

PETITION FOR NONUSE VARIANCE

HOLLAND CHARTER TOWNSHIP ZONING BOARD OF APPEALS

353 North 120th Avenue · Holland, MI 49424 · Phone: 616.395.0151 · www.hct.holland.mi.us

To the Petitioner: A nonuse variance (also known as a dimensional variance) is a variance granted upon showing of "practical difficulty" created by a dimensional requirement in a zoning ordinance. If granted, the variance is a license to violate the zoning law. Dimensional variances typically involve setbacks, height limitations, bulk, lot area and other numerical standards in an ordinance.

The Michigan Courts have set standards to be used when considering nonuse variances. These standards require the petitioner to demonstrate a "practical difficulty" unique to the property - not the petitioner - in order to qualify.

Please print or type:

Applicant's Name: _____ Phone: _____

Applicant's Address: _____ E-mail: _____

Property Address: _____

Parcel Number: 70 - 16 - _____ - _____ - _____ Zoning: _____

Owner's Name: _____ Phone: _____

Owner's Address: _____ E-mail: _____

Ordinance Section Number(s) Relative To This Appeal: _____

Provide a Brief Description of Your Request: _____

Standards for Granting of Variance. No variance in the provisions or requirements of this ordinance (Zoning Ordinance) shall be authorized by the Zoning Board of Appeals unless it is found from the evidence that all the following conditions exist:

1. That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:
 - a. Exceptional narrowness of the width or depth of a lot of record, or an irregular shape.
 - b. Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.
 - c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.
 - d. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.
2. That the unusual circumstances do not apply to most other lots of record in the same manner or to the same extent to other lots of record in the same zoning district.
3. That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.
5. That the applicant shall not have created the problem for which the variance is being sought.
6. That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.

Describe how this petition meets all of the above conditions (attach additional sheets as necessary):

1. The overall property is relatively narrow and the proposed split/flag lot will allow for possible future land consolidation for the buyer of the flag lot, as well maintaining the proper frontage along Riley Street. Without the variance, it is difficult to split the property without doing a full development at this time.
2. Most R-1 zoned properties have more frontage and/or less depth. This situation is unique based on the dimensions of the property and the surrounding properties/owners involved.
3. Granting the variance allows the property owner (Mr. Kraal) to sell the flag lot to a neighbor.
4. Granting the variance is not a detriment to adjacent properties, as it does not change the acceptable use of the property.
5. The applicant has owned the property for a long time and did not create the lot width/depth ratio requirement.
6. The variance is not contrary to public interest as it allows the property to be sold, while leaving open options for possible future development of the area. And it provides adequate frontage for an R-1 property along Riley Street.

A filing fee of \$400.00 must be submitted along with nine (9) complete copies of: this form, related documentation, and the site plan including an electronic copy of the site plan on CD or other file sharing device. This petition must be submitted as least four (4) weeks before the scheduled hearing date. Incomplete applications will not be scheduled for a hearing.

You or your authorized agent must be present at the hearing to present your petition. You will be notified as to the date and time. Your neighbors within 300 feet will also be notified concerning your hearing.

Property Owners Certification

I hereby certify that I am the owner of the above-described property and have authorized the applicant to seek this variance on my behalf. I further understand that conditions and restrictions may be placed upon this property by the Holland Township Zoning Board of appeals and hereby agree to conform to and abide by any and all such conditions.

I further agree and authorize representatives from Holland Charter Township to enter my property in order to review the particulars of my request.

