



AGENDA

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

- I. Call to Order
- II. Roll Call
- III. Approval of the June 27th, 2023 ZBA Meeting Minutes
- IV. Public Comments & Questions (*Agenda Items Only*)
- V. New Business
 - A. ZBA Variance Application No. 24-01 – Blackall Trust – Dimensional Variance (Deck)
 - B. Housekeeping – Appointment of Officers and 2024 Meeting Dates
- VI. Reports
- VII. Extended Public Comments & Questions (*Non-Agenda Items*)
- VIII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 26, 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 21st.

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 22nd.

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 22nd.

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

Cassandra Chaphalkar

From: Jim Jandernoa <jsjandernoa@gmail.com>
Sent: Wednesday, January 10, 2024 2:54 PM
To: Cassandra Chaphalkar
Subject: Dimensional Variance Application - Luther Chatel for Blackall Property

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Chaphalkar:

We support granting the variance to Luther Chatel. This would allow our neighbors, Matt & Donna Blackall, to remove and replace their existing deck.

Please contact us with any questions.

Joan and Jim Jandernoa
14448 S Highland Rd
Grand Haven MI 49417
Parcel No. 70-03-32-390-021

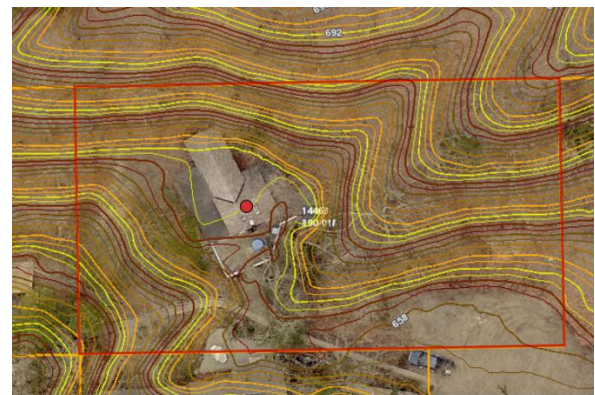
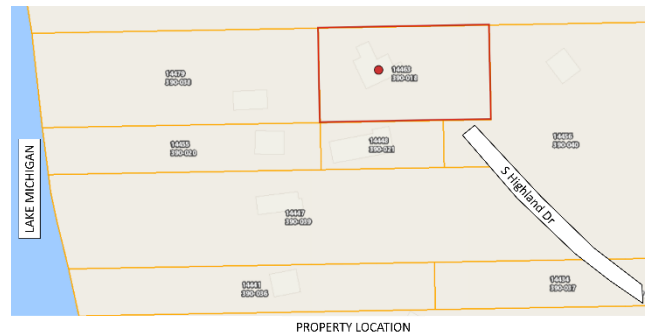
Sent from [Mail](#) for Windows

Community Development Memo

DATE: January 10, 2024
 TO: Zoning Board of Appeals
 FROM: Cassandra Chaphalkar – Associate Planner
 RE: 14463 South Highland Dr. – Dimensional Variance Application No. 24-01

PARCEL INFORMATION

Owner	Blackall Trust
Applicant	Luther Chatel
Property Address	14463 South Highland Drive
Parcel Number	70-03-32-390-018
Lot Size	22,000 sqft (or 0.51-acres)
Elevation	≈ 40-foot elevation change
Lot Type	Critical Dunes
Zoning	R-1 Single Family Residential
Required Setbacks for an Attached Deck	Side - 15 feet
Requested Setbacks for an Attached Deck	Side - 9 feet

