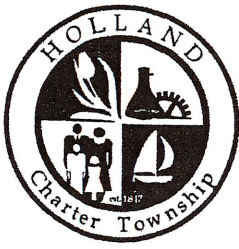


FEB 27 2024

HOLLAND TWP.



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: Elida Hernandez Phone: (616) 499-1308

Applicant's Address: 10983 Ryans Way E-mail: elida-hdz@yahoo.com
Holland, MI 49423

Property Address: 10983 Ryans Way Holland, MI 49423

Parcel Number: 70-16-35-331-012 Zoning: R1

Owner's Name: Elida Hernandez Phone: (616) 499-1308

Owner's Address: 10983 Ryans Way E-mail: elida-hdz@yahoo.com
Holland, MI 49423

Ordinance Section Number(s) Relative To This Appeal: _____

Provide a Brief Description of Your Request: I'm requesting a nonuse variance
to allow the existing pool and deck to remain if building
permits are approve and building inspections find work is
acceptable.

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):

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: Zeida Hanandey Date: 2/27/2024

OFFICE USE ONLY:

RECEIVED

FEB 27 2024

HOLLAND TWP.

Dear Holland Charter Township Zoning Board,

I am writing this letter to request approval for non-variance at 10983 Ryans Way Holland, Michigan 49423. My home is on Lot number forty-nine, Summerlin South Subdivision, Holland Township, Ottawa County, Michigan. The lot size is 10,453 square feet (137' x 77'). The property has a four foot chain link fence around the backyard. I have lived in this property since 2011. I love my home and my neighborhood. The request variance on an existing above ground pool and deck. (section 8.11/section 4.3 table 4.3B)

The subject property is a result of the following conditions:

1. The location of the existing aboveground pool is West of the property lot. The above ground pool is 18'x36'. The distance of the aboveground pool is 7'.9" to the property line and 6'.6" from the deck to the property line. The Northside (back yard) of the lot measures 21' from the aboveground pool to the property line and 12' from the deck. Lot # 48 is westside of my property and lot # 57 is on the back. Deck is around the above ground pool is 28' x 47' and 30' x 60' is the total distance from the deck connecting the house to the pool. Around the deck there is only one set of stairs entering the pool on eastside. Solar post cap with lights around the deck. The material used on the deck is Trex.
2. The location of the aboveground pool does not meet zoning requirements of ten feet from the property line. I would propose a new fencing design to provide more privacy barriers enclosing using solid material for my security and neighbors. Or planting trees around the pool area to help with the noise and prevent people from seeing inside.
3. As a property owner I would like to have the rights and privileges enjoyed by the other property owners in the same zoning district. Granting a proper border around will preserve property value and prove a safer area for my family and neighbors.
4. The use of the pool is for my family and private use only. It will improve the property value by creating a fun and gathering space. At the same time, I want to be aware of having a safety precaution.
5. I violated noncompliance with zoning regulation of an existence aboveground pool (section 8.11) and deck (section 4.3 table 4.3B) I understand that I did not apply for a permit or inspection of my property before installing a pool and deck. My lack of understanding of the zoning regulations has been a learning experience.
6. With your approval, as the owner of the property I will be able to enjoy my home and recreational space that would be consistent with residential zoning and approved variance applicant with proper regulations.

I request you approve for a nonuse variance of an existence aboveground pool and deck to remain if the permits of the Holland Charter Township approved and building inspections find work is acceptable.

Thank you,

Elida Hernandez

10983 Ryans Way

Holland, MI 49423

Parcel number: 70-16-35-331-012

Zoning: R1

Dear Holland Charter Township Zoning Board,

Seeking to resolve a nonuse variance petition, as reviewed, and granted by the Zoning Board required for zoning to permit the pool and deck current at 10983 Ryans Way with the existing Pool & Associated Pool Deck. Our Plan is to leave the Pool in the same existing location and cut back & remove the pool deck to the minimum Setback Requirements as shown on the Zoning Plan we submitted (35' Rear & 7' Sides).

