

SPECIAL MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MAY 24, 2022

I. CALL TO ORDER

The special 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: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader
Board of Appeals members absent: Behm

Also present: Senior Planner Thibault, Manager Cargo

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the May 5, 2022 ZBA Meeting were approved.

Chair Voss noted the amended agenda, changing the order of the new business applications.

Without objection, the amended agenda was approved.

IV. NEW BUSINESS

A. ZBA Variance Application No. 22-01 – Westra – Dimensional Variance

Party Requesting Variance:	Gregory Westra
Address:	17318 Timber Dunes Dr, Grand Haven
Parcel Number:	70-07-16-346-007
Location:	17318 Timber Dunes Dr.

The applicant is seeking to replace an existing deck which would result in a rear yard setback of 2-feet where 20-feet is required and a side yard setback of 13-feet, 7-inches where 15-feet is required. The deck violates Sections 10.01.C.3, 10.01.C.4, and 10.01.C.5 of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated May 19.

The applicant, Mr. Westra, was present to provide information.

- The intent is to replace the current wood deck and railing in kind with composite material
- The pool does not need additional support and will remain in place

The Board discussed the application and noted the following:

- The application and background of the project is familiar due to this being the second review

Standard No. 1 – Exceptional or extraordinary circumstances:

- The property is a typical lot. There are elevation changes on the property of about 12±-feet. The existing deck is legally non-conforming.

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

Nays:

Absent: Behm

Standard No. 2 – Substantial property right:

- Property owners are entitled to build decks. The proposed deck would provide the applicant the continued ability to utilize the deck and pool area as he purchased it originally.
- The backyard is limited in size due to the legally non-conforming house

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

Nays:

Absent: Behm

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

- No letters of opposition were received for this application (*as of May 19th*).

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

Nays:

Absent: Behm

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

- There are many houses in the Township that have legally non-conforming deck locations.

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

Nays:

Absent: Behm

Motion by Slater, supported by Loftis, to **approve** a dimensional variance from Section 14.13.C to replace a deck at 17318 Timber Dunes Drive. Resulting in the following setbacks:

1. West deck edge – side yard setback of 13-feet 7-inches; and
2. South deck edge – rear yard setback of 2-feet.

Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met.

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

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

Nays:

Absent: Behm

B. ZBA Variance Application No. 22-05 – Jacobson – Dimensional Variance

Party Requesting Variance:	Dennis Dryer
Address:	220 ½ Washington, Grand Haven
Parcel Number:	70-07-08-200-006
Location:	13467 Windcrest

The applicant is seeking to install a new retaining wall measuring 10-feet 2-inches in height where a maximum height of 8-feet is allowed. The retaining wall would violate Section 14.13.C of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated May 19.

The applicant, Mr. Dryer, was present to provide information.

- The retaining wall will be replaced with concrete members and block/stone material, rather than with the same timber material which is deteriorating
- It is difficult to get a Special Exception from EGLE, which would be required in order to make a series of compliant retaining walls
- The existing layout is dangerous, expanding the driveway would alleviate safety and maneuvering concerns – a railing will also be provided. The wall will extend past grade to form a curb.
- EGLE approval was granted on 06/25/2021
- Trees were cleared during demolition work, but the stumps remain – these will be buried

The Board discussed the application and noted the following:

- Trees were cleared during demolition work, but the stumps remain – these will be buried

Standard No. 1 – Exceptional or extraordinary circumstances:

- The subject property is within the Critical Dune Area, has significant topography changes, and has been reviewed and approved by EGLE.

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

Nays:

Absent: Behm

Standard No. 2 – Substantial property right:

- Property owners of residentially zoned properties are entitled to build a structurally sound driveway on the property.

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

Nays:

Absent: Behm

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

- No correspondence was received for this application (*as of May 19th*). The property is located within a gated community with driveway access not open to the public.

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

Nays:

Absent: Behm

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

- The combination of the topographic change and location within the Critical Dune Area limit the buildable area. There is no possible retaining wall that could be created that would not need to be approved by EGLE. The more conforming solution of a separated series of independent retaining walls would greater impact the dune than the proposed and approved design as shown.

