

## AGENDA

Grand Haven Charter Township Zoning Board of Appeals  
Wednesday, May 27, 2015 – 7:00pm

- I. Call To Order
- II. Roll Call
- III. Approval of the April 28, 2015 ZBA Meeting Minutes
- IV. New Business
  - A. ZBA Variance Application No. 15-03 – Nelson
- V. Reports
- VI. Extended Public Comments/Questions on Non-Agenda Items Only (*Limited To Four (4) Minutes Please*).
- VII. Adjournment

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
TUESDAY, APRIL 28, 2015 – 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, Slater, Rycenga (alternate).

Board of Appeals members absent: None

Also present: Planning & Zoning Official Fedewa & Attorney Rod Schermer

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

III. APPROVAL OF MINUTES

**Without objection**, the minutes of the March 24, 2015 meeting were approved.

IV. OLD BUSINESS

A. ZBA Case #15-01 – Request for Interpretation of Directional Sign

Party Requesting Interpretation:	Right Choice Online Auctions
Address:	17200 Robbins Road
Parcel Number:	70-03-33-100-047
Location:	17234 Robbins Road

Right Choice Online Auctions (“Auction Business”), represented by Murray C. Swiftney, Hope L. Tripp, and the property owner Paul VandenBerg of Robbins Road Development, is requesting an interpretation of the Auction Business’ proposed directional sign. Said sign was given a verbal denial by the Zoning Administrator when presented at an informal meeting in November 2014, because it did not meet the spirit of a Directional Sign as defined in the Grand Haven Charter Township Zoning Ordinance.

**Motion** by Slater, supported by Behm to remove the Right Choice Online Auction ZBA application from the table. **Which motion carried.**

Robertson noted the members received a legal opinion from Attorney Bultje regarding questions raised at the March 24<sup>th</sup> ZBA meeting.

Fedewa provided an overview of the legal opinion provided by the Township Attorney through a memorandum dated April 27<sup>th</sup>.

Because the applicant did not attend the meeting, the Chair invited the property owner to speak on the matter:

Paul Vandenberg of Robbins Road Development, property owner – 16600 Ferris St:

- Questioned what can, and cannot, be a directional sign.

Subsequent discussions by the ZBA members included:

- The Chair and staff encouraged Vandenberg to have the applicant submit directional sign proposals to the Planning & Zoning Official to determine compliance with the Zoning Ordinance.

Based on the legal opinion and further discussions, the members have sufficient information to proceed with a vote.

**Motion** by Voss, supported by Loftis to wholly affirm the Zoning Administrator's verbal denial of the proposed directional signs, and order the applicant to remove the claimed temporary signs from the site indefinitely.

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

AYES: Robertson, Loftis, Behm, Voss, Rycenga (alternate)  
NAYES: None  
ABSENT: None  
ABSTAIN: Slater (*not present at first meeting*)

V. REPORTS – None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:11 p.m.

Respectively submitted,



**Stacey Fedewa**

Acting Recording Secretary

# Community Development Memo

DATE: May 21, 2015

TO: Zoning Board of Appeals

FROM: Stacey Fedewa, Planning & Zoning Official

RE: 15275 Widgeon – Dimensional Variance Application No. 15-03

## BACKGROUND

The applicant and property owner, Donald Nelson, wants to construct 26' x 28' (728 square feet) addition to the rear of the main building. The 0.38 acre parcel is zoned R-1 Single Family Residential. The applicant is a “big game hunter” and wants an area to display the taxidermy.



