



AGENDA

Zoning Board of Appeals – Regular Meeting
Tuesday, July 23, 2024 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of the March 26th, 2024 ZBA Meeting Minutes
- IV. Public Comments & Questions (*Agenda Items Only*)
- V. New Business
 - A. ZBA Variance Application No. 24-03 – Middlemiss Dimensional Variance
- VI. Reports
- VII. Extended Public Comments & Questions (*Non-Agenda Items*)
- VIII. Adjournment

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,



Rory Thibault
Acting Recording Secretary

DRAFT

Community Development Memo

DATE: July 18, 2024
 TO: Zoning Board of Appeals
 FROM: Cassandra Chaphalkar - Senior Planner
 RE: 15879 Lake Avenue – Dimensional Variance Application No. 24-03

PARCEL INFORMATION

Owner/Applicant	James & Karmelita Middlemiss
Property Address	15879 Lake Avenue
Parcel Number	70-07-02-130-011
Lot Size	1.09 Acres
Lot Type	Typical Lot, Waterfront Lot
Zoning	R-2 - Single Family Residential
Required Setbacks for a Main Building	Side - 10 feet
Requested Setbacks for a Main Building	Side - 2.5 Feet



Wetland/Floodplain Map

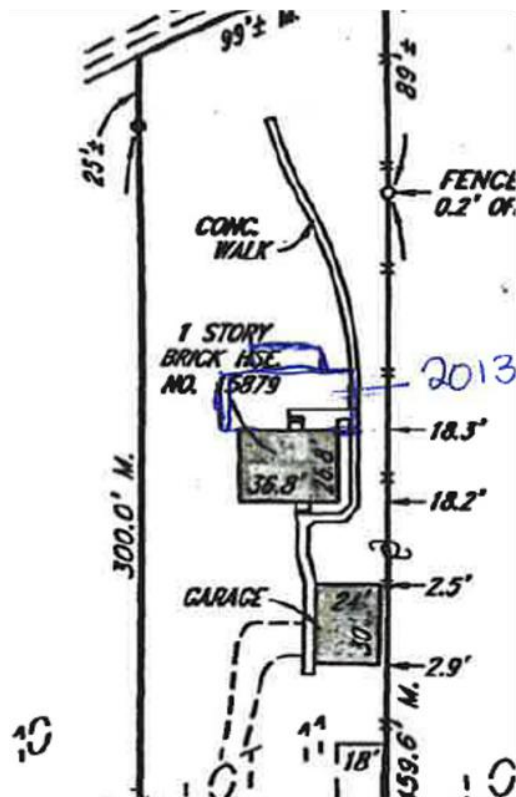
BACKGROUND

The subject property is typical waterfront lot located on Lake Avenue. The lot appears to be compliant, meeting the minimum dimensional requirements for the R-2 Zoning district. A small portion of the lot at the coastline is encumbered by wetlands and floodplains.

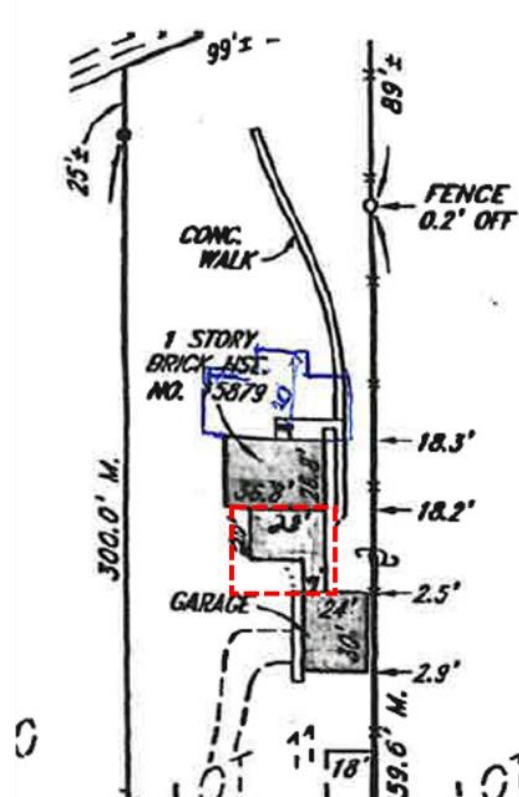
VARIANCE REQUEST

The Middlemiss family purchased the property in 2011. In the time since the purchase, the applicants have worked to renovate the home, starting with a building addition completed in 2014. The reason for the dimensional variance request is a proposed building addition which would connect the home to an existing non-conforming detached garage.

Per Township records, the detached garage was constructed in 1963, predating current Zoning requirements. At the nearest point, the garage has a 2.5' setback from the side lot line where 15' would be required under current standards, which results in the garage being considered legally non-conforming.



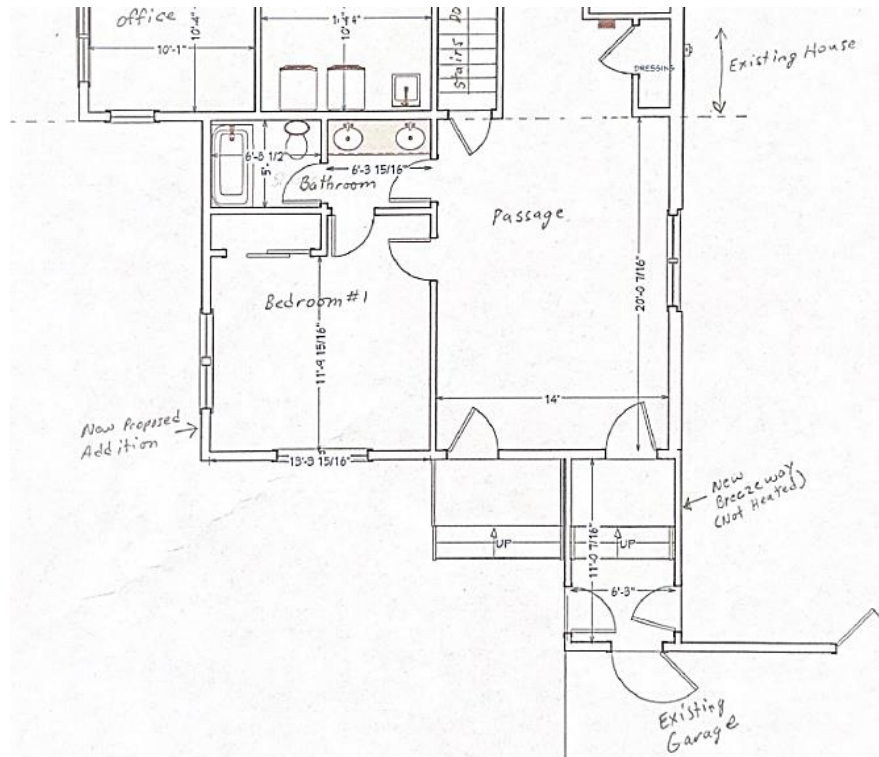
Existing Site Plan



Proposed Site Plan

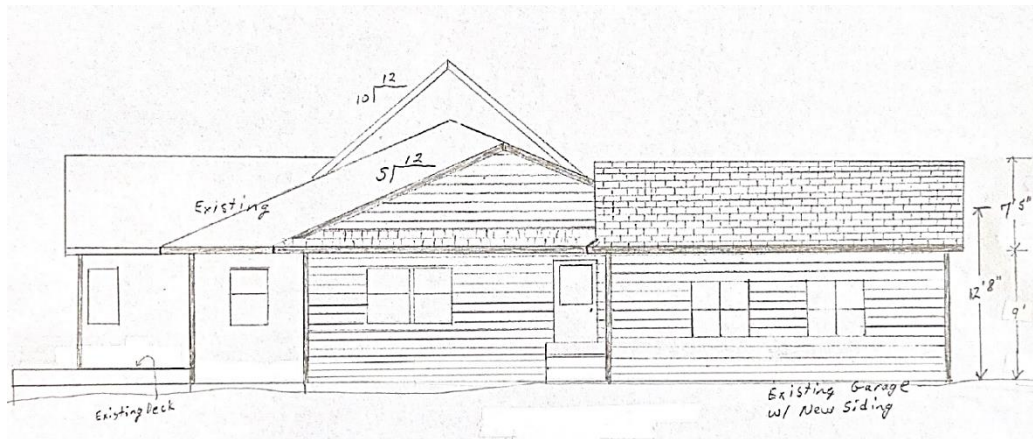
The proposed building addition would remain in line with the existing home, which has a complaint setback of 18.2'. The 629 sqft addition would provide an additional bedroom, bathroom, and living space, connected to the garage by a breezeway.