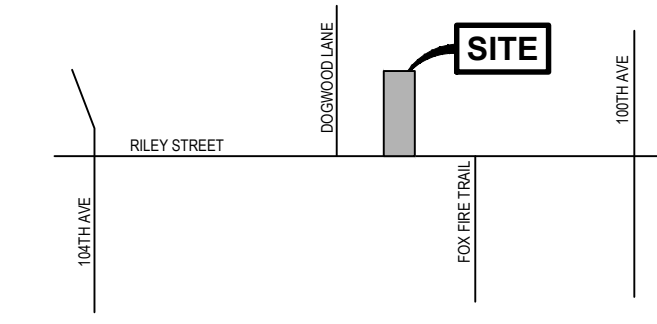
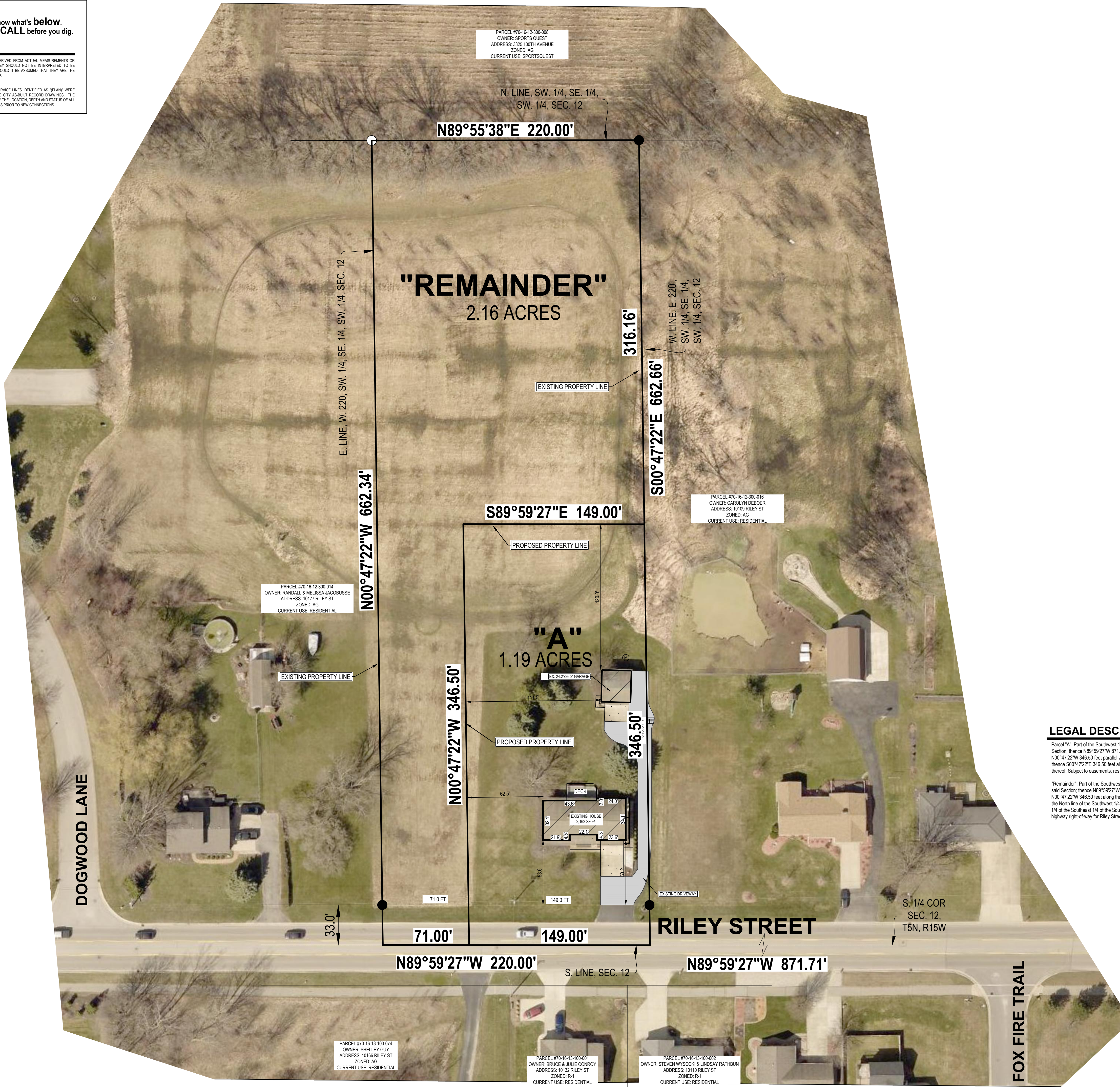
Property Owner's Signature: Thomas A. Krue Date: 12/18/24

OFFICE USE ONLY:

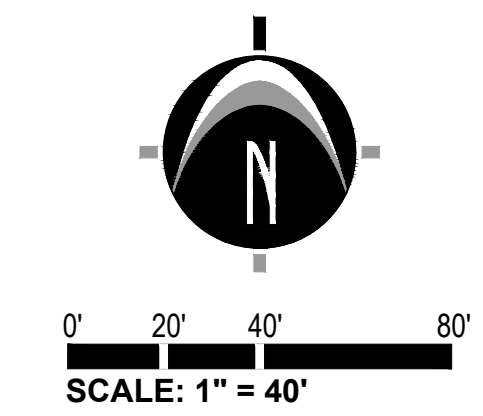


UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "TRAMP" WERE OBTAINED FROM AVAILABLE CITY AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO ANY CONNECTIONS.



