

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, JUNE 27, 2017 – 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 Vice-Chair Voss.

The Vice-Chair announced the resignation of Chair Robertson.

II. ROLL CALL

Board of Appeals members present: Voss, Loftis, Slater, Behm & Rycenga (alternate)
Board of Appeals members absent: None

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 May 23, 2017 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #17-03 – Dimensional Variance – Hall

Party Requesting Variance:	Larry & Doreen Hall
Mailing Address:	14952 Westray Street
Parcel Number:	70-03-33-100-074
Subject Property Location:	14952 Westray Street, Grand Haven 49417

Larry and Doreen Hall are seeking a dimensional variance from Section 20.03.1.J.1 of the Zoning Ordinance in order to construct an accessory building within the front yard of the subject property.

Rycenga recused himself due to a potential conflict of interest. Rycenga's company contracts with Hall's employer, which is general is coordinated by Hall.

Fedewa provided an overview of the application through a memorandum dated June 23rd.

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

Larry Hall – 14952 Westray Street:

- Intends to bring in fill-dirt to bring the elevation of the proposed accessory building to the same level as the dwelling.
- Unable to locate the accessory building in the grassy area southeast of the dwelling because that is the location of the primary drainfield.
- Proposed accessory building is setback 55-feet from the west boundary line, and the adjacent triangle-shaped parcel would also have a 50-foot setback for a principal dwelling, which would result in a minimum of 105-feet of separation between the buildings.

The Board discussed the four standards and noted the following:

- Expressed some concern about the closeness the proposed accessory building would be to the adjacent triangle-shaped parcel to the west.
- Discussed how private roads, driveway easements, and non-road frontage parcels are addressed. Each is handled individually based upon the circumstances. Generally, all parcels in the Township are considered legal lots of record regardless of the unique characteristics it may have related to access. However, new lots that are created are required to have road frontage. Doing so will gradually eliminate irregular lots such as the applicants subject parcel.
- Two previous cases were noted for discussion—the 2013 Avery case, which was granted a variance because of the narrowness of the lot; and the 2014 Rickard case, which was denied because there was a compliant location available.
 - A discussion ensued about the right to an accessory building. If an owner is entitled to an accessory building, but due to physical constraints of the property cannot place the building in a compliant location than a variance application is the appropriate avenue.
 - If an owner is entitled to an accessory building, and is able to locate in a compliant location, but the property would be better-served by having the building in the front yard (*e.g., save trees & less impervious surface*) then a Special Land Use is the appropriate avenue.
 - Discussions regarding accessory buildings in front yards as a Special Land Use has been a recent topic of conversation with the Planning Commission and Township Board. The Zoning Ordinance Update Committee will address this over the next year of this project.
 - Ultimately, the ZBA believed the Avery case is a closer match than the Rickard case as it relates to the Hall application.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Property has notable changes in topography—approximately 30 feet in elevation changes.
- Property does not have road frontage.
- No neighbors in front, or behind, subject property.
- Setbacks for the proposed building are compliant.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

Standard No. 2 – Substantial property right:

- A property owner with a lot size of 1 < 2 acres is entitled to a 960 sqft accessory building.

Ayes: Voss, Loftis, Behm, Slater

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:

- No correspondence was received on this application.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

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

- The topographical changes along with the lack of road frontage to define the lot lines makes this parcel challenging, which is not the case for the majority of properties within the Township.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

Motion by Slater, supported by Behm, to **conditionally approve** a dimensional variance from Section 20.03.1.J.1 to allow a 954 square foot detached garage at 14952 Westray Street that will result in an accessory building being located within the front yard. This approval is conditioned upon the applicant receiving a permit from the Ottawa County Environmental Health Department to relocate the Reserve Area drain field. Approval of this variance is based upon this Board’s findings that

all four standards have been affirmatively met. **Which motion carried unanimously.**

Ayes: Voss, Loftis, Behm, Slater

Nays: None

Absent: None

B. ZBA Case #17-04 – Dimensional Variance – Gallup

Party Requesting Variance:	Jim & Ineke Gallup
Mailing Address:	12455 Jansma Drive
Parcel Number:	70-07-17-298-006
Subject Property Location:	12455 Jansma Drive, Grand Haven 49417

Jim and Ineke Gallup are seeking a dimensional variance from Section 20.03.1.K.2 of the Zoning Ordinance in order to construct a 24' x 24' detached garage in the rear yard, which would project into the required side yard. This would result in a 5-foot setback where 10-feet is required.

