



**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: Agora Flats, Inc. Attn: Stephanie Hoekstra Phone: (616) 786-0999

Applicant's Address: 3977 Tall Grass East Court E-mail: info@agorafats.org
Holland, MI 49424

Property Address: 160 +/- 104th Avenue

Parcel Number: 70 - 16 - ~~3536~~ - 300 - 015 Zoning: R-2A Conditional

Owner's Name: Ridge Point Community Church Attn: Scott Potter Phone: (616) 395-2600

Owner's Address: 340 - 104th Avenue E-mail: scott@fearlessfollower.org
Holland, MI 49423

Ordinance Section Number(s) Relative To This Appeal: Sec 9.7A

Provide a Brief Description of Your Request: Request approval to have a multifamily residential
development with principal means of ingress and egress to 104th Avenue which is not a
Primary County Road as classified by the Ottawa County Road Commission.

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):

See attached narrative

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:  Date: 12-29-24

OFFICE USE ONLY:

Agora Flats – Variance Narrative

- Variance requested from zoning ordinance Sec 9.7A
“R-2A requirements for multi-family dwellings; the principal means of ingress and egress to the site is from a street classified as a primary road by the Ottawa County Road Commission.”
- Primary assumption is that this ordinance provision is intended to help prevent significant traffic increases on non-primary county roadways due to large scale High Density Multifamily Developments.
- Agora Flats is a Christian non-profit ministry whose goal is to provide affordable self-sustaining housing for individuals with disabilities. (see brochure)
- A conditional rezoning to R-2A has been approved by the Holland Township Planning Commission. (see attached conditions)
- Agora Flats is working with Ridge Point Community Church to achieve the goal of bringing this much needed housing opportunity to the community.

Variance Standards

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 condition 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 characteristic of land or lot of record.

This property is unique in several ways:

- *Abuts US I-196 for 1,035 lin.ft.*
- *Triangular in shape*
- *Long narrow access feature to 104th avenue*
- *Existing wetlands in the southerly portion of the property.*

The above conditions result in a relatively small buildable area, 5.2 acres of the total 7.23 acres of property. The highway adjacency makes traditional single family development impractical.

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.

The unique and unusual circumstances are not found in other R-2A zoned parcels within the Township.

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.

Agora Flats being a non-profit organization seeks to provide specific housing to an underserved segment of the population. Financial sustainability is key to the success of the project but financial gain is not a factor in this variance request.

4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.

The conditional zoning limits the number of units to 50 where the maximum allowed under the R-2A zoning would be $7.05 \text{ ac} \times 10.89 \text{ units/acre} = 77 \text{ units}$. The relatively small size of the property and the imposed conditions will limit the traffic generation onto 104th Avenue.

Due to the fact that most residents with disabilities will not be driving, the amount of traffic generated will be further reduced.

104th Avenue has several other existing uses which tend to reduce the traffic volumes during normal peak hours. (Ridge Point Community Church, Immanuel Church, Cortland Holland, and Large Flood plain area)

5. That the applicant shall not have created the problem for which the variance is being sought.

The size, shape and proximity of the parcel to the highway was not created by the applicant.

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.

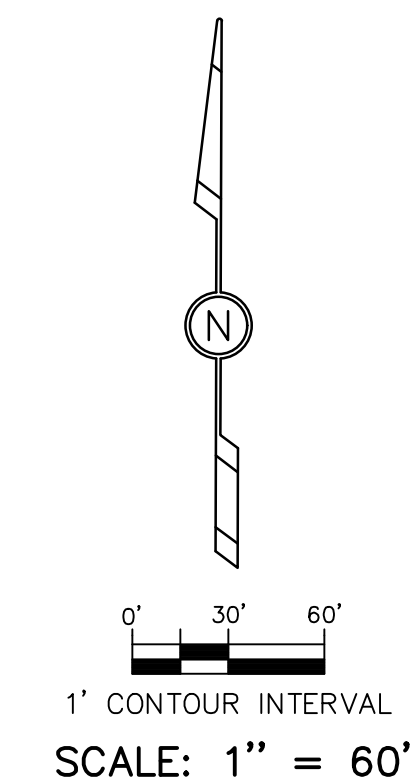
Considering the limitations of the property and the imposed conditions of the zoning. The spirit and intent of the ordinance is being observed in that traffic generated by the proposed development will not negatively impact the existing roadway capacity.