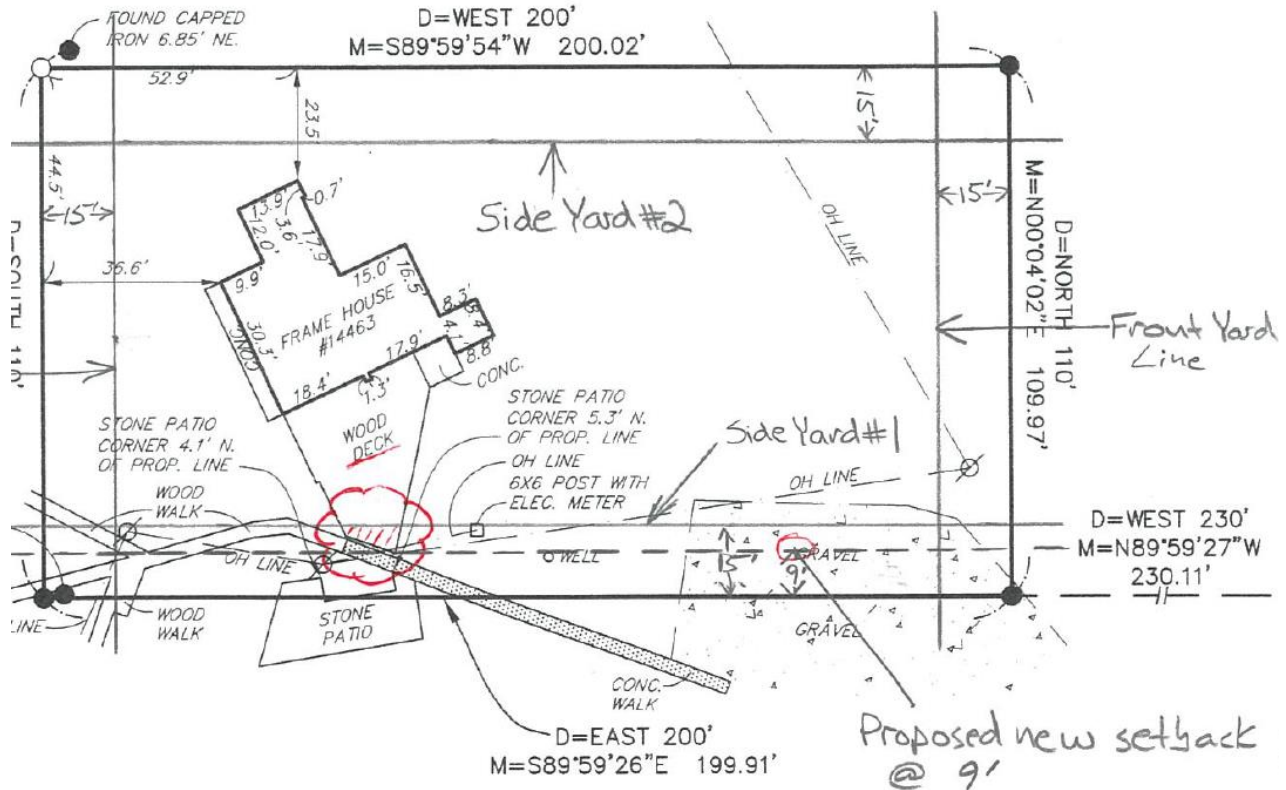


VARIANCE REQUEST

The applicant is seeking a variance to remove and rebuild the existing story deck **in the same location and footprint**. EGLE regulates construction within the Critical Dune Area, but specifically allows permit exemptions for decks that are being replaced in-kind and in place. Because of this

exception, it is staff's understanding that no EGLE permit is required for the construction. The deck is part of a multi-level deck system to access the home, connecting it via a walkway to the parking area and Lake Michigan.

Rebuilding the deck will require a variance to be approved for southern side yard setback. Decks are not permitted to extend into a side yard, requiring a 15' setback, but the applicant is requesting a variance to allow a 9' setback.



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 within the Critical Dune Area. The parcel has steep elevation changes of approximately 40 feet.

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.

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.

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.

One letter of support was received for this application (*as of January 11th*), this is included in the meeting packet.

The ZBA will need to make the determination whether this standard is met given the circumstances of this case and the findings on standards 1 and 2.

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.

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.

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 conditionally approve a dimensional variance from Section 10.04.C.4 to construct a new deck to remain within the existing footprint of the existing deck system at 14463 South Highland Drive which will result in a side yard setback of

9-feet. 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 Section 10.04.C.4 to construct a new deck to remain within the existing footprint of the existing deck system at 14463 South Highland Drive 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 table the dimensional variance application for 14463 South Highland Drive, and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me with questions or concerns.

