

# AGENDA

Grand Haven Charter Township Zoning Board of Appeals

Tuesday, August 25, 2020 – 7:00 p.m.

**Remote Electronic Meeting**

To obtain a link to the zoom meeting—email [sfedewa@ght.org](mailto:sfedewa@ght.org) or text 616.260.4982 and the link and password will be sent to you along with instructions on participating.

According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752. 797) and/or Malicious Use of Electronics Communication (MCL 750.540). According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications. Public meetings are monitored, and violations of statutes will be prosecuted.

Please go to <http://www.gh.org/boards/meeting-packets/> to view the complete packet for tonight's Zoning Board of Appeals meeting.

- I. Call To Order
- II. Roll Call
- III. Approval of the May 28, 2020 ZBA Meeting Minutes
- IV. New Business
  - A. ZBA Variance Application No. 20-02 – Hoekenga Fence  
Please go to <http://www.gh.org/boards/meeting-packets> to view the complete packet for tonight's Planning Commission meeting. If you would like to comment on an Agenda Item Only, you may now:
    - (1) Raise your hand using the zoom function
    - (2) submit your comments via Facebook Live stream found at <https://www.facebook.com/GHTownship>;
    - (3) email [sfedewa@ght.org](mailto:sfedewa@ght.org);
    - (4) or call (616) 260-4982 when prompted. Comments through the phone are limited to three (3) minutes.
- V. Reports
- VI. Extended Public Comments (*Limited To Four (4) Minutes Please*).  
Please go to <http://www.gh.org/boards/meeting-packets> to view the complete packet for tonight's Planning Commission meeting. If you would like to comment on an Agenda Item Only, you may now:
  - (1) Raise your hand using the zoom function
  - (2) submit your comments via Facebook Live stream found at <https://www.facebook.com/GHTownship>;
  - (3) email [sfedewa@ght.org](mailto:sfedewa@ght.org);
  - (4) or call (616) 260-4982 when prompted.
- VII. Adjournment

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MAY 28, 2020  
**Remote Electronic Meeting**

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 6:00 p.m. by Chair Voss.

II. ROLL CALL

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

Board of Appeals members absent: None

Also present: Associate Planner 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 November 26, 2019 ZBA Meeting were approved.

IV. OLD BUSINESS

Slater and Rycenga (alternate) recused themselves due to conflicts of interest. Slater has a financial interest in adjacent property and Rycenga has a financial interest through his business, which has been selected as a contractor for the project.

1. ZBA Case #20-01 – Dimensional Variance – Grand Haven Custom Molding

Party Requesting Variance:	Grand Haven Custom Molding
Applicant Representative:	Steve Witte, Nederveld Trevor Petroelje, CopperRock
Address:	1500 S Beechtree, Grand Haven
Parcel Number:	70-07-04-200-034
Location:	14016 172 <sup>nd</sup> Avenue

Grand Haven Custom Molding, represented by Steve Witte, is seeking a variance to allow the loading docks in the front yard and increase the slope of the stormwater basin to 1:4 which violates Sections 5.08.C, 8.12.G, and 4.02.A.3 of the Zoning Ordinance.

Fedewa provided an overview through a memorandum dated May 22<sup>nd</sup>.

The applicants representatives provided the following information regarding the variance request for the loading docks in the front yard.

- Due to the flag-lot shape of the parcel there is natural screening for the proposed loading docks provided by adjacent buildings.
- Moving the loading docks to the side yard would take away from the buildable area.
- A compliant location in the rear yard would abut a residential property. Conversely, a non-compliant location in the front yard would abut other industrial sites. Believe there is less negative impact if in the front yard.
- The proposed loading dock location provides the easiest access for anticipated semi-truck traffic.
- Agreed and confirmed there would be no outdoor storage unless/until a special land use permit is received.

The applicants representatives provided the following information regarding the variance request for the stormwater basin slope.

