A public hearing will be held on the fence variance application of Roger and LuAnne Bleiler for the property address of 443 Cambridge Blvd. The applicant has applied for a fence variance for the following:

- 6' Privacy Fence in Secondary Front Yard (Chapter 83, Section 8.61.B) - The applicant is requesting a fence variance to construct a 6' privacy fence in the Briarwood Ave. secondary front yard side of their property. As this is a “through-lot”, the property has two front yards, meaning that a fence can be no taller than 48” and must be at least 50% see-through.

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 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. 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.

Date: Monday, July 20, 2020
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
Request for Zoning Ordinance Variance

Date: Friday, June 12, 2020

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: Roger and LuAnne Bleiler

Address: 443 Cambridge Blvd SE, East Grand Rapids, MI 49506

Property Address (if different than above):

Daytime Phone: 616 446 5351 (Roger) or 616 340 7157 (LuAnne)

Legal Description of Property**: Lot 35, Cambridge Addition, Village (now City) of East Grand Rapids
Kent County, Michigan, as recorded in Liber 23 of Plats, page 22

**(Use Attachments if Necessary)

Permanent Parcel (Tax) Number: 41-14-33-104-007

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

Section 1, Article 1 of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids—

Article 1—GENERAL FENCE REQUIREMENTS, regarding fence height restriction.

**(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:

X 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:

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

ROGER BLEILER

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
Request for Fence Variance at 443 Carrington Blvd SE

Attached is a drawing of a proposed fence at 443 Carrington Blvd SE. The “back yard” enclosed by the fence is considered a “front yard” because it is a through-lot to Briarwood. We are asking for a variance to allow us to replace the existing six-foot fence with a new six-foot fence on the same footprint, and add a fence section along the North lot line. We have submitted a fence permit application and have discussed the need for a fence variance with Alek Mizikar, EGR Zoning Administrator.

*What we wish to do with the property*—fully enclose our backyard to keep pets and grandchildren safe from street traffic on Briarwood.

*Why we need the variance*—code requires a four-foot non-private fence along Briarwood—existing fence is a six-foot privacy fence, and we would like to replace with the same height fence, and it will also tie into the six-foot fence along the south lot line (which will not be replaced).

*The decision we seek* is to allow for a six-foot fence along the west lot line to match the six-foot fence currently on the north and south lot lines.

*The reason our project cannot be accomplished within the general fence requirements of the zoning ordinance* is outlined below:

- The intent of the East Grand Rapids General Fence Requirements is to “create openness and clear vision within the City’s neighborhoods so that pedestrians and vehicles can safely proceed on sidewalks and streets without views of other pedestrians and vehicles being blocked by a fence.”
  - The fence we are proposing replaces and improves the existing dilapidated fence (see images)—same footprint and same height. The fence will not impede vision or safety of pedestrians because there is no sidewalk on the east side of Briarwood (where this fence will run).
- Variance Standard A—Applicant must demonstrate a variance is needed due to a practical difficulty on the site or unique condition that is more than mere inconvenience.
  - The existing fence is in general disrepair and has several pieces missing. There are also several small holes and gaps greater than 6” under the fence that animals can freely get in or out. We need to fix these problems with a new fence.
- Variance Standard B—A variance is warranted due to circumstances exceptional and peculiar to the property for which the variance is requested, and those conditions do not exist generally throughout the city.
- The east side of Briarwood is mostly lined with six-foot fences from Lake Drive to Wealthy. The properties that have shorter fences are mostly lined with landscaping and trees for privacy. This is unique in the city in that, although these are through lots, they are also backyards.
  - Variance Standard C—The variance will not be a hazard to either clear vision or overall safety and will be harmonious with the surrounding environment.
  - The existing fence must be replaced because it is falling down in places. The new fence is a carriage house type fence similar to many other fences in East Grand Rapids. It is an aesthetic and material quality improvement, which complies with the general fence code.
  - Variance Standard D—If applicable, a variance would significantly bring a nonconforming fence closer to conformity.
  - The proposed fence is of higher quality and more aesthetically pleasing than the existing fence—replacing a broken fence would significantly bring the fence closer to conformity.
  - Variance Standard E—The variance will not be contrary to the purpose and intent of the regulations being considered for the variance.
  - The proposed fence will not be contrary to the purpose and intent of these regulations—see first bullet point.

We ask the City Commission to consider our variance request and seek approval.

Sincerely,

Roger and LuAnne Bleiler
Black fence stays as is (neighbor's fence). Yellow fence is new.

VARIANCE NEEDED

Lot is 70' by 128'.
NE Corner stake is 8" from sidewalk.
New fence portions shown in white

Fence replaces existing fence
**6X6 EVERTON - WHITE**

- 6 in. tongue & groove boards
- 2-1/4 in. x 7 in. top & bottom rails
- 14 day lead time - Vendor #73428

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<tr>
<td>E 5in. x 5in. x 96in. Corner Post - White (FF)</td>
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<td>701366</td>
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<tr>
<td>H 5in. x 5in. Contemporary Post Top - White</td>
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<tr>
<td>I 4 oz. Tube Vinyl Adhesive</td>
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*Required support for gate posts and strength for hardware connections.

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**Gate Hardware**

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<td>EZ Grip Gate Handle - Black</td>
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**ACCESSORIES:**

Post top styles and accessories see page 90-91.
For additional Boerboel® gate hardware see page 92-95.

† Wrap hinges, latch plate and gate stop included with gate kit.

Vendor #73428  
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To Contact a Barrette Outdoor Living/Freedom® Specialist Call 888-418-4400 • Fax 440-891-5265