

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MAY 22, 2018

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, Behm, Loftis, Hesselsweet, & Rycenga (Alternate)
Board of Appeals members absent: Voss
Also present: Community Development Director Fedewa, and Assistant Zoning Administrator Hoisington.

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the March 27, 2018 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #18-03 – Dimensional Variance – Fahndrich

Party Requesting Variance:	Diane Edward-Fahndrich
Applicant Address:	16917 Pierce Street
Parcel Number:	70-07-28-400-002
Subject Location:	16989 Pierce Street

Diane Edward-Fahndrich is seeking a dimensional variance to divide the subject property into 3-acre, and 17-acre parcels and encumber the 17-acre parcel with a conservation easement to prevent future development. The Rural Preserve (RP) district requires a minimum lot area of 10-acres.

Fedewa provided an overview of the application through a memorandum dated May 18th.

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

- Expressed her desire to preserve the existing natural features, and has been a goal of herself and her late father.
- Learned that a conservation easement could ensure the preservation goals are met.

The Board discussed the four standards and noted the following:

- This is certainly a unique case.
- Inquired how property taxes would be affected.
 - Per staff, taxes remain as-is, but if the property is ever sold at arms-length the values would uncap, except for the portion covered by the conservation easement. Thus, the Township would not experience any loss of property tax revenue.
- Confirmed the Land Conservancy of West Michigan would manage and enforce the easement, which would include a prohibition on additional land divisions and development.
- Land would remain privately owned. If sold in the future the conservation easement would continue to “run with the land” and encumber the property.
- Little Pigeon Creek has a very large floodplain and associated wetlands.
- Remaining 3-acre parcel would continue to be zoned RP and would be legally conforming because of the variance.
- Land divided into 3- and 17-acres for equitable distribution of assets from the estate of the applicant’s parents.
- It was noted the applicant is also including 15-acres of her own property to include in the conservation easement, bringing the total preserved area to 32-acres.
- Inquired if other conservation easements exist in the Township.
 - Per staff, yes—several exist and those that contain floodplain and/or wetland are included in the FEMA CRS Open Space Preservation category.
- It was strongly noted—if this variance is approved it will be a precedence setting case for the Township.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Exceptional presence of floodplain and wetlands rendering the majority of the land unbuildable.
- A 10-acre/10-acre division would result in the northern parcel being landlocked, which may render it unbuildable as well.
- Per survey, the parent parcel is just shy of 330-feet in width and the RP district has a 1:4 depth to width ratio, so a true 10-acre/10-acre division would not meet that requirement.

Ayes: Slater, Behm, Loftis, Hesselsweet, Rycenga

Nays: None

Standard No. 2 – Substantial property right:

- Property would remain in its current condition. Thus, enabling the property owners to continue the necessary preservation and enjoyment of their substantial property right.
- The conservation easement would preserve the existing conditions of the property and protect the natural ecosystem that is present.
- Preserving this type of land in perpetuity is a goal identified in the Resilient Master Plan.

Ayes: Slater, Behm, Loftis, Hesselsweet, 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:

- The natural condition of the property will remain intact in perpetuity with the encumbrance of a conservation easement. Thus, there will be no detriment or impact to adjacent residents.
- The Township’s prerogative of preventing dense development in a rural area is satisfied by the conservation easement because it prohibits future land divisions and development on the encumbered property.
- The request is consistent and supports the Statement of Intent for the Rural Preserve district, as stated in the Zoning Ordinance.
- Board noted that no correspondence was received.

Ayes: Slater, Behm, Loftis, Hesselsweet, 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:

- This type of unique request for a variance has never come in front of the Board before. It is highly unique, and mutually beneficial.
- This case will set a precedence that future variance requests to divide land that does not comply with minimum lot area requirements will result in the need to place a conservation easement over the property. It is highly unlikely a similar situation such as this will occur as it is a high burden to meet, and thus reinforcing the Township’s design requirements for each zoning district.

Ayes: Slater, Behm, Loftis, Hesselsweet, Rycenga

Nays: None

Motion by Loftis, supported by Behm, to **approve** a dimensional variance from Section 21.02 to approve a land division in the Rural Preserve district to result in 3-acre and 17-acre child parcels at 16989 Pierce Street. This approval is conditioned upon the 17-acres being encumbered by a conservation easement that prevents future development of the land. 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, Rycenga

Nays: None

Absent: Voss

V. REPORTS

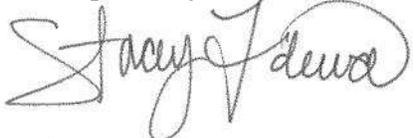
- Next Zoning Ordinance Update Committee meeting is June 28th at 6pm.

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:28 p.m.

Respectfully submitted,

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

Stacey Fedewa

Acting Recording Secretary