

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 26, 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 Chair Voss.

II. ROLL CALL

Board of Appeals members present: Voss, Behm, Loftis, and Rycenga (Alternate)
Board of Appeals members absent: Slater and Hesselsweet
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 22, 2018 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #18-04 – Dimensional Variance – Gaasch

Party Requesting Variance:	Joy Gaasch
Applicant Address:	15195 Lakeshore Drive
Parcel Number:	70-03-32-226-006
Subject Location:	15195 Lakeshore Drive

Joy Gaasch is seeking a dimensional variance to construct a 16' x 18' accessory building in rear yard, and is unable to meet required setbacks. Requesting a variance to allow a 5-foot side and rear yard setback, and a 20-foot setback from the dwelling. Section 20.03.1.K.2 requires a 10-foot side and rear yard setback, and a 25-foot setback from the dwelling. Due to the sewage disposal systems on the property, the applicant is unable to meet the required setbacks.

Fedewa provided an overview of the application through a memorandum dated June 20th.

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

- Attempted to connect to City of Grand Haven sanitary sewer in the past, but it was financially unfeasible to accomplish.

- Had new sewage disposal system installed in 2006. However, Ottawa County Environmental Health Department (OCEHD) did not allow part of the old system to be removed for various reasons; one of which, is to use as an overflow area.
- Existing shed bases are wood and cement. The wood base has been badly damaged by rodents and has reached the end of its useful life.
- OCEHD was not able to identify the precise location of the old sewage disposal system. As such, the applicant's son has probed the rear yard and has roughly identified where it is located.
- Noted she is unable to move the proposed shed closer to the dwelling because it would encroach into the required isolation distance for the new sewage disposal system.

The Board discussed the four standards and noted the following:

- Inquired if other options were considered.
 - Fedewa explained that many different scenarios were reviewed and discussed prior to the submittal of the ZBA variance application. Unfortunately, there were no viable alternatives than what is being requested in the variance.
- Removing existing sheds and locating the new shed in the same place.
- Good screening present with existing tree coverage, plus the privacy fence provides an additional layer of screening.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Property is encumbered by an existing sewage disposal system that has required isolation distances. Furthermore, a former sewage disposal system was not allowed to be removed by the OCEHD, which also restricts the available buildable areas.
- Layout of built environment on the lot is not conducive to a rear yard that allows for accessory structures to be installed.

Ayes: Voss, Behm, Loftis, Rycenga

Nays: None

Standard No. 2 – Substantial property right:

- Parcel of this size is entitled to one accessory building up to 600 sqft and a second shed up to 120 sqft. Applicant is proposing a 288 sqft building.

Ayes: Voss, Behm, Loftis, 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 has been received.
- Two existing sheds are being removed and replaced with a shed of similar total floor area, which should not have a negative impact on adjacent properties.
- Substantial screening in place with the existing privacy fence and tree coverage.
- Unafflicted property owners are able to achieve their property right of constructing accessory buildings.

Ayes: Voss, Behm, Loftis, 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:

- Between the layout of the lot and the existing sewage disposal system, it is difficult, if not impossible, to meet the accessory building setback requirements. Which is not the case for the majority of properties within the Township.

Ayes: Voss, Behm, Loftis, Rycenga

Nays: None

Motion by Behm, supported by Loftis, to **approve** a dimensional variance from Section 20.03.1.K.2 for a 16’ x 18’ accessory building at 15195 Lakeshore Drive that will result in a Rear Yard setback of 5-feet, Side Yard setback of 5-feet, and a 20-foot setback from the dwelling. 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: Voss, Behm, Loftis, Rycenga

Nays: None

Absent: Slater, Hesselsweet

B. ZBA Case #18-05 – Dimensional Variance – Kobel

Party Requesting Variance:	Paul and Suzanne Kobel
Applicant Representative:	Denny Dryer, Dryer Architectural Group
Parcel Number:	70-07-21-102-012
Subject Location:	11837 Garnsey Avenue

Paul and Suzanne Kobel, along with their representative, architect Denny Dryer, are seeking a dimensional variance to keep an existing 828 sqft accessory building in its current location in the rear yard and construct a new residential dwelling on

the same footprint of the existing dwelling. Requesting a variance to allow the existing accessory building to maintain a 6-foot setback from the dwelling, and a 4'-3" side yard setback. Section 20.03.1.K.2 requires a 15-foot setback from the side lot line and 25-foot setback from the dwelling. Due to this situation the accessory building is unable to meet the required setbacks when the new dwelling is constructed.

