

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JUNE 27, 2023

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 pro tem Slater.

II. ROLL CALL

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

Also present: Senior Planner Thibault,

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

III. APPROVAL OF MINUTES

**Without objection**, the minutes of the April 25, 2023 ZBA Meeting were approved.

IV. NEW BUSINESS

A. ZBA Variance Application No. 23-02 – Rust – Dimensional Variance

Party Requesting Variance:	Dale & Mary Jo Rust
Address:	18165 Shore Acres Rd
Parcel Number:	70-03-32-331-017
Location:	18165 Shore Acres Rd

The applicant is seeking a variance is seeking to construct a series of retaining walls and decks that would result in a violation of Sections from Sections 14.13.C, 14.13.C.2, and 14.13.C.3 and 10.04.C.4 of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated June 21<sup>st</sup>.

The applicant, Dale Rust, was present to provide additional information.

- Stated that a lot of the information was covered in the memo and had not significantly changed since the original application.

The Board reviewed the application and did not have any additional comments.

**Standard No. 1** – Exceptional or extraordinary circumstances:

- The property is located within the Critical Dune Area and is encumbered by steep topographic changes ( $\approx$  55 ft elevation change).

Ayes: Slater, Loftis, Behm, alt. Egedy-Bader  
Nays: None

Absent: Voss, Hesselsweet

**Standard No. 2** – Substantial property right:

- The majority of homes along Lake Michigan have a series of decks that provide views. The retaining walls are needed to preserve and stabilize the aging house.

Ayes: Slater, Loftis, Behm, alt. Egedy-Bader

Nays: None

Absent: Voss, Hesselsweet

**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.

Ayes: Slater, Loftis, Behm, alt. Egedy-Bader

Nays: None

Absent: Voss, Hesselsweet

**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 are legally non-conforming in location. The steep topographic changes and legally non-conforming location of the house create the need for the retaining walls in order to preserve the owners' investment in their property.

Ayes: Slater, Loftis, Behm, alt. Egedy-Bader

Nays: None

Absent: Voss, Hesselsweet

**Motion** by Egedy-Bader, supported by Behm, to **approve** a dimensional variance from Sections 14.13.C, 14.13.C.2, and 14.13.C.3 and 10.04.C.4 of the Zoning Ordinance to construct a series of retaining walls and decks. The details are as follows:

1. Dimensional variance from Section 14.13.C.2 to allow a 4' tall retaining wall to be built to the property line that will result in setback variance of 2'.
2. Dimensional variance from Section 14.13.C.3 to allow a series of retaining walls totaling 11' in height that will result in a height variance of 3' and a side yard setback variance of 1'.
3. Dimensional variance from Section 14.13.C.3 to allow a retaining wall (not to exceed 8' in height) to be built to the property line that will result in a front yard setback variance of 19' and a side yard setback variance of 15'.
4. Dimensional variance from Section 10.04.C.4 to allow a deck to be built to the property line that will result in a side yard 1 setback variance of 15'.

5. Dimensional variance from Section 10.04.C.4 to allow a deck that will result in a side yard setback variance of 1’.

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: Slater, Loftis, Behm, alt. Egedy-Bader

Nays: None

Absent: Voss, Hesselsweet

B. ZBA Variance Application No. 23-03 – Griffeth – Dimensional Variance

Party Requesting Variance:	Paul & Michele Griffeth
Address:	18301 Hillside Drive
Parcel Number:	70-03-32-177-015
Location:	18301 Hillside Drive

The applicant is seeking to remove and rebuild an existing two story deck in the same size and location. This would result in a rear yard setback of 10.1 feet where 20 feet is required, and a side yard setback of 7.1 feet, where 10 feet is required, which is in violation of Section 10.04.C of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated June 22<sup>nd</sup>.

The applicant’s contractor, Tony, was present to provide additional information.

- Affirmed that a lot of the information was covered in the memo. The property owners were unable to attend due to illness.

The Board reviewed the application and did not have any additional comments.

**Standard No. 1** – Exceptional or extraordinary circumstances:

- The subject property is within the Critical Dune Area, and has an exceptionally small lot area (*5,000 sqft where 15,000 sqft is required; or 66% smaller in area*). The parcel has steep elevation changes of approximately 20 feet.

Ayes: Slater, Loftis, Behm, alt. Egedy-Bader

Nays: None

Absent: Voss, Hesselsweet

**Standard No. 2** – Substantial property right:

- Many properties abutting Lake Michigan have decks to enjoy the view. There are existing doors off the western side of the building that would require a deck or porch to access for egress. The requested variance would limit construction to a deck equivalent to the structure currently in place.

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

**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.

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

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

- Legal lots of record are common throughout the Township. Due to the small size of this parcel, there is not an option to have a conforming deck of equivalent size and usability as the current one. A compliant deck would reduce an existing modest deck.

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

**Motion** by Loftis, supported by Behm, to **approve** a dimensional variance from Section 10.04.C to construct a two-story deck to remain within the existing footprint of the existing deck at 18301 Hillside Drive which will result in a side yard setback of 7-feet and a rear yard setback of 11-feet, 6-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: Slater, Loftis, Behm, alt. Egedy-Bader  
Nays: None  
Absent: Voss, Hesselsweet

## V. OLD BUSINESS

### A. ZBA Variance Application No. 22-01 – Westra – Extension Request

Party Requesting Variance:	Gregory Westra
Address:	17318 Timber Dunes Drive
Parcel Number:	70-07-16-346-007
Location:	17318 Timber Dunes Drive

The applicant is seeking an extension of 1-year for the variance permit that was approved and issued on May 31, 2022.

Thibault provided an overview through a memorandum dated June 22<sup>nd</sup>.

The applicant, Gregory Westra, was present to provide additional information.

- Confirmed that the reasons were listed in the Staff memo.

The Board reviewed the application and did not have any additional comments.

**Motion** by Egedy-Bader, supported by Loftis, to **approve** an extension of 1-year for permit No. P22ZBA0001 regarding a dimensional variance to replace a deck at 17318 Timber Dunes Drive.

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

Ayes: Slater, Loftis, Behm, alt. Egedy-Bader

Nays: None

Absent: Voss, Hesselsweet

## VI. REPORTS

Thibault provided information related to a potential Parliamentary procedure training opportunity with other area municipalities for new Zoning Board of Appeals and Planning Commission members.

The Board discussed parliamentary procedure and meeting process related to the following items: the Standards for approval - specifically how correspondence is weighted and handled, critical dunes and considerations for property to be considered exceptional, interaction of the Zoning Ordinance, Board of Appeals, and critical dune properties, and quantity of applications which are provided approvals

## VII. EXTENDED PUBLIC COMMENTS – None

## VIII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:40 pm.

Respectfully submitted,



**Rory Thibault**

Acting Recording Secretary