

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 22, 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: Behm, Hesselsweet, Loftis, Slater, Voss, and alt. Egedy-Bader

Board of Appeals members absent: None

Also present: Senior Planner Chaphalkar and Attorney Redick

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

III. APPROVAL OF MINUTES

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

IV. PUBLIC COMMENT – NONE

V. NEW BUSINESS

A. ZBA Variance Application No. 24-04 – Lakeshore Property Services – Dimensional Variance

Party Requesting Variance:	Eric Rosendall – Rosendall Land Holdings
Address:	14324 172 nd Avenue, Grand Haven MI
Parcel Number:	70-07-04-200-009
Lot Size:	9.74 Acres
Zoning:	I-1 - Industrial Zoning District

The applicant is seeking three Dimensional Variances, described below:

1. A Dimensional Variance pursuant to Section 4.02.A.2 to provide 63 trees on site as general landscaping when 257 trees are required for the property located at 14324 172nd Avenue.
2. A Dimensional Variance pursuant to Section 4.02.A.4.a to construct a parking lot without a 10 feet wide landscaped area, approximately 301 linear feet, for the property located at 14324 172nd Avenue, when any parking lot are required to have a 10 feet wide landscaped area adjacent to all sides of the parking lot.
3. A Dimensional Variance pursuant to Section 12.34.A.1 to construct an outdoor storage yard, where 727 linear feet of the southeast portion would not be

screened for the property located at 14324 172nd Avenue, when the entire storage yard is to be completely enclosed by a required screening fence and screening trees planted three feet on-center (3' O.C).

Chaphalkar provided an overview through a memorandum dated October 17th.

Attorney Redick provided additional information:

- Explained historical precedent of Special Land Uses, which require higher standards for compliance and may not be appropriate for every parcel.
- Noted the general landscaping requirement is proportionate to the size of the pervious area, a property with larger amounts of pervious surface will require more landscaping in number, but would be proportionate to the characteristics of the unique property.
- Explained a lack of precedent for larger properties being considered a detriment for compliance with general standards.

The applicant, Eric Rosendall, was present to provide additional information:

- Acknowledged staff correspondence regarding Special Land Use standards prior to entering into a land contract to purchase the property.
- Opined large size of parcel is a unique burden for compliance with the general landscaping requirements.
- Stated a tree survey was completed to identify landmark trees prior to removing vegetation on site, acknowledged clearing occurred without staff review.
- Explained opposition to proving pervious surface on site due to machinery and stored materials.
- Described proposed asphalt milled surface for the storage yard, which would be treated to be maintained dust-free.

The applicant's attorney, Bob Sullivan - Scholten Fant, was present to provide additional information:

- Opined that compliance with the general landscaping requirements would leave little of the parcel available for use.
- Explained location of Consumers' powerline easement on the site and impact on compliance with the Zoning Ordinance.
- Described the location of the proposed parking lot as not visible to the general public.
- Opined the Zoning Ordinance standards did not make sense for the site.

The applicant's engineer, Andy Brooks – Callen Engineering, was present to provide additional information:

- Explained the width of the Consumers' easement had been reduced to 40', and the agreement prohibits any landscaping within the easement.
- Discussed revisions to the site plan from previous submittals.

The Board discussed the application and noted the following:

- Inquired about the applicant’s previous communication with staff regarding the proposed Special Land Use which occurred prior to entering into a land contract to purchase the property.
- Discussed the visibility of the proposed parking lot landscaping from publicly accessible areas.
- Inquired about the likelihood of materials spilling into neighboring county drain.
- Reviewed the proposed site plan submittal.

Variance Request #1 – Proposed 63 trees where 257 trees are required.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The subject property is encumbered by a Consumers powerline easement and a county drain easement.
- The ZBA had no additional discussion points.

Ayes: Hesselsweet and Slater
 Nays: Behm, Loftis, and Voss
 Absent: None

Standard No. 2 – Substantial property right:

- All properties must comply with the general landscaping requirements.
- The ZBA had no additional discussion points.