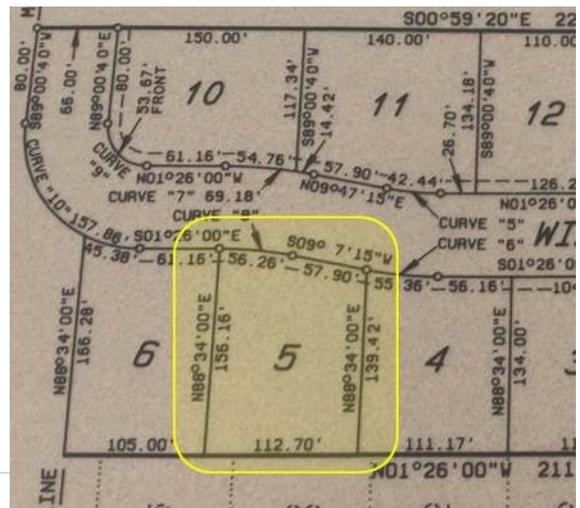
## SITE CONDITIONS

Lot 5 of Duckview Sub is an irregular shape that totals 16,640 square feet. According to the assessing records the existing house is 1,744 square feet. The 728 square foot addition would be a 41% increase in the size of the house, resulting in a 2,472 square foot dwelling.

The applicant states there is a drain field and septic system 14'-20' away from the proposed addition, which has played a role in determining its size and location.

The platted dimensions are:

- Front lot line = 114.16 feet
- North side lot line = 156.16 feet
- South side lot line = 139.42 feet
- Rear lot line is 112.7 feet



A survey was not performed resulting in two sets of measurements: those provided by the applicant when he identified the survey stakes, ran string, and measured. The second set of measurements that staff identified is the dimensions on the recorded plat of Duckview Subdivision, and the known setbacks (50' front & rear) and building sizes (28'x40' main building).

The main building is not positioned parallel with the rear line. Therefore the applicant and staff have identified different rear yard dimensions.

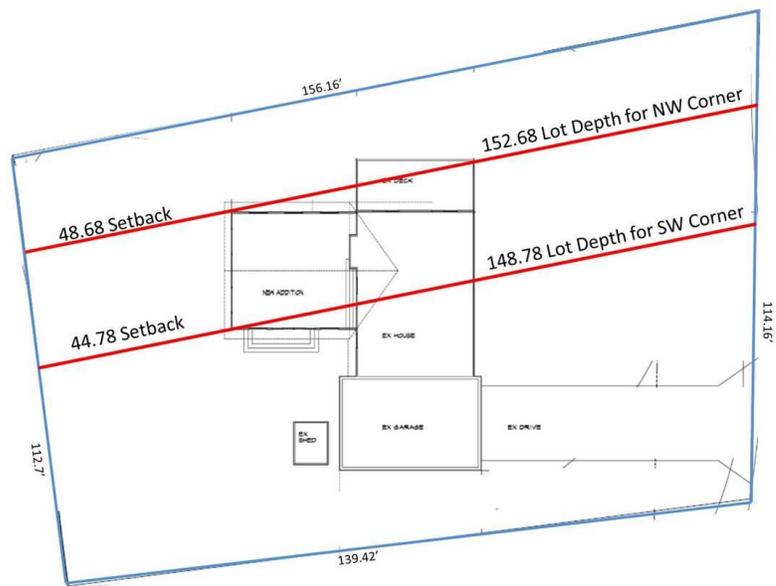
### Applicant

The north wall of the addition is compliant with a 50'6" rear yard setback. The south wall is noncompliant with a rear yard setback of 47'3". Thus, **the applicant is requesting a 2'9" dimensional variance.**

### Staff

The NW corner of the addition is the closest point to the rear yard. If parallel lines are drawn (see image) the lot depth at the corner point is 152.68'. Subtracting the 50' front setback, 28' house, and 26' addition the result is a rear setback of 48.68'.

Conversely, using the same method described above, the lot depth at the SW corner is 148.78', which results in a rear setback of 44.78'.



Utilizing staff measurements **the applicant should be requesting a 1'4" variance for the NW corner and a 5'3" variance for the SW corner.**

## FOUR 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 shall make an affirmative finding as to each of the matters set forth in each of such 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. Circumstances include:

- a. Exceptional narrowness, shallowness or shape of a parcel;
- b. Exceptional topographic conditions;

- c. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary; or
- d. By reason of the use or development of the property immediately adjoining the property in question.

The slightly irregular shape of the parcel and proximity of the drain field to the main building make the lot unique, but does not rise to the exceptional or extraordinary circumstance standard.

