



AGENDA

Zoning Board of Appeals
Tuesday, September 28, 2021 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of the June 22, 2021 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 21-04 – Creason – Garage
- V. Reports
- VI. Extended Public Comments & Questions (Limited to 4 minutes)
- VII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 22, 2021

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 Vice Chair Slater.

II. ROLL CALL

Board of Appeals members present: Slater, Loftis, Behm, Hesselsweet
Board of Appeals members absent: Voss, Egedy-Bader (alternate)

Also present: Community Development Director Fedewa

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

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the March 9, 2021 ZBA Meeting were approved.

V. NEW BUSINESS

A. ZBA Variance Application No. 21-03 – Huddas – Replace Retaining Walls

Party Requesting Variance:	Richard Huddas
Address:	14939 Mercury Drive
Parcel Number:	70-07-01-130-011
Location:	14939 Mercury Drive

The applicant is requesting to replace a series of retaining wall systems in the front yard. Will not exceed existing footprint. Height and setback violations of Section 14.13 of the Zoning Ordinance.

Fedewa provided an overview through a memorandum dated June 18th.

Applicant Huddas was present to provide information.

The Board discussed the application and noted the following:

Standard No. 1 – Exceptional or extraordinary circumstances:

- Narrow lot
- Elevation change of nearly 20-feet.
- Walls are existing and over 50-years old.

Ayes: Slater, Behm, Loftis, Hesselsweet
Nays: None
Abstained: None

Standard No. 2 – Substantial property right:

- Existing walls in need of replacement.
- Topography changes.
- Adjacent homes have a similar need for retaining walls due to topography.
- Necessary to maintain a usable front yard.
- Protect the property from the negative of impacts of potential future flooding.

Ayes: Slater, Behm, Loftis, Hesselsweet
Nays: None
Abstained: None

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- Abutting neighbor has submitted correspondence expressing they have no problems with the application.
- Existing walls are in disrepair and need to be replaced.
- Replacing the existing walls within the same footprint is the safest approach.

Ayes: Slater, Behm, Loftis, Hesselsweet
Nays: None
Abstained: None

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

- The combination of a narrow lot and elevation change, along with maintaining the existing footprint and not creating additional encroachment is unique.

Ayes: Slater, Behm, Loftis, Hesselsweet
Nays: None
Abstained: None

Motion by Behm, supported by Hesselsweet, to **approve** a dimensional variance from Section 14.13 to rebuild three existing retaining wall systems within the same footprint at 14939 Mercury Drive. Resulting in the following setbacks:

1. Terraced System A – 12’ overall series height; 8’ front yard setback; 0’ side yard setback (southeast lot line);
2. Terraced System B – 10’ side yard setback; and

3. North Wall – 9’ side yard setback.

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, Behm, Loftis, Hesselsweet

Nays: None

Abstained: None

VI. REPORTS – None

VII. EXTENDED PUBLIC COMMENTS – None

VIII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:19pm.

Respectfully submitted,



Stacey Fedewa
Acting Recording Secretary

Community Development Memo

DATE: September 24, 2021

TO: Zoning Board of Appeals

FROM: Stacey Fedewa, AICP – Community Development Director

RE: 14931 160th Avenue – Dimensional Variance Application No. 21-04

PARCEL INFORMATION

Owner	Sally Creason
Representative	Kennard Creason (<i>father</i>)
Property Address	14931 160 th Ave
Parcel Number	70-03-34-280-015
Lot Size	15,000 sqft (<i>or 0.34-acres</i>)
Elevation	Flat Land
Lot Type	Legal Lot of Record
	Typical
Zoning	R-2 Single Family Residential
Required Setbacks	Front – 50 feet
	Rear – 50 feet
	Side – 10 feet min
	Garage to Dwelling – 10 feet
Requested Setbacks	Side – 7 feet
	Garage to Dwelling – 6 feet



REASON FOR ZBA APPLICATION

The applicant is requesting to build 384 sqft garage (16' x 24') on an existing pad. The property does not have a garage today but did have one prior to 2014. It appears it was demolished by a previous owner without a permit. The current owner purchased the property in February 2018.