However, if the two structures are connected, then the combined structure will be considered the main building, which must comply with the minimum dimensional requirements for R-2 Zoning District. Because the minimum side yard setback for R-2 is 10' and the existing garage has a setback of 2.5', this would create a new non-conformity.



Proposed Floor Plan

Also included in the proposed renovations is the replacement of the garage roof structure. The resulting roof would increase in height from 9' 6" to 12' 8". Increasing the height of a non-conforming structure is prohibited in Section 15.02.A.



It appears there are compliant alternatives:

- The proposed building addition could be reduced in size to provide a minimum 15' setback from the detached garage.
- Per the provided survey, it appears the area adjacent to the southwest corner has vacant space available to construct an attached garage.
- Additional detached accessory buildings are allowed on the property. A maximum of 1,500 sqft in accessory buildings are allowed on the property.
 - The existing garage (720sqft) currently counts towards this allowance but would be considered part of the main building if attached, which would allow for additional accessory buildings to be constructed on the property.

VARIANCE STANDARDS

To authorize a dimensional variance from the strict applications of the provisions of this Ordinance, the ZBA shall apply the following standards and make an affirmative finding as to each of the matters set forth in the standards.

STANDARD 1

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

The subject property is a typical waterfront lot.

The ZBA will need to determine whether this standard is met.

STANDARD 2

The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

The majority of residential properties include a garage. Of these properties, many feature an attached garage for the occupant's convenience.

The ZBA will need to make a determination whether this standard is met given the circumstances of this case.

STANDARD 3

Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

No correspondence has been received for this application (*as of July 18^h*).

The ZBA will need to make the determination whether this standard is met.

STANDARD 4

The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

There are many legally non-conforming accessory buildings in the Township. Setbacks for detached accessory buildings are based on the size of the structure, which may not be compliant with the required setbacks for a main building.

The ZBA will need to make the determination whether this standard is met.

SAMPLE MOTIONS

If the ZBA determines each standard has been affirmative met, the following motion can be offered:

Motion to approve a dimensional variance from Sections 2.08 and 15.02.A to construct a 629 sqft building addition for the property at 15879 Lake Avenue which will connect the existing home to the existing detached accessory building (garage) which will result in a side yard setback of two-feet, six-inches (2' 6") for the main building and to replace the existing roof structure for the garage which will increase the height to 12-feet, 8-inches (12' 8"). Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

However, if the ZBA determines each standard has not been affirmatively met, the following motion can be offered:

Motion 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 14463 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.

If the ZBA determines that more information is needed to make an affirmative finding, the following motion can be offered:

Motion to postpone the dimensional variance application for 15879 Lake Avenue, and direct the applicant and/or staff to provide the following information:

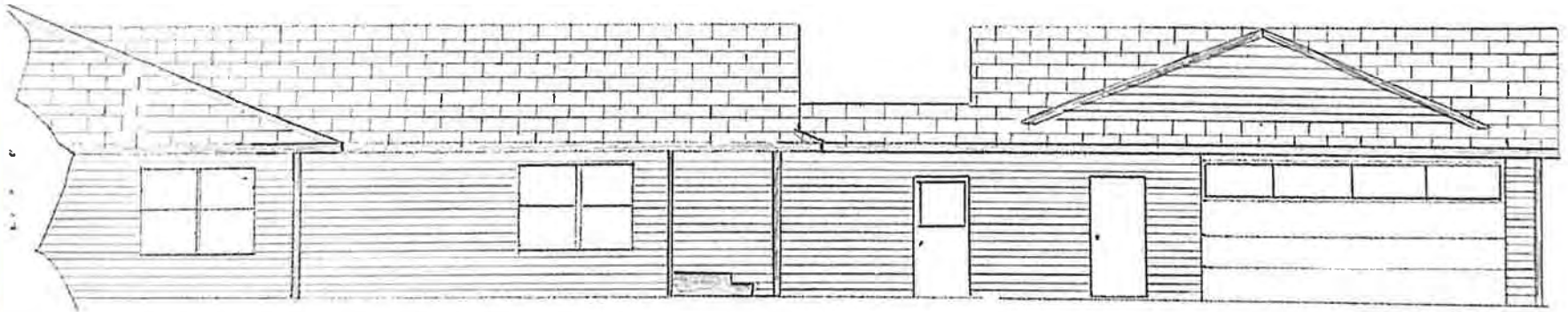
1. *List items.*

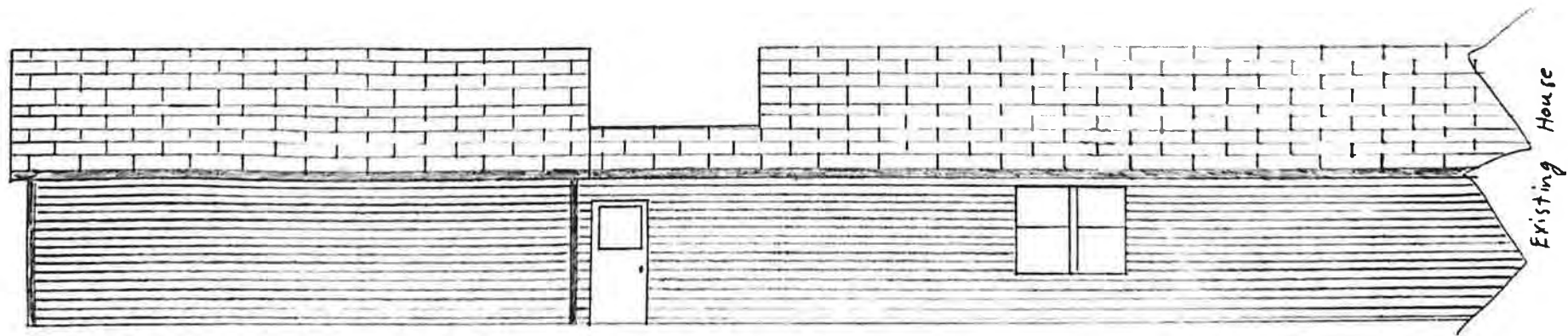
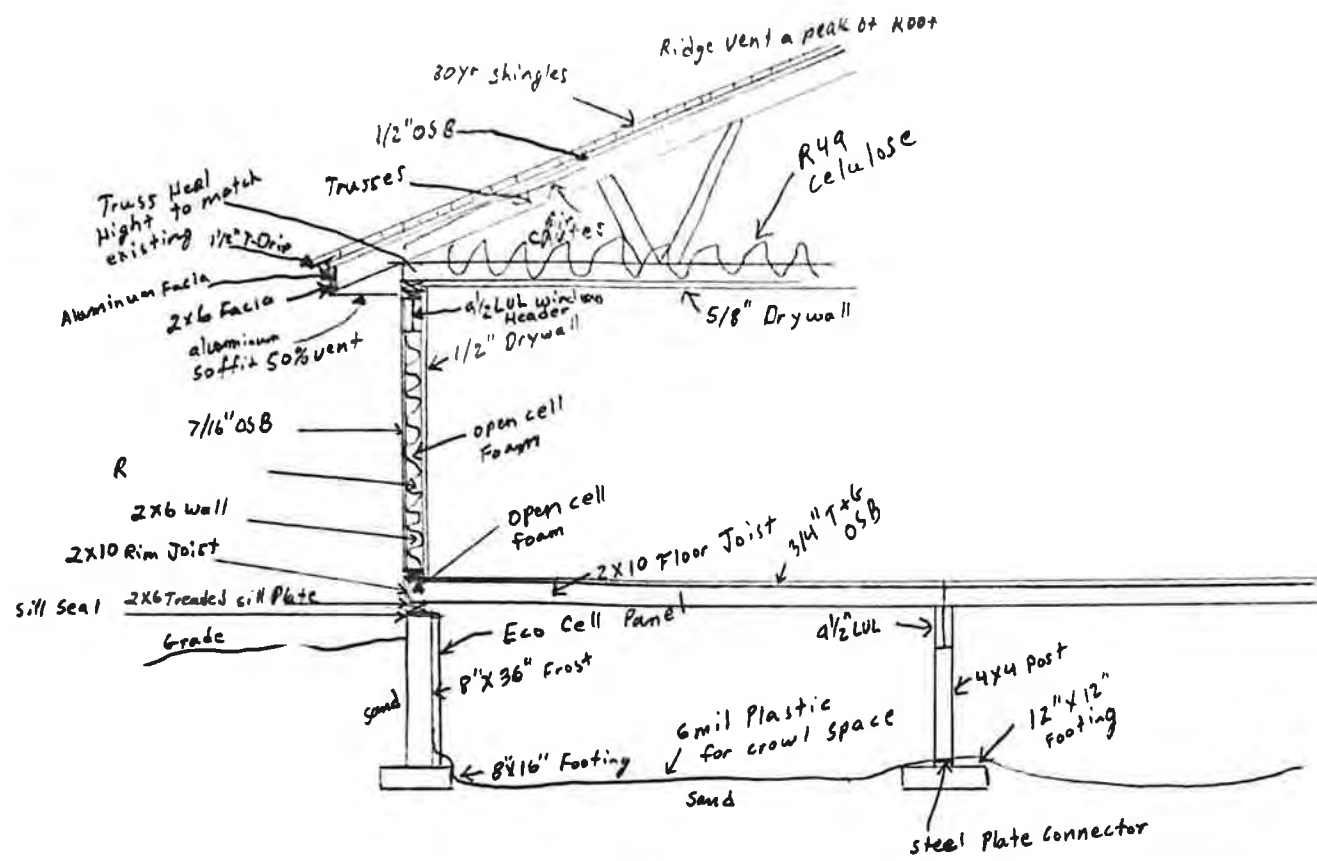
Please contact me with questions or concerns.

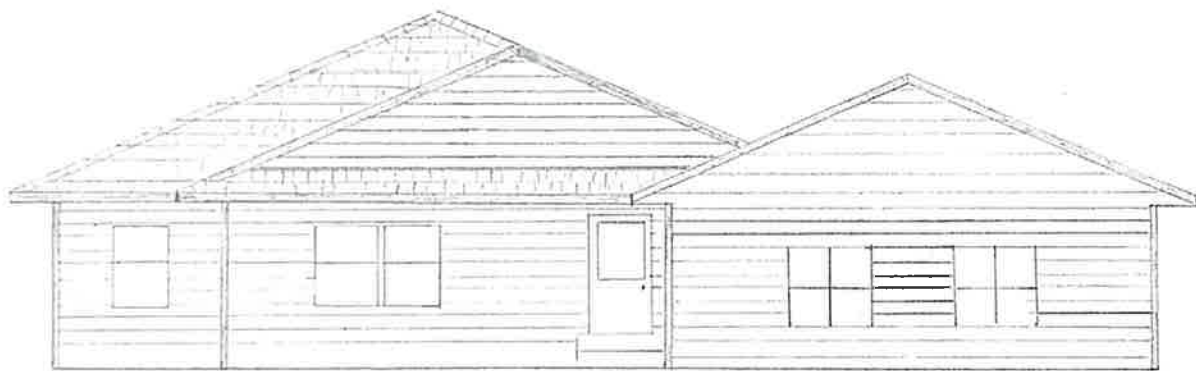
Request is to attach existing house to the existing garage. We plan to live in this house after retirement and this modification will enhance safety as we age if we aren't required to walk outside in the rain, snow and ice to access our garage.

The garage does not meet Grand Haven Township's 15 foot setback requirement from side yard, but it was grandfathered in when we purchased the property as a preexisting structure. Garage is made of block, is of adequate size, and is structurally sound. We do not want to reconstruct the garage as it would add significant cost to the project and place building materials in the landfill unnecessarily. All new construction would comply with 15 foot side yard setback requirements. We would adjoin the existing house to the existing garage with a single story addition to the living area of the house and an unheated breezeway, and maintain the garage footprint as it exists without expanding it. We would raise the garage roof to meet the height of the existing house. Our neighbors would not be adversely affected. The addition would not obstruct any neighbor's existing view of the lake.

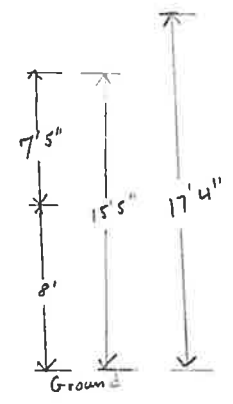
Scale
1/8" = 1'

