



# City of East Grand Rapids, Michigan

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## CITY OF EAST GRAND RAPIDS NOTICE OF PUBLIC HEARING

A public hearing will be held on the fence variance application of Diego Rojas and Lindsay Snyder for the property address of 2645 Hall Street SE. The applicant has applied for a fence variance for the following:

- 8' Fence in Rear Yard (Chapter 83, Section 8.61.A) - The applicant is requesting a fence variance to construct an 8' fence in their rear yard where the maximum height allowed is 6'.

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, July 15, 2019

Time: 6:00 p.m.

Place: East Grand Rapids Community Center Commission Chambers  
750 Lakeside Drive SE, East Grand Rapids, MI 49506

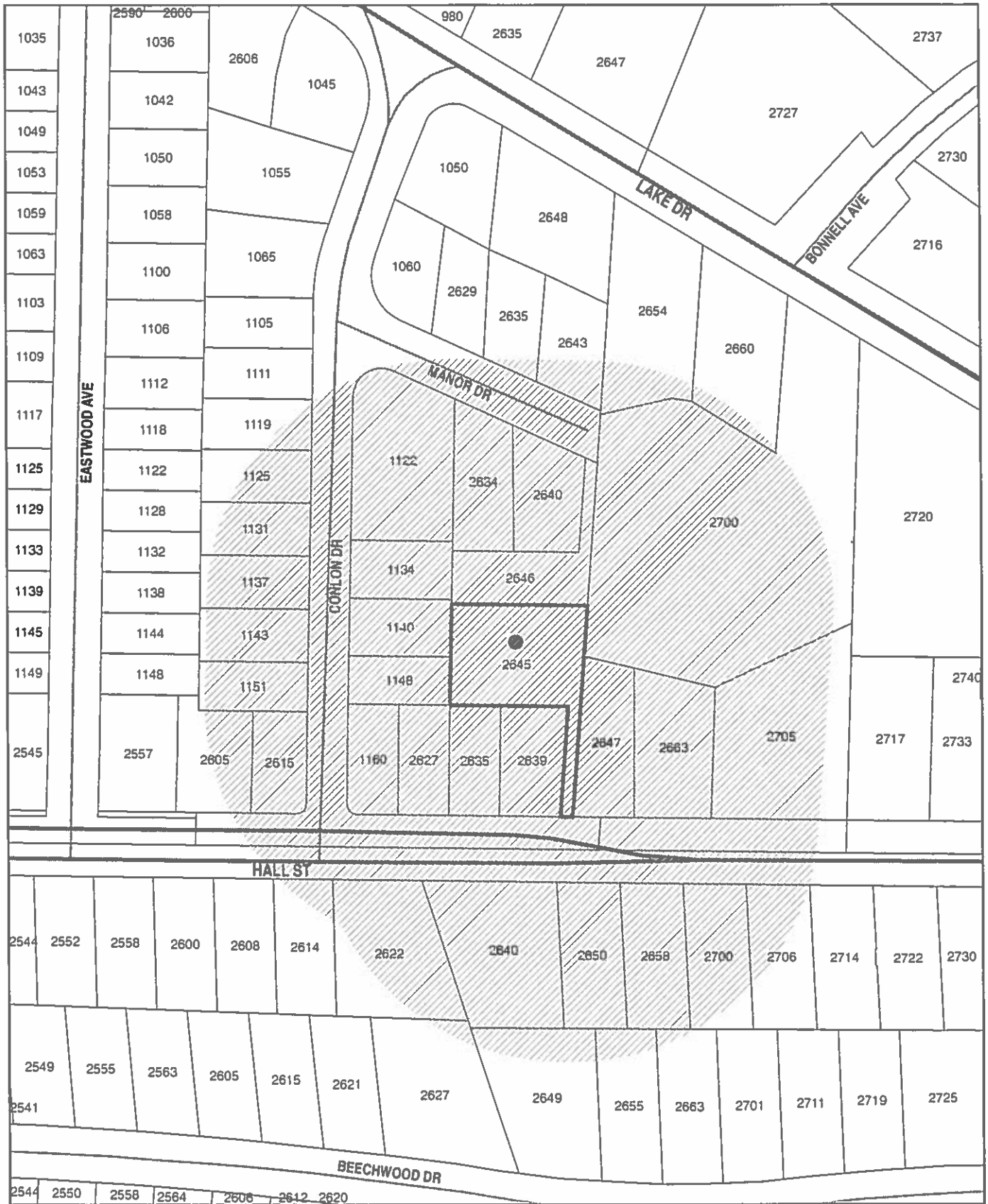
Aleksander P. Mizikar  
Zoning Administrator

