

AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, July 28, 2015 – 7:00pm

- I. Call To Order
- II. Roll Call
- III. Approval of the June 23, 2015 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 15-05 – Job
- 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, JUNE 23, 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, 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 May 27, 2015 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #15-04 – Dimensional Variance – Rust

Party Requesting Variance:	Dale Rust
Address:	1939 Koehling Rd, Northbrook, IL 60062
Parcel Number:	70-03-32-331-017
Location:	18165 Shore Acres Road

Dale Rust is seeking a rear yard setback dimensional variance of 30 feet to construct a series of stairways and landings to gain access to the dwelling. Section 21.02 of the Zoning Ordinance requires a 50 foot rear yard setback in the R-1 Single Family Residential Zoning District. Due to the installation of the septic system and retaining walls (*see P14ZBA0005*) the existing stairways had to be removed. The location of the drain field, and the ability of the retaining walls to support the weight of the proposed stairways and landings have dictated their location, which has resulted in the request for a variance.

Fedewa provided an overview of the application, and staff review, through a memorandum dated June 18th.

The fact-finding portion of the Case was discussed by the ZBA members, which focused on:

- Familiar with the circumstances on the Rust parcel due to the 2014 ZBA application.
- Who has ownership of the “walkway” depicted on the survey of the platted subdivision. Furthermore, who has access to use the “walkway.” Questioned if this location could be used to gain access to the dwelling.
- Inquired if a DEQ permit is needed.
 - Staff informed the Board that Rust had contacted the DEQ, and was told as long as the poles for the stairway are dug by hand then a permit is not needed.

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

Dale Rust – 18165 Shore Acres Road:

- The “walkway” is part of the platted subdivision, and not located on his parcel. Its location is very steep and is not the traditional location that has been used to gain entry to the dwelling.
- Concerned for the safety of family and friends because gaining access to the dwelling is challenging.

The Board discussed the four standards and noted the following:

Standard No. 1 – Exceptional or extraordinary circumstances:

- Exceptional topography.
- Extraordinary circumstance of the drain field and retaining wall locations, and their ability to support the weight of the stairway and landings.

Ayes: Robertson, Loftis, Behm, Voss, Slater

Nays: None

Standard No. 2 – Substantial property right:

- Gaining safe access to the dwelling is necessary for the preservation and enjoyment of the property. Particularly given the previous activity (*drain field and retaining walls*) that created this situation.

Ayes: Robertson, Loftis, Behm, Voss, Slater

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:

- The safety of persons attempting to gain access to the dwelling is a primary concern for the Board.
- The Board considered the two items of correspondence received from neighboring property owners. The objection cited decreased property values and visibility. The Board determined the complainant did not include a specific allegation as to how the property value would decrease. Furthermore, the Board cannot consider the decrease in visibility because the height of the stairways and landings do not violate the standards of the Zoning Ordinance.
- The stairways and landings are wholly contained within the parcel. It only contacts the ground at the final landing. Approval of the requested variance would not create a protrusion onto neighboring parcels.
- There does not appear to be any concern from the DEQ regarding erosion of the Critical Dune Area.

Ayes: Robertson, Loftis, Behm, Voss, Slater

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 Shore Acres development is unique unto itself, and coupled with the unique situation on the Rust parcel (*septic system and retaining walls causing access to the dwelling to be removed*) there is no concern this situation will reoccur and make reasonable the formulation of a general regulation.

