicant: Please pay careful attention 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 action and for approval by the Board of Zoning Appeals.*

*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 requested to present a verbal summary of the request to the Board of Zoning Appeals 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 Zoning Board of Appeals is required to approve a variance request.*

**A non-refundable filing fee of \$250.00 must accompany your application. A \$700.00 post construction fee is also required for retroactive variance requests.**

Applicant Name: Brian and Elena Gill

Address: 2760 Lake Dr. SE

Property Address (if different than above):

N/A

Daytime Phone: (616) 264-4043

Legal Description of Property\*\*: \_\_\_\_\_

(Please refer to attachment.)

\*\* (Use Attachments if Necessary)

Permanent Parcel (Tax) Number: 41-14-34-378-038

**Briefly State the Requested Variance (Citing the specific section(s) of the Zoning Ordinance from which you are seeking a variance)\*\*:**

Chapter 50, § 5.70, ¶ A.8.6 of the City Code requires a 60' setback, in the side yard, for a pool building.

\*\* (Use Attachments if Necessary)

**Sec. 5.103(c) of the City Code provides criteria for variance review, which are based on competent material and substantial evidence. Please check all the items below which are applicable to your request for variance:**

- a. The request of variance is based upon conditions and circumstances on the attached sheet which are unique to your property and not generally applicable to others in your neighborhood.
- b. The situation which causes you to seek a variance does not result from any action of yours. (see next page)



## Narrative Statement

Brian and Elena Gill  
2760 Lake Dr. SE  
East Grand Rapids, MI 49506

This Narrative Statement forms part of our Request for Zoning Ordinance Variance filed on February 8, 2018.

Supporting attachments also include a 2017 survey, which gives the legal description for our property, and an updated drawing that specifies setbacks and other key distances and indicates proposed sites for our pool and out building. Roosien & Associates provided both of these documents.

### (a) What we wish to do with the property

We have signed an agreement with Fox Pools (the “Contractor”) for installation of a 20’ x 40’ in-ground pool this May. Both for practicality and aesthetics, it will be beneficial to house the equipment within an enclosure (a “detached building accessory to a swimming pool”).

In this regard, we are working with the Contractor’s architect on an integrated design that is not simply functional but creates a peaceful environment in harmony with the existing neighborhood. The prototype blueprint calls for a building of 240 square feet (24’ x 10’), with a height of 16’. Ideally, the pool equipment/out building will be located in a manner that enhances privacy on our busy street.

Our landscaper is ready to finalize a design around the out building once the placement is confirmed.

### (b) Why we need the variance

Chapter 50, Section 5.70, Paragraph A.8 of the City Code reads as follows:

“Except as otherwise provided in this subsection, accessory buildings shall be erected only in the rear yard.

- a. [inapplicable]
- b. **A detached building accessory to a swimming pool** that is constructed in accordance with the provisions of Chapter 82 of the city code **may be located in a side yard if it is** adjoining the pool and is **located at least 60 feet from any street right-of-way line.**” (emphasis added)

As shown in the attached survey, our house is pushed back on an irregular, roughly triangular parcel that narrows to the east, which is the area where the pool and adjacent structure need to be placed. This configuration, coupled with applicable provisions of the City Code, creates two practical challenges:

- (1) Strict enforcement of the 60-foot setback would push the out building to the very back of our property, in turn creating engineering complications – if it is possible to build there. Specifically:

- a. this is the area supported by retaining walls on the east and south sides (consequently, the fence runs short of the back and side property lines, further limiting the workable space); and
- b. distances for utilities connections (to the house for the natural gas required for the heater, and to Lake Drive for water drainage) would be multiplied.

(2) Due to the relatively deep setback of our house (nearly 40' from the front lot line), much of the area to the east is officially defined as our "front" yard.

In the absence of a variance, the out building would have a northerly orientation (again, if construction is possible), and leave sight lines into our pool from Lake Drive – one of the most heavily trafficked streets in East Grand Rapids. In 3D terms, our yard gently slopes down to the east, and then beyond our property, the terrain rises toward the Canepa tennis courts. Currently, pedestrians, bicyclists, and drivers on this stretch of Lake Drive easily see over our 6' fence. We hope to place the out building in a location that permits a southern exposure and enhances privacy.

**(c) The specific decision we seek**

Based on the particular characteristics of our property, we request the Board of Zoning Appeals to grant a variance from Chapter 50, Section 5.70, Paragraph A.8 of the City Code, thereby permitting the out building to be placed in our front yard, with a 30' setback (but still comfortably behind an existing fence).