As you may recall, the Township ZBA has set a precedence that properties are entitled to a garage. The vast majority of surrounding properties also have garages—a mix of attached and detached.

The applicant has explained the **existing deck and mature tree are generating the variance request**. The request is for a reduced side yard setback of 7-feet between the lot line and new garage, as well as 6-feet between the new garage and attached deck.



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 previously had a garage in the same location. There is a mature maple tree they want to preserve. An existing attached deck narrows the buildable area. 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 ZBA has determined garages are a substantial property right. Majority of surrounding properties have garages—attached and detached. 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 was received for this application (*as of September 24th*). The property contained a garage as recently as 2014 in the same location being proposed. 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.

Garages are a substantial property right, but each case is unique so a general regulation in the zoning ordinance is not practical. 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 10.1.C.10 to build a 16' x 24' detached garage at 14931 160th Avenue that will result in a side yard setback of 7-feet and a separation of 6-feet between the garage and attached deck. 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 10.1.C.10 to build a detached garage at 14931 160th Avenue. 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 14931 160th Avenue, and direct the applicant and/or staff to address the following:

1. *List items here...*

Please contact me if this raises questions.

RECEIVED
9/1/21



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Application Type	Fee	Escrow*
Variance or Appeal	\$250	\$300
603 Exemption	\$250	\$300

Application Type	Fee	Escrow*
Special Meeting	\$425	n/a
Interpretation	\$125	n/a

The full zoning ordinance can be found at www.gh.org/zoning.

* To cover cost of legal and consulting fees, may be increased as necessary

Applicant/Appellant Information

Name KENYARD CREASON
 Phone 616 502 3547
 Address 2106 JANE CT. GRAND HAVEN
 Email Address KENYARDCREASON@GMAIL.COM

Owner Information (If different from applicant/appellant)

Name SALLY CREASON
 Phone 616 402 6950 Email _____
 Address 14931 160th GRAND HAVEN
 Email Address SALLYCREASON@ICLOUD.COM

Property Information (Include a survey or scaled drawing)

Address 14931 160th GRAND HAVEN
 Parcel No. 70-033 428 0015 Current Zoning _____
 Lot Width 75' Lot Depth 200
 Parcel Size 15,000 Parcel Size _____

General Information (Check one)

- Application for Variance
- Request for Interpretation
- Notice of Appeal

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structures (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

VARIANCE REQUESTED (If applicable)


1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards
2. Variance Requested From the Requirements of Section Number(s) _____
3. Relating to _____
4. Structure/Land Use (After Variance) _____
5. Overall Building Size (After Variance) _____
6. Setbacks from lot lines (After Variance):
 - a. Front Yard _____ feet
 - b. Rear Yard _____ feet
 - c. Side Yard #1 7 feet
 - d. Side Yard #2 6 feet FROM MAIN HOUSE

RELEASE FORM

The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Township staff members to inspect the property (*address stated below*) at reasonable times, in regards to the consideration of my request for a variance.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

 8-30-21
Applicant's Signature Date

X  8/31/2021
Owner's Signature (if different from applicant) Date

14931 160th GRAND HAVEN
Property Address

For Office Use Only

Date Received _____ Fee Paid? _____

ACTION TAKEN BY TOWNSHIP BOARD OF APPEALS

- () Application Approved
- () Application Denied

Description of variance granted or other action taken including conditions imposed, if any:

Grounds for Board action including findings as to standards and requirements prerequisite to imposition of conditions under ordinance:

Signature of ZBA Chairperson Date

Narrative for Variance Request


We wish to replace a garage that had been removed prior to our buying this house at 14931 160th. The existing pad remains as identified on the sketch. The lot line stakes were placed by Lake Michigan Surveying. We wish to build a new 1 and a half car garage on a new pad. The dimensions are 16 ft by 24 ft, or 384 square feet, in the plan we like at this time. The problem is the corner of the existing back deck on the house. We cannot meet the 10 ft. setback from the principal residence requirement if we have to do a 10 ft setback from the side lot line, and we cannot move the planned garage back more than a few feet without endangering a very nice large maple tree. (see photos)

We are requesting a variance to allow the garage to be built on the old existing pad line which is 7 feet from the side lot line, and for the North corner of the garage to be built at what would then be approximately 6 feet from the corner of the deck, where we would place a gate as a part of a privacy fence.