- The proposed 1:4 sloping matches Ottawa County Water Resources standards and would allow for a smaller footprint for the stormwater basin, which would preserve landmark trees.
- The basin is sized for a possible future addition to the warehouse.

The Board discussed the application and noted the following:

#### Loading Docks in a Front Yard

- Asked if loading docks could be moved to compliant location.
- Concerns about the expansive asphalt acting as storage space for semi-trucks.
  - Informed applicant that outdoor storage is a special lane use that would need to be applied for separately.
- Questioned purpose of gravel drive that surrounds the warehouse.
  - Applicant indicated the drive is only to be used as a fire lane.
- Adjacent residential property is mostly pasture, there would be little impact on resident.
  - Brief discussion about the potential for new development in the rear yards of parcels on 172<sup>nd</sup> and 168<sup>th</sup> between Hayes and Johnson. These yards are very long and it is possible that interior land could be developed if there was a new road built.
- Decided additional screening would be needed to provide full shielding of the docks from the road because of the angle of 172<sup>nd</sup> Avenue providing increased visibility when driving north.
  - Evergreens are to be planted along the west lot line and 8' tall block walls that match the exterior material will be placed on each end of the loading dock.

#### Stormwater Basin Slope

- Questioned location of basin in proximity to adjacent properties.

**Standard No. 1** – Exceptional or extraordinary circumstances:

Loading Docks:

- Legal lot of record.
- Being a flat lot, the building is setback over 660 feet from 172<sup>nd</sup>.
- The rear of the property abuts residential compared to the front yard abutting other industrial properties.
- The condition of additional screening with evergreens and a block wall is expected to address the increased visibility.

Ayes: Voss, Behm, and Hesselsweet

Nays: Loftis

Abstained: Slater, Rycenga

Stormwater Basin Sloping:

- The proposed sloping will save landmark trees.
- The steeper slopes will reduce the footprint of the basin and is sized for a possible future expansion.
- The 1:4 slope is the Ottawa County Water Resources standard.

Ayes: Voss, Behm, Hesselsweet, and Loftis

Nays: None

Abstained: Slater, Rycenga

**Standard No. 2** – Substantial property right:

Loading Docks:

- Industrial properties are required to have loading docks, but are required to be in the rear yard, unless it is not practical, in which case site enhancements can be required to minimize the negative visual impact.

Ayes: Voss, Behm, and Hesselsweet

Nays: Loftis

Abstained: Slater, Rycenga

Stormwater Basin Sloping:

- All new construction is required to obtain site drainage approval from the Ottawa County Water Resources (OCWRC).
- The 1:4 slope will be steeper than the required 1:5. The OCWRC requirement is a 1:4 slope.
- One of the primary statements of purpose for the US-31 Overlay Zone is to preserve landmark trees. Without significant redesign, a 1:5 slope would cause landmark trees to be removed.

Ayes: Voss, Behm, Hesselsweet, and Loftis  
Nays: None  
Abstained: Slater, Rycenga

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

Loading Docks:

- The Board noted that no opposition was received from adjacent parcels.

Ayes: Voss, Behm, and Hesselsweet  
Nays: Loftis  
Abstained: Slater, Rycenga

Stormwater Basin Sloping:

- The Board noted that no opposition was received from adjacent parcels.

Ayes: Voss, Behm, Hesselsweet, and Loftis  
Nays: None  
Abstained: Slater, Rycenga

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

Loading Docks:

One other ZBA case requested to locate the loading docks in a front yard, which was approved but never built.

Ayes: Voss, Behm, and Hesselsweet  
Nays: Loftis  
Abstained: Slater, Rycenga

Stormwater Basin Sloping:

There are no known variance requests related to the slope of a stormwater basin. Other sites have not had an issue complying with the gentler slope.