## 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  
2465 HALL STREET, S.E.**

**Request for Zoning Ordinance Variance**



Date: June 13, 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.*

**The City Commission will only vote on your specific request and site plan. Your request will not be negotiated at the public hearing. It is the applicant's responsibility to supply adequate information to justify their request and to answer the required sections of the Zoning Ordinance.**

**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:** Diego J. Rojas & Lindsay J. Snyder

**Address:** 2645 Hall St. SE, East Grand Rapids, MI 49506

**Property Address (if different than above):**  
\_\_\_\_\_

**Daytime Phone:** 240-432-8811

**Legal Description of Property\*\*:** LOTS 23 & 24 ALSO W 1/2 OF THAT PART OF VACATED MAY LANE ADJ THERETO ON THE E ALSO W 12 FT OF E 1/2 OF THAT PART OF VACATED MAY LANE LYING S OF N LINE OF SD LOT 24 EXT E & LYING N OF N LINE OF HALL ST \* LAKE DRIVE MANOR ADD

\*\**(Use Attachments if Necessary)*

**Permanent Parcel (Tax) Number:** 41-14-34-377-008

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

Section 8.61(A) under Article I of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids, restricting side/rear yard fencing to six (6) feet, by permitting a variance of an additional two (2) feet of fence height to a total of eight (8) feet.

\*\**(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)
- c. A grant of the variance would do substantial justice to you as well as to other property owners and will not be of substantial detriment to neighboring properties.
- d. Compliance with the Zoning Ordinance would unreasonably prevent you from using the property or would be unnecessarily burdensome.

**Narrative Statement:**

*Please attach a narrative statement that answers the following:*

- a. What you wish to do with the property.
- b. Why you need the variance.
- c. The specific decision you seek.
- d. The reason your project cannot be accomplished within the requirements of the zoning ordinance.

**Site Plan:** See attached.

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, height of all proposed structures, and show and label abutting street(s). *Additional information may be required by the Zoning Administrator.*

*The Board of Zoning Appeals may attach conditions to the granting of a variance.*

*Please be advised that substantial steps toward effecting the variance must be taken within twenty-four (24) months of approval of a variance, or the variance will become null and void per section 5.104 of the City Code.*



