

AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, March 22, 2016 – 7:00 pm

- I. Call To Order
- II. Roll Call
- III. Approval of the January 26, 2016 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 15-11 – Snyder
 - B. ZBA Variance Application No. 16-01 – Berry
- V. Old Business
 - A. 2015 ZBA Report
- VI. Reports
- VII. Extended Public Comments/Questions on Non-Agenda Items Only (*Limited To Four (4) Minutes Please*).
- VIII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, JANUARY 26, 2016 – 7:00 P.M.

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 Robertson.

The Chair explained both the purpose and procedures of the ZBA.

II. ROLL CALL

Board of Appeals members present: Robertson, Loftis, Behm, Voss, Slater, and Rycenga (alternate)

Board of Appeals members absent: None

Also present: Planning & Zoning Official Fedewa

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the November 24, 2015 special meeting were approved.

Without objection, Robertson reordered the agenda to hear ZBA Case #15-12 first.

IV. NEW BUSINESS

A. ZBA Case #15-12 – Dimensional Variance – Berry

Party Requesting Variance:	Tim and Sheri Berry
Representing Agent:	David Pollock
Address:	2165 Onekama Dr SE, Grand Rapids, 49506
Parcel Number:	70-03-32-131-015
Location:	15058 Stickney Ridge (<i>Cottage No. 24</i>)

Tim and Sheri Berry are seeking a dimensional variance from Section 20.22.2.B of the Zoning Ordinance in order to construct a single retaining wall greater than 4 feet in height, which is not able to meet the setbacks of the R-1 Zoning District. The retaining wall is needed to stabilize the steep slopes, so a compliant septic system can be installed to make the dwelling habitable.

Fedewa provided an overview of the application through a memorandum dated January 26th.

Following the initial discussions the Chair invited the applicant to speak:

David Pollock – Authorized Agent:

- Applicants purchased lot in early 2015, and the Ottawa County Environmental Health Department requires an inspection of the septic system prior to occupancy. The inspection failed, and the Department is requiring a larger system be installed that is compliant with current ordinances.
- Township variance for retaining wall, and subsequent building permits are the only outstanding permits that must be obtained prior to commencement of construction.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Legal lot of record, and is exceptionally small in size.
- Exceptional topography, special exception permit for steep slopes granted by the DEQ.
- Ottawa County Environmental Health Department condemned the structure until a new septic system is installed.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- Habitability is a substantial property right.
- Installation of retaining wall is needed to install the septic system, which is needed to achieve habitability.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

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

- Correspondence was received from the two adjacent neighbors, and both are supportive of the application for variance.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

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

- Many unique situations in this area of the Township—legal lot of record, many aspects of the property are legally nonconforming, and the request is not of a recurrent nature.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Motion by Voss, supported by Behm, to **approve** dimensional variances from Section 20.22.2.B of the Grand Haven Charter Township Zoning Ordinance for a single retaining wall for a Front Yard setback of 23 feet, a Rear Yard setback of 29 feet, a Side Yard 1 setback of 12 feet, and a maximum retaining wall height of 6 feet to allow the replacement of a failed septic system and installation of the retaining wall to stabilize the steep slopes at 15058 Stickney Ridge (*Cottage No. 24*). Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Robertson, Behm, Voss, Slater, Loftis
Nays: None
Absent: None

V. OLD BUSINESS

B. ZBA Case #15-09 – Sign Variance & Text Interpretation – Hope Reformed Church

Party Requesting Variance:	Hope Reformed Church
Applicants Representative:	Jim VanTol, Postema Signs & Graphics
Address:	14932 Mercury Drive, Grand Haven
Parcel Number:	70-07-01-102-068
Location:	14932 Mercury Drive

Hope Reformed Church is seeking a text interpretation of Section 24.11 for the units of measurement for an electronic message board. Furthermore, the applicant is requesting a sign variance to increase the size of a ground sign and electronic message board, which is in violation of Sections 24.12.12.A and 24.13 of the Zoning Ordinance.

Motion by Slater, supported by Loftis, to remove ZBA Case #15-09 application from the table. **Which motion carried.**

Section 2a of Public Act 196, of 1973 [MCL15.342a(3)] states a public officer may vote on, or participate in, a governmental decision despite a personal interest if all of the following occur:

1. A quorum necessary for the governmental decision to be made is not available if the public officer cannot participate because of Section 2(7).
2. The public officer is not paid for working more than 25 hours per week by the governmental entity involved.
3. The public officer promptly discloses the personal or other interest the person may have in the decision to be made.

Therefore, Slater, Loftis, and Rycenga promptly disclosed that each is an active member of the Hope Reformed Church, and Voss disclosed a former membership to the Hope Reformed Church.

Motion by Slater, supported by Loftis that the Zoning Board of Appeals enter closed session under section 8(h) of the Open Meetings Act at 7:16 p.m., to consider the contents of a written legal opinion from the Township attorney, which is exempt from discussion or disclosure under section 13(1)(g) of the Freedom of Information Act, which exempts from public disclosure information or records subject to attorney-client privilege. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Robertson, Behm, Voss, Slater, Loftis
Nays: None
Absent: None

Motion by Slater, supported by Behm to adjourn from closed session at 7:30 p.m. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Robertson, Behm, Voss, Slater, Loftis
Nays: None
Absent: None

Fedewa provided an overview of the application through a memorandum dated January 22nd.

Following the initial discussions the Chair invited the applicant to speak:

Jim VanTol – 15749 Kitchel Lane:

- Many new ordinances specify the “Active LED Area” as the unit of measurement for Electronic Message Boards (EMB).
- Stated the existing legally nonconforming sign on the parcel is substantially larger than what the applicant is requesting, which also includes a manual message board that is greater in size than what is permitted by Township Ordinances.

The Board discussed the interpretation request and made the following determination:

- Units of measurement concerning Electronic Message Boards shall only measure the “Active LED Area,” and exclude the cabinet from the size calculations.