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

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

- Dryer explained the Kobel's initially planned on expanding the existing dwelling on the second story. However, upon further inspection it was discovered the foundation is in very poor condition. Found an approximate 6-inch floor height difference in the foundation.
- Believes this dwelling is the original "Garnsey House."
- Kobel grew up in Grand Haven and looks forward to moving back to the area from Los Angeles, CA. Noted his father owned a home on Lake Michigan, which fell into the Lake during the mid-1980s when the water levels were too high. For this reason, he is very leery of moving the dwelling any closer to the waterfront. Hence, the desire to rebuild on the same footprint.
- Design of sewage disposal system was finalized and submitted to the Ottawa County Environmental Health Department today. Once the permit is issued, it will be forwarded to the DEQ, which is the last remaining document the agency needs before processing the amended DEQ permit application.

The Board discussed the four standards and noted the following:

- Inquired if the existing attached garage could be expanded and replace the accessory building.
 - Applicant noted it is possible, but not desired. Further, without removing the existing accessory building it would not be able to meet the required setbacks.
 - Fedewa noted, the property owner is entitled to two accessory buildings with a combined floor area of 960 sqft. The applicant is requesting a dimensional variance for setbacks, and it is not within the ZBA's purview to require the accessory building be removed. Rather, if the variance request is denied, the applicant will need to make a determination on how best to proceed.
- Inquired if a variance would be necessary if only part of the dwelling was razed and rebuilt.
 - Fedewa explained that is a very subjective topic, and one that arises frequently. It is reviewed on a case-by-case basis. In this particular case, when the applicant

identified the deficiencies in the foundation it became necessary to raze the entire dwelling and rebuild on a new, sturdy, foundation.

- Inquired why the applicant does not want to rebuild the house in a compliant location.
 - Fedewa explained the sewage disposal system encumbers all of the southern side yard, which prohibits the dwelling from relocating closer to the south lot line. Further, the property is currently subject to High Risk Erosion Area provisions through the DEQ, and if the dwelling moved further west closer to Lake Michigan it will begin encroaching into Critical Dune Areas. Also, based on the applicant's personal experience with his father's home, he does not want to move the dwelling closer to the shoreline.
- Best practices for sensitive landscapes is not to disturb additional land.
- Reviewed the correspondence from a neighbor requesting the ZBA enforce the subdivisions restrictive covenants and mandate the accessory building be removed.
 - Fedewa explained the Township cannot use public funds to enforce private deed restrictions.
- Inquired if precedence was being created from this case.
 - Fedewa explained no—it's merely affirming the property right to have accessory buildings.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Property is subject to High Risk Erosion Area requirements through the DEQ. Another portion of the property is subject to Critical Dune Areas.
- Required sewage disposal system encumbers the southern side yard.
- Rebuilding dwelling on existing footprint and not increasing any nonconformities.

Ayes: Voss, Behm, Loftis, Rycenga

Nays: None

Standard No. 2 – Substantial property right:

- The R-1 zoning district allows a single-family dwelling as a use permitted by right. Dwelling is proposed to be rebuilt on existing footprint, which would continue to comply with R-1 setbacks.
- Size of the property entitles the owner to install two accessory buildings with a combined floor area of 960 sqft.
- The accessory building is an existing structure.

Ayes: Voss, Behm, Loftis, 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:

- Two items of correspondence have been received—one that objects, and the other lending support.
- Accessory building is an existing structure and the dwelling is proposed to be rebuilt on the existing footprint, which does not increase the existing nonconformities.

Ayes: Voss, Behm, Loftis, 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:

- Property is subject to the High Risk Erosion Area requirements, and if the dwelling was moved to a location that complied with the accessory building setbacks it would disturb other sensitive landscapes and then could be subject to Critical Dune Areas as well.
- Obtaining a compliant setback between the dwelling and accessory building would still not alleviate the side yard setback encroachment along the north property line.
- The nuances of this case based on the various decision-making methods make it unique.

Ayes: Voss, Behm, Loftis, Rycenga

Nays: None

Motion by Loftis, supported by Behm, to **conditionally approve** a dimensional variance from Section 20.03.1.K.2 to allow an existing 828 sqft accessory building remain in place at 11837 Garnsey Drive. This will result in a 6-foot setback from the dwelling and a 4'-3" setback from the side lot line. Approval of this variance is conditioned upon the applicant providing an amended DEQ permit that allows the dwelling to be reconstructed on the same footprint. 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: Voss, Behm, Loftis, Rycenga

Nays: None

Absent: Slater, Hesselsweet

C. 2017 ZBA Report

Fedewa provided an overview of the report in a memorandum dated June 21st.

Loftis noted that he had attended additional training sessions than those identified on the report. Fedewa indicated she would review the records again and update the report as needed.

Fedewa reiterated that any training, or continuing education, that is done on behalf of each members profession is eligible to be included in the ZBA report. Rycenga will provide information on his continuing education classes as he attends, including the Township's Builders Forum.

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 7:47 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