



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.

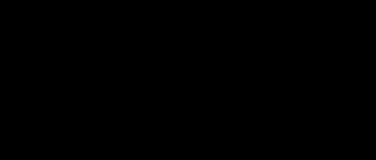
The Michigan Courts have set standards to be used when considering nonuse variances. These standards require the petitioner to demonstrate a "practical difficulty" unique to the property - not the petitioner - in order to qualify.

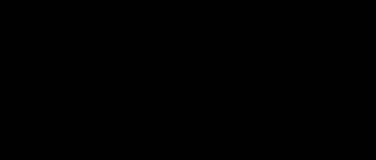
Please print or type:

Applicant's Name: Jessica & Tyler Trusty Phone: 
Applicant's Address: 413 Rose Park Dr E-mail: 
Holland, MI 49424

Property Address: 413 Rose Park Dr Holland, MI 49424

Parcel Number: 70 - 16 - 18 - 328 - 020 Zoning: _____

Owner's Name: Jessica & Tyler Trusty Phone: 

Owner's Address: 413 Rose Park Dr E-mail: 
Holland, MI 49424

Ordinance Section Number(s) Relative To This Appeal: Zoning Ordinance 8 15

Provide a Brief Description of Your Request: Please see attached Section: "Brief Description of Your document - "HCT Zoning Variance Request PDF"

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):

Please see attached document: "HCT Zoning Variance Request PDF"

Section "Standards for Granting Variance"

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: _____

OFFICE USE ONLY:

Brief Description of Your Request:

We are requesting a variance to allow a newly updated 6-foot wooden privacy fence to remain 3 feet from the Rose Park Drive right-of-way line, instead of the required 15 feet, matching the exact footprint of a previous fence that was in disrepair. This 3.24-foot setback from the Road Right of Way was verified by Nederveld Property Surveying. The fence creates no traffic visibility issues; the long-standing landscaping (lilac bushes 8-10 ft tall) on the street side are carefully maintained, and the fence terminates roughly 8 feet short of our western property line and west of our driveway, to guarantee an open, unobstructed sight-line for our neighbor's driveway, as well as our own. Re-establishing this historical footprint corrects a neighborhood eyesore and preserves our usable R-2 backyard space without encroaching any further toward the roadway than the previous structure.

Standards for Granting of Variance:

1. Practical Difficulties Due to Exceptional Characteristics of the Land

Our property is an atypical corner lot layout because the HCT guidelines legally designate both the true front yard and the primary backyard along Rose Park Drive as "front yards." Strictly complying with the 15-foot setback from the Road Right of Way creates a severe physical conflict with established, permanent site improvements. Over our four years of ownership, we have heavily developed this specific area into a robust home food-production area, featuring three large 17'x3.5' raised garden beds containing extensive annual and perennial vegetable crops. Forcing a 15-foot setback from the Road Right of Way would require the physical demolition of two-thirds of this mature personal use agricultural infrastructure and the destruction of a significant portion of our seasonal food crops, constituting a true practical difficulty due to the rigid application of corner-lot dimensional overlays to fixed yard improvements.

2. Unusual Circumstances Unique to This Lot

The vast majority of residential parcels are standard interior lots that enjoy a single front yard designation and a fully protected, standard rear yard buffer where a 6-foot fence is permitted up to the property line. Our lot is uniquely burdened by the "dual front yard" requirement. Furthermore, this lot features a rare, long-standing historical condition: a perimeter fence was already fully established in this exact location adjacent to Rose Park Dr. long before we purchased the home, setting a unique, grandfathered layout standard that does not apply to most other R-2 properties in the surrounding district. Because there was already an established fence line in this same spot when we purchased the property, the 3 raised garden beds containing both annual and perennial crops were developed in the area HCT suggests moving the fence line to maintain a 15 foot buffer from the road right of way.

3. Preservation and Enjoyment of a Substantial Property Right

The right to enclose a residential backyard for privacy, security, and personal agricultural use is a substantial and standard property right enjoyed by nearly every homeowner in Holland Township. Forcing compliance with the modern 15-foot setback from the Road Right of Way would strip our family of approximately 19% of what we have known as our private backyard.

After four years of actively investing in, landscaping, and improving this specific space to expand our family's personal vegetable production, losing nearly a fifth of our private yard would uniquely and significantly diminish the basic residential enjoyment and property rights seamlessly afforded to our neighbors. We would be forced to demolish one raised garden bed and the crops currently growing in it, and another would be moved to the road side of the fence, preventing us from maintaining the watering system used to sustain the growing crops.

4. No Substantial Detriment to Adjacent and Nearby Land Uses

Maintaining the fence at the current location causes zero detriment to nearby properties; rather, it actively improves the neighborhood. The new fence replaced a structure that was in a state of structural disrepair and visual dilapidation, replacing a neighborhood eyesore with a modern, custom-crafted wooden privacy fence that elevates local aesthetic and property values. Furthermore, the street-side buffer features large, long-standing lilac bushes exceeding 6 feet in height that have historically blended the fence into the landscape. On the western terminal edge, the fence purposefully stops roughly 8 feet short of the property line, completely preserving open, unobstructed safety sight-lines for the adjacent neighbor's driveway. The fence is also more than 4 feet from our driveway, maintaining our line of sight down Rose Park Dr for safety while in a motor vehicle.