The Board discussed the four standards and noted the following:

- Determined the applicant parcel does not meet the definition of a corner lot. Therefore, it is only entitled to one Electronic Message Board (EMB).
- Questioned the appropriate method to establish a maximum size based on the applicants request to eliminate the ability to install a ground sign on Groesbeck Street, and in

return have a larger sign on Mercury Drive. This determination would likely set a precedence for future cases.

- Option 1: ordinance allows one 18 square foot sign for each street frontage, so a maximum size could be 36 square feet, if the option for a second sign was eliminated.
- Option 2: limit the size by taking the Service/Professional Zoning District size restrictions into account. The maximum size of a ground sign in that district is 32 square feet.
- Option 3: establish a maximum percentage increase, rather than setting a maximum square footage.
- This is the first time a variance application has been received for this type of request, so there does not appear to be an issue with the Zoning Ordinance language. If approved, this could become “legislation by variance,” which would in effect be creating a new ordinance.
- The variance application as presented does not appear to meet the exceptional or extraordinary conditions test. Improving safety by increasing signage visibility may be unique for this location, but does not amount to extraordinary.
- Applicant is willing to alter the legally nonconforming structure by removing the copy, which would bring the property into greater compliance with the zoning ordinance.
 - Utilizing the Township Units of Measurement requirement found in Section 24.11, the three individual signs on the legally nonconforming structure total 98 square feet.
 - Manual message board totals 20 square feet
 - Two identical sign faces total 17.8 square feet

Standard No. 1 – Exceptional or extraordinary circumstances:

- Parcel has an exceptionally large sign structure that is legally nonconforming. This exceptional largeness occurs in two locations—overall size of 98 square feet (*where only two 18 square foot ground signs are permitted*), and manual message board of 20 square feet (*where a maximum of 12 square feet, or is permitted*).
- Parcel has frontage on two streets, which entitles the applicant to two 18 square foot ground signs, which would total 36 square feet of signage on the subject property.
- Approval of a variance will drastically decrease the nonconformity to the sign ordinance both in overall square footage, and the permitted size of a message board found on a ground sign (*Sections 24.12.12.A and 24.13 of the Zoning Ordinance*).

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- Parcel is permitted two ground signs by right.
- Applicant willing to remove the copy from the legal nonconforming sign in exchange for a larger ground sign on Mercury Drive, and elimination of a ground sign on Groesbeck Street.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

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

- The existing sign structure at the church may be large in size, but the text identifying the name is small, and made of carved stone that is difficult to read from Mercury Drive. The applicants desire to erect a ground sign that has contrasting colors will improve visibility from Mercury Drive.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

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

- This negotiation of eliminating an exceptionally large legally nonconforming sign, and eliminating the option of a ground sign on Groesbeck Street, in exchange for a larger ground sign and electronic message board on Mercury Drive is very unique and not of a recurrent nature.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Motion by Slater, supported by Behm, to **conditionally approve** a sign variance from Section 24.13 of the Grand Haven Charter Township Zoning Ordinance to allow one 30.7 square foot ground sign on Mercury Drive at a maximum of 6 feet in height, with a 12 square foot electronic message board, which excludes the cabinet from size calculations. In approving this variance the Township is decreasing a legal nonconforming ground sign by 67.3 square feet, or a 68% size reduction; and decreasing a legal nonconforming message board that is incorporated into a ground sign by 8 square feet, or a 40% reduction. Furthermore, this variance will eliminate the option of installing a second ground sign on Mercury Drive, which enhances the aesthetic value of the Township. Approval of this variance is based upon this Board’s findings that all four standards **have been affirmatively met**. This approval is conditioned upon:

1. Prohibits 14932 Mercury Drive from installing a second ground sign on Groesbeck Street.

2. Applicant must remove the copy and manual message board from the existing legal nonconforming sign prior to issuance of a sign permit.

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

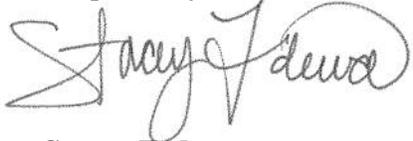
Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Absent: None

- VI. REPORTS – None
- VII. EXTENDED PUBLIC COMMENTS – None
- VIII. ADJOURNMENT
Without objection, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stacey Fedewa". The signature is written in black ink and is positioned above the printed name.

Stacey Fedewa

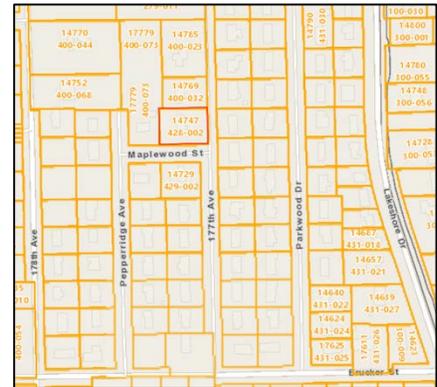
Acting Recording Secretary

Community Development Memo

DATE: March 18, 2016
 TO: Zoning Board of Appeals
 FROM: Stacey Fedewa, Planning & Zoning Official
 RE: 14747 177th Avenue – Dimensional Variance Application No. 16-01

PARCEL INFORMATION

Owner/Applicant	Brian Snyder
Property Address	14747 177 th Avenue
Parcel Number	70-03-32-428-002
Lot Size	0.55 Acres
Lot Type	Typical Rectangular Shape
	Corner Lot
Zoning	R-1 Single Family Residential
Required Setbacks for a Front Porch	Front – 50 feet
	Rear – 50 feet
	Side – 15 ft min/ 35 ft total
Requested Setbacks for a Front Porch	Size – 20 sq ft, uncovered
	Front – 41.7 feet
Requested Setbacks for a Front Porch	Size – 8' x 12' (96 sq ft)



ZBA APPLICATION

The home in question was originally constructed in 1950, and when the applicant purchased the property in 2005 the front porch was already deteriorating. This porch was legally nonconforming because it encroached into the required front yard by 8.3 feet.

In 2015, the applicant removed the front porch and submitted a building permit for its reconstruction. However, the legal nonconforming (*or grandfather status*) was lost the moment the porch was removed. Therefore, the applicant is now requesting a variance to replace front porch.