**(d) The reason our project cannot be accomplished within the requirements of the zoning ordinance**

Our primary factual bases for seeking the variance are given in part (b) of this Narrative Statement. To summarize:

- Our property is neither square nor rectangular, which appear to be the most logical shapes for strict enforcement of the City Code.
- As a result of our irregularly shaped lot and orientation of the house on the property, the 60-foot setback requirement and definition of the "front" yard leave us without space to construct a suitable pool house. For lack of a variance, the out building either could not be constructed at all, or would need to be placed in a location that is sub-optimal from an engineering perspective and diminishes usability.
- Locating the out building behind the 60-foot setback or otherwise fully within our side yard would position the structure closer to our neighbors on the east and south.
- Residency on a busy through street creates exceptional needs to secure privacy for our pool area.
- We believe that a variance would be consistent with leniency granted to other East Grand Rapids property owners having similar circumstances.
- We note that issuance of a variance still will result in location of the pool house inside a conforming 6' fence.

We thank the Board of Zoning Appeals for due consideration of this application.

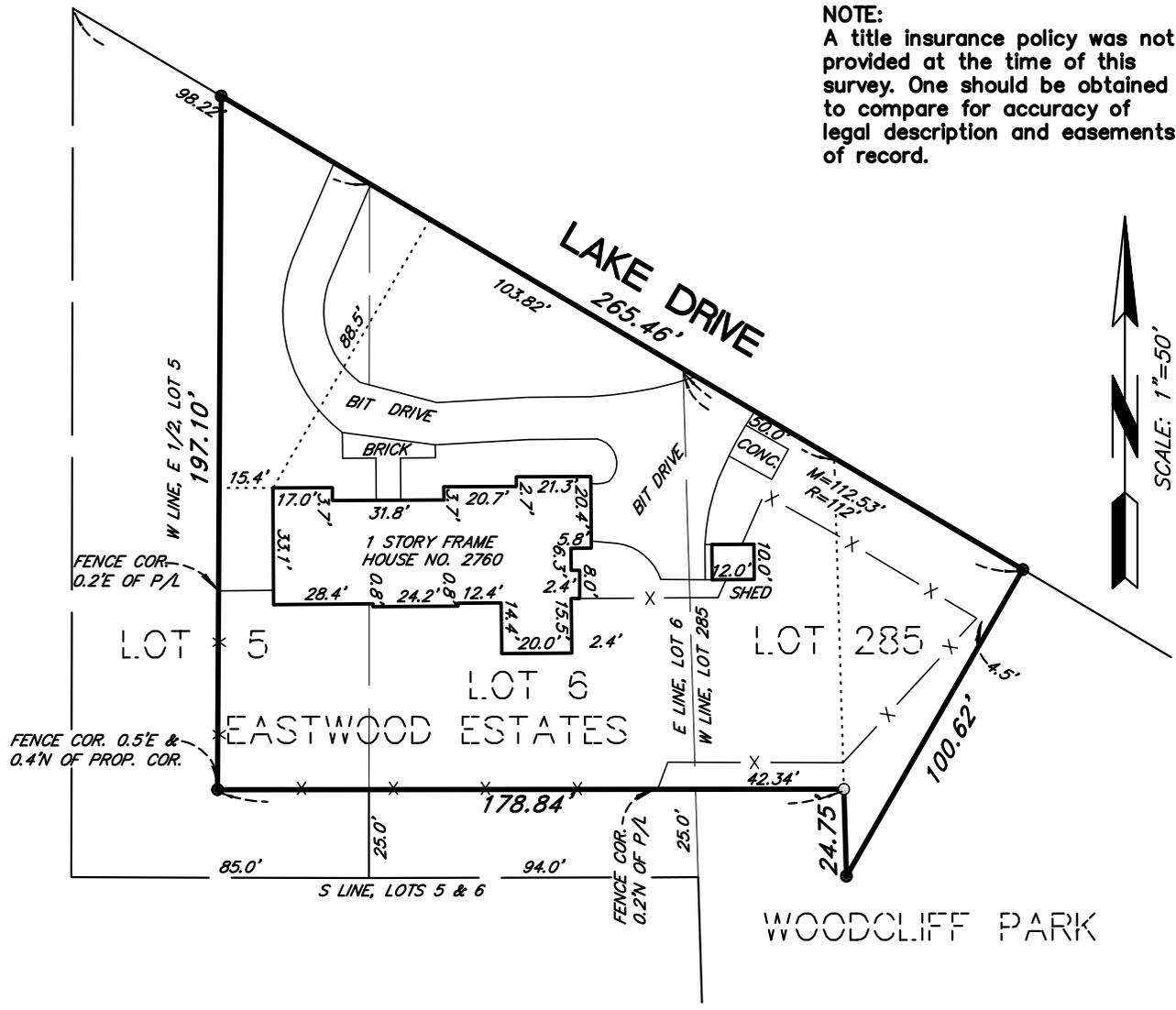
Project No. 170606  
 Date: May 13, 2017  
 For: Melissa Mitchell  
 Keller Williams – Rivertown  
 4301 Canal SW  
 Grandville, MI 49418