Thank you for your consideration,



**Kennard Creason, for Sally Creason
August 30, 2021**

From: **Kennard Creason** creasonfam@charter.com 
Subject: 14931
Date: August 30, 2021 at 3:48 PM
To: Kennard Creason kennardcreason@gmail.com



Sent from my iPhone

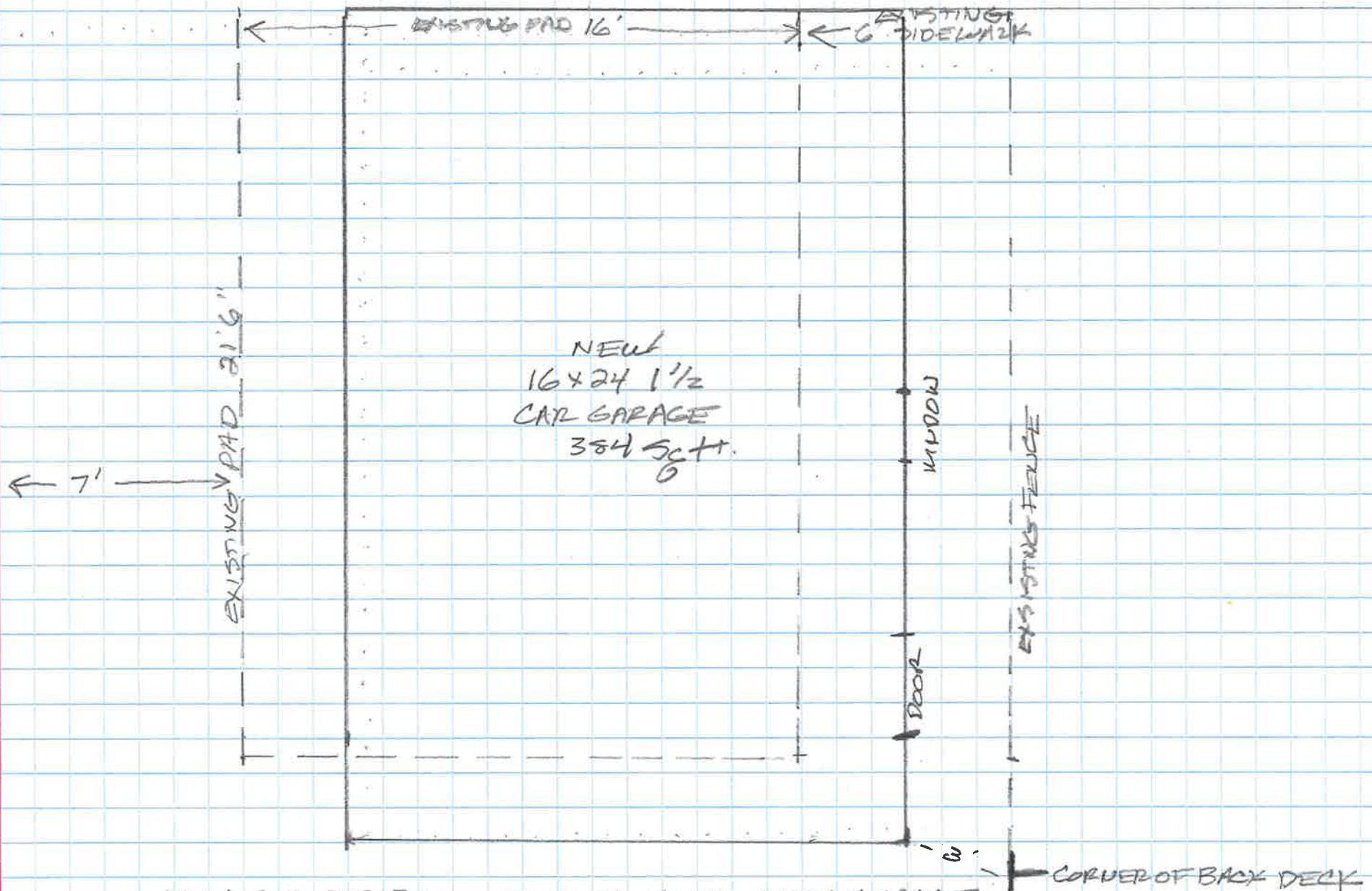
From: Kennard Creason creasonfam@charter.com
Subject: Sally's garage
Date: August 22, 2021 at 3:26 PM
To: Wendy creasonfam@charter.net