Address of the 4 Standards

14463 South Highland Rd.

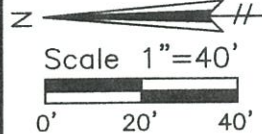
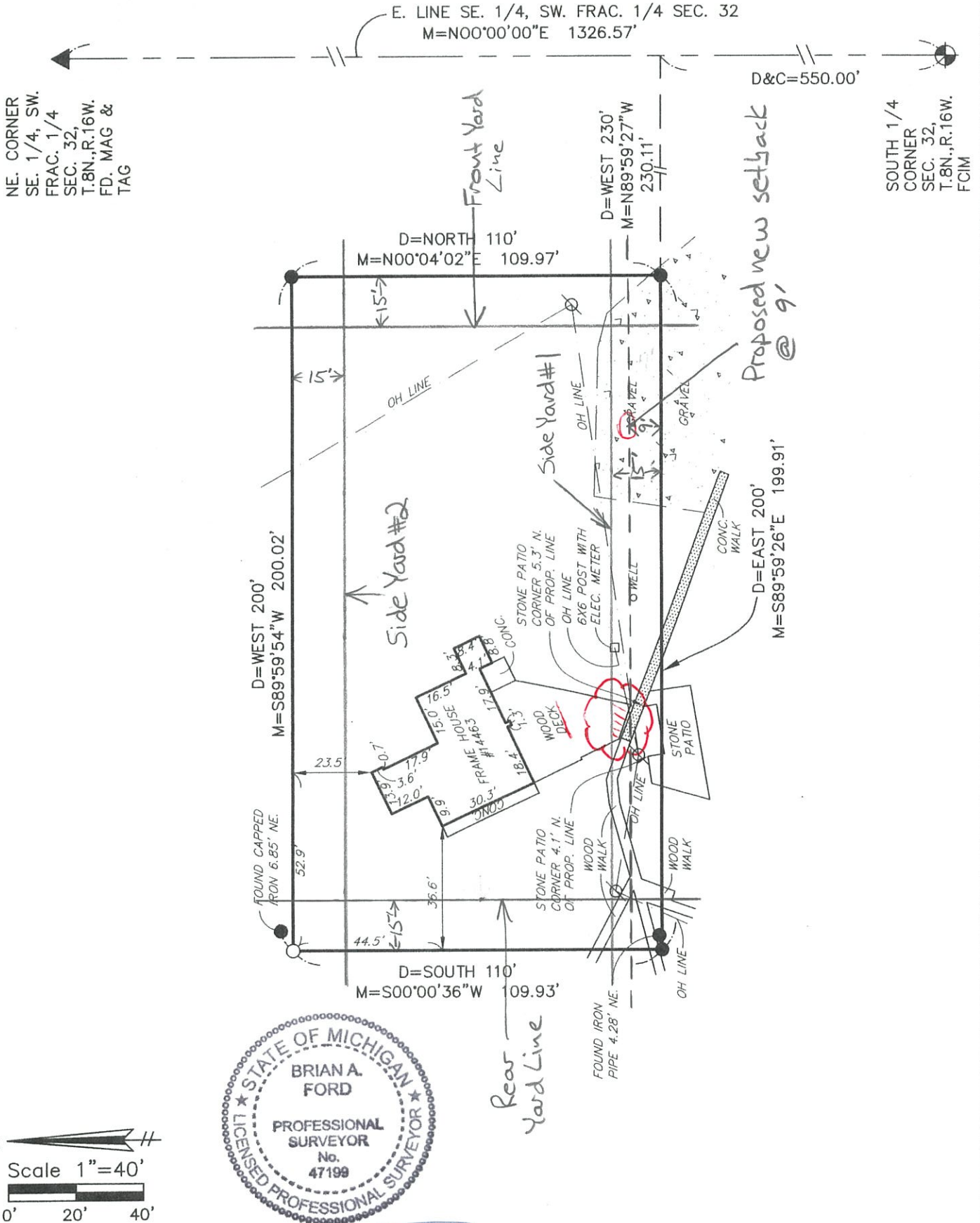
Grand Haven, MI 49417

A. Dimensional Variance

1. Due to the exceptionally steep topography of the lot at 14463 South Highland Rd. the deck that is currently in place is necessary for access to the cottage. This is an extraordinary situation given the fact that the property is located in a critical dune area.
2. Given the steep topography of the lot at 14463 South Highland Rd., the deck is not only necessary for access but also for the enjoyment of the property and the view. This is primarily a seasonal vacation community; many, if not all of the properties have similar decks for access and enjoyment of their properties.
3. The authorization of this variance will not be a detriment to the adjacent property. The existing deck has been there for 45 years or longer without issue. Since the property at 14463 South Highland Rd. and all of the other properties in the community located within the critical dune area experience steep topography, decks and boardwalks are commonplace within the neighborhood.
4. The request for this variance is a result of the unique nature of property located at 14463 South Highland Rd. Since the property is located within a critical dune area and experiences steeper than normal topography, this is not a request that would apply to other properties.

