

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
TUESDAY, FEBRUARY 28, 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 Chair Robertson.

The Chair explained both the purpose and procedures of the ZBA.

II. ROLL CALL

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

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 October 25, 2016 meeting were approved with the proposed revisions.

IV. NEW BUSINESS

A. ZBA Case #17-01 – Dimensional Variance – Reimink

Party Requesting Variance:	Kevin Reimink of Reimink Properties LLC
Mailing Address:	15540 Lake Michigan Dr, West Olive 49460
Parcel Number:	70-07-23-400-005
Subject Property Location:	15421 Lake Michigan Dr, West Olive 49460

Reimink is seeking a dimensional variance from Sections 20.20.5.B and 21.02 of the Zoning Ordinance in order to construct a deck in the rear yard, which would project into the required side yard.

Fedewa provided an overview of the application through a memorandum dated February 24<sup>th</sup>.

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

Kevin Reimink – 15540 Lake Michigan Drive:

- Purchased home with the addition, and without a deck.
- Decks are very common, would add value to the property, and would increase the ambiance of the yard.
- Will no longer be a rental property.

The Board discussed the four standards and noted the following:

- Previous ZBA cases regarding decks vary widely, but generally did not allow a property owner to project into the required yards.
- Discussed a variety of alternatives that might be available if a deck is not constructed.

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

- The right-of-way encumbrance is compelling, but it is not applicable to this case because the dimensional variance request is related to the side yard, and not front yard.
- Although the lot is legally nonconforming in size and setbacks it is not so exceptional or extraordinary to meet this standard.

Ayes: None

Nays: Robertson, Voss, Slater, Loftis

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

- Even though many properties in the vicinity have a deck there is a viable alternative that would not require a dimensional variance—a patio.
- The property was purchased by the applicant without a deck.

Ayes: None

Nays: Robertson, Voss, Slater, Loftis

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

- A deck adds value to a property, and is typically not detrimental to adjacent properties.

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

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

- There are a variety of unique circumstances affecting this property:
  - It is encumbered by a 125 foot road right-of-way (*75 feet of which extends from road edge to the dwelling*) that creates a negative front yard setback.
  - It is believed the addition was originally constructed without permits, which may be the reason it violates the side yard setback requirement.
  - It is a legal lot of record that is undersized in area and width for the RR zoning district.

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

**Motion** by Voss, supported by Slater, to **deny** a dimensional variance from Section 20.20.5.B and 21.02 to construct an 18' x 20' deck in the rear yard at 15421 Lake Michigan Drive because an alternative exists that does not violate the Grand Haven Charter Township Zoning Ordinance. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met. **Which motion carried.**

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Absent: Behm

## B. HOUSEKEEPING

- i. Appointment of Officers
  - **Without objection**, Robertson was nominated and re-appointed as Chairperson.
  - **Without objection**, Voss was nominated and appointed as Vice-Chairperson.
  - **Without objection**, Loftis was nominated and re-appointed as Secretary.
- ii. 2017 Meeting Date Schedule

**Motion** by Slater, supported by Loftis, to approve the 2017 Meeting Date Schedule as presented. **Which motion carried.**

- iii. Appoint 1 Member to Ordinance Review Committee

**Without objection**, Voss was nominated and appointed to the Ordinance Review Committee to help craft a new Zoning Ordinance for Grand Haven Charter Township.

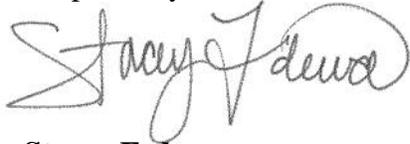
## V. REPORTS – None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:45 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