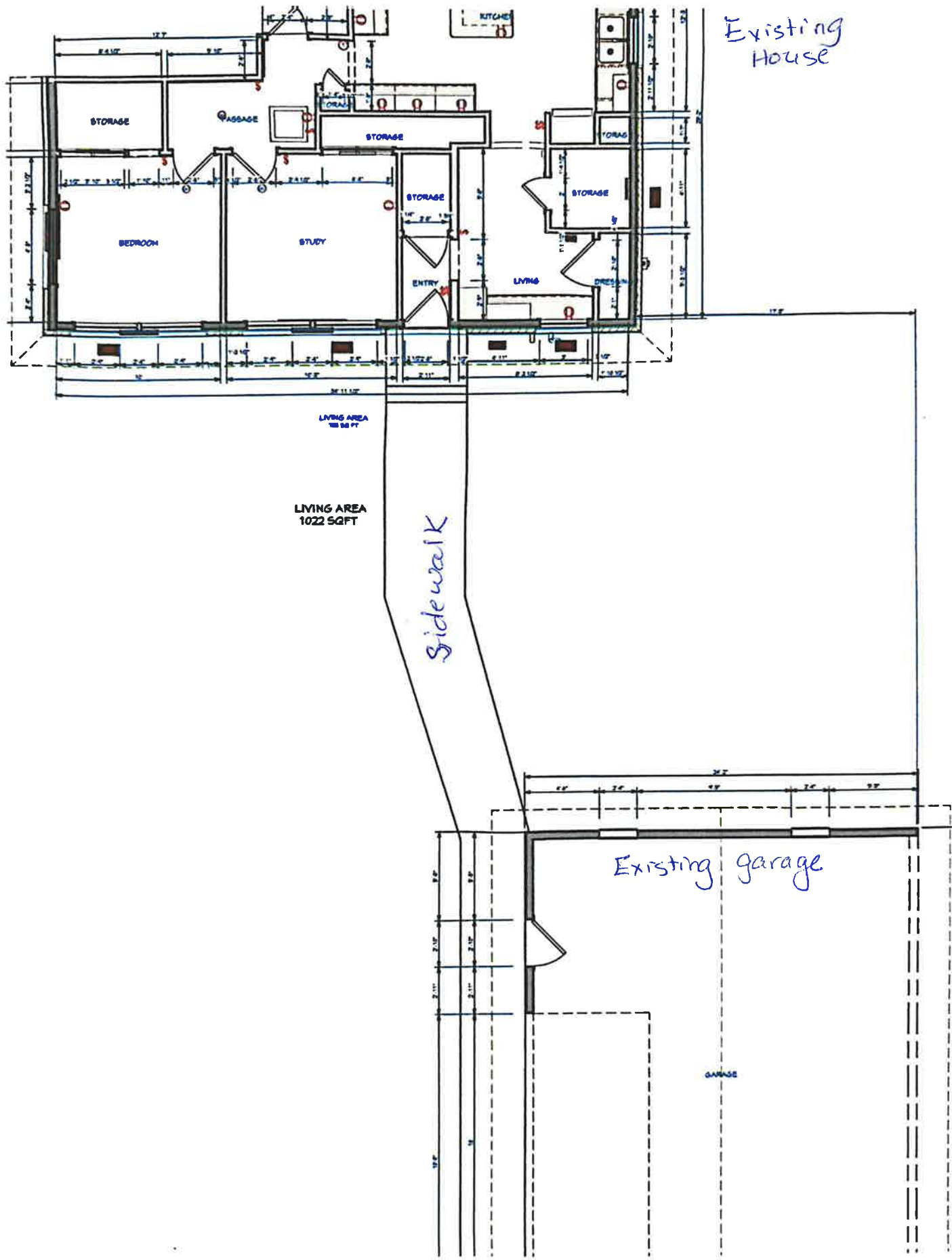


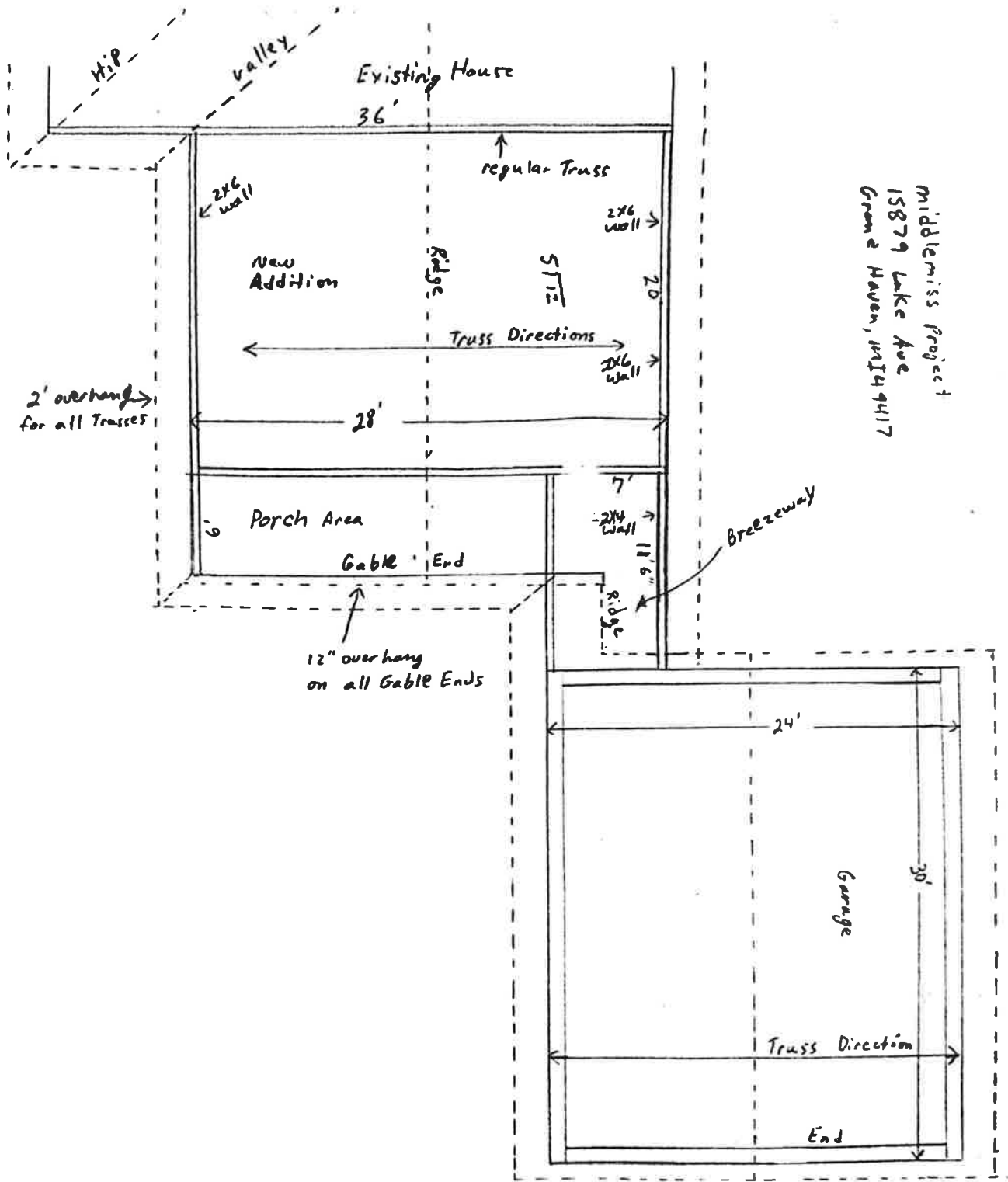




scale
1/8" = 1'







Middlemiss Project
 15879 Lake Ave
 Green Haven, MD 2149417

Existing

Client: Five Star Real Estate
 Buyers: James & Karmelita Middlemiss

Date: November 15, 2011

Certificate of Survey

Property Description

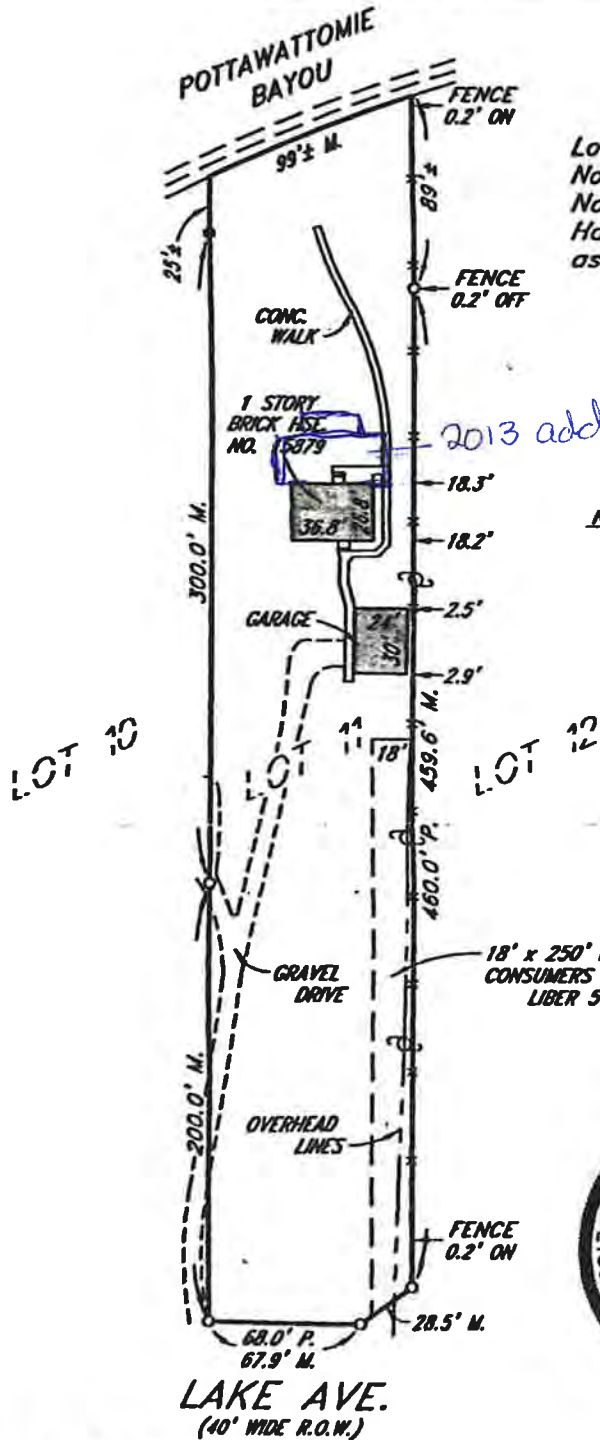
Lot 11, Block 2, Borck's-Supervisor's Plat No. 1, NW 1/4, Section 1, T7N, R16W, and North 1/2, Section 2, T7N, R16W, Grand Haven Township, Ottawa County, Michigan, as recorded in Liber 8 of Plats, Page 68.