- Using the applicant's lot line measurements: a 23'8" x 28' addition is possible (*662.6 square feet*).
- Using staff's lot line measurements: a 20'9" x 28' addition is possible (*581 square feet*).
- Typically, a 10' setback is required for drain fields and septic systems. If this holds true for the applicants parcel there is likely a 4'-10' area between the addition and shed that can be utilized.

## **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.

An addition to the main building that increases the total square footage by 41% is not a substantial property right. A smaller addition that meets the setback requirements is possible.

## **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.

The applicant meets this standard. It will improve the overall value of the property, and its location in the rear yard will limit its visibility to neighboring parcels.

## **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 desire of a property owner to expand the existing main building into the required yards is a very common request. Due to the recurrent nature of this type of request it is reasonable to assume that approval of this variance could amount to the necessitation of a setback amendment to the Zoning Ordinance. Therefore, the applicant does not meet this standard.

## RECOMMENDATION

Based on the findings above, staff recommends denial of Don Nelson's dimensional variance application because it does not been affirmatively met. If the ZBA agrees with the aforementioned recommendation, the following motion can be offered:

**Motion to deny** a rear yard setback dimensional variance of 2'9" (*applicant's figure*) and 5'3" (*staff's figure*) from Section 21.02 of the Grand Haven Charter Township Zoning Ordinance in order to construct an addition onto the rear of the main building at 15275 Widgeon Road (Parcel No. 70-03-26-454-005). Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

Please contact me prior to the meeting with questions or concerns.



GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS APPLICATION

**Fees**

Request for Variance or Appeal - \$125.00  
Special Meeting - \$250.00  
Request for Interpretation - No Charge

**Applicant/Appellant information**

Name Donald Nelson  
Phone 616-402-3838 Fax 231-798-4000  
Address 15275 Widgeon

**Owner information** (If different from applicant/appellant)

Name \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Address \_\_\_\_\_

**Property information**

Address/Location 15275 Widgeon Rd.  
Parcel # 70-03-26-454-005  
Subdivision Name (if any) DUCKVIEW  
Lot Width \_\_\_\_\_ feet Lot Depth \_\_\_\_\_ feet  
Subject Property size (acres and square feet) 0.382 acres \_\_\_\_\_ square feet  
Lot Type Typical Lot ? X Corner Lot \_\_\_\_\_ Interior Lot \_\_\_\_\_ (Include a survey or scaled drawing)  
Current Zoning R-1

**General Information**

This is a(n) (check one)  
 Application for Variance  
 Request for Interpretation  
 Notice of Appeal

**VARIANCE REQUESTED** (If applicable)

Variance Requested From the Requirements of Section Number(s) 8.04,  
Relating to REAR YARD SETBACKS

Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)

Structure Use (after Variance) \_\_\_\_\_

Overall Building Size (after Variance) \_\_\_\_\_

Setbacks from lot lines (after Variance)

Front Yard \_\_\_\_\_ feet  
Rear Yard 2'-9" feet  
Side Yard #1 \_\_\_\_\_ feet  
Side Yard #2 \_\_\_\_\_ feet

**NOTE:** Please provide a scaled drawing with details of your proposed work including the dimensions of any structure(s) (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.

**INTERPRETATION REQUEST (If applicable)**

Description of requested interpretation(s) and relevant Section number(s)

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**APPEALS AND OTHER APPLICATIONS (If applicable)**

Description of action being appealed or other matter which is basis of application.

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Grounds for appeal or other application