7' FROM
STAKE

Sent from my iPhone

PROPERTY LINE - STAKED



* VARIANCE REQUESTED TO MOVE NEW GARAGE TO 7 FT. FROM SIDE LOT LINE AND THEN N. CORNER WOULD BE 6 FT FROM CORNER OF HOUSE BACK DECK.

From: **Kennard Creason** creasonfam@charter.com @
Subject: 14931
Date: August 30, 2021 at 3:52 PM
To: **Kennard Creason** kennardcreason@gmail.com



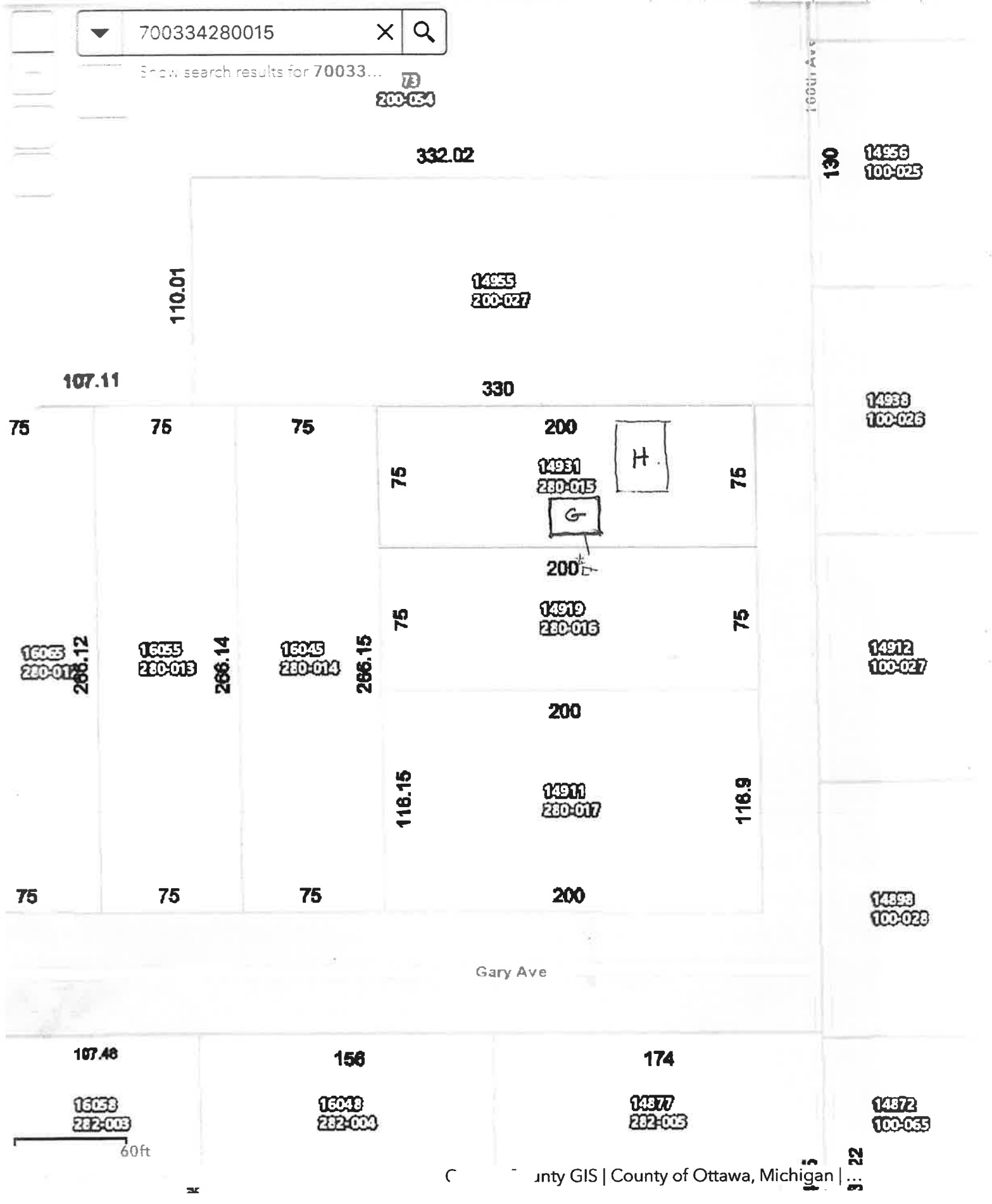
Sent from my iPhone



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Show search results for 70033...

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16055
280-013
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16045
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14931
280-015

G

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14919
280-016

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14911
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332.02

