

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: Montell Construction Phone: 616-805-4966

Applicant's Address: 8181 Broadmoor Ave SE E-mail: cmcnew@montellconstru
Caledonia, MI 49316 cmcnew@montellconstruction.com

Property Address: 3862 Bent Pine DR

Parcel Number: 70 - 16 - 07 - 115 - 001 Zoning: _____

Owner's Name: Patick Gryzen Phone: 616-886-7204

Owner's Address: 3862 Bent Pine Dr E-mail: peteybooboo22@gmail.c
Holland, MI 49424

Ordinance Section Number(s) Relative To This Appeal: R-2 Moderate Density Zoning District

Provide a Brief Description of Your Request: Zoning variance regarding side set back to allow
an existing 10'x8' deck to be rebuilt with the same footprint.

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):

Because this home is built on a corner lot, the normal north side setback had to be increased.
Thus, the south side setback without the deck is barely compliant. The home to the south
has a setback almost double in distance because it is not bound by the additional corner lot
setback. Additionally, there is an existing patio door leading to this deck which would no
longer be usable. If it helps with approval a set of steps could be added to the deck for
additional egress.

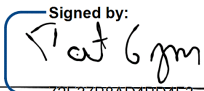
A filing fee of \$400.00 must be submitted along with nine (9) complete copies of: this form, related documentation, and the site plan including an electronic copy of the site plan on CD or other file sharing device. This petition must be submitted as least four (4) weeks before the scheduled hearing 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: 3/3/2025
Signed by: 72E37B8AD4BD4F3...

OFFICE USE ONLY:



RECEIVED
MAR 24 2025
HOLLAND TWP.

03.24.25

To Whom It May Concern,

I wanted to write a brief summary on a mistake made by Montell Construction on the property located at 3862 Bent Pine Dr. Holland Mi, 49424. Below you will find bullet points regarding a list of events. It is our hope that Holland Township will allow the homeowner to have a variance and keep the existing deck that has been completed. If you would, please review the enclosed documents, photos and summary that follows. Thank you for your consideration!

- 8.19.24 – Montell Construction was contracted by the homeowner to remove the existing deck and replace with a deck that is the same size and footprint.
- 9.4.24 – We applied for a permit and was denied due to setback constraints.
- 9.20.24 – Montell Construction and homeowner agreed to replace topical boards and railing. Please see credit and Change Order.
- 10.11.24 – Our installers mistakenly demoed the entire deck and rebuilt it based on the original contract.
- 2.7.25 – Contacted by Mr. Crabb

Summary: This was an honest mistake that was not intentional in any way. I/we hope that based on our good history of doing our best with adhering to the SOM building code and any request made by Holland Township – that you would allow the existing deck to remain. The footprint is identical to what was previously there. Furthermore, you will see that the home was built with a 6' sliding door and removing the door would create an issue for the homeowner. We (Montell Construction) would be willing to provide a set of stairs for the homeowner (off to the side) so the homeowner would have proper egress – at no charge to him.

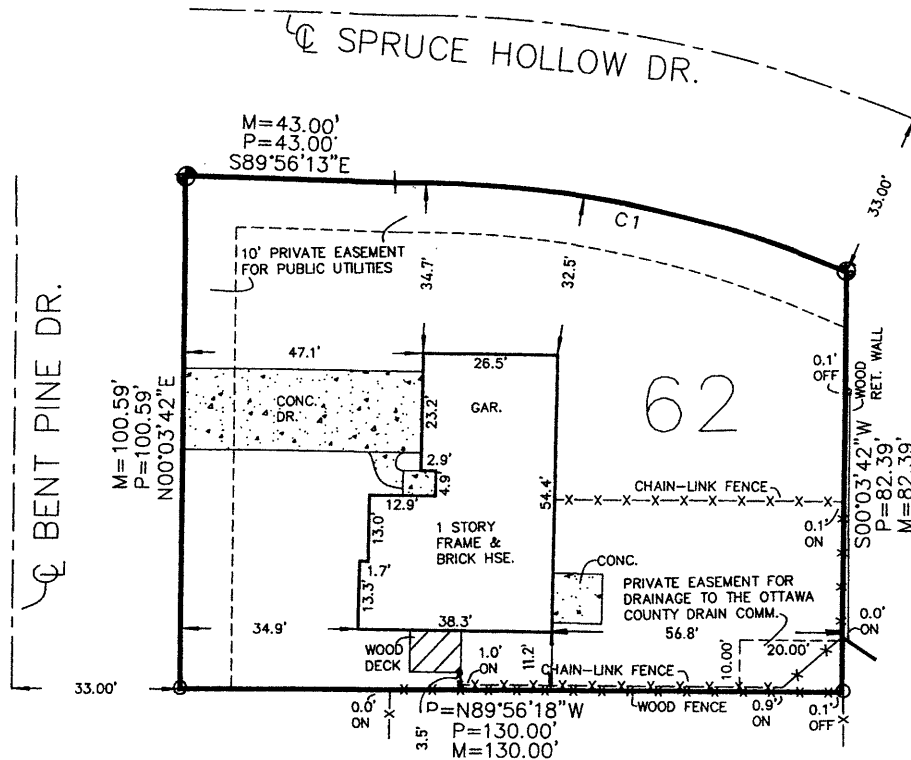
Thank you for your consideration,

Chad G. McNew

President

Montell Construction





NUM	ARC	RADIUS
C1	M=89.52'	217.00'
C1	P=89.52'	217.00'

THIS SURVEY WAS MADE FROM THE LEGAL DESCRIPTION SHOWN ABOVE. THE DESCRIPTION SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE POLICY FOR ACCURACY, EASEMENT AND EXCEPTION.

SCALE: 1" = 30'

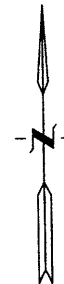
D = DEEDED DIMENSION
M = MEASURED DIMENSION
P = PLATTED DIMENSION
● = SET IRON STAKE
○ = FOUND IRON STAKE
⊙ = CONCRETE MONUMENT
X = FENCE LINE

Survey for: Montell Construction

RE: 3862 Bent Pine Drive

Description: Lot 62, Pine Creek North No. 3, Holland Township, Ottawa County, Michigan, according to the recorded plat thereof.

Maurice J. Rosema
Maurice J. Rosema P.S. no. 4001027459



Rev. 3/18/25

TRU-LINE SURVEYING P.C.

P.O. Box 708, Jenison, Michigan 49429
Telephone: (616) 457-1711
File No: 2025025

Date: 3/12/25

PINE CREEK NORTH NO 3 LOT 62 BOUND.dwg