The 2005, porch was 8' x 10' in size, and covered by a roof overhang. The proposed porch is 8' x 12' in size and covered by a roof. The nonconformity of the porch would be slightly increased due to the extra width. Rather than only having 10 feet of porch project into the required front yard, the applicant is requesting to have 12 feet of porch project into the required front yard.

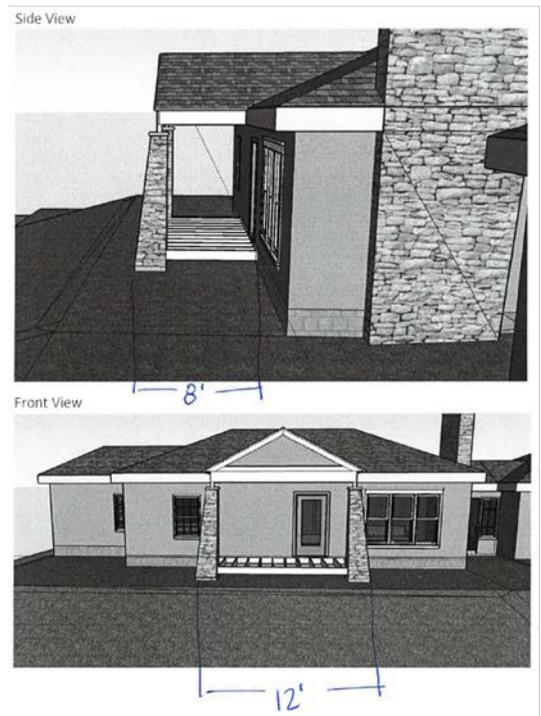
Specifically, the variance requests are from the following Sections of the Ordinance:

1. 21.02 – replacement front porch is covered, so it must meet the setbacks of the R-1 zoning district.
2. 20.20.4 – allows for an open unenclosed and uncovered front porch or paved terrace with a horizontal surface of not more than 20 square feet to project into the front yard. It goes on to state, the provision shall not be interpreted to include or permit fixed canopies other than roof overhangs. The Section 20.20.5.D allows for a maximum roof overhang of 3 feet into a required yard.

Standard 2, which protects the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the same vicinity, is of great importance to this application. Staff surveyed all the properties within the boundaries of 177th Avenue, Comstock Street, 178th Avenue, Brucker Street, Pepperidge Avenue, and Maplewood Street.

There are approximately 80 single family dwellings in this vicinity, and approximately 45 of those dwellings have a front porch. These 45 front porches vary from covered to uncovered, some are wrap-around, and others are simply elongated staircases with hand railings.

Applicant's Proposed Porch



Similar Front Porch in the Vicinity



In summary, over 50% of the properties in the same vicinity, and zoning district, enjoy a substantial property right of a front porch.

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 has a 1950's dwelling situated precisely on the 50 foot front yard setback line, which eliminates the possibility of constructing a covered front porch. Furthermore, the property did have a legally nonconforming covered front porch up until 2015, when it was removed. The ZBA will need to determine as to whether or not 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.

Of the approximately 80 single family dwellings within the vicinity of the subject property, approximately 45 of them have some form of a front porch. The applicant is requesting to reconstruct a covered front porch to enjoy the property. Additionally, at this time the applicant is unable to utilize the front door of the dwelling because the porch provided the elevation needed to gain entry. The ZBA will need to make a determination as to whether or not 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.

Two letters of support were received from adjacent neighbors. Additionally, this is an older neighborhood, and the home on the subject property is nearly 65 years old, so



a modern front porch will add to the aesthetic value of this area. The ZBA will need to make the determination as to whether or not 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.

Upon removal of the porch, the legal nonconforming status was lost. Therefore, the applicant is requesting a variance to reconstruct the porch to a slightly larger size. However, as legally nonconforming homes, porches, and decks continue to age and deteriorate it is likely the ZBA will see an increase in this type of application. That said, many times there are other options available to the property owner, but in this case the front plane of the dwelling abuts the front yard setback line, and would only be permitted to have a 20 square foot uncovered front porch encroaching into the required yard, which would be substantially less than what the majority of neighboring property owners have in place. The ZBA will need to make the determination as to whether or not this standard is met.

SAMPLE MOTIONS

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

Motion to approve dimensional variances from 21.02 and 20.20.4 of the Grand Haven Charter Township Zoning Ordinance to allow the reconstruction of a covered front porch, which results in a Front Yard setback variance of 8.3 feet at 14747 177th Avenue. The maximum size of this front porch is limited to 8' x 12'. 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 as not been affirmatively met, the following motion can be offered:

Motion to deny dimensional variances from Sections 21.02 and 20.20.4 of the Grand Haven Charter Township Zoning Ordinance to reconstruct a covered front porch 14747 177th Avenue. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

Please contact me prior to the meeting with questions or concerns.



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

Request for Variance or Appeal - \$125.00
Special Meeting - \$250.00
Request for Interpretation - No Charge

Applicant/Appellant information

Name Brian Snyder
Phone 231-903-5465 Fax
Address 14747 177th Street, Grand Haven, MI 49417

Owner information (If different from applicant/appellant)

Name
Phone Fax
Address

Property information

Address/Location 14747 177th Street
Parcel # 70-03-32-428-002
Subdivision Name (if any)
Lot Width 132.77 feet Lot Depth 183 feet
Subject Property size (acres and square feet) .558 acres square feet
Lot Type Typical Lot Corner Lot X Interior Lot (Include a survey or scaled drawing)
Current Zoning R-1

General Information

This is a(n) (check one)
(x) Application for Variance
() Request for Interpretation
() Notice of Appeal

VARIANCE REQUESTED (If applicable)

Variance Requested From the Requirements of Section Number(s) 8.04, 21.02
Relating to Front Porch Rebuild - Front yard setback
Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)
Structure Use (after Variance) Residence
Overall Building Size (after Variance) 96 sq ft Covered Porch
Setbacks from lot lines (after Variance)
Front Yard 41.7 feet
Rear Yard feet
Side Yard #1 feet
Side Yard #2 feet

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structure(s) (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.