\_\_\_\_\_  
Signature of Applicant

**Diego J. Rojas**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Property Owner  
(If Different from Applicant)

\_\_\_\_\_  
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

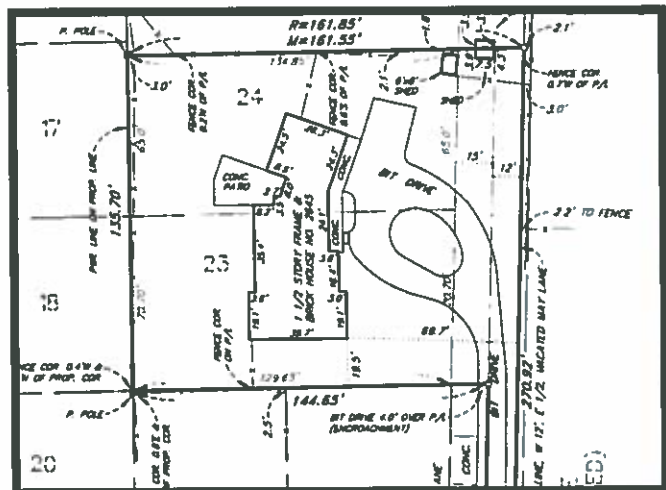
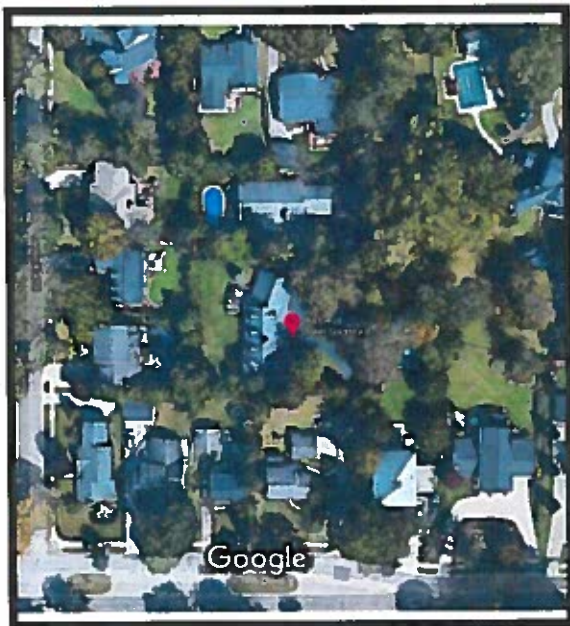


NARRATIVE STATEMENT IN SUPPORT OF REQUEST FOR ZONING ORDINANCE VARIANCE

Diego J. Rojas and Lindsay J. Snyder, owners of a residence located at 2645 Hall St. SE, East Grand Rapids, Michigan respectfully request a variance from Section 8.61 “Requirement and Restrictions” Sub-section (A), under Article I of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids, for an additional two (2) feet of elevation for a total of eight (8) feet of elevation along approximately one-hundred thirty (130) feet of replacement fencing along our east lot, shared with Scott and Susan Richardson, who reside at 2646 Manor Dr. SE. Mr. and Mrs. Richardson concur and join in our request. Under Section (L) the City Commission may, for good cause, authorize exception from fence ordinance.

**Background**

Our home includes one hundred sixty-one (161) feet of property shared with the Richardson family along our north property line. Attached is a survey of our home and property lines (Exhibit A – Property Survey). As indicated in said survey, both homes are interior lots. A Google Earth view shows the position of our homes with respect to the surrounding properties.



Presently there exists a six (6) foot wooden fence along a large portion of the property line. The fence line is located in a natural depression between the two raised properties. Additionally, the Richardson’s home has a fifty (50) foot raised deck along the fence line. As such, the existing

fence provides little privacy between the two homes, especially in the fall/winter and early spring. Below is a recent photograph of the existing fence, depression and the Richardson home.



### Variance Request

The Rojas/Snyder family respectfully requests a variance from the existing fence ordinance, permitting the installation two (2) additional feet of fence height. In total, we request permission to install one hundred thirty (130) feet of wooden fencing along the property line. Said fence will include a gate, at the north-east side for access between our two homes.

As previously indicated, there are factors that support the need for an eight (8) foot fence. First, the Richardson home is on a small interior lot, in close proximity to the lot line and has a fifty (50) foot elevated wooden deck along the fence line. As seen in the above picture, a standard fence provides little privacy for the Richardson family. Moreover, the property line exists on a depression between the two lots that further reduced the effect of the existing fencing. Moreover, during the fall/winter and early spring, there is a clear line-of-sight between the two properties, including interior spaces within the home. The Rojas/Richardson family will note that the location of each home, topography between the two lots and existing fencing pre-dated the purchase of each home and the need for the variance is not a result of either parties actions. Granting the variance request would substantially increase the privacy between the respective homes and will not be any deterrent to any neighboring properties. In fact, the fence line would not impact any lot, including lots 16 or 17 as indicated in the survey. The beginning of the eight (8)

foot fencing would start approximately 30 feet past the north-east corner lot. Moreover, D. Scott Richardson has executed the attached affidavit (Exhibit B) concurring with and joining in the request for said variance. Finally, alternatives to erecting an eight (8) foot fence have been explored but would result in unreasonable costs associated with raising the naturally depressed topography, which would include new drainage and considerable costs (an existing drain was installed within the last few years to remove stagnant water from the north-east property, with the permission of the City).