Ayes: Voss, Behm, Hesselsweet, and Loftis  
Nays: None  
Abstained: Slater, Rycenga

**Motion** by Behm, supported by Hesselsweet, to **conditionally approve** a dimensional variance from Section 5.08.C and Section 8.12.G to place loading docks in the front yard. 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. Shall use 8' tall block walls to match building material on each end of the loading docks and use evergreens along the west lot line to provide additional screening for the loading docks.
2. Outdoor storage is not allowed on the site until a special land use permit is approved.

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

Ayes: Voss, Behm, and Hesselsweet

Nays: Loftis

Abstained: Slater, Rycenga

**Motion** by Voss, supported by Behm, to **approve** a dimensional variance from Section 4.02.A.3 to increase the slope of the stormwater basin to 4:1. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

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

Ayes: Voss, Behm, Hesselsweet, and Loftis

Nays: None

Abstained: Slater, Rycenga

- V. REPORTS – None
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:25pm.

Respectfully submitted,



**Cassandra Hoisington**  
Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

# Community Development Memo

DATE: August 21, 2020

TO: Zoning Board of Appeals

FROM: Stacey Fedewa, AICP – Community Development Director

RE: 14956 Lakeshore – Fence Application No. 20-02

## PARCEL INFORMATION

Owner	Tom Hoekenga
Property Address	14956 Lakeshore Drive
Parcel Number	70-03-32-278-006
Lot Size	7,920 sqft
Elevation	≈ 18 inches
Lot Type	Typical, but undersized
	Legal Lot of Record
Zoning	R-1
Maximum Fence Height, Rear Yard	6-feet
Requested Fence Height, Rear Yard	98-inches or 8.167-feet



## REASON FOR ZBA APPLICATION

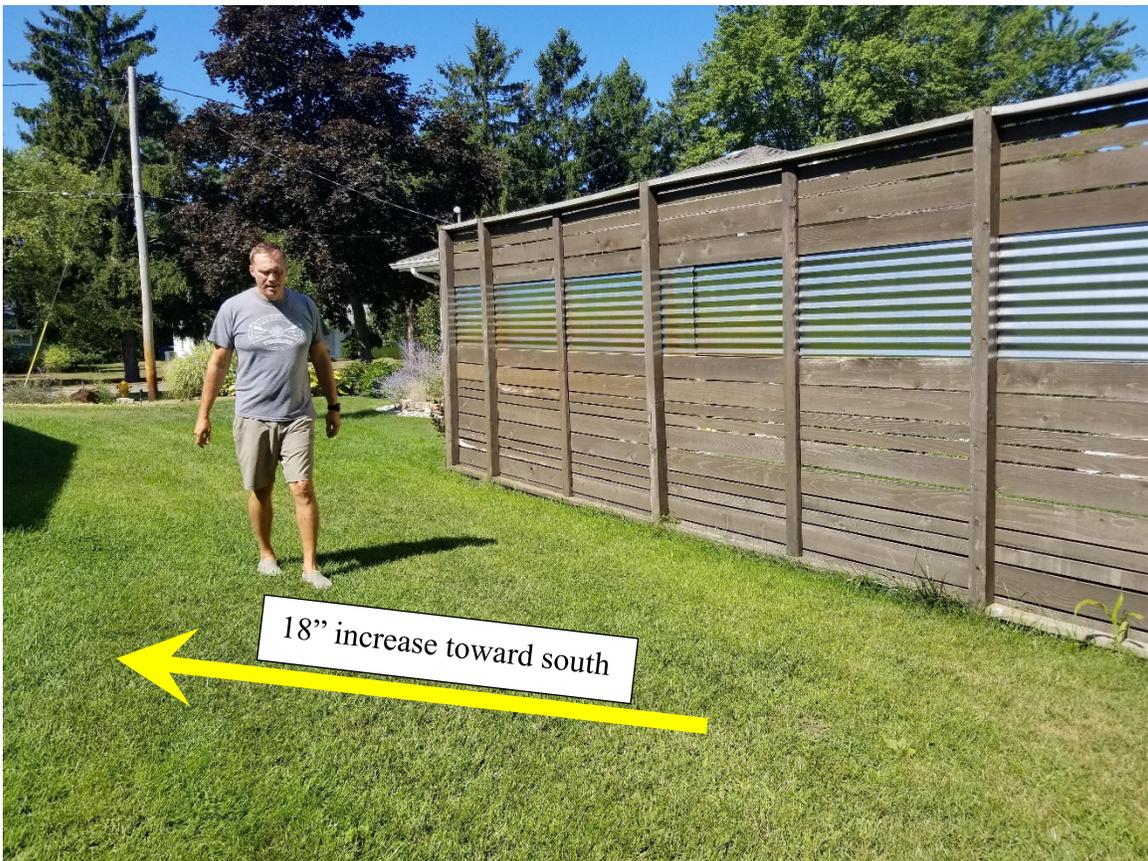
The Township Code Enforcement Officer identified a fence that appeared too tall because it nearly reached the soffit of the roof. The measured height is slightly over 8-feet when only 6-feet is allowed. Staff is not aware of another variance that has been granted for a taller fence.