INTERPRETATION REQUEST (If applicable)

Description of requested interpretation(s) and relevant Section number(s)

APPEALS AND OTHER APPLICATIONS (If applicable)

Description of action being appealed or other matter which is basis of application.

Grounds for appeal or other application

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



Signature of Applicant

12-17-2015

Date

Signature of Zoning Administrator

Date

For Office Use Only

Date Received _____

Fee Paid? _____

IF THE SPACES PROVIDED ON THIS APPLICATION ARE INADEQUATE, PLEASE ATTACH ADDITIONAL SHEETS AS REQUIRED

RELEASE FORM

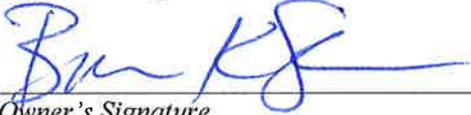
The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Township staff members to inspect the property (*address stated below*) at reasonable times, in regards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



Applicant's Signature

12-17-15

Date



Owner's Signature

12-17-15

Date

Property Address

December 17, 2015

To: Grand Haven Charter Township Zoning Board

From: Brian Snyder

14747 177th Ave
Grand Haven, MI 49417

Board Members,

I'm writing to provide addition information regarding my request for a reduction of the front yard setback for my home. When I purchased the house in 2005 the existing front porch was already beginning to deteriorate. Despite my efforts at upkeep and repair it has become necessary to replace the structure. I feel that a well-constructed and functional front porch is an asset to, and preserves the enjoyment of the property. The proposed construction would not encroach on the front yard setback any further than what was there when I purchased the property.

In response to meeting the four standards for granting a variance, please read below.

1. Exceptional or extraordinary circumstances: The existing structure deteriorated beyond repair and needed to be replaced. It was already encroaching on the front yard setback.
2. Enjoyment of a substantial property right: If the existing structure could have been repaired, the home would still have a front porch. Without a variance, the value of the home is diminished.
3. Will not be of substantial detriment to adjacent property: The proposed structure would be 2' wider than the prior porch and no closer to the front of the property.
4. Is the variance sought general in nature: This is a situation where an existing structure needed to be replaced and the current zoning restrictions disallow construction. There isn't adequate room for a porch (less than 1 foot) without violating the zoning ordinance hence a variance is needed.

Thank you for taking the time to consider my request.