Ayes: Slater
 Nays: Behm, Hesselsweet, Loftis, and Voss
 Absent: None

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.
- The ZBA had no additional discussion points.

Ayes: None
 Nays: Behm, Hesselsweet, Loftis, Slater, and Voss
 Absent: None

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

- Waiving the general landscaping requirements may set a precedent requiring a zoning ordinance text amendment.
- The ZBA had no additional discussion points

Ayes: None

Nays: Behm, Hesselsweet, Loftis, Slater, and Voss
Absent: None

Motion by Behm, supported by Loftis to **deny** the dimensional variance from Sections 2.08 and 15.02.A to construct a building addition to connect the existing home to the existing detached accessory building (garage) and to construct a new roof structure on the existing garage for the property at 15879 Lake Avenue because an alternative exists that does not violate the Grand Haven Charter Township Zoning Ordinance. 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: Slater, Behm, Voss, Hesselsweet, Loftis
Nays: None
Absent: None

Variance Request #2 – Waive 301 linear feet of 10 feet wide landscaped area adjacent to the eastern parking lot

Standard No. 1 – Exceptional or extraordinary circumstances:

- The proposed parking lot would not be visible in publicly accessible areas.
- The ZBA had no additional discussion points.

Ayes: Behm, Hesselsweet, Loftis, Slater, and Voss
Nays: None
Absent: None

Standard No. 2 – Substantial property right:

- The ZBA had no additional discussion points.

Ayes: Behm, Hesselsweet, Loftis, Slater, and Voss
Nays: None
Absent: None

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.
- The ZBA had no additional discussion points.

Ayes: Behm, Hesselsweet, Loftis, Slater, and Voss
Nays: None
Absent: None

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

- The ZBA had no additional discussion points.

Ayes: Behm, Hesselsweet, Loftis, Slater, and Voss

Nays: None

Absent: None

Motion by Slater, seconded by Behm, to **approve** a dimensional variance from Section 4.02.A.4.a to construct a parking lot without a 10 feet wide landscaped area, approximately 301 linear feet, for the property located at 14324 172nd Avenue.

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

Ayes: Behm, Hesselsweet, Loftis, Slater, and Voss

Nays: None

Absent: None

Variance Request #3 – Waive the Special Land Use screening requirement for 727 linear feet along the southeast boundary of the proposed outdoor storage yard.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The subject property is encumbered by a 40’ wide Consumers powerline easement and a county drain easement.
- The ZBA had no additional discussion points.

Ayes: None

Nays: Behm, Hesselsweet, Loftis, Slater, and Voss

Absent: None

Standard No. 2 – Substantial property right:

- The screening is required for the proposed Special Land Use.
- The ZBA had no additional discussion points.

Ayes: None

Nays: Behm, Hesselsweet, Loftis, Slater, and Voss

Absent: None

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.
- The ZBA had no additional discussion points.

Ayes: None

Nays: Behm, Hesselsweet, Loftis, Slater, and Voss

Absent: None

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

- Waiving the screening required for the Special Land Use may set a precedent requiring a zoning ordinance text amendment.
- The ZBA had no additional discussion points.

Ayes: None

Nays: Behm, Hesselsweet, Loftis, Slater, and Voss

Absent: None

Motion by Slater, seconded by Hesselsweet, to **deny** a dimensional variance from Section 12.34.A.1 to construct an outdoor storage yard, which 727 linear feet of the southeast portion would not be screened because an alternative exists that does not violate the Grand Haven Charter Township Zoning Ordinance.

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

Ayes: Slater, Behm, Voss, Hesselsweet, Loftis

Nays: None

Absent: None

- VI. REPORTS – Chaphalkar noted staff were not aware of any upcoming ZBA application submittals.
- VII. EXTENDED PUBLIC COMMENTS – None
- VIII. ADJOURNMENT

Without objection, the meeting was adjourned at 8:26 pm.

Respectfully submitted,



Cassandra Chaphalkar

Acting Recording Secretary