PLAT OF SURVEY

PART OF THE SOUTH 1/2 OF THE SOUTHEAST FRACTIONAL 1/4 OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 32, TOWN 8 NORTH, RANGE 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN AND DESCRIBED AS: COMMENCING AT A POINT 550 FEET NORTH AND 230 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST FRACTIONAL 1/4 OF SAID SECTION, THENCE NORTH 110 FEET, THENCE WEST 200 FEET, THENCE SOUTH 110 FEET, THENCE EAST 200 FEET TO THE PLACE OF BEGINNING. SUBJECT TO AND TOGETHER WITH IN COMMON WITH OTHERS A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN LIBER 263 ON PAGE 508 AND 513.



<p style="font-size: 1.2em; font-weight: bold; margin: 0;">Brian A. Ford Professional Surveyor No. 47199</p> <p style="font-size: 0.8em; margin: 5px 0 0 0;">This survey was made from the legal description shown above. The description should be compared with the Abstract Title or Title Insurance Policy for accuracy, easements and exceptions.</p>	<p style="font-weight: bold; margin: 0;">MILANOWSKI AND ENGLERT ENGINEERING AND SURVEYING, INC.</p> <p style="font-size: 0.8em; margin: 0 0 0 10px;">927 Beechtree Street, Suite 3 Grand Haven, Michigan 49417 Phone (616) 847-4070 Fax (616) 847-6626</p> <hr/> <p style="font-weight: bold; margin: 0;">FOR MATT BLACKALL</p> <hr/> <p style="font-weight: bold; margin: 0;">Sec. 32, T.8N., R.16W. GRAND HAVEN TWP.</p> <hr/> <table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 50%;">DATE OCTOBER 12, 2017</td> <td style="border: none; width: 50%;">DRAWN BY TV</td> </tr> <tr> <td style="border: none;">SHEET 1 of 1</td> <td style="border: none;">JOB NO. 15633</td> </tr> </table>	DATE OCTOBER 12, 2017	DRAWN BY TV	SHEET 1 of 1	JOB NO. 15633
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LEGEND	
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GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: January 18, 2024
TO: Zoning Board of Appeals
FROM: Cassandra Chaphalkar, Associate Planner
RE: 2024 Housekeeping Duties

APPOINTMENT OF OFFICERS

As required by the ZBA Bylaws the officers must be appointed annually. The current appointments are:

- Chairperson Voss
- Vice Chairperson Slater
- Secretary Loftis

If the ZBA wants the appointments to remain the same, the following motion can be offered:

Motion to nominate and reappoint the existing officers for their current positions.

If new appointments are desired, the following motion can be offered:

Motion to nominate _____ for the position of _____.

2022 MEETING DATE SCHEDULE

Additionally, the 2024 meeting date schedule must be approved. The typical schedule holds regular meetings on the fourth Tuesday of the month.

A ZBA meeting will not be held on Tuesday, February 27th, due to the Presidential Primary Election. The meeting in December is on the second Tuesday to accommodate the holiday schedule.

Motion to approve the 2024 Meeting Date Schedule.



ZONING BOARD OF APPEALS 2024 MEETING DATES

Tuesday, January 23, 2024
Tuesday, March 26, 2024
Tuesday, April 23, 2024
Wednesday, May 29, 2024
Tuesday, June 25, 2024
Tuesday, July 23, 2024

Tuesday, August 20, 2024
Tuesday, September 24, 2024
Tuesday, October 22, 2024
Tuesday, November 26, 2024
Tuesday, December 10, 2024

All meetings will be held at the Township Hall, 13300 168th Avenue, Grand Haven and will begin at 7:00 p.m. The agenda and associated documents can be found online at www.ght.org.

ZBA meeting will not be held on Tuesday, February 27th, due to the Presidential Primary Election.

The Charter Township of Grand Haven will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) business days' notice to the Charter Township of Grand Haven. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Grand Haven by writing or calling the following:

HR Director
13300 168th Avenue
Grand Haven, MI 49417
(616) 842-5988