Ayes: Robertson, Loftis, Behm, Voss, Slater

Nays: None

Motion by Slater, supported by Behm, to **approve** a rear yard setback dimensional variance of 30 feet from Section 21.02 of the Grand Haven Charter Township Zoning Ordinance in order to construct a series of stairways and landings to gain access to the dwelling located at 18165 Shore Acres Road (Parcel No. 70-03-32-331-017). Approval of this variance is based upon the Board’s findings that all four standards have been affirmatively met. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Robertson, Loftis, Behm, Voss, Slater

Nays: None

Absent: Rycenga (alternate)

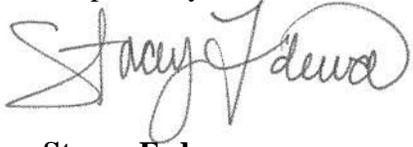
V. REPORTS – None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:22 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



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: July 24, 2015
 TO: Zoning Board of Appeals
 FROM: Stacey Fedewa, Planning & Zoning Official
 RE: 0 Wilderness Trail – Dimensional Variance Application No. 15-05

PARCEL INFORMATION

Owner/Applicant	John Job and Mary Ellen Mika
Property Address	Vacant Wilderness Trail
Parcel Number	70-07-08-400-032
Lot Size	1.2 Acres
Lot Type	Waterfront – Lake Michigan
	Odd Shape
	Critical Dunes
Elevation Change	90 feet (590' – 680')
Zoning	R-1 Single Family Residential
Required Setbacks	Front – 50 feet
	Rear – 50 feet
	Side – 15 feet minimum, Total 35 feet
Requested Setback: Elevated Walkway	Side 1 – 10 foot variance Side 2 – 15 foot variance



Location Map



Critical Dune Map



Aerial GIS with Contours

PROPOSED CONSTRUCTION

The overall construction project proposed by the applicants:

- Demolition of the existing garage (*legally nonconforming—no principal dwelling*).
- Construct a new 3,727 square foot single family dwelling (*unfinished basement, 2 stories, enclosed porch, and basement-level garage*).
- 12' x 37' deck attached to west wall of dwelling.
- 420 feet of elevated walkway to gain beach access.
- Install retaining walls near the front of the dwelling.
- Install septic system and private water well.



As of now, the applicants possess the following permits:

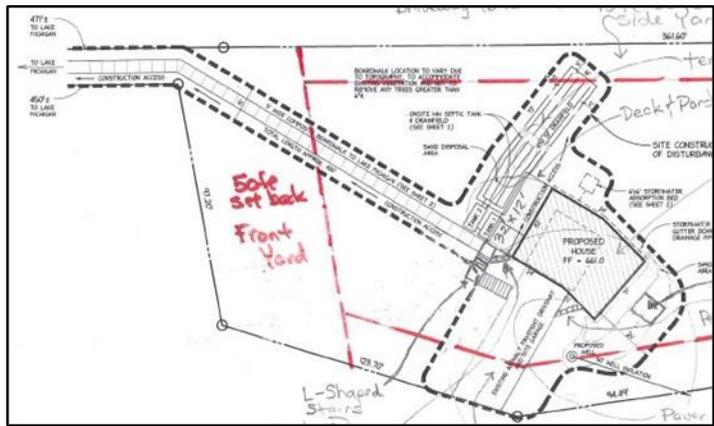
- DEQ Permit.
 - The “playhouse” has been removed from the plans because the accessory building was located within the front yard.
- Sewage Disposal System
- Private Water Well
- Vegetation Removal Assurance in Designated Critical Dune Areas
- Soil Erosion and Sedimentation Control Agency

ZBA APPLICATION

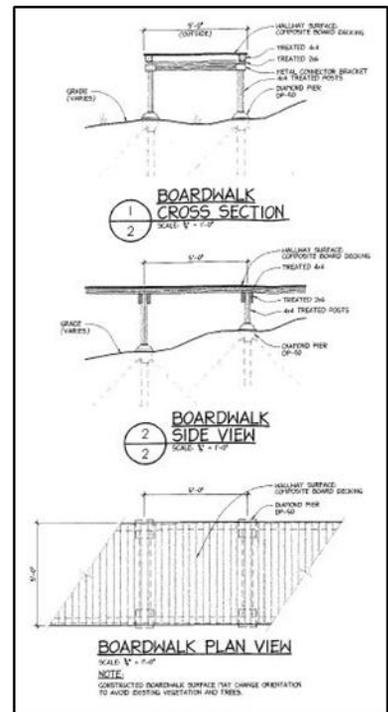
The applicants submitted for a building permit in June 2015, the zoning compliance review identified a violation of Sections 20.20.6 (*Access Through Yards*), and 21.02 (*Schedule Limiting Height, Bulk, Density, and Area by Zoning District*).