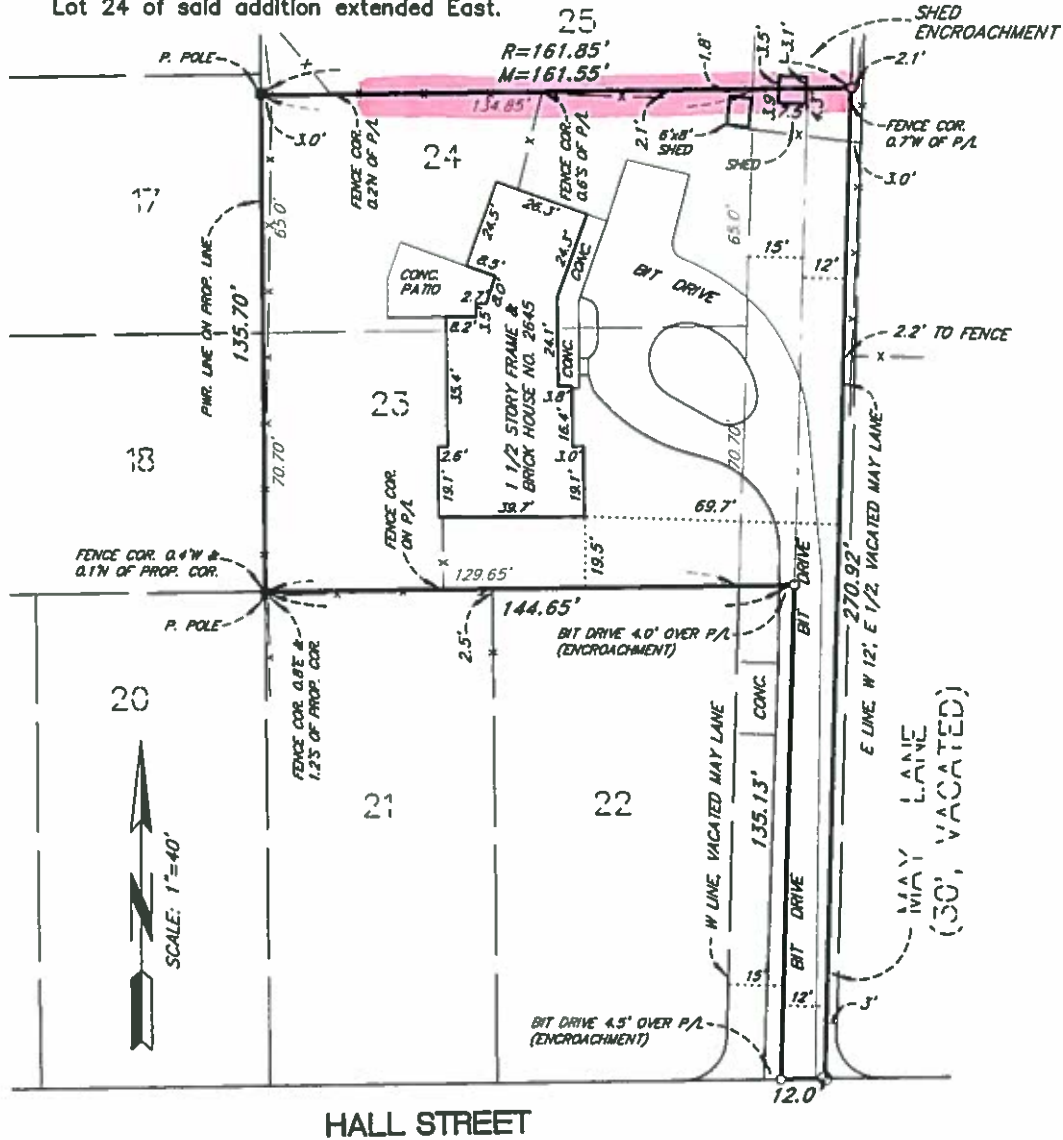
In summary, this Request for Zoning Ordinance Variance is made in good faith, with good cause and with the express consent of our neighbors the Richardson family. Granting this request would not impact neighboring properties, any known rights-of-way, and would permit privacy between the two homes. As such we ask that a variance be granted for the replacement of the existing fencing with an eight (8) foot wooden fence.