The applicant, Tom Hoekenga, provides some background information for the fence height in the submittal paperwork. There are topographical changes that result in him being able to see into the adjacent property's rear yard when standing on his deck, and vice versa.

**Privacy is the primary motivation for the taller fence.** Staff did receive correspondence from a neighbor that supports the fence, which is included with the meeting packet.



Side Yard, looking East



Side Yard, looking West



Rear Yard, looking South



Rear Yard, looking East

## VARIANCE STANDARDS

To authorize a dimensional variance from the strict applications of the provisions of this Ordinance, the ZBA shall apply the following standards and make an affirmative finding as to each of the matters set forth in the standards.

### STANDARD 1

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

The property is substantially undersized at 7,920 sqft when the R-1 District requires 15,000 sqft. There are 1' – 2' elevation changes.

The ZBA will need to determine whether this standard is met.

### STANDARD 2

The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

The applicant noted that he and the neighbors can see each other when they stand on their decks and that is not enough privacy.

The ZBA will need to determine whether this standard is met.

### STANDARD 3

Authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

Correspondence in support of the taller fence was received on August 17<sup>th</sup>.

The ZBA will need to make the determination whether this standard is met given the circumstances of this case and the findings on standards 1 and 2.

### STANDARD 4

The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

The ZBA will need to make the determination whether this standard is met.

## SAMPLE MOTIONS

If the ZBA determines each standard has been affirmative met, the following motion can be offered:

**Motion to approve** a dimensional variance from Section 10.03.E to keep a 98-inch tall fence in the rear yard. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

However, if the ZBA determines each standard has not been affirmatively met, the following motion can be offered:

**Motion to deny** a dimensional variance from Section 10.03.E to keep a 98-inch tall fence in the rear yard. The owner is directed to reduce the height to a maximum of 6-feet within (*insert duration of time here*). Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

If the ZBA determines that more information is needed to make an affirmative finding, the following motion can be offered:

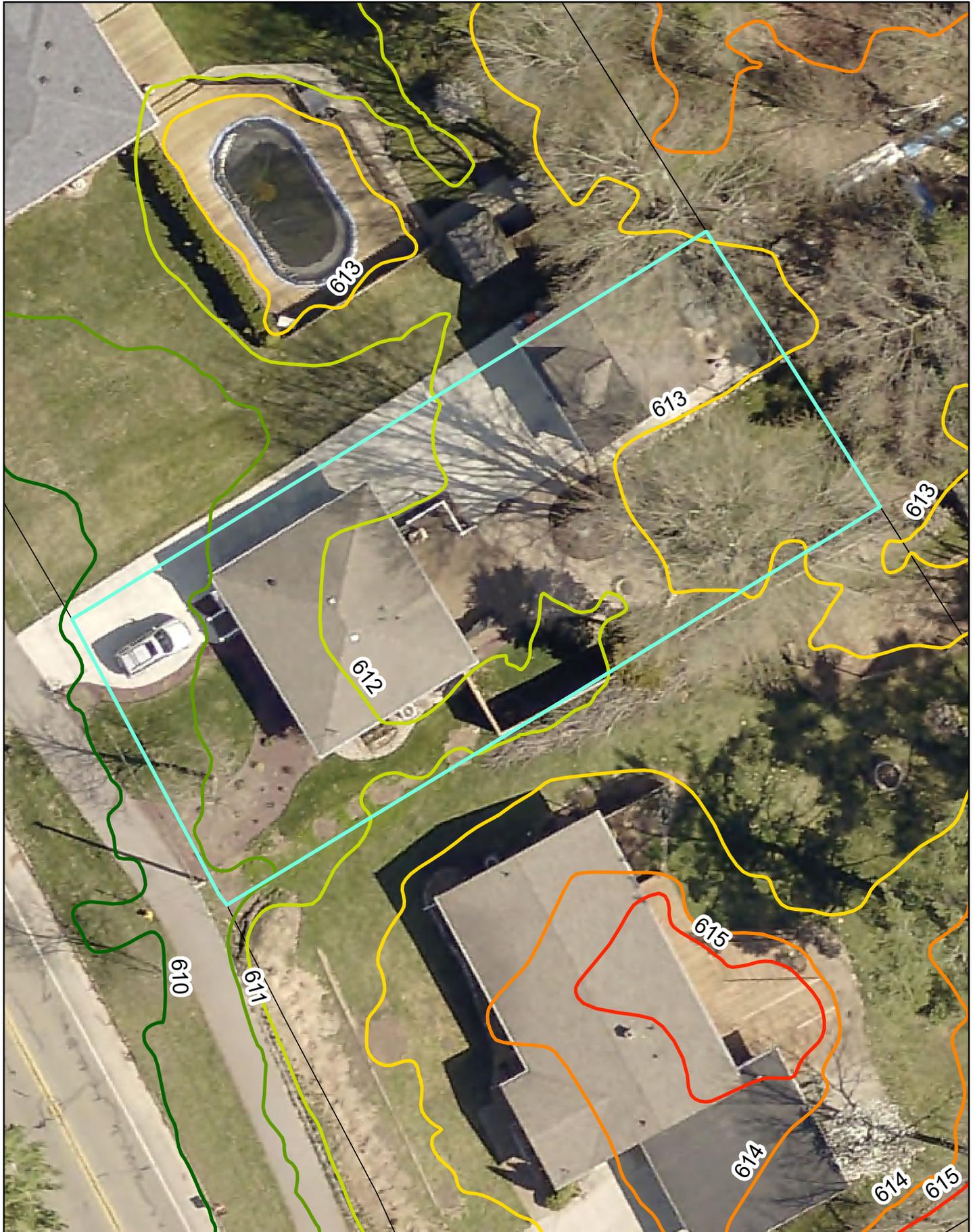
**Motion to table** the dimensional variance application for 14956 Lakeshore Drive, and direct the applicant and/or staff to provide the following information:

1. *List items here...*

Please contact me with questions or concerns.

# 14956 Lakeshore Drive Topographic Map (1-ft contours)

Date: 8/21/2020



**From:** [Melanie Swiftney](#)  
**To:** [Stacey Fedewa](#)  
**Subject:** Public Notice for 14956 Lakeshore Drive  
**Date:** Monday, August 17, 2020 7:49:32 PM

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Dear Ms Fedewa,

We received a public notice regarding a dimensional variance application for a 10-foot tall fence at 14956 Lakeshore Drive, and we are writing in support of the Hoekengas keeping their fence.

We live a few houses down from them, and while we don't know them personally, we regularly admire their fence while walking our dog. The design is an asset to their property, as well as their adjoining neighbor's.

Please let us know if you need any additional information from us.

Thank you,  
Melanie and Jeremy Swiftney  
15008 Lakeshore Dr.  
Grand Haven, MI 49417  
616-502-6410

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My newest novel, [Chasing the Sun](#), is now available!