The applicants propose a 420 foot long elevated walkway from the main dwelling to the waterfront. The elevation change between these two locations is approximately 70 feet. The parcel is **located within the Critical Dune area, so a footpath is not permitted because of the erosion damage it will cause to the dune and native vegetation.**

The proposed elevated walkway is 5 feet in width, and traverses the narrow (15 foot wide) front yard. This is in violation of Section 20.20.6, which reads in part, “...access drives may be placed in the required front or side yards so as to provide access to rear yards...These drives shall not be considered as structural violations in front or side yards. Further, any walk, terrace, or other pavement servicing a like function, and not in excess of 9 inches above the grade upon which placed, shall...not be considered to be a structure, and shall be permitted in any required yard.”



Due to the substantial grade changes portions of the elevated walkway will be higher than 9 inches. The structure is still permitted within the required front and side yards, but must meet the setback requirements of the zoning district (i.e., *same setbacks as main dwelling*).



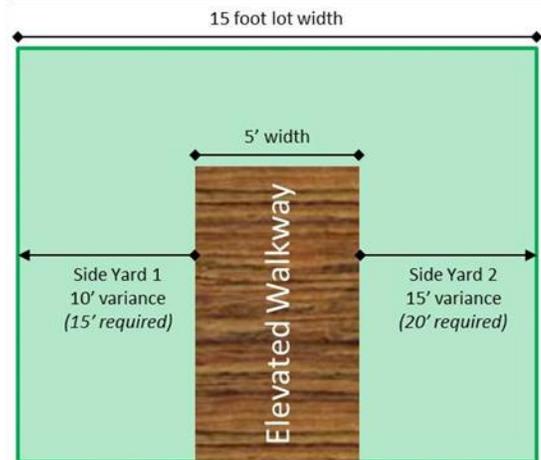
As noted on page 1, the R-1 zoning district requires a 50 foot front, and rear, setback (*meets requirement*). The minimum side yard setback is 15 feet, with a total of 35 feet. The section of elevated walkway that does not meet the side yard setback requirement occurs in the narrow 15 foot wide front yard. Therefore, the **applicant is requesting a Side Yard 1 dimensional variance of 10 feet, and a Side Yard 2 dimensional variance of 15 feet.**

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.



As noted by staff, the elevation change between the dwelling and waterfront is approximately 70 feet.

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 applicants desire to access the waterfront portion of their parcel. A similar variance (ZBA Case No. 10-01) for an elevated walkway was approved on 1/12/2010.

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.

Staff notes the vast majority of property owners with Lake Michigan waterfront have some form of walkway that allows a person to traverse through the critical dunes in order to gain access to the waterfront. Elevated walkways with hand dug post foundations protect the dunes from erosion that would otherwise occur from foot traffic.

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.

As noted by staff, a review of 2003 – 2015 ZBA cases only yielded one variance for an elevated walkway.

RECOMMENDATION

Based on the findings above, staff recommends approval of the John Job and Mary Ellen Mika dimensional variance application if the ZBA determines each standard has been affirmatively met. If the Zoning Board of Appeals agrees with the aforementioned recommendation, the following motion can be offered:

Motion to approve a Side Yard 1 setback dimensional variance of 10 feet, and a Side Yard 2 dimensional variance of 15 feet; from Section 21.02 of the Grand Haven Charter Township Zoning Ordinance in order to construct an elevated walkway to gain access to the waterfront located at 0 Wilderness Trail (Parcel No. 70-07-08-400-032). Approval of this variance is based upon this Board's findings that all four standards have 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 John T. Job / Mary Ellen Mika
Phone (616) 340-9012 / (616) 292-4189 Fax
Address 2530 Hampshire Blvd, Grand Rapids, MI 49506

