

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, OCTOBER 25, 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, Voss, and Slater

Board of Appeals members absent: Behm and Rycenga (alternate)

Also present: Community Development Director Fedewa

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the June 28, 2016 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #16-03 – Dimensional Variance – Stroud

Party Requesting Variance:	Jeffrey Stroud
Mailing Address:	16804 Watersedge Dr, Grand Haven 49417
Parcel Number:	70-07-09-496-008
Subject Property Location:	16804 Watersedge Drive

Jeffrey Stroud is seeking a dimensional variance from Section 21.01.08 of the Zoning Ordinance in order to construct an attached third-stall garage on a corner lot. The structure would project into the corner lot side street setback requirement.

Fedewa provided an overview of the application through a memorandum dated October 21st.

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

Jeffrey Stroud – 16804 Watersedge Drive:

- Believes the third-stall garage will blend into the area nicely.
- During initial construction of the dwelling the Homeowners Association required the garage to be on the east side of the property.
- Subdivision’s Declaration of Restrictive Covenants prohibits accessory buildings, so constructing a detached garage in rear yard likely is not possible.

The Board discussed the four standards and noted the following:

- Discussed the easement location in relation to the dwelling and how that impacts buildable area.
- Questioned if the proposed third-stall garage would cause an issue for a possible future bike path expansion.
- Existing dwelling and garage already appear close to the road when traveling on 168th Avenue.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The location and width of overhead utility easement coupled with the corner lot side street setback significantly reduce the building envelope.
- According to the applicant, the Lincoln West Estates Declaration of Restrictive Covenants prohibits property owners from erecting accessory buildings in the rear yard.
- According to the applicant the Architectural Review Committee required the garage to be located on the east side of the property abutting the corner lot side yard.

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- A 2,000 foot vicinity buffer was utilized to determine if other residential properties within the same zoning district created, and enjoyed, a specific neighborhood characteristic of a third-stall attached garage. This survey revealed that Lincoln West Estates, The Retreat, and The Sanctuary subdivisions encompassed the applicable vicinity buffer—56 of the 77 total lots, or 73%, have the common characteristic of a third-stall attached garage.
- Typical neighborhood characteristics differ significantly within the Township. Considering the characteristics of this neighborhood it is unlikely that another property will be encumbered by an overhead utility easement, has a corner lot side street setback

requirement, and that has 73% of nearby properties within the same vicinity and the same zoning district having a third-stall attached garage.

- This finding is not to be misconstrued as setting a precedence that third-stall attached garages are a substantial property right for all residential properties within the Township. The applicant's situation is unique within this niched vicinity.

Ayes: Robertson, 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:

- Applicant received written support for all 18 additional lot owners within the Lincoln West Estates Subdivision.
- Applicant received written support from two adjacent commercial businesses and the residential property owner directly north of the subject subdivision.

Ayes: Robertson, 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:

- Although lots throughout the Township are encumbered by an overhead utility easement and a corner lot they are not all configured in such a manner that both side yards are effected.

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Motion by Slater, supported by Voss, to **approve** a dimensional variance from Section 21.01.08 for a 12' x 24' attached third stall garage at 16804 Watersedge Drive that will result in a Corner Lot Side Street Setback variance of 9.1'. Furthermore, this approval is conditioned upon the applicant planting a continuous landscaping screen utilizing evergreen species, which will allow for year-round screening, and must include a minimum of 3 trees. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

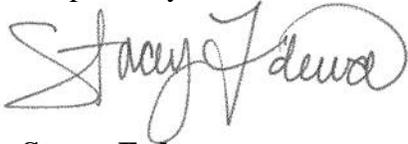
Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Absent: Behm

- V. REPORTS – A Site Plan Review applicant has submitted a ZBA application, but the need for a variance hearing will be determined after the Planning Commission reviews the application.
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT
Without objection, the meeting was adjourned at 7:30 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