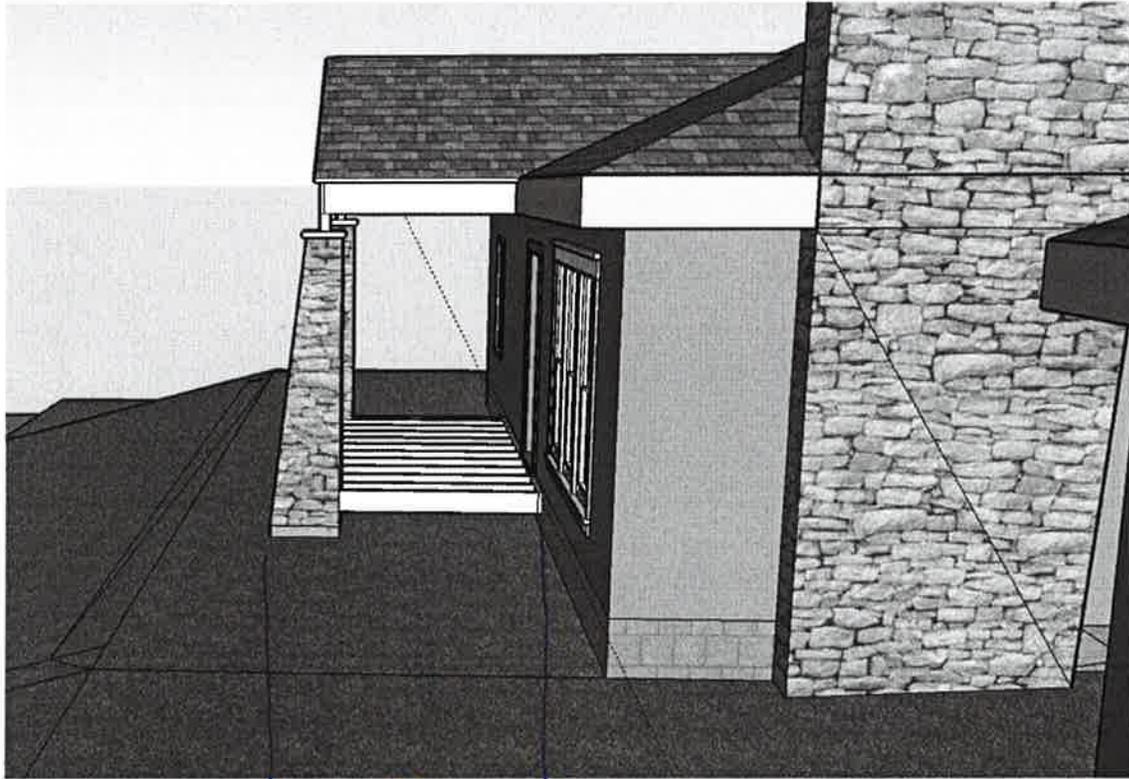
Regards,

Brian Snyder

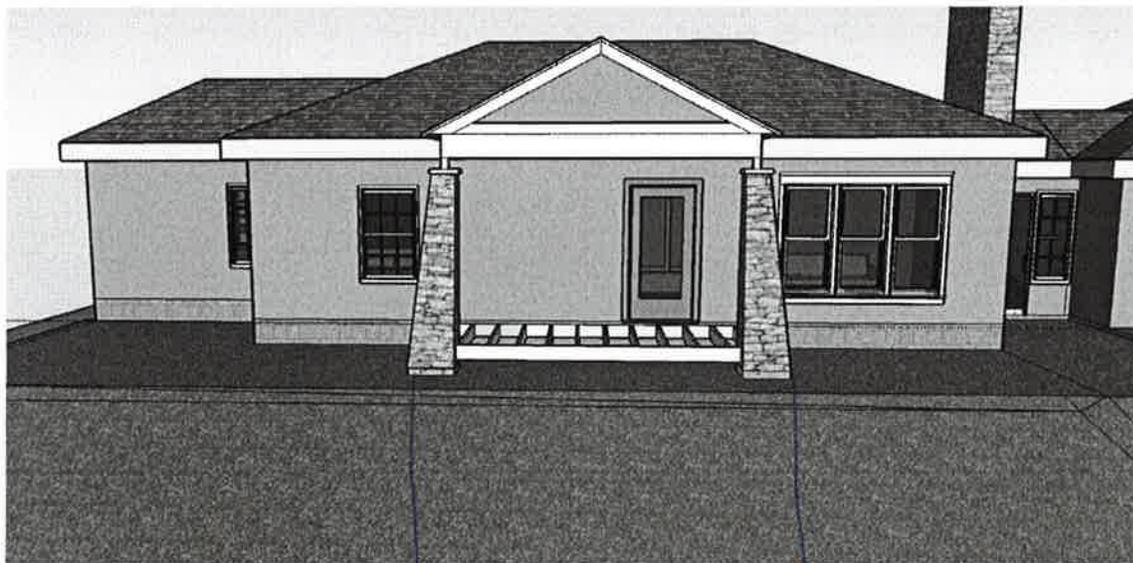
Front Porch Rebuild

The attached covered porch will be 12' wide by 8' deep. It is to be constructed of treated lumber and attached to the house with a ledger board. Supporting posts will be concreted into the ground. Cedar deck boards will be fastened with screws. A new porch gable end and roof will be attached to the existing structure and shingles will be applied that match the existing ones on the house. The pillars supporting the outer corners of the roof will be finished with stone veneer.

Side View



Front View



12'

CERTIFICATE OF MORTGAGE INSPECTION

The East 183 feet of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 32, Town 8 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan, except the East 33 feet and also except the South 33 feet thereof.

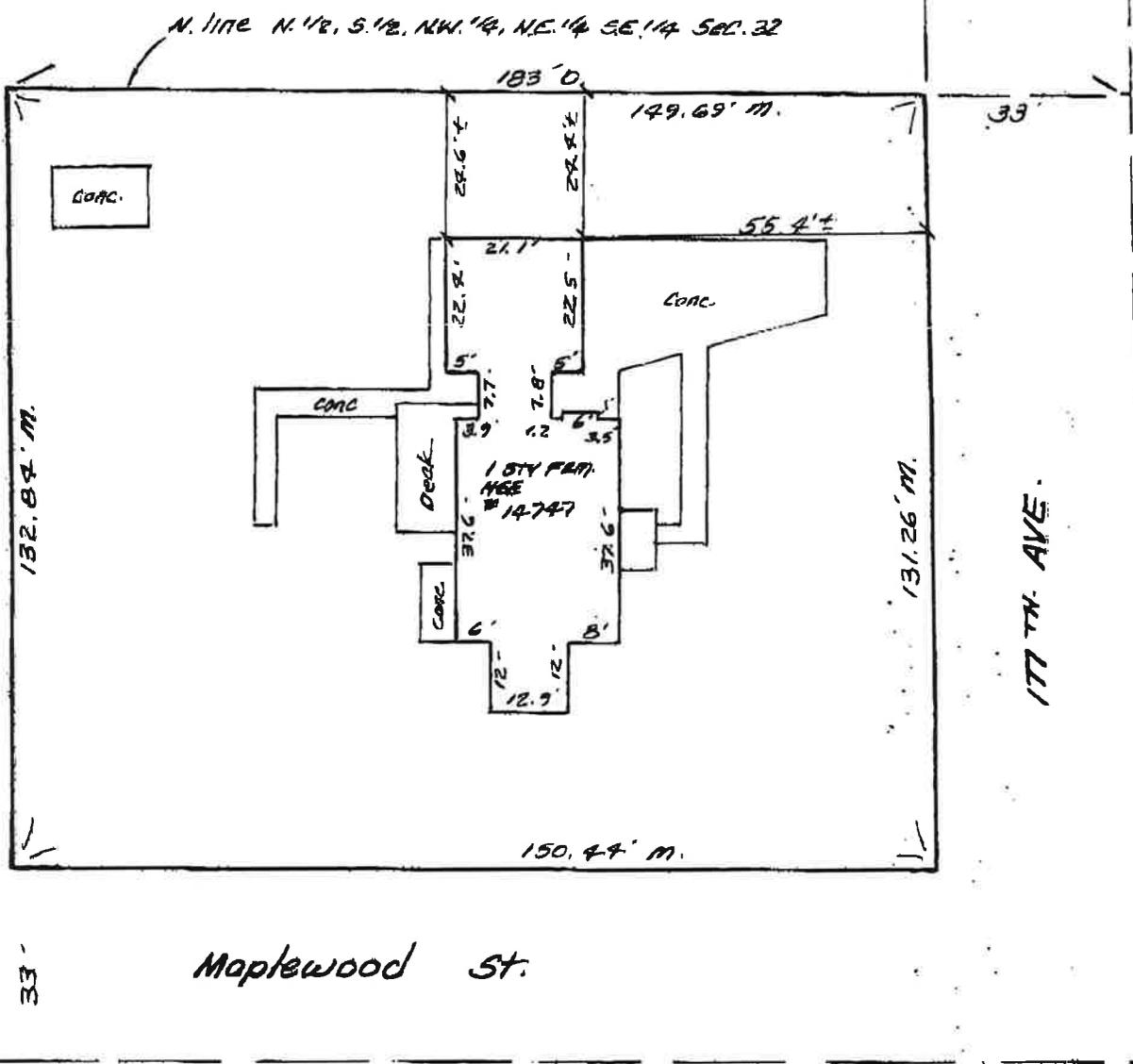
I hereby certify that I have this day made an inspection of the above described property and that the improvements are as hereon shown.

This property is not located within a designated Flood Zone.



N

Scale: 1" = 30'



S. line N. 1/2, S. 1/2, NW. 1/4, NE. 1/4, SE. 1/4 Sec. 32

Rep. Brian R. & April M. Snyder

I hereby certify that this inspection plot shows the improvements as located on the premises described, that the improvements are entirely within lot lines and that there are no encroachments, except as indicated.