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



Signature of Applicant

5-5-2015

Date

Signature of Zoning Administrator

Date

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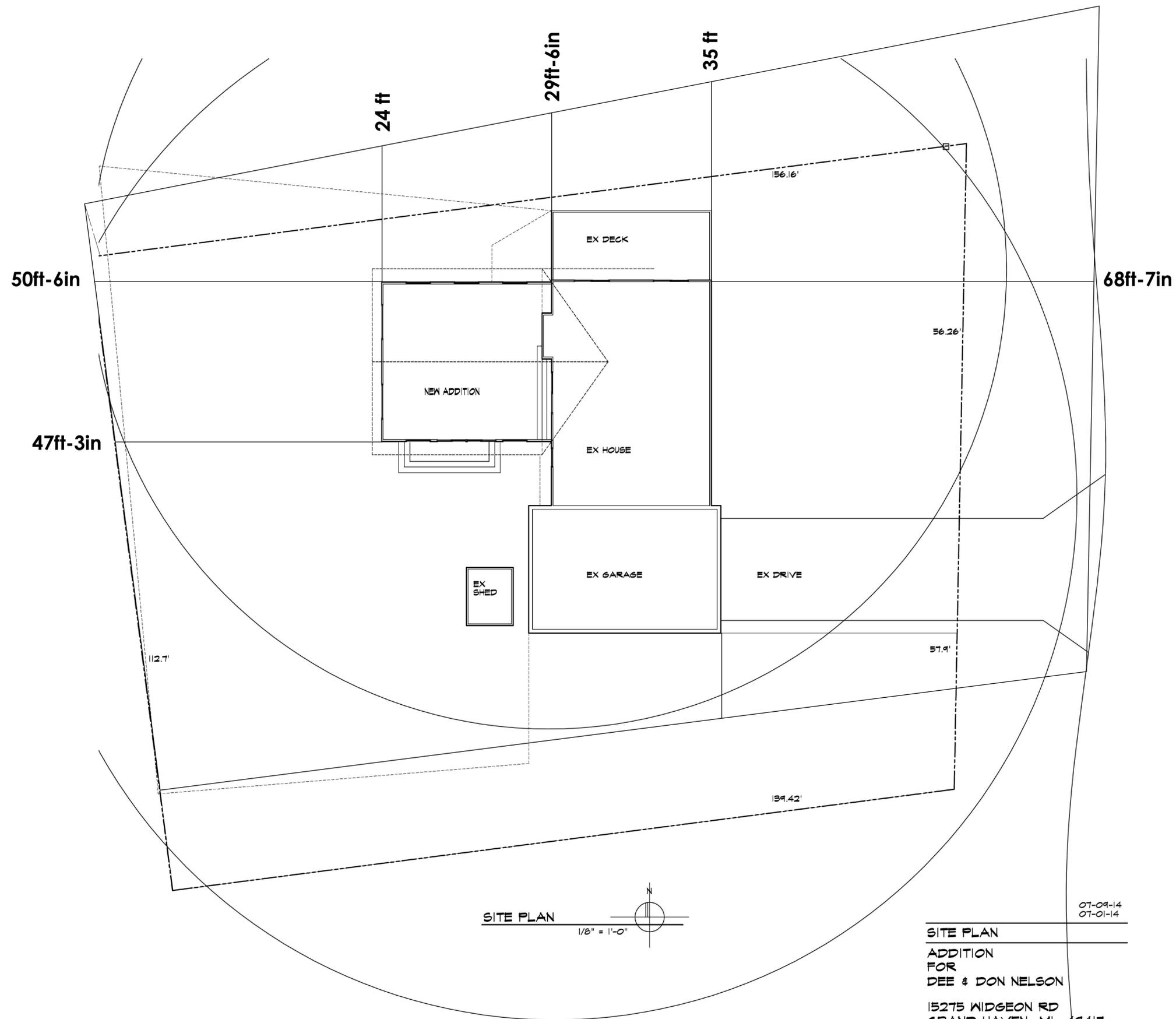
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**For Office Use Only**

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

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

IF THE SPACES PROVIDED ON THIS APPLICATION ARE INADEQUATE, PLEASE ATTACH ADDITIONAL SHEETS AS REQUIRED



SITE PLAN  
 1/8" = 1'-0"

07-09-14  
 07-01-14

SITE PLAN  
 ADDITION  
 FOR  
 DEE & DON NELSON  
 15275 WIDGEON RD  
 GRAND HAVEN MI 49417

NORMAN C.  
 DODDS  
 ARCHITECT  
 AIA NCARB PLC  
 144 HANCOCK ST. PO BOX 864  
 PENTWATER MICHIGAN 49419 231 869 5667