Property Address:

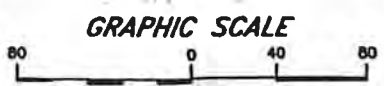
15879 Lake Avenue
 Grand Haven, Michigan 49417

2013 addition - 820 sq ft

Note: It appears that the owners of Lot 10 and Lot 11 are both using the existing gravel driveway. The title policy does not show an easement or an agreement for this usage.



18' x 250' EASEMENT GRANTED TO CONSUMERS ENERGY COMPANY PER LIBER 5137, PAGE 847.



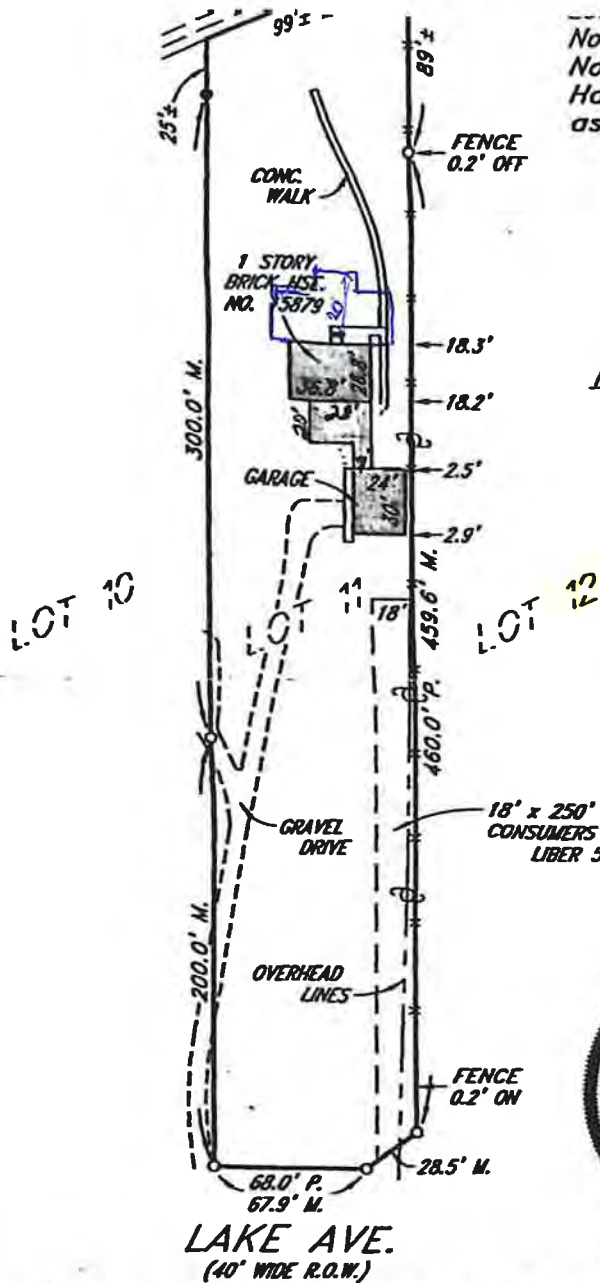
I, James C. Glaza, a Professional Surveyor in the State of Michigan, hereby certify that I have surveyed the parcel of land described and delineated hereon; that said delineation is a true representation of it.

... SUPERVISOR 1101
 No. 1, NW 1/4, Section 1, T7N, R16W, and
 North 1/2, Section 2, T7N, R16W, Grand
 Haven Township, Ottawa County, Michigan,
 as recorded in Liber 8 of Plats, Page 68.

Property Address:
 15879 Lake Avenue
 Grand Haven, Michigan 49417

Note: It appears that the owners of Lot 10 and
 Lot 11 are both using the existing gravel
 driveway. The title policy does not show
 an easement or an agreement for this
 usage.

New Proposed



18' x 250' EASEMENT GRANTED TO
 CONSUMERS ENERGY COMPANY PER
 LIBER 5137, PAGE 847.



(IN FEET)
 1 inch = 80 ft.

I, James C. Glaza, a Professional Surveyor in the State of Michigan, hereby certify:
 that I have surveyed the parcel of land described and delineated hereon: that said
 delineation is a true representation of the survey performed; and that the survey
 was performed with a field error of closure "of 1 in 5000 or greater".

BY: James C. Glaza
 Professional Surveyor No. 40166

Note: Location measurements are not to be
 used to reconstruct property lines.

This survey was made from a legal description which was given
 to us as a complete description of the property. Both map and
 description should be compared with the Abstract of Title or Title
 Policy for any exceptions, easements or differences in description.

LEGEND

- o - Iron Found
- - Iron Set
- (R.) - Recorded
- (M.) - Measured
- (P.) - Platted
- - Centerline
- - Wood Stake
- x-x-x - Fence Line