LOCATION MAP
NOT TO SCALE



GENERAL NOTES

- EXISTING ZONING OF PROPERTY: AG - AGRICULTURAL
 AG ZONING REQUIREMENTS
 MINIMUM LOT AREA = 5 ACRES
 MINIMUM LOT WIDTH = 325 FT
 MAXIMUM ALLOWED BUILDING HEIGHT = 35 FT
 MAXIMUM ALLOWED BUILDING COVERAGE = 50% (FOR SINGLE FAMILY RESIDENTIAL)
 MINIMUM ALLOWED BUILDING SETBACKS:
 FRONT YARD = 50 FT (FOR SINGLE FAMILY RESIDENTIAL)
 SIDE YARD = 25 FT (FOR SINGLE FAMILY RESIDENTIAL)
 REAR YARD = 50 FT (FOR SINGLE FAMILY RESIDENTIAL)
 PROPOSED ZONING OF PROPERTY: R-1 RESIDENTIAL
 RR ZONING REQUIREMENTS
 MINIMUM LOT AREA = 10,500 SF (FOR SINGLE FAMILY RESIDENTIAL)
 MINIMUM LOT WIDTH = 70 FT
 MAXIMUM ALLOWED BUILDING HEIGHT = 35 FT
 MAXIMUM ALLOWED IMPERVIOUS COVERAGE = 50% (FOR SINGLE FAMILY RESIDENTIAL)
 MINIMUM ALLOWED BUILDING SETBACKS:
 FRONT YARD = 35 FT (FOR SINGLE FAMILY RESIDENTIAL)
 SIDE YARD = 7 FT (FOR SINGLE FAMILY RESIDENTIAL)
 REAR YARD = 35 FT (FOR SINGLE FAMILY RESIDENTIAL)
- SUMMARY OF LAND USE:
 A) TOTAL ACREAGE = 3.35 ACRES (APPROXIMATELY 146,033 SF INCLUDING ROAD R.O.W.)
 = 3.18 ACRES (APPROXIMATELY 138,489 SF EXCLUDING ROAD R.O.W.)
 B) THE PROPERTY WILL CONTINUE TO BE USED AS RESIDENTIAL.
 C) ZONING OF SURROUNDING PARCELS TO EAST, WEST, NORTH, AND SOUTHWEST = AG TO SOUTHEAST = R-1
- THIS PROJECT IS NOT IN THE 100 YEAR FLOOD PLAIN, BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS.
- THE PERMANENT PARCEL NUMBER FOR THE PARCEL IS 70-16-12-300-015.
 THE PARCEL ADDRESS IS 10135 RILEY STREET.

LEGAL DESCRIPTIONS

Parcel "A": Part of the Southwest 1/4 of Section 12, Town 5 North, Range 15 West, Holland Township, Ottawa County, Michigan, described as commencing at the South 1/4 corner of said Section; thence N89°59'27"W 871.71 feet along the South line of said Section to the Point of Beginning; thence continuing N89°59'27"W 149.00 feet along said South line; thence N00°47'22"W 346.50 feet parallel with the West line of the East 200 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section; thence S89°59'27"E 149.00 feet; thence S00°47'22"E 346.50 feet along said West line to the Point of Beginning. Contains 1.19 acres. Subject to highway right-of-way for Riley Street over the Southern most 33.00 feet thereof. Subject to assessments, restrictions and rights-of-way of record.

"Remainder": Part of the Southwest 1/4 of Section 12, Town 5 North, Range 15 West, Holland Township, Ottawa County, Michigan, described as commencing at the South 1/4 corner of said Section; thence N89°59'27"W 1020.71 feet along the South line of said Section to the Point of Beginning; thence continuing N89°59'27"W 71.00 feet along said South line; thence N00°47'22"W 346.50 feet along the East line of the West 200 feet of the Southwest 1/4 of the Southeast 1/4 of said Section; thence N89°59'27"E 220.00 feet along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section; thence S00°47'22"E 316.15 feet along the West line of the East 200 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section; thence N89°59'27"W 149.00 feet; thence S00°47'22"E 346.50 feet to the Point of Beginning. Contains 2.16 acres. Subject to highway right-of-way for Riley Street over the Southern most 33.00 feet thereof.

OVERALL PROPERTY DESCRIPTION:

The following described premises situated in the Township of Holland, County of Ottawa, State of Michigan:
 The East 220 feet of the West 440 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 12, Town 5 North, Range 15 West, Township of Holland, County of Ottawa, State of Michigan.
 (Warranty Deed, Document No. 2020-0029697, dated July 22, 2020, Ottawa County Register of Deeds)

NEDERVELD
 www.nederveld.com
 800.222.1868
GRAND RAPIDS
 217 Granite Ave., Suite 302
 Grand Rapids, MI 49503
 Phone: 616.575.5190
 ANN ARBOR
 CHICAGO
 COLUMBUS
 HOLLAND
 INDIANAPOLIS
 ST. LOUIS

PREPARED FOR:
 Thomas Kraal
 10135 Riley Street
 Holland, MI 49464
 Phone: 616.218.6309

REVISIONS:

Title	Drawn: SW	Checked: SW	Date
Title: Rezone Plan			11/01/24
Title: Rezone Plan			11/04/24
Title: Adjusted Lot Split Concept			11/26/24
Title: Variance Submittal			12/18/24

10135 Riley St. - Variance
Land Division Plan
 10135 Riley Street
 PART OF THE SOUTHWEST 1/4 OF SECTION 12, T5N, R15W,
 HOLLAND TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STAMP:

PROJECT NO:
 21201686
SHEET NO:
Split
SHEET: 1 OF 1