Owner information (If different from applicant/appellant)

Name same as above
Phone
Address

Property information

Address/Location 0 Wilderness Trail PVT
Parcel # 70-07-08-400-032
Subdivision Name (if any) Wilderness Association
Lot Width feet Lot Depth feet Very odd shape (see attached)
Subject Property size (acres and square feet) see attached acres square feet
Lot Type Typical Lot Corner Lot Interior Lot X (Include a survey or scaled drawing)
Current Zoning R-1

General Information

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

VARIANCE REQUESTED (If applicable)

Variance Requested From the Requirements of Section Number(s) Chapter 8 Section 8.04 (15.0804)
Relating to Setback for raised walkway/stairway to beach
Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)
Structure Use (after Variance) raised walkway/stairway to beach/current land path is not useable.
Overall Building Size (after Variance) Proposed Walkway/Stairway is 420x15fe wide
Setbacks from lot lines (after Variance)
Front Yard 50ft feet
Rear Yard 50ft feet
Side Yard #1 5ft feet
Side Yard #2 5ft feet
only for portion of lot which is 15fe wide land path to the beach at Lake Michigan

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)

We ask for reduction of the side yard setback to 5fe from 15 or 20ft only in the 15fe wide land path/access corridor to the beach at Lake Michigan. This will allow us to build a 5fe wide raised walkway/stairway to within 200fe of the high water mark at Lake Michigan.

APPEALS AND OTHER APPLICATIONS (If applicable)

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

Without a walkway/stairway the 15 fe wide land path that is part of this lot is, for all practical purposes, unuseable.

Grounds for appeal or other application

The value of this lot and any future house built upon it is greatly reduced without a useable access to the beach at Lake Michigan. Without access, this lot simply becomes a lot in a neighborhood with a shared beach (1/3 mile south).

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

John D. Job May 2015
Signature of Applicant

6/25/2015
Date

Signature of Zoning Administrator

Date

For Office Use Only

Date Received _____

Fee Paid? _____

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

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.

Applicant's Signature

Date

John J. May

Owner's Signature

6/25/2015

Date

Property Address

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 Chairman, Z.B.A.