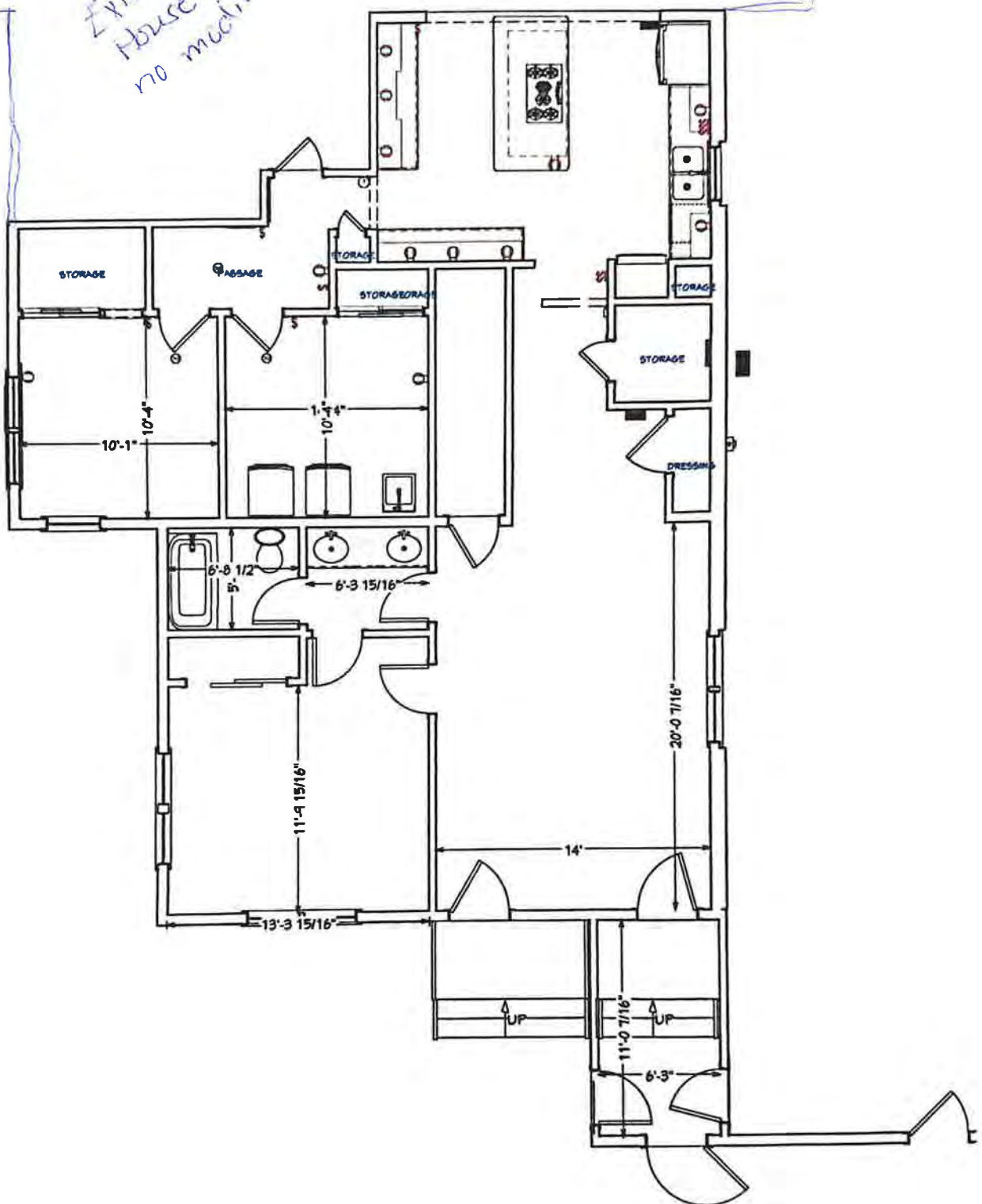
Glaza Land Surveys, LLC

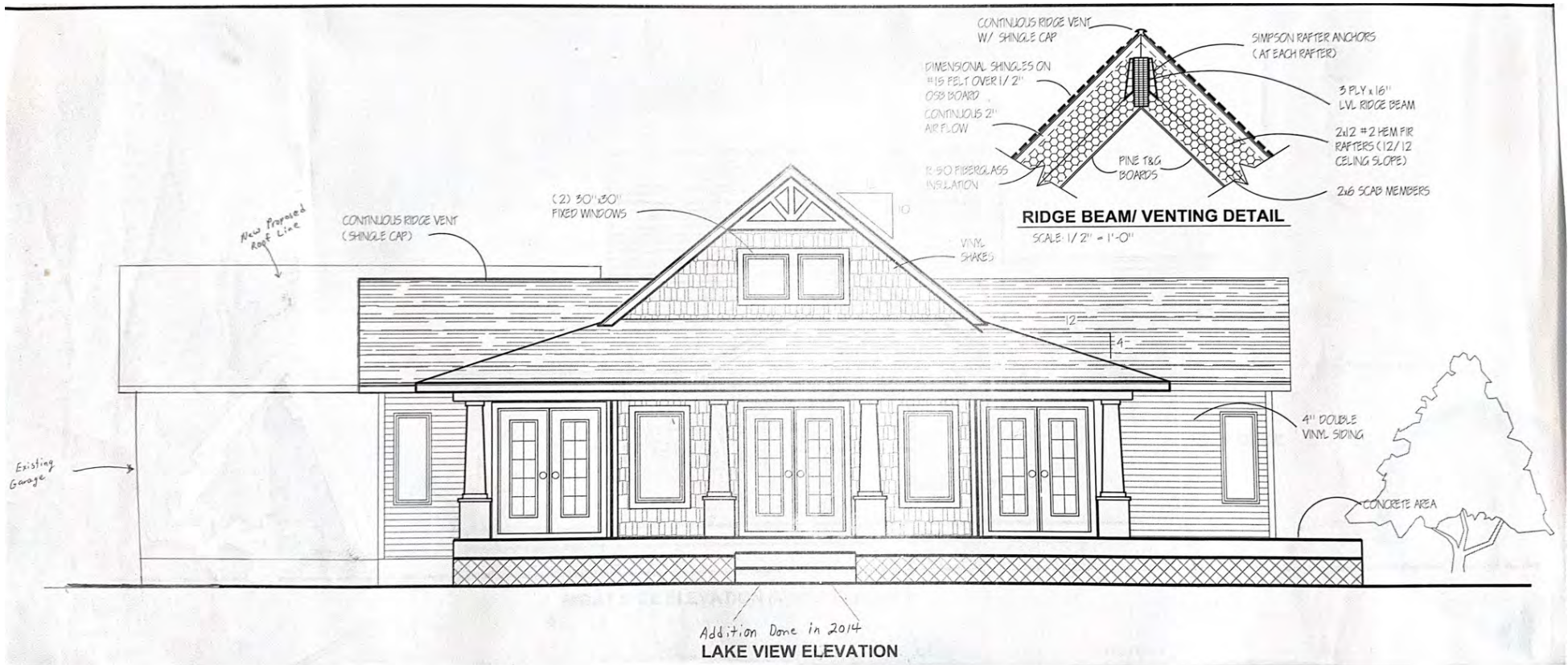
7283 Decosta Drive, N.E.
 Rockford, Michigan 49341
 Phone No.: (616) 874-9366
 Fax No.: (616) 874-3460