Prop. Address: 2760 Lake Dr SE

**LEGAL DESCRIPTION FROM TAX RECORDS**

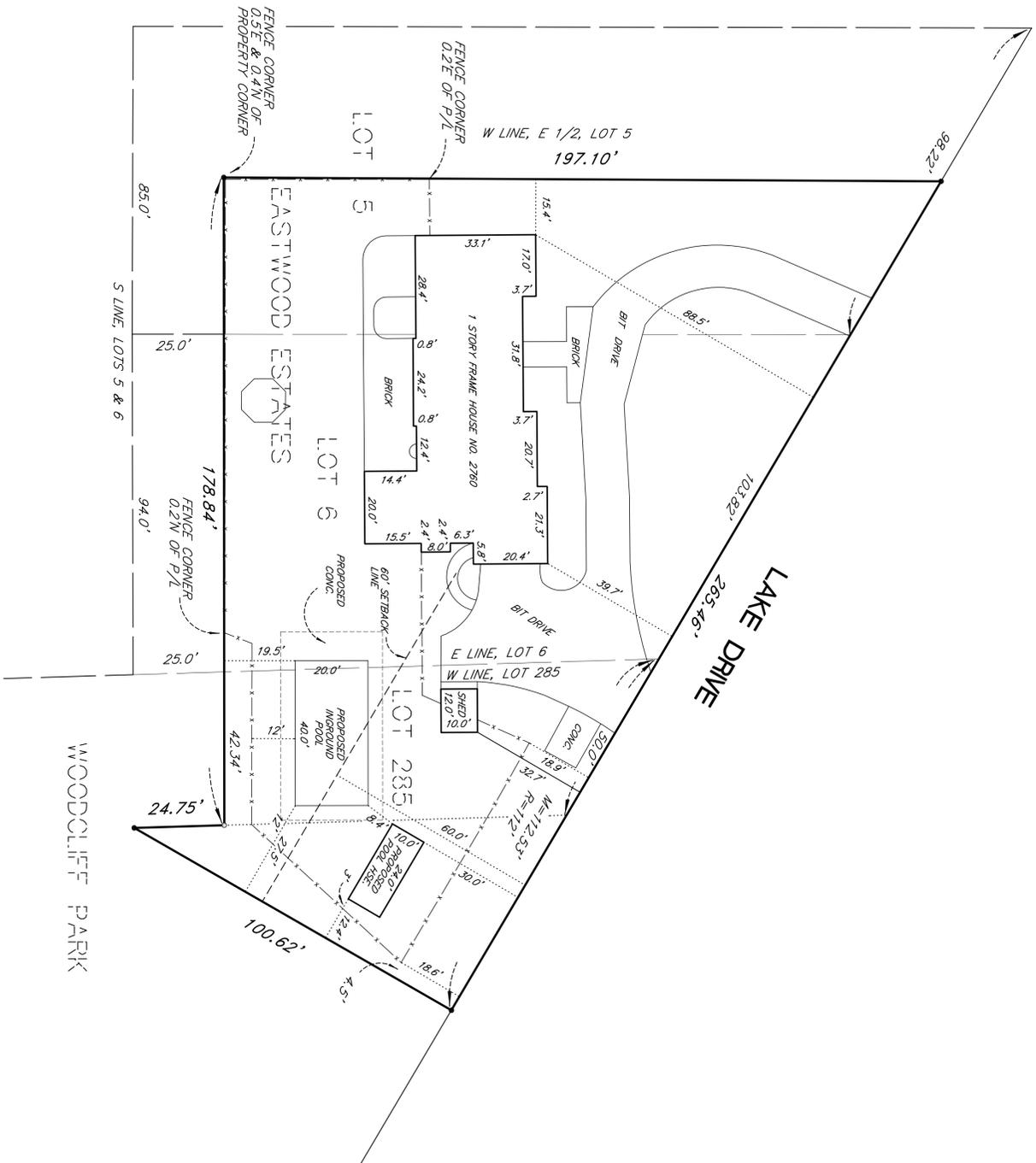
The East 1/2 of Lot 5, EXCEPT the South 25 feet, ALSO Lot 6, EXCEPT the South 25 feet, EASTWOOD ESTATES, City of East Grand Rapids, Kent County, Michigan, according to the recorded plat thereof, ALSO, part of Lot 285, WOODCLIFF PARK, City of East Grand Rapids, Kent County, Michigan, according to the recorded plat thereof, Commencing at a point 25 feet North, along the West line of said lot, from the intersection of the West line of said lot and the South line of Lot 6, said Eastwood Estates; thence North along the West line of said Lot 285 to the Southerly line of Lake Drive (66 feet wide); thence Southeasterly along said Southerly line, 112 feet; thence Southwesterly perpendicular to the Southerly line of said drive to a line which extends South, parallel with the West line of said Lot 285, from a point 50 feet Southerly along the Southerly line of said drive from the West line of said Lot 285; thence North along said extended line to the North line of the South 25 feet of Lot 6 of said Eastwood Estates, extended East; thence West to the Place of Beginning.

