

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, MARCH 22, 2016 – 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, Behm, Voss, and Slater
Board of Appeals members absent: Rycenga (alternate)

Also present: Planning & Zoning Official Fedewa

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the January 26, 2016 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #15-11 – Dimensional Variance – Snyder

Party Requesting Variance:	Brian Snyder
Address:	14747 177 th Avenue, Grand Haven 49417
Parcel Number:	70-03-32-428-002
Location:	14747 177 th Avenue

Brian Snyder is seeking a dimensional variance from Sections 21.02 and 20.20.4 of the Zoning Ordinance in order to reconstruct a larger front porch that projects into the required front yard by more than 20 square feet. The legally nonconforming front porch was removed, and the applicant desires to replace it with a slightly larger porch with a modern aesthetic.

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

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

Brian Snyder – 14747 177th Avenue:

- Explained that small animals, likely chipmunks, had excavated the sand underneath the legally nonconforming porch, which caused the concrete to crack and it become unsafe to use.
- The legally nonconforming porch was removed in good-faith with the anticipation of replacing it with a modern-style porch to improve the appearance of the dwelling and add aesthetic value to the neighborhood.
- Noted the proposed concrete pad is still approximately 10 feet in width, which is the same size as the legally nonconforming porch. The extra two feet is to accommodate the two stone pillars.

Sherry Thelen – 17779 Maplewood Street:

- Is a next door neighbor and has lived in her home for 30 years.
- Explained the applicant bought a “fixer-upper” and has worked diligently at improving the home and property.
- Believes her property has an 8’ x 12’ front porch.
- Supports the variance request to allow the applicant to construct an 8’ x 12’ front porch.

The Board discussed the four standards and noted the following:

- Briefly discussed the slight differences in the front yard projection numbers (*between the survey, GIS, and on-site measurements*).
- Requested staff explain what, if anything, could have been done by the applicant to repair or replace the front porch without obtaining a variance.
 - Staff responded by explaining legally nonconforming structures can only receive incremental maintenance repairs. Any form of substantial deconstruction or reconstruction will cause the porch to lose its “grandfather” status. Based on the description provided by the applicant the porch was in too much disrepair and needed to be replaced.
- More than half of the homes in the vicinity have front porches.
- Noted the front porch size of 20 square feet afforded by Section 20.20.4 is exceptionally small. Reasoned that when the Zoning Ordinance was adopted in 1999, a front porch was insignificant. However, a front porch is now a substantial aspect of a home and there has been a renewed focus on constructing a stately front porch that adds aesthetic value to the home; provides a location for people to relax and enjoy their property; and creates an opportunity for neighbors to interact with each other.

- Staff agreed with the Board's statements and noted that when the Zoning Ordinance is updated attention will be paid to addressing the need of replacing or improving front porches.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The 65 year old house was constructed on the front setback line, and it is expected that as dwellings age certain portions will need to be replaced.
- The legally nonconforming porch projected into the front yard by approximately 8 feet.
- The legally nonconforming porch was removed, which has left the dwelling without a porch. In turn, the front door cannot be used as a point of entry due to the vertical distance between the door and the ground.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- More than half of the dwellings within the vicinity have a front porch. Therefore, a front porch is a substantial property right within this vicinity.
- Other dwellings have larger front porches than what is being proposed.
- The property is a corner lot, which make it very visible, and a new front porch will bring aesthetic value to the neighborhood.

Ayes: Robertson, Behm, Voss, Slater, Loftis

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:

- Correspondence was received from two adjacent property owners requesting the variance be approved.
- One adjacent property owner attended the meeting and requested the variance be approved.

Ayes: Robertson, Behm, 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:

- Uncommon that the Board receives an application for a front porch variance.

- As expected, as dwellings age in the Township there will be a need to replace legally nonconforming porches and decks. Believes that when the Zoning Ordinance is updated in the near future it will need to reflect this anticipated scenario. However, at this time the request is not such a recurrent nature as to make reasonably practical the formulation of a general regulation.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Motion by Slater, supported by Behm, to **approve** dimensional variances from 21.02 and 20.20.4 of the Grand Haven Charter Township Zoning Ordinance to allow the reconstruction of a covered front porch, which results in a Front Yard setback variance of 8.3 feet at 14747 177th Avenue. The maximum size of this front porch is limited to 8' x 12'. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Absent: None

B. ZBA Case #16-01 – Dimensional Variance – Berry

Party Requesting Variance:	Tim and Sheri Berry
Representing Agent:	David Pollock
Address:	2165 Onekama Dr SE, Grand Rapids, 49506
Parcel Number:	70-03-32-131-015
Location:	15058 Stickney Ridge (<i>Cottage No. 24</i>)

Tim and Sheri Berry are seeking a dimensional variance from Sections 21.02, 21.01.16, and 20.20.5.B of the Zoning Ordinance to remove an unsafe legally nonconforming deck that is 8' x 30' in size and replace it with an 8' x 15' deck. The replacement deck is unable to meet the required setbacks.

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

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

Dave Pollock – Authorized Agent:

- Was hopeful that Section 25.02 of the Zoning Ordinance would be applicable in this case. However, staff determined that 25.02 is only applicable to buildings that have a roof and are used for shelter.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Legal lot of record, and is exceptionally small in size.
- Exceptional topography.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- Majority of other properties in the vicinity have a deck that allows them to enjoy views of Lake Michigan.
- The applicant is requesting to reduce the size of the replacement deck by 50%.

Ayes: Robertson, Behm, Voss, Slater, Loftis

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:

- Request will reduce the existing nonconformity.
- No objections were received for this request.
- Support from two neighbors was received for the applicant's retaining wall variance that was granted in January 2016.

Ayes: Robertson, Behm, 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:

- Many unique situations in this area of the Township.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Motion by Voss, supported by Loftis, to **approve** dimensional variances of 21 feet from the Front Yard setback, 14 feet from the Rear Yard setback, and 2 feet from the Side Yard 1 setback, which are from Sections 21.02, 21.01.16, and 20.20.5.B the Grand Haven Charter Township Zoning Ordinance. This variance is to replace an unsafe legal nonconforming deck

at 15058 Stickney Ridge (*Cottage No. 24*) with a maximum size of 8' x 15'. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

Ayes: Robertson, Behm, Voss, Slater, Loftis

Nays: None

Absent: None

V. REPORTS

Requested staff research, and report back, on the Village of Spring Lake's recent discussions concerning Electronic Message Boards.

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