14955
200-027

330

200

75

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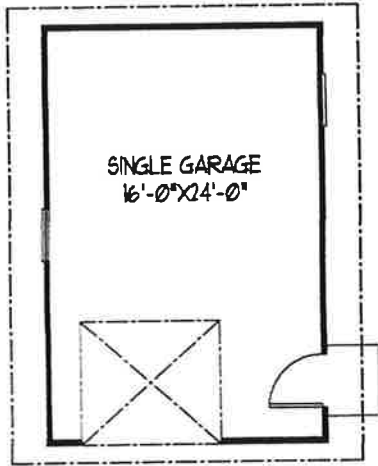
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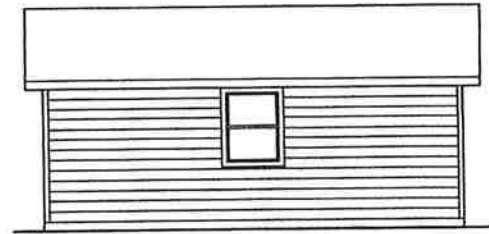
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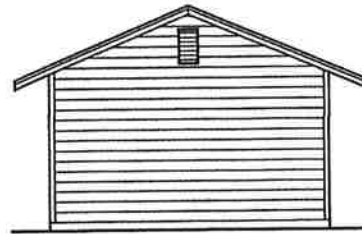
60ft



GARAGE LENGTH = 16'-0"
GARAGE DEPTH = 24'-0"
GARAGE = 384 SQ. FT.



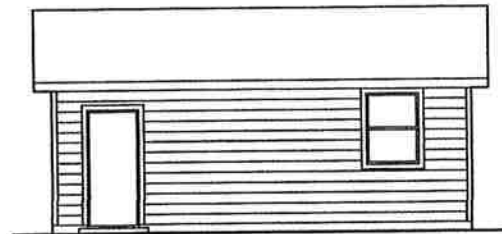
LEFT SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



RIGHT SIDE ELEVATION

1 CAR GARAGE

384 sq. ft.

Elevation & Floorplan

(/images/galleries/Garage/1_Car_Garage-
page-0.jpg)



From: Kennard Creason creasonfam@charter.com @
Subject: Sally's lot line
Date: August 22, 2021 at 3:27 PM
To: Wendy creasonfam@charter.net

KC



Sent from my iPhone

EXISTING PAD 7' FROM PROP. LINE
21' 6" DEEP
16' WIDE
22' TO BACKYARD FENCE