

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY JUNE 25, 2019

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, Slater, Loftis, and Behm
Board of Appeals members absent: Hesselsweet, and Rycenga (alternate)

Also present: Assistant Zoning Administrator Hoisington, and Community Development Director Fedewa.

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the May 29, 2019 ZBA Meeting were approved.

IV. OLD BUSINESS

Motion by Voss, supported by Slater, to remove ZBA Case #19-04 from the table for reconsideration. **Which motion carried.**

1. ZBA Case #19-04 – Dimensional Variance – Martin

Party Requesting Variance:	John and Holly Martin
Parcel Number:	70-03-26-380-008
Location:	15297 Vintage Avenue

John and Holly Martin are seeking a variance to construct a three-seasons room that would result in a rear yard setback violation of Section 21.02 of the Zoning Ordinance.

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

Applicant John Martin provided additional information regarding the location of the septic system for the property.

The Board discussed the application and noted the following:

- Inquired about other possible locations for that addition.
 - Noted the encumbrance of the septic system in relation to building on the property.

- Questioned the location of the existing shed to ensure compliance.
- Verified the pool deck currently under construction will be connected to the attached deck in the future, meaning it would not be considered an accessory structure.
- Discussed the opinion from the Township Attorney that states the Martins offering to give up a right they already have under the zoning ordinance, to build an accessory building, in order to obtain a setback variance for a three-season room is a legitimate consideration
- Suggested the Planning Commission further discuss the potential issues that may arise in the R-2 district. Specifically, that some lots may build-out the allowable building envelope to comply with the basic ordinance requirements. However, that does not leave room for additional investment and improvement into the property.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The ZBA deems the exceptional circumstance to be the relinquishment of a property right entitlement—480 square feet of accessory building—in exchange for enclosing a deck and converting it to a three-season room.
- The foregone accessory building could be setback only 5-10 feet from the side and rear lot lines. Whereas the three-season room is setback 42 feet from the rear lot line and over 25 feet from the side lot line to the south. This is a reduced impact to adjacent properties.
- Enclosing the deck to become a three-seasons room reduces maximum lot coverage. Up to 480 square feet of impervious surface could be added. The three-seasons room is not considered impervious because it is elevated.
- The suggested condition of approval would require an agreement to prohibit any additional accessory buildings, a right the Martins are currently entitled to under the zoning ordinance. Per the Township Attorney, this is a legitimate consideration.

Ayes: Slater, Loftis, Behm
Nays: Voss

Standard No. 2 – Substantial property right:

- Neighborhood has existing non-conforming additions.
- Lots in the neighborhood just meet the minimum setback standards ,which limits the ability of a property owner to further invest in their properties.

Ayes: Slater, Loftis, Behm
Nays: Voss

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

- One letter of opposition was received from an adjacent neighbor concerned about the impact of the structure on their property. The addition will be setback 42 feet from the

rear lot line compared to the 5-10 foot setback that would be possible with an accessory building.

- Two emails in support of the addition were received from neighbors.
- Will reduce overall lot coverage.

Ayes: Voss, Slater, Loftis, Behm

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 proposed exchange is the first of its kind to be received by the ZBA.
- Seems to be potential for this type of request again, but as of now this request is not recurrent in nature.

Ayes: Slater, Loftis, Behm

Nays: Voss

Motion by Slater, supported by Behm, to **conditionally approve** a dimensional variance from Section 21.02 for a 12' x 16' three-season room at 15297 Vintage Avenue that will result in a Rear Yard setback of 42-feet. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met. Approval is conditioned upon the following:

1. The detached deck being attached to the main building, so the principal structure is compliant with the R-2 setbacks.
2. Direct staff to consult with legal staff to draft an agreement to be recorded with the property to prohibit any additional accessory buildings or enlarging the existing accessory building.

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

Ayes: Slater, Loftis, Behm

Nays: Voss

Absent: Hesselsweet

V. REPORTS

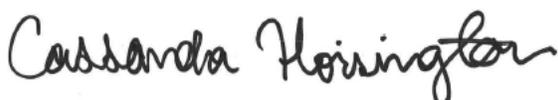
- Hoisington provided an update on the status of tabled ZBA Case 19-01.

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,



Cassandra Hoisington
Acting Recording Secretary