Thank you,

Elida Hernandez

10983 Ryans Way

Holland, MI 49423

Parcel number: 70-16-35-331-012

Zoning: R1

Project No. 231246

Date: January 10, 2024

For: Elida Hernandez
10983 Ryans Way
Holland, MI 49423

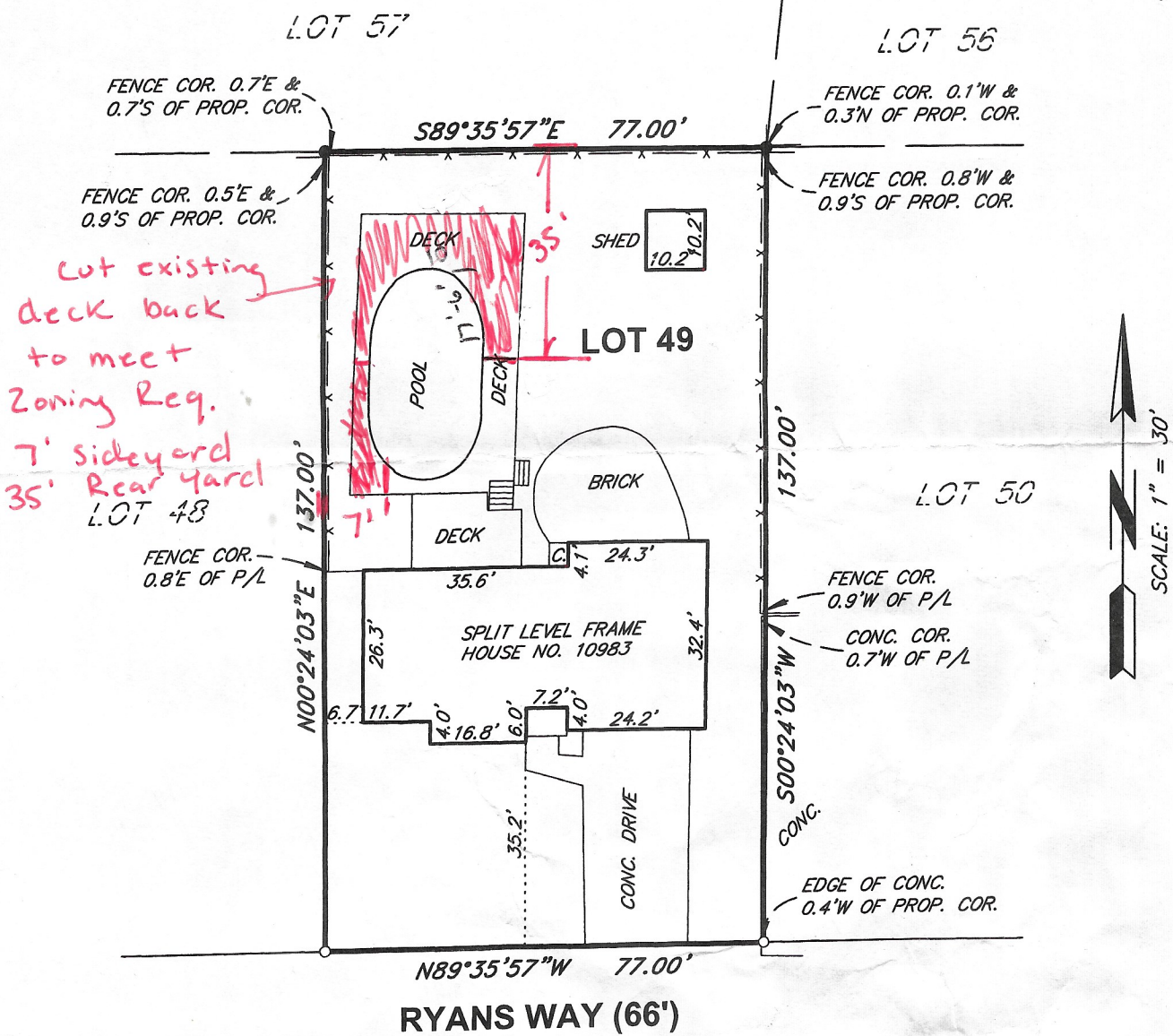
Prop. Address: 10983 Ryans Way

DESCRIPTION FROM TAX RECORDS

Lot 49, Summerlin South Subdivision, Holland Township, Ottawa County, Michigan, according to the recorded plat thereof.

NOTE:
A title insurance policy was not provided at the time of this survey. One should be obtained to compare for accuracy of legal description and easements of record.

- Pool location to Remain



I hereby certify that the buildings and Improvements are located entirely thereon and that said buildings and improvements are within the property lines and that there are no existing encroachments upon the lands and property described unless otherwise shown hereon.

LEGEND

- - IRON STAKE - SET
- - IRON FOUND
- - WOOD STAKE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- P - PLATTED DIMENSION
- M - MEASURED DIMENSION
- ⊕ - CENTERLINE
- x-x - FENCE LINE

Roosien & Associates
SURVEYING AND ENGINEERING

5055 PLAINFIELD AVENUE, NE
GRAND RAPIDS, MICHIGAN 49525
TELE. (616) 361-7220



BY *Michael Manning*