This is not intended or represented to be a land survey and is not to be relied upon for the establishment of any fence, building, or other improvement lines.

Carl P. Englert
CARL P. ENGLERT JR. S. No. 18887

MILANOWSKI & ENGLERT
ENGINEERING & SURVEYING INC.
927 Beechtree Street, Suite 3
Grand Haven, Michigan 49417
Phone: 616-847-4070 FAX: 616-847-8828

FOR	Century 21
DATE	6-2-05
SHEET	1 of 1
DRAWN BY	BL.
JOB NO.	12137

LEGEND	U Set Conc. Mon.	O Set Capped Iron	P. Planned
D. Described	■ Found Conc. Mon.	● Found Iron	M. Measured

From: [J Fett](#)
To: [Stacey Fedewa](#)
Subject: Brian Snyder variance request - 14747 177th Ave.
Date: Monday, March 14, 2016 9:43:13 PM

We spoke with Brian Snyder this evening about the proposed construction of a new front porch for his home. Mr. Snyder showed us a photo of what the porch would look like. Mr. Snyder's home is what we refer to as one of the original homes in the neighborhood, along with the homes at 14785 and 14851 177th. With Mr. Snyder's lot size and the dimensions of the proposed porch, his setback still appears to be a greater distance from the road than the other older homes in the neighborhood. We do not have any objection to Mr. Snyder receiving a variance for the construction of a front porch and look forward to seeing the completion of the project.

Please confirm that you have received this email. Thank you.

Jeanne and Tim Fett
14800 177th

3/14/2014

To

GHCT zoning Board of Appeals

In regards to variance application
for 14747 177th Ave

I applaud Brian Snyder for
his planned new front porch. I have
NO objection to size - in fact, I would
agree to a larger porch!

Replacing the old porch will
visually improve the house and
not impact the large and hilly
front yard.

Please approve the variance.

Sincerely,
JALY R DONN
owner 14730 177th St

Jaly R Donn



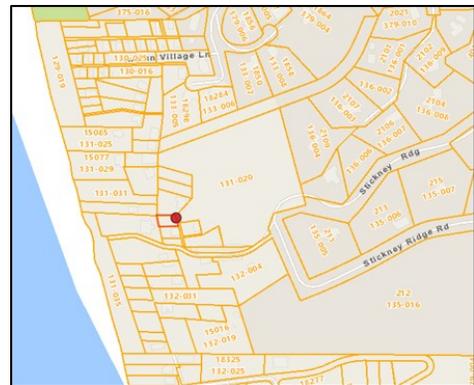
GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: March 18, 2016
 TO: Zoning Board of Appeals
 FROM: Stacey Fedewa, Planning & Zoning Official
 RE: 15058 Stickney Ridge – Dimensional Variance Application No. 16-01

PARCEL INFORMATION

Owner/Applicant	Tim and Sherie Berry
Agent	David Pollock
Property Address	15058 Stickney Ridge (Cottage No. 24)
Parcel Number	70-03-32-131-015
Lot Size	0.08 Acres 3,375 square feet
Lot Type	Legal Lot of Record
	Exceptionally Small Lot Area
	Critical Dunes
Elevation	Slopes greater than 1:3 20 feet (660' – 680')
Zoning	R-1 Single Family Residential
Required Setbacks for a Side Yard Deck	Front – 50 feet
	Rear – 50 feet
	Side – 10 feet (Sec. 21.01.16)
Requested Setbacks for a Side Yard Deck	Front – 29 feet
	Rear – 36 feet
	Side – 8 feet
	Size – 8' x 15'



ZBA APPLICATION

After the first variance was approved, a contractor was hired to install the retaining walls. Upon a site inspection, this contractor found the existing 8' x 30' deck above the septic field was dangerous and unsafe to use. As a result, the applicant is requesting a dimensional variance to replace it with a smaller 8' x 15' deck.



Section 21.01.16 of the Ordinance allows for a reduced side yard setback for legally nonconforming lots in the R-1 district. Lot widths less than 70 feet are afforded a minimum setback of 10 feet, for a total combined side yard setback of 23 feet. However, even when this provision is applied the deck still projects 2 feet into the required side yard.

The applicant did attempt to obtain a DEQ Permit to construct a new deck on the west side of the cottage, however, because it would impact slopes greater than 1:3 the request was denied. Therefore, the applicant is requesting to replace the deck “in-place and in-kind,” which does not require a contour change permit.

Specifically, the variance requests are from the following Sections of the Ordinance:

1. 21.02 – replacement deck is unable to meet the basic setbacks for front, rear, and side yards in the R-1 zoning district.
2. 21.01.16 – replacement deck is unable to meet the reduced side yard setbacks afforded to legal nonconforming lots of record in the R-1 district.
3. 20.20.5.B – permits a deck to project 12 feet into the required rear yard, which in essence, creates a 38 foot rear yard setback from deck edge to lot line. The replacement deck will be setback 36 feet from the rear lot line. Whereas the existing deck is only setback 21 feet.



In summary, while the application would allow an encroachment into required side yards, the nonconformity would be substantially reduced by decreasing the size of the deck by 50%.

much smaller in size, so the impact will be reduced. The ZBA will need to make the determination as to whether or not 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 exceptionally small size of this parcel makes it difficult, if not impossible, to meet the deck requirements of the Zoning Ordinance, which is not the case for the majority of properties within the Township. The ZBA will need to make the determination as to whether or not this standard is met.

SAMPLE MOTIONS

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

Motion to approve dimensional variances of 21 feet from the Front Yard setback, 14 feet from the Rear Yard setback, and 2 feet from the Side Yard 1 setback, which are from Sections 21.02, 21.01.16, and 20.20.5.B the Grand Haven Charter Township Zoning Ordinance. This variance is to replace an unsafe legal nonconforming deck at 15058 Stickney Ridge (*Cottage No. 24*) with a maximum size of 8' x 15'. 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 as not been affirmatively met, the following motion can be offered:

Motion to deny dimensional variances from Sections 21.02, 21.01.16, and 20.20.5.B of the Grand Haven Charter Township Zoning Ordinance to replace an unsafe legal nonconforming deck at 15058 Stickney Ridge (*Cottage No. 24*). Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

Please contact me prior to the meeting with questions or concerns.