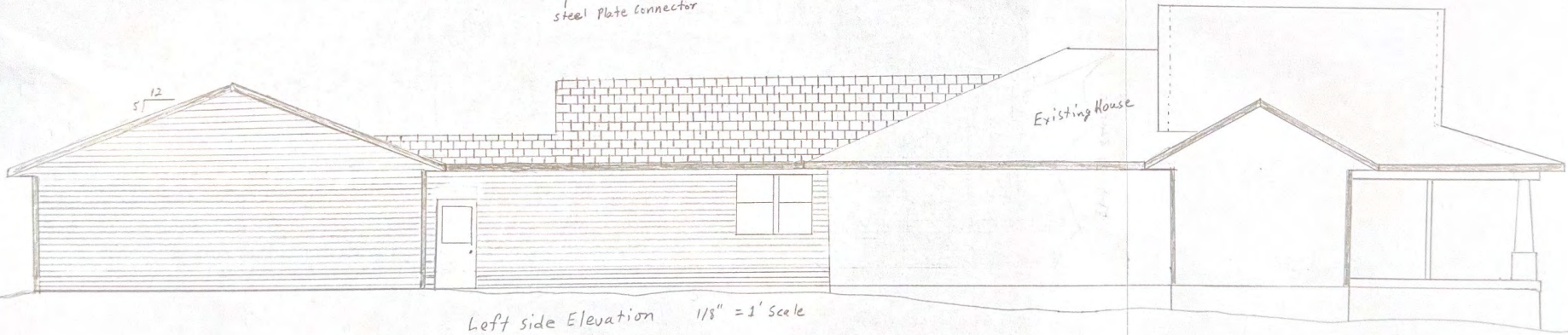
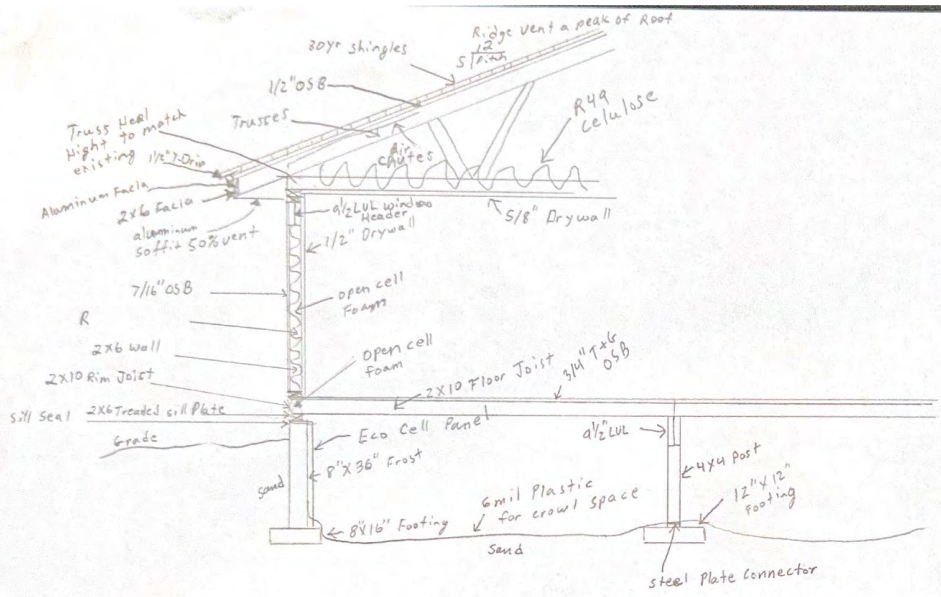
DRN	J.C.G.
CHD	D.J.G.
PAGE	1
OF	1
PROJECT NO.	2011-354

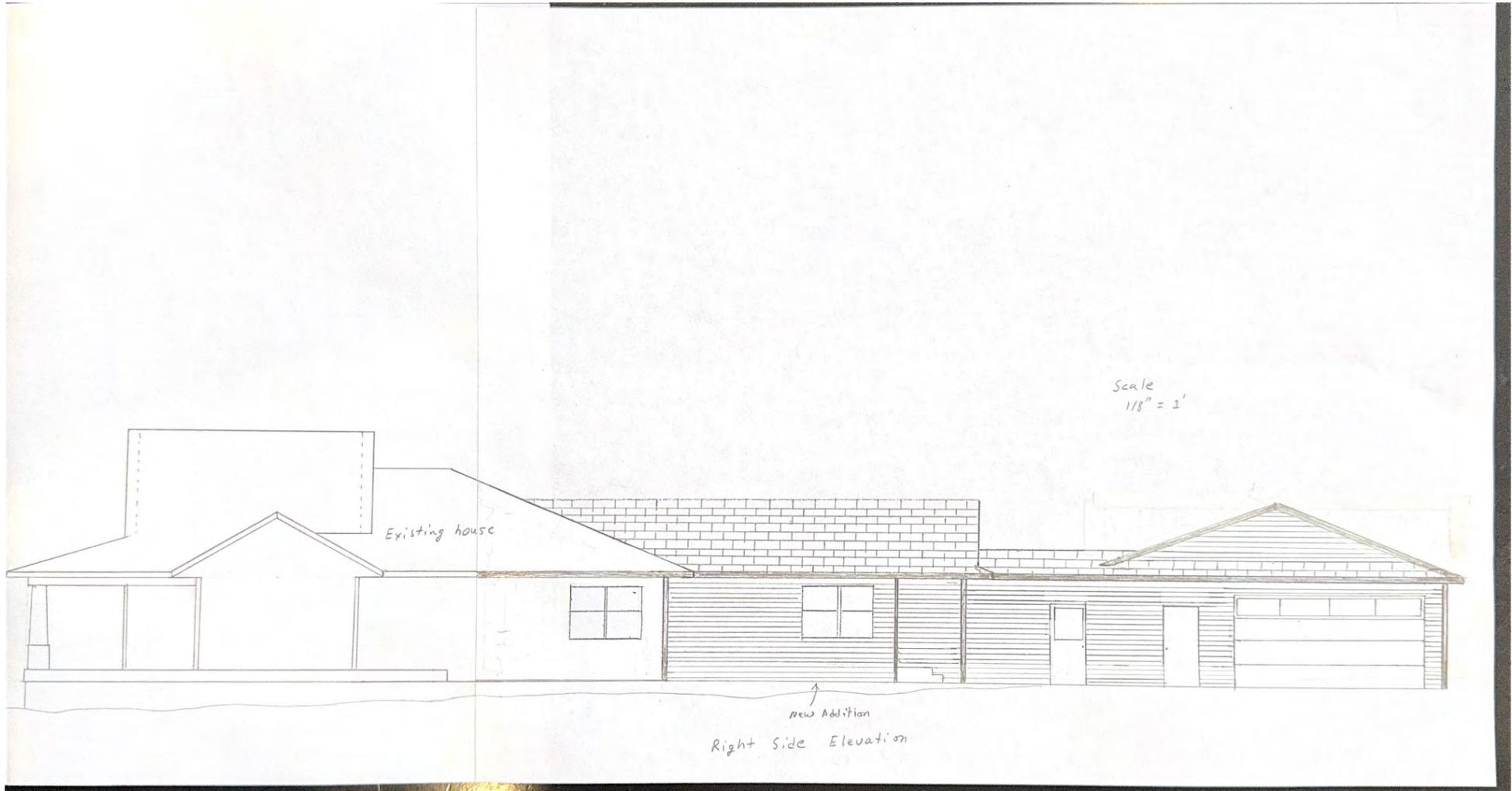
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Existing House
no modifications