Date

**ZONING BOARD OF APPEALS
PROCEDURAL EXPLANATIONS**

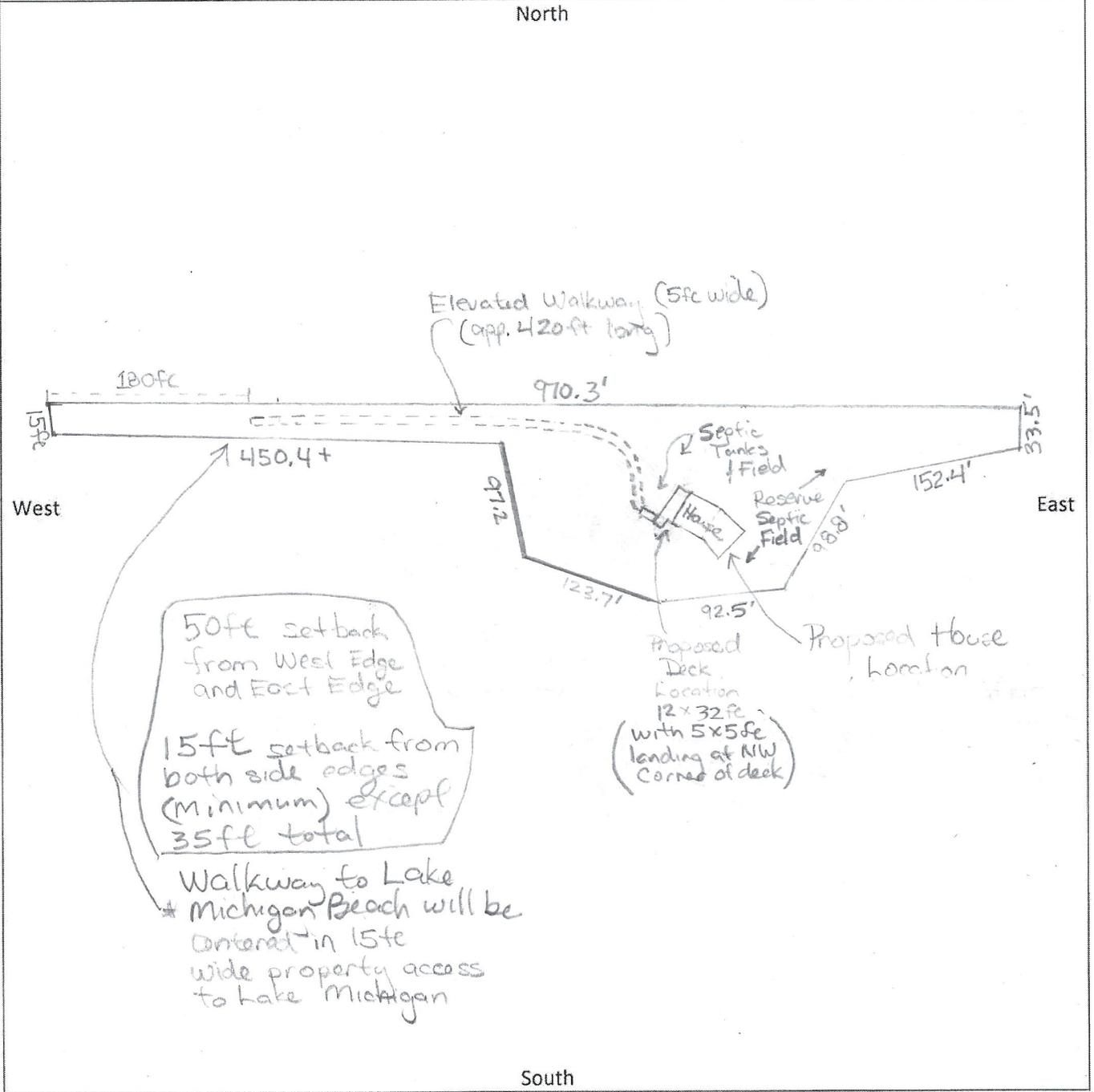
The granting of variances is covered in Section 26.05 of the Grand Haven Charter Township Zoning Ordinance of 1979 as amended. It states that in order to grant a non-use variance that the Board of Appeals shall find affirmatively for each of the following four standards:

1. That 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.
2. That such 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.
3. That 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.
4. That 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.

Thus, at the conclusion of the discussion we will vote on each condition. If the majority of the members present find affirmatively for all four standards, then the variance will be approved.

Second, all motions for acting on requested variances are made in the positive; that is, they are worded so that a YES vote grants the variance. This is done not to show personal preference of the motioner, but to prevent confusion when we actually vote on acceptance.

VIII. Site Plan with Setbacks (or attach a site plan and/or survey)



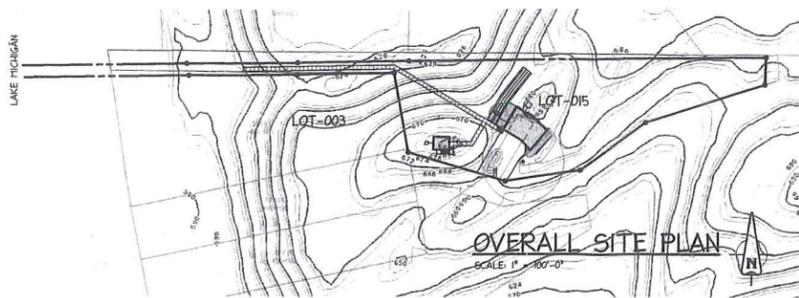
Notes:

○ Wilderness Trail Pvt

PROJECT DESCRIPTION

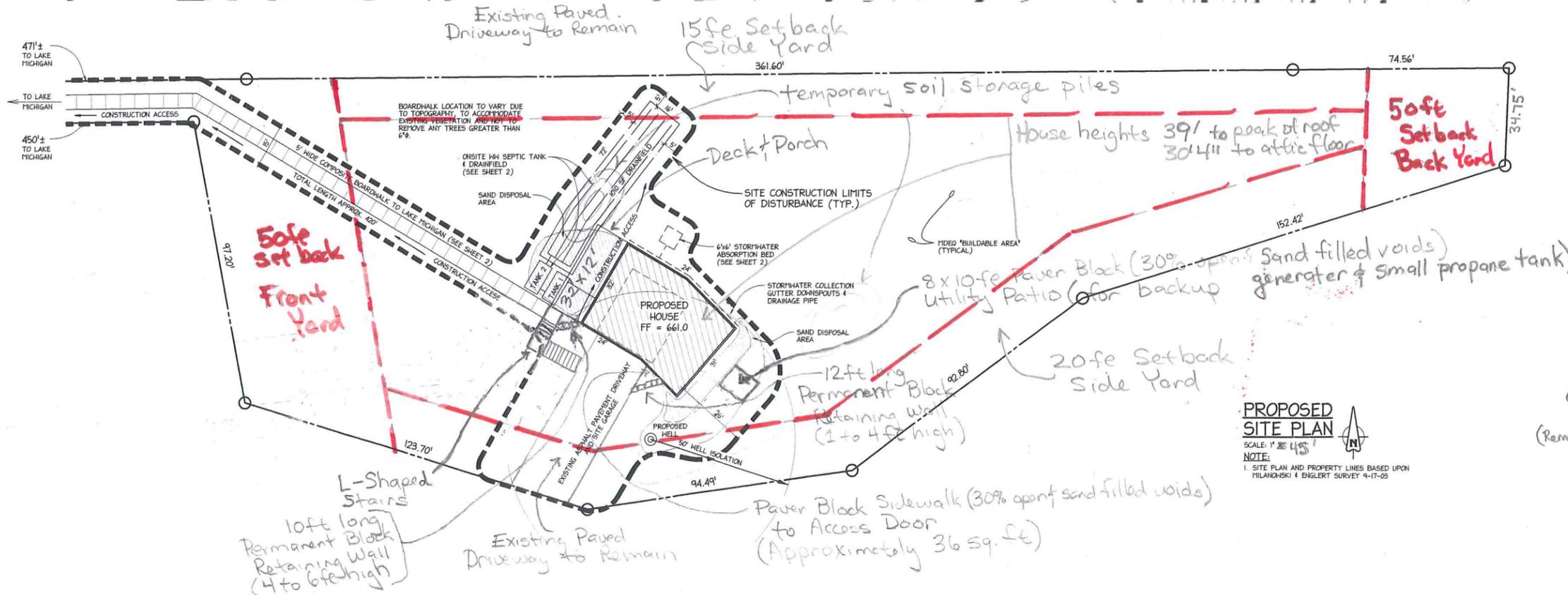
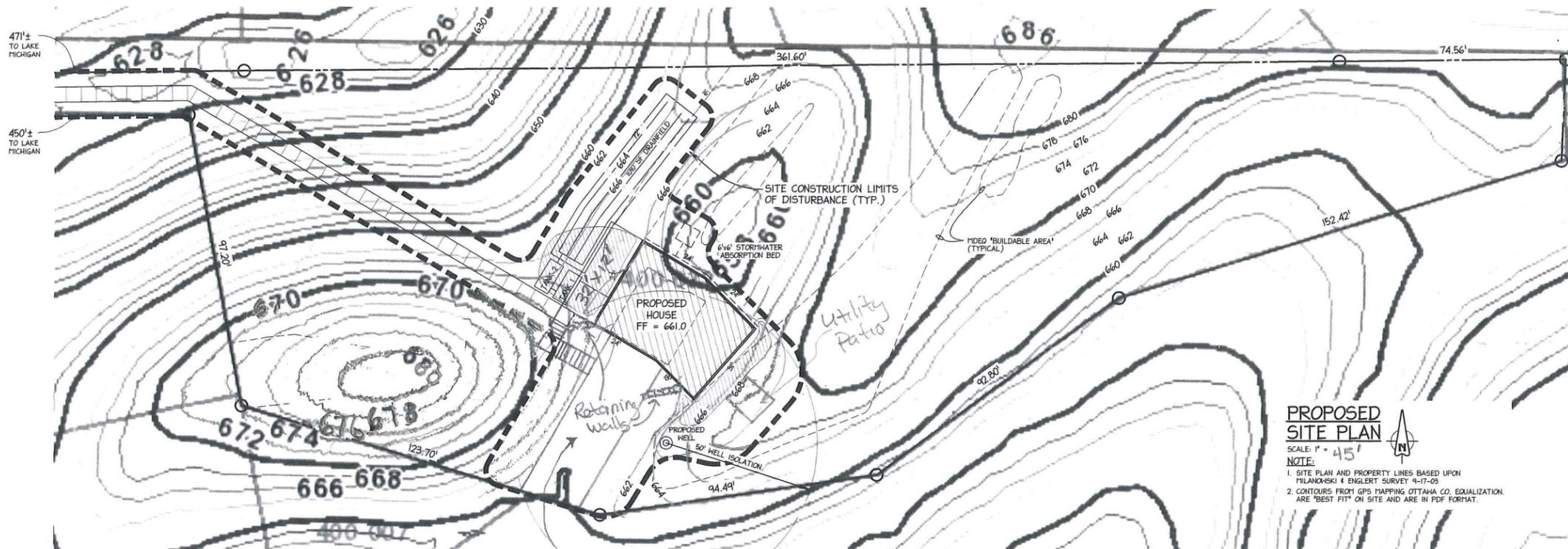
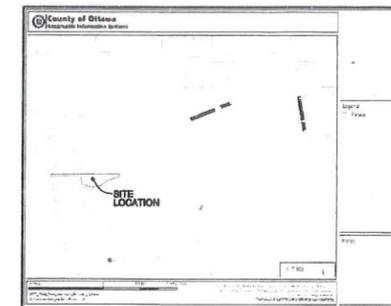
THIS PROPOSED PROJECT CONSISTS OF THE CONSTRUCTION OF A RESIDENTIAL HOME, A 'PLAYHOUSE' AND OBSERVATION DECK AND A BOARDWALK TO LAKE MICHIGAN. IT WILL REQUIRE THE INSTALLATION OF A POTABLE WELL AND A SEPTIC TANK DRAINFIELD SYSTEM. IT WILL ALSO INCLUDE A STORMWATER DISPOSAL / ABSORPTION BED.

