

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 26, 2024

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chair Voss.

II. ROLL CALL

Board of Appeals members present: Slater, Behm, Voss, Hesselsweet, alt. Egedy-Bader
Board of Appeals members absent: Loftis

Also present: Community Development Director Thibault

Without objection, Thibault was instructed to record the minutes for the meeting.

III. APPROVAL OF MINUTES

Without objection, the minutes of the January 23, 2024 ZBA Meeting were approved.

IV. PUBLIC COMMENT – NONE

V. NEW BUSINESS

A. ZBA Variance Application No. 24-02 – Sees/Chapel – 603 Exemption

Party Requesting Variance:	Karl Chapel Trust
Applicant Representative	James Sees
Address:	16159 Ferris St., Grand Haven, MI
Parcel Number:	70-03-26-453-003
Location:	Vacant Lot - Channel Rd.

The applicant is seeking an Exemption to Rear Yard Setbacks in Certain Circumstances pursuant to Section 19.06 of the Township Zoning Ordinance. This entails constructing a 1414 square foot house that would result in a 30-foot 5-inch rear yard setback when 50-foot is required. In exchange, the applicant would relinquish a portion of their accessory building allowance. The property is entitled to 720 square feet; 688.5 square feet of accessory building floor area would be forfeited through a written agreement recorded with the Ottawa County Register of Deeds.

Thibault provided an overview through a memorandum dated March 22nd.

The applicant, Jim Sees, and the property owner, Karl Chapel were present to provide additional information:

- Provided supplemental context regarding the neighborhood character and layout as a basis for the request.

- Opined that the design of the proposed house would fit the character of the neighborhood.
 - Staff clarified the 603 exemption criteria regarding rear yards setbacks and the proportion of the structure encumbering the required rear yard.
- Stated that the location had been approved by the County.
- Clarified the house is constructed on-grade and that there is no floodplain on the property.

The Board discussed the application and noted the following:

- Questioned the front yard setback determination and covered porches.
 - Staff clarified how the proposed front yard setback of 48-feet meets the requirement of the Zoning Ordinance and the allowance for porches to extend into the front yard.
- Discussed the construction method of the proposed building and siting considerations.
 - The applicant opined the footprint and location of the house was based on the location of where a septic system is allowed; it cannot be located in the front or rear.
- Questioned the adjacent properties' existing setbacks.
 - The applicant stated that the proposed house would be consistent with the neighborhood.
 - Staff clarified that the adjacent properties' setbacks comply with the current requirements to a greater extent than the house that is proposed by the applicant.
- Discussed that the house could be redesigned to meet the Exemption criteria or the underlying Zoning requirements.
 - The applicant countered that a redesign would impinge on the required septic tank locations.
 - Staff clarified that these considerations are not to be weighed for the current application but could be used as the basis for a separate dimensional variance application.
- Requested Staff share correspondence regarding the application.
 - Staff noted that these are not to be considered for an application of this variety:
 - Joseph Degraives – 15283 Widgeon Rd.
 - Opposes exemption due to proposed rear yard setback and proximity to own property
 - 'Concerned Home Owner' – No Address Provided.
 - Opposes exemption due to concerns with the reduced setback and suggested the applicant purchase the adjacent property. Provided example of ZBA case denial.
 - *[case refuted by Board; Staff clarified that the Township cannot require an applicant to purchase additional property]*

- Questioned how the applicant may resolve the remaining criteria or move forward with a different application
 - Staff questioned if the applicant would amend their application, or submit a different variance request.
 - The applicant opined the current design is the most favorable; the lot and proposed structure present unique challenges that do not afford the house to be redesigned.

Motion by Slater, supported by Hesselsweet, to **deny** the Exemption to Rear Yard Setback application for the unaddressed parcel No. 70-03-26-453-003 and direct the applicant and/or staff to:

1. *Provide a new dimensional variance request.*

Which motion carried unanimously, as indicated by the following roll call vote:

Ayes: Slater, Behm, Voss, Hesselsweet, Egedy-Bader

Nays: None

Absent: Loftis

VI. OLD BUSINESS

Motion by Slater, seconded by **Egedy-Bader**, to bring to the table ZBA Variance Application No. 24-01 for re-consideration. **Which motion carried unanimously.**

A. ZBA Variance Application No. 24-01 – Blackall Trust – Dimensional Variance

Party Requesting Variance:	Blackall Trust
Applicant Representative	Luther Chatel
Address:	7718 Burrstone Dr SE, Caledonia MI
Parcel Number:	70-03-32-390-018
Location:	14463 South Highland Drive

The applicant is seeking a variance is seeking to remove and rebuild an existing deck in the same size and location. This would result in a side yard setback of 9-feet where 15-feet is required, which is in violation of Section 10.04.C.4 of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated March 22nd.

The applicant, Luther Chatel, was present to provide additional information:

- Described site access, context of the proposed deck replacement, and necessity for the variance.

The Board discussed the application and noted the following:

- Opined that the outstanding question requiring the application to be previously tabled has been addressed.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The subject property is within the Critical Dune Area. The parcel has steep elevation changes of approximately 40 feet.

Ayes: Slater, Behm, Voss, Hesselsweet, Egedy-Bader
Nays: None
Absent: Loftis

Standard No. 2 – Substantial property right:

- Many properties abutting Lake Michigan have decks to enjoy the view. The proposed deck also serves as a means of access to the property from the gravel parking area. The requested variance would authorize construction of a deck equivalent to the structure currently in place.

Ayes: Slater, Behm, Voss, Hesselsweet, Egedy-Bader
Nays: None
Absent: Loftis

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- One letter of support was received for this application.

Ayes: Slater, Behm, Voss, Hesselsweet, Egedy-Bader
Nays: None
Absent: Loftis

Standard No. 4 – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:

- The property has steep topography changes unique to the property. The proposed deck serves as a connection to a walkway which is used to access the home.

Ayes: Slater, Behm, Voss, Hesselsweet, Egedy-Bader
Nays: None
Absent: Loftis

Motion by Hesselsweet, supported by Behm, to **conditionally approve** the dimensional variance from Section 10.04.C.4 to construct a new deck at 14463 South Highland Drive which will result in a side yard setback of 9-feet. Approval of his variance is based upon this Board's findings that all four standards have been affirmatively met and is conditioned upon the following:

1. *The new deck is to remain within the existing footprint of the existing deck system, depicted by the site plan as submitted.*

Which motion carried unanimously, as indicated by the following roll call vote:

Ayes: Slater, Behm, Voss, Hesselsweet, Egedy-Bader
Nays: None
Absent: Loftis

VII. REPORTS – None

VIII. EXTENDED PUBLIC COMMENTS – None

IX. ADJOURNMENT

Without objection, the meeting was adjourned at 7:39 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Thibault".

Rory Thibault

Acting Recording Secretary