**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><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>o - IRON STAKE - SET</li> <li>● - IRON FOUND</li> <li>□ - WOOD STAKE</li> <li>R - RECORDED DIMENSION</li> <li>D - DEED DIMENSION</li> <li>P - PLATTED DIMENSION</li> <li>M - MEASURED DIMENSION</li> <li>⊙ - CENTERLINE</li> <li>x-x - FENCE LINE</li> </ul>	 <p><b>Roosien &amp; Associates</b>      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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**LEGAL DESCRIPTION FROM TAX RECORDS**  
 The East 1/2 of Lot 5, EXCEPT the South 25 feet, ALSO Lot 6, EXCEPT the South 25 feet, EASTWOOD ESTATES, City of East Grand Rapids, Kent County, Michigan, recorded in the recorded plat thereof, ALSO, part of Lot 285, WOODCLIFF PARK, City of East Grand Rapids, Kent County, Michigan, recorded in the recorded plat thereof. Commencing at a point 25 feet North, along the West line of said lot, from the intersection of the West line of said lot and the South line of Lot 6, said Eastwood Estates; thence North along the West line of said Lot 285 to the Southern line of Lake Drive (66 feet wide); thence Southeast along said Southern line, 112 feet; thence Southwesterly perpendicular to the Southern line of said drive to a line which extends South, parallel with the West line of said Lot 285, from a point 50 feet South along the Southern line of said drive from the West line of said Lot 285; thence North along said extended line to the North line of the South 25 feet of Lot 6 of said Eastwood Estates, extended East; thence West to the Place of Beginning.

**NOTE:**  
 A title insurance policy was not obtained for this survey. One should be obtained to compare for accuracy of legal description and assessments of record.

**EXISTING GREEN SPACE CALCULATIONS**  
 28,891 SQ. FT. EXISTING PARCEL  
 20,983 SQ. FT. GREEN SPACE  
 8,268 SQ. FT. IMPERVIOUS SURFACE  
 20,583 / 28,891 = 0.71  
 0.71 \* 100 = 71% GREEN SPACE

**PROPOSED GREEN SPACE CALCULATIONS**  
 18,887 SQ. FT. PROPOSED ADDITIONAL IMPERVIOUS  
 18,887 / 28,891 = 0.65  
 0.65 \* 100 = 65% GREEN SPACE PROPOSED



CLIENT: <b>BRIAN GILL</b> 2760 LAKE DRIVE, SE EAST GRAND RAPIDS, MI 49506 (616) 264-4043	PROJECT NO. 190107	SHEET 1 OF 1	<b>BOUNDARY SURVEY OF</b> <b>2760 LAKE DRIVE, SE</b> CITY OF EAST GRAND RAPIDS KENT COUNTY, MICHIGAN	 5055 PLAINFIELD AVE. NE GRAND RAPIDS, MI 49525 TELE. (616) 361-7220 FAX (616) 361-1822		DRAWN BY: WG	REVISIONS:
						APPROVED BY: KR	
						DATE: FEBRUARY 13, 2019	
						REVISIONS: FEBRUARY 18, 2019	