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ZONING BOARD OF APPEALS

Regular Meeting

August 25, 2026

The meeting was called to order by Chairman Russ Boersma at 5:30 p.m.

Present: Chairman Russ Boersma, Members Jack Vander Meulen, Elliott Church, Ross DeVries and Robert De Vries. Also present were Community Development Director Corey Broersma, Planner/ Assistant Zoning Administrator Keith Chapman and Recording Secretary Laurie Kissau.

Absent: None

Chairman Boersma informed the Board that Mr. Erismann on behalf of Grand Rapids Iron and Metal has elected to withdraw the Petition for a Nonuse Variance at 4303 Hallacy Drive.

** It was moved by Boersma and supported by Robert De Vries to amend the agenda to remove the Petition for 4303 Hallacy Drive. Motion carried with a unanimous voice vote.

There were no public comments.

** It was moved by Vander Meulen and supported by Ross De Vries to approve the minutes of July 28, 2026, as presented. Motion carried unanimously with a roll call vote.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Jessica and Tyler Trusty for 413 Rose Park Drive, known specifically as Parcel Numbers 70-16-18-328-020. The petitioner is requesting a variance of 12.7 feet from the required 15-foot setback from a public right-of-way for fences taller than 30 inches; resulting in a setback of 2.3 feet. The variance is being sought for a newly built fence over 30 inches in height. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was property owner, Jessica Trusty.

Ms. Trusty explained to the Board that they purchased the property four years ago. It had an existing chain link fence. The fence was in various states of disrepair. There were wooden panels that had been bolstered on either side with metal stakes to hold them in place. Other parts were chain link fence which had been patched, because branches had fallen on the top rail and bent it.

They had a contractor come out and they recommended the applicant's best option was to replace the fence.

When they decided to replace the fence both the contractor and the applicant independently contacted the Township. They were told they did not need a permit and that the fence along the road needed to be 15 feet from the roadway. Because the existing fence was approximately 23 feet from the edge of Rose Park Drive they understood that keeping the new fence in the same location as the existing fence would comply. They were not aware that the Ordinance would require them to move the fence further back on the property due to the measurement being from the road right of way.

They are asking to keep the new fence in its current location which it has historically been.

She further stated the existing location is not creating a safety or visibility concern. There is a significant distance between the fence and the road. There are also some Lilac bushes on the road side of the fence. They are approximately 10 feet tall. They are willing to trim the bushes or take them out if they are seen as a safety issue.

Ms. Trusty further stated that they did make a good faith effort to understand and comply with the Townships requirements before beginning the project. They contacted the Township offices and relied on the information they were given regarding permitting and the required setback. They did not knowingly disregard the Ordinance. She is respectfully asking the Board to consider the circumstances and grant the variance so they can keep the fence where it has historically been located.

When asked who she spoke with at the Township, Ms. Trusty could not recall who she spoke with. She further stated that Sam from Three Builders could not recall who he spoke with either.

When asked who they might have spoken with at the Township office, Community Development Director, Corey Broersma stated that it would have been Kate White, Jenny Hamzik or himself. He further stated that all are well versed in the fence setback requirements. He does not recall speaking with Ms. Trusty or Sam, from Three Builders.

Mr. Church asked if a permit is required. Mr. Broersma responded that not unless the fence is 7 feet or taller.

Mr. Church further commented that it seems to meet the clear vision area requirements. It does not present a safety risk to neighbors.

Mr. Broersma responded that that is true. Also, there are no sidewalks for someone to fall into the fence and if the fence were in the side yard or the back yard it would be allowed to have a 0 setback.

When asked if there were any concerns from Staff about the shrubs, Mr. Broersma responded that they are to be 15 feet from the road and no taller than 30 inches per section 8.15.

This property has two front yards as it is a corner lot. It is the Rose Park side that is the issue. The fence is in the same location, six feet in height instead of the four feet height. Wooden instead of Chain Link.

Mr. Church continued that the fence has been there for 20 years, and no one has complained about it. There were no neighbors present in the audience, and none had sent comments to the Zoning Department, so the neighbors did not seem to have an issue with the replacement of the fence. It does not seem like a safety hazard.

Mr. Vander Meulen commented that the chain link fence was see through and four feet tall. This six-foot-tall solid wall next to the street is not so good. It concerns him that if they did call into the Township, he wishes there was some kind of record that we could go back to and see who they talked to. He further commented that anyone who installs fences on a regular basis should know the Township Ordinance. You have to stay 15 feet away from the road right of way.

There was no one in the audience to speak to this request.

** It was moved by Robert De Vries and supported by Ross De Vries to close the hearing. Motion carried with a unanimous voice vote.

The Board went over the standards to review when considering the nonuse variance request.

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 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 land features.***
- d. ***Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.***

The Board found that there is nothing extraordinary about the property other than it has two front yards. However, there are several other parcels that are corner lots in the Township with two front yards and the same restrictions. It becomes a practical difficulty of where logically makes sense to place a fence or a shed in what would naturally be a side yard, but because it is a corner lot it is a front yard.

2. ***That the unusual circumstances do not apply to most other lots of record in the same manner to the same extent to other lots of record in the same zoning district.***

The Board found that it is a narrow corner lot. The length to width ratio is excessive for a corner lot. It is residential use. South of the property is commercial zoned property with business condos on it. The fence gives the applicant screening from the parking lot. Mr. Broersma commented that there are four townhouses proposed to be built on the property to the south. They will have an easement through the commercial use.

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.***

The Board found that the fence gives the applicant privacy from the adjacent business and the density of the traffic through the neighborhood. No one has complained.

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

The Board found that the fence has been in existence, it is not new. It does not seem to be an issue to the neighbors. It is now solid, however, where it ends gives the neighbor clear vision.

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

The Board found that the applicant as well as the contractor did call the Township. There was some diligence done. There was likely a miscommunication or misunderstanding between road and road right of way. The new fencing was in line with where the existing fence had been so they could see where they would think it was ok to place the new fence there.

Mr. Church stated that it was the fault of the contractor. When you install fences professionally, it is your job to know what laws are involved. He needs to be made aware of his mistake. If there is a repeat in the Township, there will be no forgiveness.

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.***

The Board found that granting this variance does not negatively impact public safety. Traffic is not impaired. They replaced an old fence; no neighbors are present or have sent in comments or complaints about it.

Mr. Vander Meulen has issues with the wooden fence not being as aesthetically appealing as the chain link fence. He would prefer it to be back further and have plants or bushes to soften it.

Mr. Church commented that if they were to widen the road or install sidewalks it would be too close. However, it is an established neighborhood and the possibility of that is low.

** It was moved by Robert De Vries and supported by Church to approve a variance of 12.7 feet from the required 15-foot setback from a public right-of-way for fences taller than 30 inches; resulting in a setback of 2.3 feet, as presented in the applicant's submittal under the condition that the installing contractor is identified to the Township to their satisfaction. Motion carried with a roll call vote of 4 – Yes: 1 – No.

Meeting adjourned at 6:45 pm.

Respectfully submitted,

Laurie Kissau
Recording Secretary