Fedewa provided an overview of the application through a memorandum dated June 23rd.

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

Jim Gallup – 12455 Jansma Drive:

- Explained the garage could not be moved south because it would block the front door and obstruct underground utilities. Cannot move to the south side of the dwelling because there is a 1:3 slope, for which the DEQ would not grant a permit.
- Existing well-pit and shed will be removed.
- Will add landscaping.
- Intends to construct the garage at a roof-pitch that is slightly less than the dwelling to ensure views of adjacent properties are not obstructed.
 - In regard to stormwater runoff from the roof of the proposed garage, there are existing boulders and sock tubes that have performed well, and expect they will continue to perform with the additional building.
- Proposed location will not impede access to adjacent property to the north.

The Board discussed the four standards and noted the following:

- Inquired if garage could be shifted south to comply with setbacks.
- Discussed potential for roof runoff/soil erosion issues that may arise.

- The 2016 Griffeth case was referenced, and all agreed it was a good case to use as a comparison.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Subject to the Critical Dune Area (CDA) and High Risk Erosion Area (HREA) restrictions, including sections of 1:3 slop areas.
- Angular nature of the lot compared to the dwelling results in the need for a 5-foot setback variance for one corner of the garage.

Ayes: Voss, Loftis, Behm, Slater, Rycenga

Nays: None

Standard No. 2 – Substantial property right:

- The ZBA has established a precedence that a garage constitutes a substantial property right.

Ayes: Voss, Loftis, Behm, Slater, Rycenga

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:

- No correspondence was received on this application.
- Proposed garage only abuts the adjacent driveway.
- Proposed garage does not obstruct any views of neighboring properties.

Ayes: Voss, Loftis, Behm, Slater, Rycenga

Nays: None

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

- The CDA and HREA severely limit the buildable area of this parcel.

Ayes: Voss, Loftis, Behm, Slater, Rycenga

Nays: None

Motion by Slater, supported by Rycenga, to **approve** a dimensional variance from Section 20.03.1.K.2 to allow a 24' x 24' detached garage at 12455 Jansma Drive, which will result in a Side Yard 1 setback of 5-feet. Approval of this variance is

based upon this Board's findings that all four standards have been affirmatively met. **Which motion carried unanimously.**

Ayes: Voss, Loftis, Behm, Slater

Nays: None

Absent: None

V. REPORTS

- Staff described the recent discussions with the Planning Commission and Township Board regarding a possible Special Land Use that would allow an accessory building to be located in the front yard under certain circumstances. This will be discussed by the Zoning Ordinance Update Committee.
- Loftis announced next the Zoning Ordinance Update Committee meeting is scheduled for June 29th at 7pm in the Conference Room.

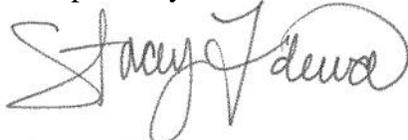
VI. EXTENDED PUBLIC COMMENTS

- Tim Whalen – 4656 61st Street, Holland
 - Recently acquired two 10-acre parcels in the Township.
 - Requesting advice on addressing two areas of concern—number of chickens allowed on large lots, and placing an accessory building for horses in the front yard.
 - The ZBA and staff informed Whalen that both subjects will be discussed with the Zoning Ordinance Update Committee with an expected adoption of the new ordinance in early summer 2018.

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,



Stacey Fedewa

Acting Recording Secretary