LEGAL DESCRIPTION: PP#70-16-36-300-015 (11.68 AC.)
 PART OF SW 1/4 COM N 01D 16M 34S W 1020 FT FROM SW SEC COR, TH N 01D 16N 34S W 300.83 FT, N 89D 54M 29S E 1071.46 FT, SW'LY 1278.94 FT ALG A 11356.16 FT RAD CURVE TO RT (CHD BEARS S 36D 45M 04S W 1276.27 FT), N 01D 16M 34S W 726.66 FT, TH S 88D 43M 26S W 285 FT TO BEG. SEC 36 T5N R15W

Description of Area to be rezoned:
 Part of the SW 1/4, Section 36, T5N, R15W, Holland Township, Ottawa County, Michigan, described as: Commencing at the SW corner of Section 36; thence N01°16'34"W 1020.00 feet along the West line of said SW 1/4 to the PLACE OF BEGINNING of this description; thence N01°16'34"W 235.00 feet along said West line; thence N88°43'26"E 100.00 feet; thence S01°16'34"E 136.28 feet to the South line of the North 200.00 feet of the South 1/2 of said SW 1/4 (by perpendicular measurement); thence N89°54'29"E 831.22 feet along said South line to the Westerly line of Highway I-196; thence Southwesterly 1035.04 feet along said Westerly line on a 11,356.16 foot radius curve to the right, the chord of which bears S37°21'41"W 1034.68 feet; thence N01°16'34"W 726.66 feet; thence S88°43'26"W 285.00 feet to the Place of Beginning.

- GENERAL NOTES:**
- CURRENT AGRICULTURAL DISTRICT (AG) ZONING
 - R-2A ZONING REQUIREMENTS:
 MIN WIDTH: 80'
 FRONT: 35'
 SIDE: 20'
 REAR: 25'



REZONE MAP
AGORA FLATS
 FOR: AGORA FLATS
 ATTN: STEPHANIE HOEKSTRA
 3977 TALL GRASS EAST COURT
 HOLLAND MI, 49424
 PART OF THE SW 1/4, SECTION 36, T5N, R15W, HOLLAND TOWNSHIP, OTTAWA COUNTY, MICHIGAN

DATE	REVISION	BY	FILE NO.:	241054E	DATE:	4/29/2024
------	----------	----	-----------	---------	-------	-----------

exxel engineering, inc.
 planners • engineers • surveyors
 5252 Clyde Park, S.W. • Grand Rapids, MI 49509
 Phone: (616) 531-3660 www.exxelengineering.com

DRAWN BY: CJK	PROJ. ENG.: TRS	SHEET 1 of 1
APPROVED BY: TRS	PROJ. SURV.:	

I:\FS01P\Public\Projects\2024\1054\Drawings\241054-F.dwg, REZONE, 12/23/2024, 12:26:28 PM, cjkovell



LOCATION MAP
1" = 200'-0"

SITE PLAN
1" = 60'-0"

Conceptual Study For:

AGORA
AFLATS
Holland, MI

A100
Site Plan

09.23.24	Owner Review
10.25.24	Owner Review
11.11.24	Owner Review

EV
CONSTRUCTION

excel engineering, inc.
planners • engineers • surveyors

IAS INTERACTIVE STUDIO
Architecture + Interior Design

NOT FOR CONSTRUCTION



Conceptual Study For:

AGORA
AFLA+
Holland, MI

A300

Plan|Exterior Study

09.23.24	Owner Review
10.25.24	Owner Review
11.11.24	Owner Review



CONSTRUCTION
excel engineering, inc.
Quality • Integrity • Support

IAS INTERACTIVE STUDIO
Architecture + Interior Design

NOT FOR CONSTRUCTION

Agora Flats/Ridge Point Community Church

Conditional R2-A Rezoning

Proposed Conditions:

1. The 7.05 acre rezoning parcel will be created through a lot line adjustment after rezoning approval.
2. Any buildings within the future development will be restricted to 2 stories and 35 feet max height.
3. The total number of dwelling units will be restricted to 50 for the entire development.
4. A PUD or zoning variance will be sought after rezoning approval to allow for a multi-family development on a non-County Primary Roadway.