5. Applicant Did Not Create the Problem

This zoning dilemma is entirely a function of the home's original corner-lot positioning and a historical footprint we inherited. The original fence was already firmly in place, entirely predating our ownership. When updating the fence, we acted with strict intent to respect the spirit of the ordinance: we did not encroach any closer to Rose Park Drive, utilizing the exact same post holes that have defined this boundary for many, many years and leaving in place the substantial bushes buffering most of the fence line.

6. Spirit of the Ordinance and Public Safety Observed

The true spirit of Section 8.15 is to guarantee motorist visibility and traffic safety. Our fence is not in the road right of way, and vehicular traffic is not impeded by the fence-line. Substantial justice is achieved by allowing us to preserve our long-standing yard layout and home garden, while neighboring property owners are protected by a beautiful, structurally sound upgrade that poses absolutely no threat to vehicular visibility or the open feel of the roadway corridor.

LEGEND

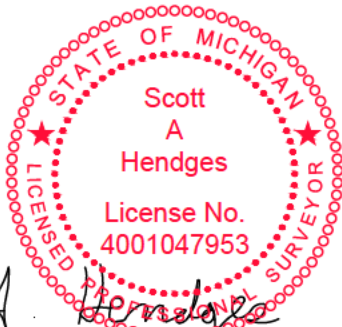
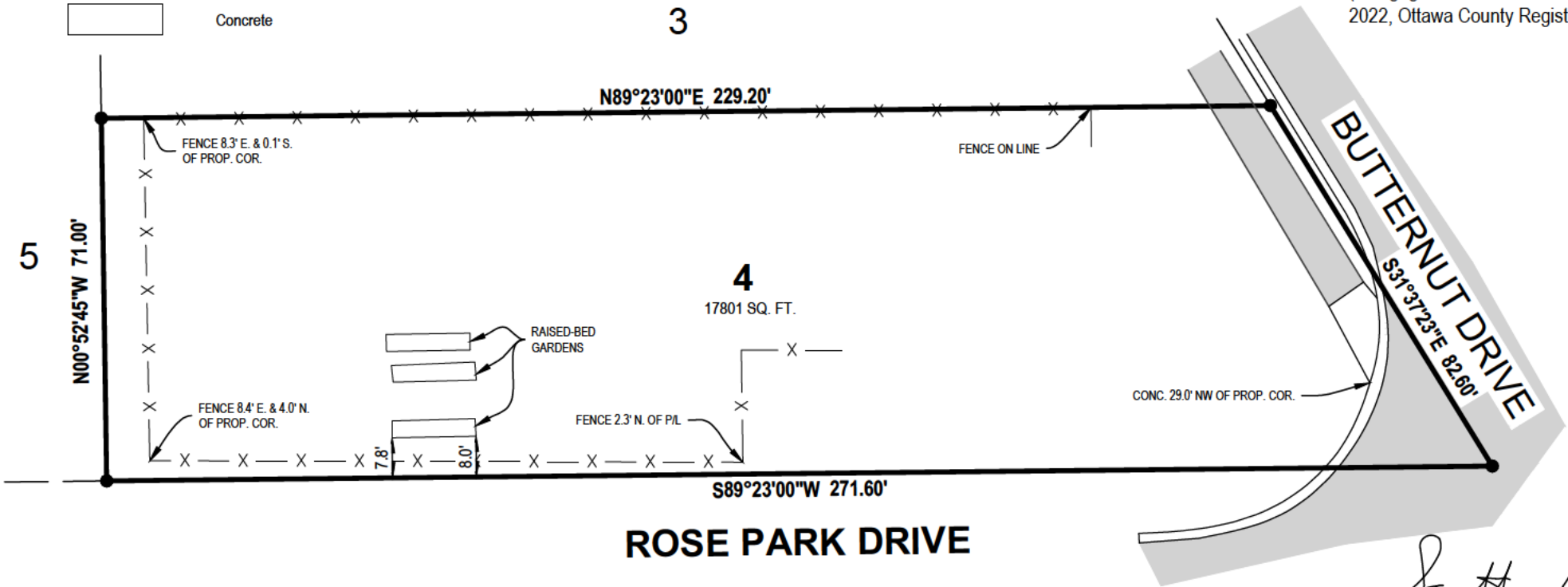
- Iron-Set
- Set Wood Stake
- Asphalt
- X — X — Fence
- Concrete

DESCRIPTION

Land situated in the State of Michigan, County of Ottawa, Township of Holland.

Lot 4 of Pine Tree Subdivision, Holland Township, Ottawa County, Michigan, as recorded in Liber 10 of Plats, Page 66.

(Mortgage recorded in Instrument No. 2022-0026929, recorded July 25, 2022, Ottawa County Register of Deeds Office)



By: *Scott A. Hendges*
Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 30' 0' 15' 30' NORTH

Jessica Trusty
413 Rose Park Dr
Holland, MI 49424

413 Rose Park Dr

DRAWN BY: NH DATE: 04/01/2026
REV. BY: NH REV. DATE: 07/10/26
REV.: LOCATED FENCE

PRJ #: 26200443.1
1 OF 1

NEDERVELD
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730 Chicago Dr.
Holland, MI 49423
Phone: 616.393.0449
Grand Rapids • Ann Arbor

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, easements and exceptions.