Project No. 150685  
 Date: June 18, 2015  
 For: Brad Ditmar  
 Keller Williams  
 630 Kenmoor SE, Suite 101  
 Grand Rapids, MI 49546

RE: Diego Rojas & Lindsay Snyder  
 Prop. Address: 2645 Hall St SE

LEGAL DESCRIPTION

Lots 23 and 24, Lake Drive Manor Addition, City of East Grand Rapids, Kent County, Michigan, according to the recorded plat thereof, as recorded in Liber 31 of Plats, Page 29, Kent County Records AND that part of the West 1/2 of vacated May Lane bounded by the North line of Lot 22 extended East and the North line of Lot 24 extended East, AND that part of the West 12 feet of East 1/2 of vacated May Lane in Lake Drive Manor Addition, bounded on the South by the North line of Hall Street, and bounded on the North by the North line of Lot 24 of said addition extended East.



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>○ - 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>STATE OF MICHIGAN</p> <p>KEVIN ROOSIEN        LAND SURVEYOR        No. 31604</p> <p>PROFESSIONAL SURVEYOR</p>	<p>BY <i>Kevin Roosien</i></p>
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Project No. 150685

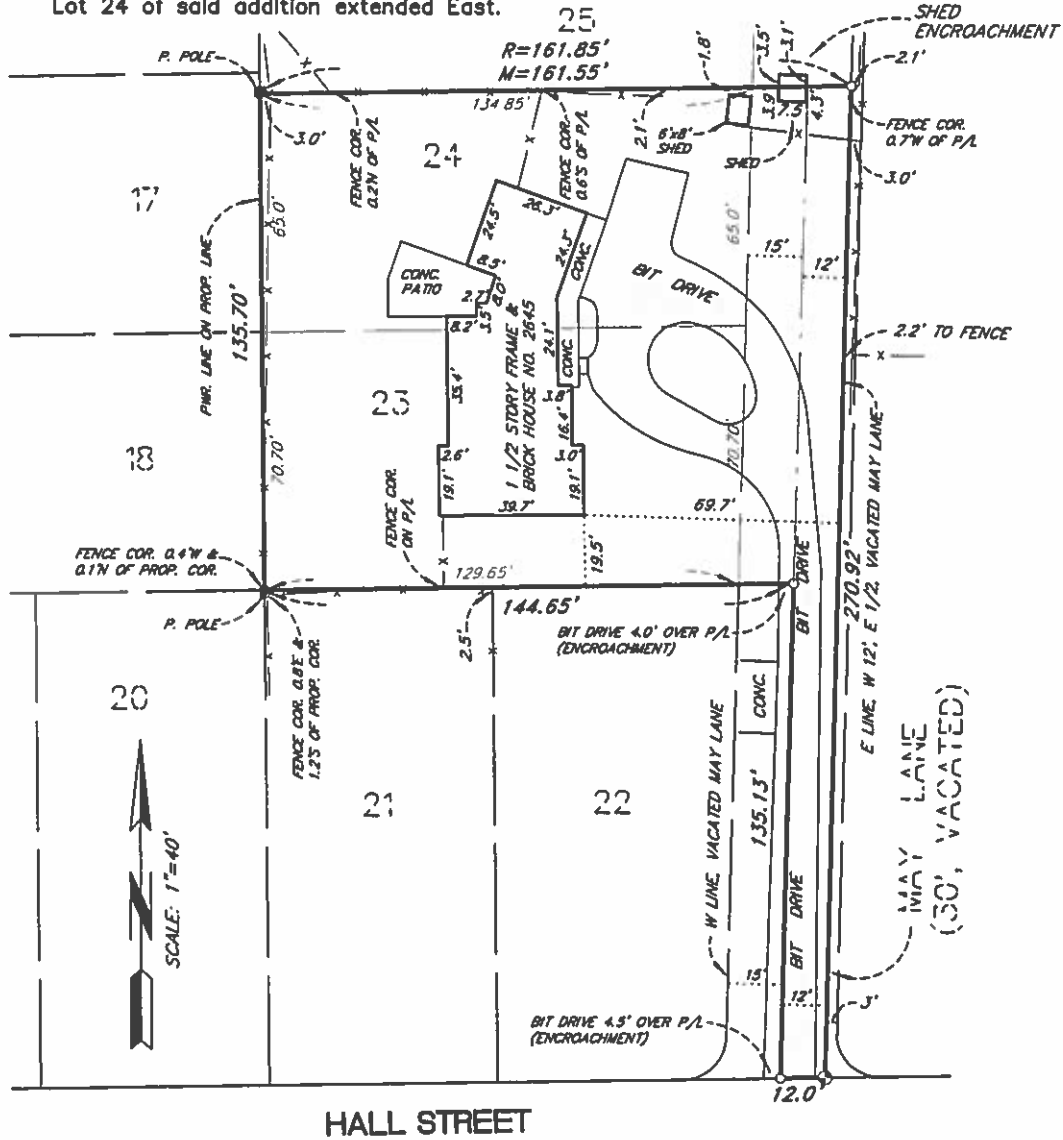
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AFFIDAVIT OF DONALD SCOTT RICHARDSON

