

PERMIT NUMBER:

APPLICATION FOR ZONING APPEAL

Georgetown Charter Township
1515 Baldwin St, P.O. Box 769
Jenison, MI 49429
616-457-2340

revised: 1/26/09

APPLICANT INFORMATION

COMPANY NAME: PHONE:
616-240-5894

APPLICANT NAME:
ROBERT D. HYMA

ADDRESS: CITY / STATE / ZIP:
7400 – 48TH Avenue Jenison MI 49428

PROPERTY INFORMATION

COMPANY NAME: PHONE:
616-240-5894

OWNER / AGENT NAME: TITLE:
ROBERT D. HYMA

ADDRESS: CITY / STATE / ZIP:
7400 – 48th Avenue JENISON MI 49428

PARCEL NUMBER: ZONING DISTRICT:
70-14-18-300-018 Rural Residential

EXISTING USE:
Home and Greenhouses

REQUEST INFORMATION


STATE THE NATURE OF THE APPEAL, INTERPRETATION OR VARIANCE REQUEST:
SEE ATTACHED

SECTION OF THE ORDINANCE RELATING TO THE REQUEST:
RR 7.3(c)(2) and Chapter 24 (District Regulations) side yard setback

EIGHT (8) FOLDED COPIES OF A SITE PLAN ARE REQUIRED TO ACCOMPANY THIS APPLICATION

APPLICANT SIGNATURE

I HEREBY ATTEST THAT THE INFORMATION ON THIS FORM IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE AND COPIES OF ALL MATERIALS SUBMITTED TO THE BOARD WILL ALSO BE SUBMITTED TO THE TOWNSHIP. I UNDERSTAND THAT I MAY BE REQUIRED TO BE SWORN IN TO GIVE TESTAMONY. I HEREBY GRANT PERMISSION FOR MEMBERS OF THE TOWNSHIP BOARD OF APPEALS TO ENTER THE SUBJECT PROPERTY FOR THE PURPOSE OF GATHERING INFORMATION RELATED TO THIS REQUEST. IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF AND BOARD MEMBERS TO ENTER THE SUBJECT PROPERTY FOR PURPOSES OF GATHERING INFORMATION TO REVIEW THIS REQUEST. I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

APPLICANT SIGNATURE:  DATE: 3/23/21

FOR OFFICE USE ONLY

DATE OF ZONING BOARD OF APPEALS MEETING: DATE ADVERTISED: DATE PROPERTY NOTICES WERE SENT:

Sec. 28.11 of the Georgetown Charter Township Zoning Ordinance establishes the powers and duties of the Zoning Board of Appeals. All Variance requests must meet the specific standards listed in that section in order to be approved. In the space below or additional sheets, if needed, state how your request meets each of the approval standards.

Section 28.11 of the Zoning Ordinance states:

- (C) **Variiances.** The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this Ordinance, when the applicant demonstrates that ALL of the following conditions will be satisfied.

(Please describe, in detail, how your request meets each of the following standards.)

- (1) Granting the variance be in the public interest and will ensure that the spirit of this Ordinance shall be observed. *(Will the intentions of the ordinance be upheld and will there be no detrimental effects to the public if the variance is granted?)*

There will be no detrimental effects to the public. All truck traffic will continue to use the 48th Avenue entrance. The owner of the home will be Chris Hyma, one of the sons of Bob Hyma and a future co-owner of the greenhouse property/business.

- (2) Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted. *(Is the use to which the variance relates allowed in the zoning district where the site is located?)*

Both of the uses, the home (residential) and the flower greenhouse use (agricultural) are permitted in the RR District and will be the same as permitted and used for 30 years.

- (3) That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance. *(What unusual circumstances related to the property, that are different from other neighboring properties, necessitate the request?)*

While Bob has been the owner of the home, the greenhouse and the greenhouse business, the current configuration was workable. Two of Bob's sons, Chad and Chris, want to continue the greenhouse business but joint ownership of the home by two families is unworkable.

- (4) That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions to an approved variance will eliminate or sufficiently mitigate potential detrimental impacts. *(Present evidence that if the variance is granted, the adjacent properties will not suffer from detrimental effects.)*

There will be no change relating to any adjacent property. The purchase of the Fox View Drive property will not change its use.