March 2, 2016

Attn: Zoning Board of Appeals
Grand Haven Township Community Development
13300 168th Ave
Grand Haven, MI 49417

Re: Request for Variance Berry Property, 15058 Stickney Ridge (Cottage #24), PIN 70-03-32-131-015, T8N, R16W, Section 32, Grand Haven Township, Ottawa County, Michigan

Dear ZBA Members,

Enclosed you will find a Request for Variance Application for the property located at the above-referenced location. This application is for proposed replacement of an existing attached deck, within required setbacks. Variance is being sought from requirements of section 20.20.5B. A detailed description of the variance being requested and why it is needed are outlined below in this letter, and the enclosed application form, site plan and narrative which addresses the four standards.

The Berry's are seeking to replace an existing 8' x 30' deck on the south side of their cottage with a deck that would measure 8' x 15'. Replacement of the existing deck is necessary because it is unsafe for use due to the deterioration of the mounting plate and substructure from rot. The original intent was to remove the existing deck from the south side of the cottage and construct a new deck along the west side. Due to the fact that the cottage is located within a designated critical dune area, a permit from the Michigan Department of Environmental Quality (MDEQ) would be required in order to construct a new deck on the west side of the cottage. An application to construct such a deck was submitted to the MDEQ. That request was denied due to the fact that the construction would impact slopes of greater than one foot vertical rise in a three foot horizontal plane. Without the ability to construct a deck on the west side of the cottage, the only available option left to preserve and continue to enjoy the use of having a deck with views of Lake Michigan is the replacement of the existing deck on the south side of the cottage.

An application for a building permit has been submitted and is being held pending approval of this variance request.

Thank you for your time in reviewing this application package. Please call 616.405.0349 or email me at dnpol@yahoo.com with any questions concerning the package or if any additional information could assist you in your review.

Sincerely,



David Pollock, agent



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

Request for Variance or Appeal - \$125.00
Special Meeting - \$250.00
Request for Interpretation - No Charge

Applicant/Appellant information

Name David Pollock, agent
Phone 616-405-0349 Fax
Address 2733 Havenwood Ct, Muskegon MI 49444

Owner information (If different from applicant/appellant)

Name Timothy Berry
Phone 616-272-3626 Fax
Address 2165 Onekama Dr SE, Grand Rapids MI 49508

Property information

Address/Location 15058 Stickney Ridge (Cottage #24)
Parcel # 70-03-32-131-015
Subdivision Name (if any) Borck's Supervisor's Plat No. 2
Lot Width 45 feet Lot Depth 75 feet
Subject Property size (acres and square feet) 0.08 acres 3375 square feet
Lot Type Typical Lot X Corner Lot Interior Lot (Include a survey or scaled drawing)
Current Zoning R-1

General Information

This is a(n) (check one)
(X) Application for Variance
() Request for Interpretation
() Notice of Appeal

VARIANCE REQUESTED (If applicable)

Variance Requested From the Requirements of Section Number(s) 20.20.5B,
Relating to Replacement of an existing attached deck, within required setbacks.
Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)
Structure Use (after Variance)
Overall Building Size (after Variance)
Setbacks from lot lines (after Variance)
Front Yard 29 feet
Rear Yard 36 feet
Side Yard #1 8 feet
Side Yard #2

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structure(s) (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.

INTERPRETATION REQUEST (If applicable)

Description of requested interpretation(s) and relevant Section number(s)

APPEALS AND OTHER APPLICATIONS (If applicable)

Description of action being appealed or other matter which is basis of application.

Grounds for appeal or other application

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

David Pollock
Signature of Applicant

03/02/16
Date

Signature of Zoning Administrator

Date

For Office Use Only

Date Received _____

Fee Paid? _____

IF THE SPACES PROVIDED ON THIS APPLICATION ARE INADEQUATE, PLEASE ATTACH ADDITIONAL SHEETS AS REQUIRED

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.

David Pollock
Applicant's Signature

03/02/16
Date

M
Owner's Signature

03/02/16
Date

15058 Stickney Ridge (Cottage #24); PIN#70-03-32-131-015
Property Address

Request for Variance – Berry, 15058 Stickney Ridge (Cottage #24)
PIN#70-03-32-131-015

The Berry's are requesting a variance from zoning section 20.20.5B in order to replace an existing deck, within the yard setbacks required in the R-1 zoning district. A variance should be available to the Berry's as their request meets the Township's four required standards for a variance as follows:

1. That 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 lot, which was platted in 1930, is exceptionally small (45' x 75'). Even when the reduced side yard setbacks afforded for a lawfully non-conforming lot in the R-1 District, under Section 21.01.16, are applied, the setback can not be met. Also, there is no feasible way to replace the deck so that it would not be in the front yard setback and project less than twelve feet into required rear yard.

2. That such 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 variance is necessary for the preservation and continued enjoyment of this established use-by-right. Accessory buildings, structures, and uses customarily incidental to single-family dwellings are permitted uses in the R-1 District under Section 8.02.3. The majority of cottages in the Stickney Ridge Association have decks that provide views of Lake Michigan. Without the ability to replace the deck on the south side, the Berry's cottage would not have this use similar to that is possessed by other properties in the vicinity.

3. That 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.

Authorization of this variance will not be a detriment to adjacent property, materially impair the intent of the Ordinance or the public health, safety and general welfare of the community. By replacing the existing deck with one that is the same width but only half the length, the degree of non-conformity of the structure will be decreased, which is in accordance with Section 25.02. The existing deck poses a threat to public health, safety and welfare due to the fact that the mounting plate and substructure have deteriorated due to rot. Allowing for the replacement of the deck will remove this existing threat to public health, safety and welfare.

