

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 27, 2022

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

Also present: Senior Planner Thibault, Associate Planner Hoisington

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the August 23, 2022 ZBA Meeting were approved.

IV. NEW BUSINESS

A. ZBA Variance Application No. 22-11 – Zamiara – Dimensional Variance

Party Requesting Variance:	Nancy Zamiara
Address:	17461 Lakeside Trail
Parcel Number:	70-07-33-125-036
Location:	17461 Lakeside Trail

The applicant is seeking a dimensional variance to construct a building addition and retaining wall. The building addition would result in a 3-story building height where a maximum 2.5-story height is permitted, which is in violation of Section 2.08 of the Zoning Ordinance. The retaining wall would result in a 10' height where a maximum height of 8' is permitted and a 1' side yard setback where 10' is required, which would violation of Section 14.13.C of the Zoning Ordinance.

Hoisington provided an overview through a memorandum dated September 22nd.

The applicant, Ms. Zamiara, and her representative Chuck Posthumus were present to provide information.

- Presented the Board and Staff with an additional handout illustrating the floor plan of the house.
- Provided an overview of the property and the merits of the request: relating to the location within a Critical Dune area, wetland encumberments, the restriction of areas for an addition, and the relative size of the adjacent house to the south.

- Clarified that Peterson Environmental has compiled the information and submitted the EGLE application. In their opinion the retaining wall for the parking area was outside of the Critical Dunes and therefore exempt from EGLE discretion.
- Opined EGLE prefers to balance cut and fill when reviewing proposed construction in the dunes, and therefore a height variance would be more preferred than construction of a retaining wall system
- Expressed that neighboring properties are in support of the application and would also like to minimize grade disruptions.
- Declared that the height request was not to see the lake, and therefore not of so general or recurrent a request.

The Board discussed the application and noted the following:

- Questioned if the height of the proposed addition is tall than the existing property
 - Staff clarified that according to the definition of how height is measured in the Zoning Ordinance, yes it does – even if the ridgeline is at the same level, the topography impacts the height determination.
- Questioned where in the EGLE process the application was, and if it covered all the proposed improvements
- Opined that the proposed 10-foot tall retaining wall with a 1-foot side yard setback was too close to the property line
- Opined that neither of the proposals from the applicant are guaranteed for an approval

Standard No. 1 – Exceptional or extraordinary circumstances:

- The property is a legal lot of record and is non-conforming in lot width.
- The property is encumbered by both Critical Dune Area and regulated wetlands.

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

Nays: None

Absent: Hesselsweet

Standard No. 2 – Substantial property right:

- Retaining wall: The wall is needed to support the location of the driveway but does not need to be in that location.
- Building height: Each property owner has the right to expand their home within the regulations of the Zoning Ordinance. The existing home conforms with the required minimum dwelling size. There is no entitlement to a larger or taller home.

Ayes: None

Nays: Egedy-Bader, Loftis, Behm, Slater, Voss

Absent: 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 letters of opposition were received for this application (*as of September 22nd*).
- Providing a building height request would impair the intent of the Ordinance

Ayes: None

Nays: Egedy-Bader, Loftis, Behm, Slater, Voss

Absent: Hesselsweet

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

- Building height: The buildable area of the lot is limited, but the existing home already complies with the Zoning Ordinance. Increased building height is a common desire on lakefront properties.
- Retaining wall: the limitations on the property due to the Critical Dune Area, regulated wetlands, and existing topography limit the buildable area and are unique to the property. However, a more compliant location and height is possible.

Ayes: Slater

Nays: Egedy-Bader, Loftis, Behm, Voss

Absent: Hesselsweet

Motion by Slater supported by Behm, to **deny** a dimensional variance from Sections 2.08 and 14.13.C of the Zoning Ordinance to construct a home addition and retaining wall at 17461 Lakeside Trail. Denial of this variance is based upon this Board’s findings that all four standards have not been affirmatively met.

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

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

Nays:

Absent: Hesselsweet

B. ZBA Variance Application No. 22-10 – Zamiara – Dimensional Variance

Party Requesting Variance:	Nancy Zamiara
Address:	17461 Lakeside Trail
Parcel Number:	70-07-33-125-036
Location:	17461 Lakeside Trail

The applicant is seeking a variance to construct three new retaining wall systems, herein referred to as A, B, and C. System A would result in a 10’ height where a maximum height of 8’ is permitted; 1’ side yard setback where 10’ is required. System B would result in a 4’ side yard setback where 10’ is required. System C

would result in a 7' side yard setback where 10' is required. The retaining walls violate Section 14.13.C of the Zoning Ordinance.

Hoisington provided an overview through a memorandum dated September 22nd.

The applicant, Ms. Zamiara, and her representative Chuck Posthumus were present to provide information

- Stated that a lot of the information is a duplicate of the first application and does not change the floor plan or intended use of the addition.
- Clarified that the existing walkway to the main floor of the house would be moved to the North of the retaining walls.
- Opined that the Board should motion to postpone the application because of the outstanding EGLE permit and other questions raised during the first application.

The Board discussed the application and noted the following:

- Questioned where the existing driveway was in relation to the existing grade
 - Staff clarified that it is at grade with a slope

Motion by Loftis, supported by Behm, to postpone the dimensional variance application for 17461 Lakeside Trail., and direct the applicant and/or staff to provide the following information:

1. Provide a copy of the EGLE permit which approves the construction of all items included in this variance request.

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

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

Nays: None

Absent: Hesselsweet

V. REPORTS - None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 8:10 pm.

Respectfully submitted,



Rory Thibault

Acting Recording Secretary