(5) That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district. *(What substantial property right are you denied under the current circumstances?)*

Bob Hyma is 71 years old and wants to retire, move to a different location and transition control of the greenhouse business and property. Without the ability to split the home from the greenhouse, Bob cannot properly transition the properties and business.

(6) That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12 *(Are there any circumstances on the property that are currently non-conforming? If so, will the non-conforming be increased or enlarged?)*

All uses of the property and property lines are conforming uses or have properly-granted variances.

(7) That the variance is not necessitated as a result of any action or inaction of the applicant (revised 4-23-2001) *(Is this request necessary because of anything that has been done or not done by the applicant?)*

Applicant has not created the need for the variance by action or inaction; rather, the variance is needed because of the passage of time and the ownership transition of the home and greenhouse business.

ZONING BOARD OF APPEALS REVIEW PROCESS

THE ZONING BOARD OF APPEALS IS A QUASI-JUDICIAL REVIEW BODY CHARGED WITH THE AUTHORITY TO HEAR AND DECIDE APPEALS FROM ANY ADMINISTRATIVE ACTION, INTERPRETATION OR REGULATION OF THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE. THE PROCESS IS AS FOLLOWS:

1. A COMPLETE APPLICATION, ALONG WITH A FILING FEE, MUST BE SUBMITTED TO THE TOWNSHIP ZONING ADMINISTRATOR AT LEAST FOUR WEEKS PRIOR TO THE REGULARLY SCHEDULED BOARD OF APPEALS MEETING (FOURTH WEDNESDAY OF EACH MONTH). SEE DEADLINE DATES ON THE WEBSITE.
2. EIGHT FOLDED (8) COPIES OF A SITE PLAN SHOULD ALSO BE INCLUDED WITH THE APPLICATION. THE PLAN SHOULD BE DRAWN TO SCALE (BASED ON A PROPERTY SURVEY) AND PROVIDE SUFFICIENT DETAIL TO ILLUSTRATE THE SUBJECT PROPERTY, BUILDINGS, STREETS AND OTHER FEATURES PERTINENT TO THE APPEAL. STRUCTURES LOCATED ON ADJOINING PROPERTIES SHOULD ALSO BE SHOWN TO DEPICT THE RELATIONSHIP OF THE PROPOSED TO ITS SURROUNDINGS AND THE POTENTIAL IMPACTS ON ADJACENT USES. FOR COMMERCIAL OR INDUSTRIAL PROJECTS, THE PLAN SHOULD BE PROFESSIONALLY PREPARED. FAILURE TO PROVIDE SUCH INFORMATION WITH THE APPLICATION MAY CAUSE THE REQUEST TO BE TABLED UNTIL AN ACCEPTABLE SITE PLAN IS SUBMITTED.
3. AT ITS NEXT REGULAR MEETING, THE ZONING BOARD OF APPEALS WILL CONDUCT A PUBLIC HEARING CONCERNING THE REQUEST. FOLLOWING DELIBERATIONS, THE ZONING BOARD MAY RENDER A DECISION OR TABLE THE REQUEST FOR FURTHER STUDY. THE BOARD MAY IMPOSE CONDITIONS AS PART OF ITS DECISION.
4. THE APPLICANT OR A DESIGNATED REPRESENTATIVE MUST BE PRESENT AT THE MEETING OR THE REQUEST WILL BE TABLED.
5. DECISIONS OF THE ZONING BOARD OF APPEALS ARE FINAL. FURTHER APPEAL OF A BOARD DECISION IS PERMITTED ONLY THROUGH THE CIRCUIT COURT.
6. ANY VARIANCE THAT HAS BEEN GRANTED WILL EXPIRE ONE (1) YEAR AFTER THE DATE OF APPROVAL, UNLESS THE CONSTRUCTION AUTHORIZED BY THE VARIANCE HAS COMMENCED.
7. NO REQUEST WHICH HAS BEEN DENIED BY THE ZONING BOARD OF APPEALS MAY BE SUBMITTED FOR RECONSIDERATION FOR A PERIOD OF ONE (1) YEAR FOLLOWING THE BOARD'S ACTION, EXCEPT ON GROUNDS OF NEWLY DISCOVERED EVIDENCE OR PROOF OF CHANGED CONDITIONS.