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GRAND HAVEN CHARTER TOWNSHIP

RECEIVED  
8/3/20

### ZONING BOARD OF APPEALS APPLICATION

Application Type	Fee	Escrow*	Application Type	Fee	Escrow*
Variance or Appeal	\$250	\$300	Special Meeting	\$425	n/a
603 Exemption	\$250	\$300	Interpretation	\$125	n/a

The full zoning ordinance can be found at [www.ght.org/zoning](http://www.ght.org/zoning).

\* To cover cost of legal and consulting fees, may be increased as necessary

#### Applicant/Appellant Information

Name Tom Hoekenga

Phone 616-268-8790

Address 14956 Lakeshore Dr., Grand Haven, MI 49417

Email Address thoekenga@hotmail.com

#### Owner Information (If different from applicant/appellant)

Name Same

Phone \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

Email Address \_\_\_\_\_

#### Property Information (Include a survey or scaled drawing)

Address \_\_\_\_\_

Parcel No. 70 -03-32-278-006 - Current Zoning R1

Lot Width 60 Lot Depth 132

Parcel Size \_\_\_\_\_ Parcel Size 0.182

#### General Information (Check one)

- Application for Variance
- Request for Interpretation
- Notice of Appeal

**NOTE:** Please provide a scaled drawing with details of your proposed work including the dimensions of any structures (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

#### VARIANCE REQUESTED (If applicable)

1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards
2. Variance Requested From the Requirements of Section Number(s) 10.03
3. Relating to maximum Fence Height
4. Structure/Land Use (After Variance) Residential
5. Overall Building Size (After Variance) Residential
6. Setbacks from lot lines (After Variance):
  - a. Front Yard N/A feet
  - b. Rear Yard N/A feet
  - c. Side Yard #1 N/A feet
  - d. Side Yard #2 N/A feet

The purpose of requesting a Variance is to allow a fence taller than six feet from grade, the requested height is 98".

- 1) Exceptional Conditions; if you will refer to the aerial photo included and not the variance of the topographical elevation. Specifically how the center of the rear yard is 18" higher than the grade just off the deck. The deck is approximately 18" higher than the zero point just off the deck. The neighbor's yard is 18" higher than the zero point approximately 17 feet south of the fence line, the neighbor's deck is approximately an additional 18" higher than that, making it 36" higher than the zero point. The net result is the neighbor's deck is 18" higher than mine. A six foot tall fence offers no privacy because of the relative elevation. I would claim this is an exception condition when compared to the surrounding properties.
- 2) Variance Necessity; We believe we are entitled to the same privacy others in the surrounding area are afforded.
- 3) Determent to adjacent Properties; we discussed the fence with our neighbors, they are fine with it and actually enjoy the privacy it offers them as well.
- 4) Recurrence of the conditions; it seems unusual that the elevation changes so much in a small area, therefore this would not be a general occurrence.

**RELEASE FORM**

The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Township staff members to inspect the property (*address stated below*) at reasonable times, in regards to the consideration of my request for a variance.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

  
\_\_\_\_\_  
*Applicant's Signature*

8-3-20  
\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Owner's Signature (if different from applicant)*

\_\_\_\_\_  
*Date*

14956 Lakeshore Dr., Grand Haven, MI 49417  
\_\_\_\_\_  
*Property Address*

**For Office Use Only**

Date Received \_\_\_\_\_

Fee Paid? \_\_\_\_\_

**ACTION TAKEN BY TOWNSHIP BOARD OF APPEALS**

- ( ) Application Approved
- ( ) Application Denied

Description of variance granted or other action taken including conditions imposed, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grounds for Board action including findings as to standards and requirements prerequisite to imposition of conditions under ordinance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature of ZBA Chairperson*

\_\_\_\_\_  
*Date*

14972  
278-005

14956  
278-006

+18"

0"

+18"

14942  
278-007

+38"

278-015

+18"