4. That 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 conditions of the specific piece of property are not so general or recurrent in nature as to make formulation of a general regulation reasonably practical. This specific piece of property is an exceptionally small lot of record, with boundaries that were created prior to the enactment of this Ordinance. The vast majority of properties within the R-1 district do not have these same conditions.

July 13, 2015

Re: Agent Authorization

To whom it may concern,

This letter serves as authorization for Mr. David Pollock to act as our agent in obtaining any required local or state permits, necessary for the proposed construction work to be conducted at our property at 15058 Stickney Ridge Dr. (cottage #24), Grand Haven Township, Ottawa County, Michigan.

If there are any questions regarding this application, or to arrange an on-site inspection, please contact Mr. David Pollock at 616-405-0349, or email at dnpol@yahoo.com, or send mail to 2733 Havenwood Ct, Muskegon, MI 49444.

Sincerely,

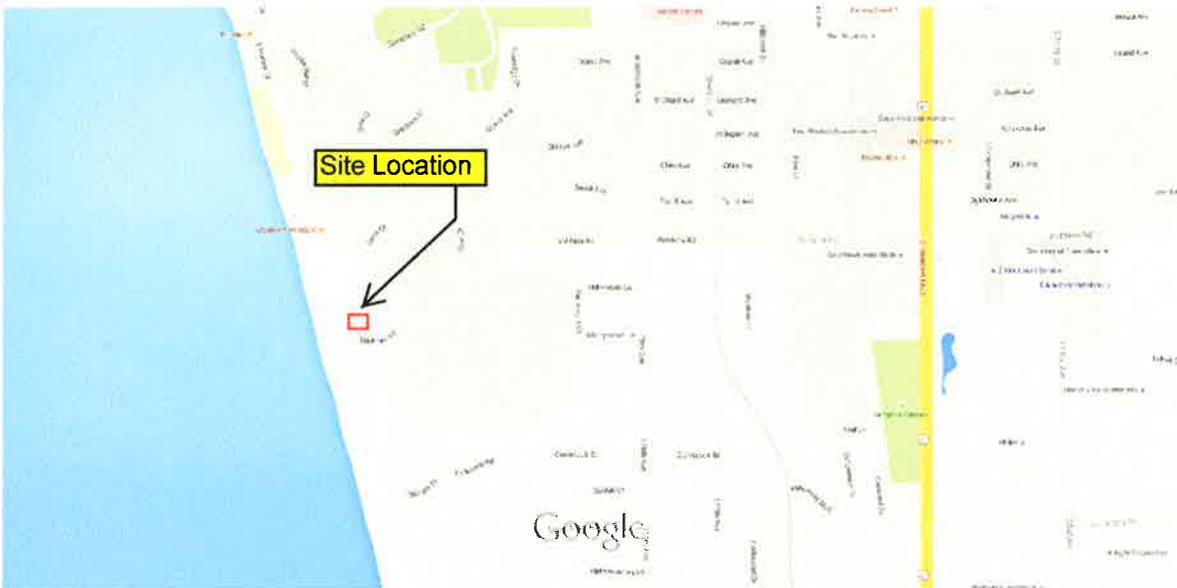


Timothy Berry



Sherie Berry

Timothy & Sherie Berry
2165 Onkama Dr SE
Grand Rapids, MI 49506
Home – 616-272-3626
Cell – 616-581-3284 & 616-581-3294



Map data ©2015 Google 500 ft



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: March 18, 2016
TO: Zoning Board of Appeals
FROM: Stacey Fedewa
RE: 2014 Zoning Board of Appeals Report

The following annual report is submitted to the Zoning Board of Appeals:

ATTENDANCE

There were 8 meetings of the ZBA during 2015. Below is the attendance record of each member:

Member	Excused Absence	Unexcused Absence
Robertson (Chair)	0	0
Slater (Vice Chair)	1	0
Loftis (Secretary)	1	0
Behm (Trustee)*	2	0
Voss	0	0
Rycenga (Alternate)	2	0

* Behm appointed 2/23/2015

TRAINING

It is noted the Township Board strongly encourages members of the Zoning Board of Appeals to avail themselves of training opportunities, which is a significant factor for reappointments (*i.e., two training sessions during each appointment period. Training completed as part of a member's professional career can be applied to this training requirement*).

Member	2015 Training Session(s)	2013 – 2015 Total Training
Robertson (Chair)	Community Engagement Workshop DEQ Presentation MTA Hot Topics	6
Slater (Vice Chair)	Community Engagement Workshop	5
Loftis (Secretary)	None	6
Behm (Trustee)	None	N/A
Voss	Community Engagement Workshop	2
Rycenga (Alternate)	None	0

COMMITTEES

There were no Committees during 2015.

ACTIVITY

Application Type	Project	Status
Interpretation	Case 15-01: Temporary Sign (Right Choice Online Auction)	Denied
	Case 15-09: Electronic Message Board Measurement (Hope Reformed Church)	Approved
Dimensional Variance	Case 15-03: Addition to Dwelling (Nelson)	Withdrawn
	Case 15-04: Stairway for Access to Dwelling (Rust)	Approved
	Case 15-05: Elevated Walkway (Job)	Approved
	Case 15-06: Second Accessory Building (Pelkey)	Denied
	Case 15-07: New Dwelling Construction (Hesselsweet)	Withdrawn
	Case 15-08: Attached Garage (Tober)	Approved
	Case 15-09: Sign (Hope Reformed Church)	Approved
	Case 15-10: Renewal for Garage & Porch (Williams)	Approved
	Case 15-11: Front Porch (Snyder)	Pending
	Case 15-12: Retaining Wall (Berry)	Approved

BUDGET

Budget Item	Total Expenditures	Original Budget	Percent of Original	Amended Budget	Percent of Amended
Wages & FICA	\$2,862	\$1,980	144%	\$2,640	109%
Legal & Consulting	\$2,612	\$1,000	261%	\$3,000	87%
Training	\$148	\$100	148%	\$200	74%
Travel & Mileage	\$38	\$100	38%	\$100	38%
Total	\$5,660	\$3,180	179%	\$5,940	95%

Please contact me prior to the meeting with questions or concerns.