STATE OF MICHIGAN )  
                                      ) SS.  
COUNTY OF Kent        )

I Donald Scott Richardson, being first duly sworn, depose and state as follows:


1. I am the owner of a residence located at 2646 Manor Dr. SE, Grand Rapids, MI 49506 and have been since October 2005.
2. Our home parcel number is 41-14-34-377-007.
3. The legal description of my property is:

“LOT 25 ALSO W 1/2 OF THAT PART OF VACATED MAY LANE ADJ THERETO ON THE E ALSO W 12 FT OF E 1/2 OF THAT PART OF VACATED MAY LANE LYING N OF S LINE OF SD LOT 25 EXT E & LYING S OF N LINE OF LOT 26 OF SD PLAT EXT E LAKE DRIVE MANOR ADD”
4. Our property shares a fence line, along our South property line, with our neighbors, Diego Rojas and Lindsay Snyder, who reside at 2645 Hall St. SE, Grand Rapids, MI 49506.
5. There is an existing fence that pre-dates our purchase of the property in October 2005.
6. I join in the Rojas/Snyder Request for Zoning Ordinance Variance (hereinafter “variance request”), to permit the installation of approximately 130’ of 8’ wooden fencing between our two properties.
7. Granting the 8’ variance would permit reasonable privacy between our two homes, as our rear-yard area includes a pre-existing elevated wood deck that runs approximately 50’ along our property line.
8. Moreover, the location of the existing fencing is in an area of natural elevation depression between the two properties. As such, a standard 6’ fence provides little privacy.
9. Granting the variance request would not disrupt or create any detriment to any neighboring properties.
10. The need for the variance request is unique to our properties based on the topography and the structure of our home.
11. I understand that the variance request is subject to a public hearing. I anticipate that I will be unavailable for said hearing. As such, I request that this affidavit be submitted in furtherance of and as my consent to grating said variance request.

AFFIDAVIT OF DONALD SCOTT RICHARDSON


Therefore, I ask that the East Grand Rapids Board of Zoning Appeals grant the requested fence variance and permit the installation of an 8' fence between our two properties, and/or any additional relief deemed just.

Further deponent sayeth not:

  
\_\_\_\_\_  
Donald Scott Richardson

  
Susan J. Richardson 6/13/19

Subscribed and sworn to before me this  
13<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Notary Public  
Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My Commission Expires: 11-27-2019