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

Nays:

Absent: Behm

Motion by Loftis, supported by Slater, to **approve** a dimensional variance from Section 14.13.C to build a new 18 linear foot retaining wall at 13467 Windcrest Ln. that will result in a height of 10 feet 2 inches. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met.

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

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

Nays:

Absent: Behm

C. ZBA Variance Application No. 22-06 – Huddas – Dimensional Variance

Party Requesting Variance: Green Shield Home
Address: 14939 Mercury Dr, Grand Haven
Parcel Number: 70-07-01-130-011
Location: 14939 Mercury Dr, Grand Haven

The applicant is seeking to replace a deck located within the required side yard which would result in a side yard setback of 9-feet, 10-inches, where 11-feet is required. The deck violates Section 10.04.C.4 of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated May 19.

The applicant, Mr. Rought, was present to provide information.

- Expressed that shrinking the deck to a compliant size would create a safety hazard in the side yard as a gap between the deck and retaining wall would be created
- Confirmed that the deck would be extending 6' closer to the river

The Board discussed the application and noted the following:

- Noted that this would be increasing the side yard setback to 9'- 10" from the current nonconforming setback of 9' for the retaining wall which was granted last year.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The subject property is located on a segment of the Grand River where a 18-foot elevation change exists between Mercury Drive and the water. The lot is legally nonconforming in regards to lot width.

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

Nays:

Absent: Behm

Standard No. 2 – Substantial property right:

- It is common for property owners with river frontage to have a deck overlooking the water.

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

Nays:

Absent: Behm

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

- No correspondence was received for this application (*as of May 19th*).

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

Nays:
Absent: Behm

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

- The combination of a narrow lot and elevation change are unique. There may be properties with similar circumstances in the same vicinity but they are limited in number and each property would need to be reviewed to determine if a variance is applicable.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader
Nays:
Absent: Behm

Motion by Hesselsweet, supported by Loftis, to **approve** a dimensional variance from Section 10.04.C.4 to replace an existing deck with a new deck resulting in a side yard setback of 9-feet, 10-inches at 14939 Mercury Drive.

Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

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

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader
Nays:
Absent: Behm

D. ZBA Variance Application No. 22-04 – Skeels – Dimensional Variance

Party Requesting Variance:	Gary & Jane Skeels
Address:	14494 Angelus Cir., Grand Haven
Parcel Number:	70-03-35-351-022
Location:	14494 Angelus Cir., Grand Haven

The applicant is seeking a variance for a 10' x 16' shed located in the front yard, which is in violation of Section 10.01.C.11.a of the Zoning Ordinance that prohibits accessory structures within the front yard.

Thibault provided an overview through a memorandum dated May 19.

The applicant, Mr. Skeels, was present to provide information.

- The accessory structure is not complete, rather it is “dried in” to protect the material
- Confirmed there are overhead utilities located in the front yard (water side) and underground utilities and a septic system in the rear yard (road side)
- Stated that there would not be enough space in either side yard for the accessory structure to be located

- Interested in building a garage for additional storage space in the future

The Board discussed the application and noted the following:

- A variance or Special Land Use would likely be needed if the proposed future garage as shown on the plan were to be built
- Noted that the rear yard is constrained in finding any compliant location
- Staff clarified that there are no view-shed triangle requirements in the current Zoning Ordinance
- Staff noted there is a compliant solution through a Special Land Use

Motion by Slater, supported by Hesselsweet, to **postpone** consideration of the dimensional variance application for 14494 Angelus Circle, until the applicant does the following:

1. Refer the application to the Planning Commission since there is another compliant option available, by submitting a Special Land Use application for an accessory structure located in the front yard per Section 12.07 of the Zoning Ordinance

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

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

Nays:

Absent: Behm

V. REPORTS

Thibault provided an update on the Grand Rapids Water Treatment Plant Solar Installation

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 8:11pm

Respectfully submitted,



Rory Thibault

Acting Recording Secretary