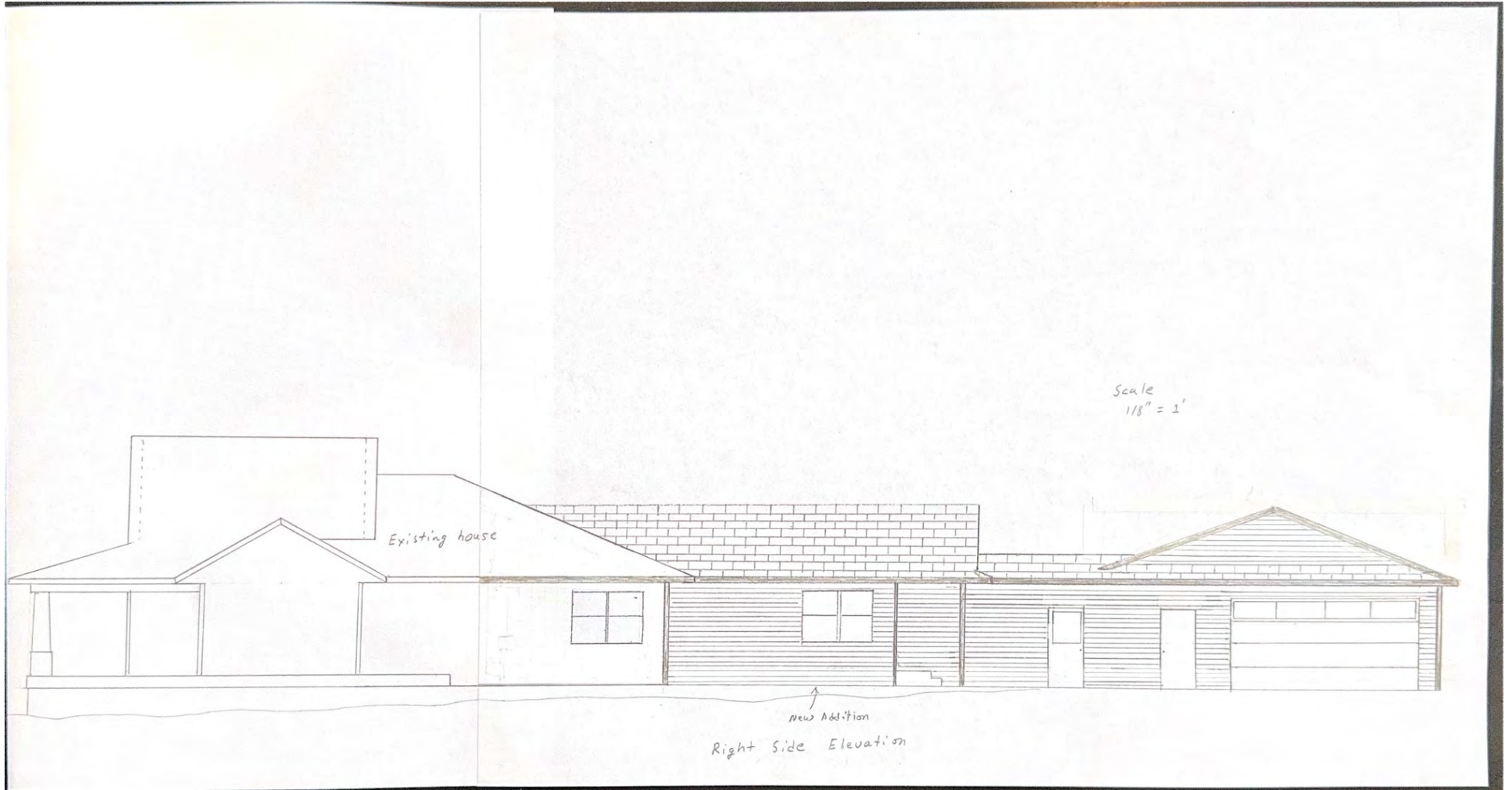


Existing house

Scale
1/8" = 1'

New Addition

Right Side Elevation

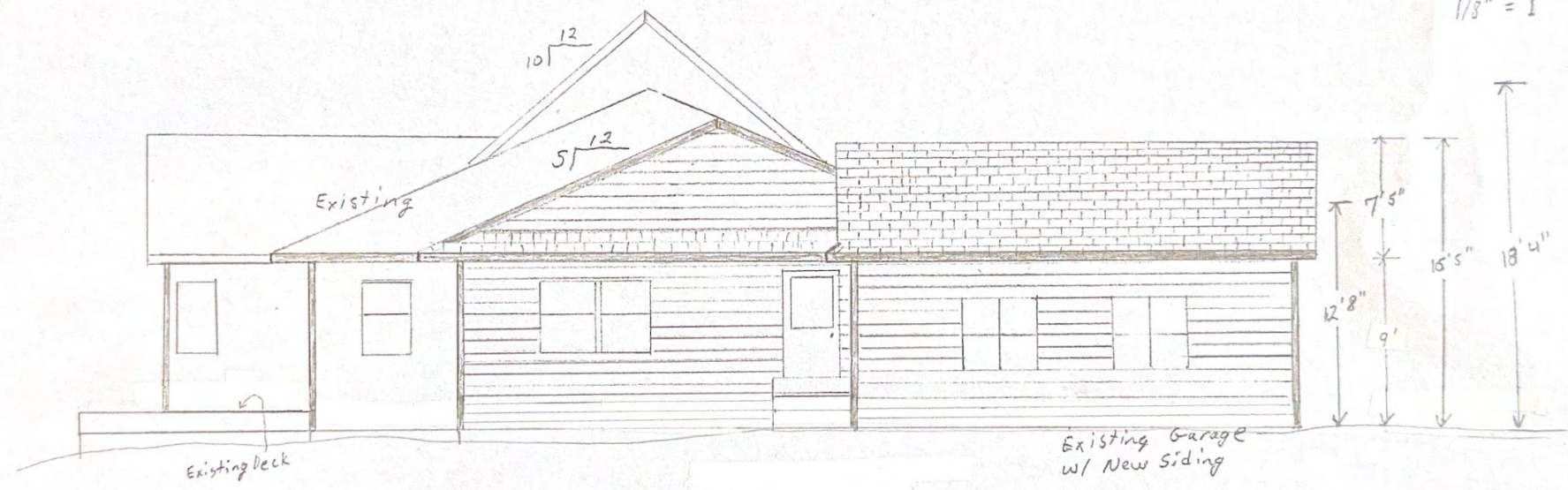


Existing house

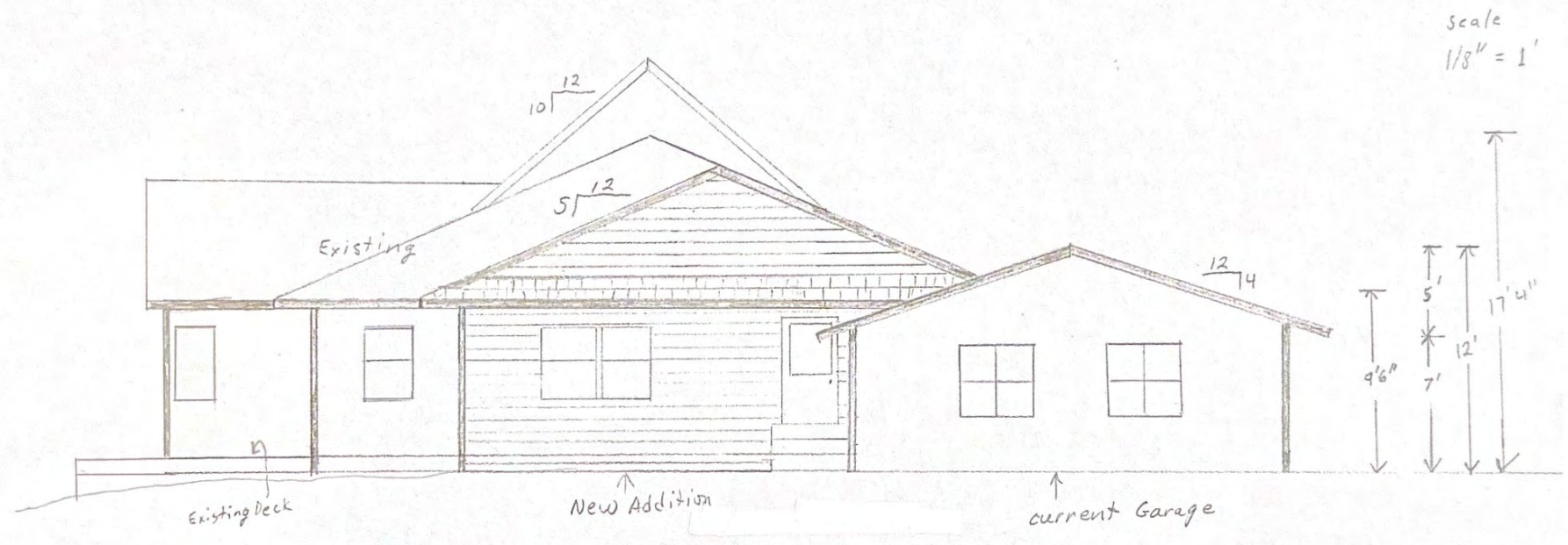
Scale
1/8" = 1'

new Addition

Right Side Elevation



Road Side Elevation



scale
 $1/8'' = 1'$

Road Side Elevation