THESE PLANS HAVE BEEN PREPARED FOR A MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY DUNELAND CONSTRUCTION PERMIT.



LEGAL DESCRIPTION

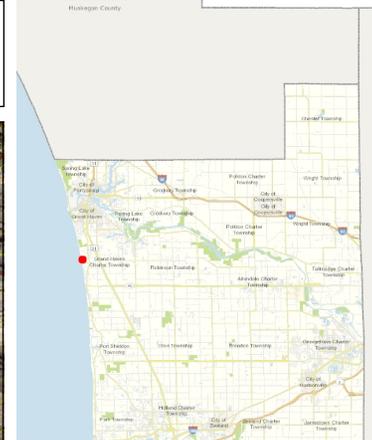
PARCEL B
PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWN 7 NORTH, RANGE 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING WEST 84.50 FEET AND NORTH 10 DEGREES 30 MINUTES WEST 453.66 FEET FROM THE SOUTHEAST CORNER, THENCE SOUTH 10 DEGREES 30 MINUTES EAST 97.2 FEET, THENCE SOUTH 75 DEGREES 17 MINUTES EAST 123.7 FEET, THENCE NORTH 81 DEGREES 46 MINUTES EAST 92.9 FEET, THENCE NORTH 53 DEGREES 46 MINUTES EAST 90.8 FEET, THENCE NORTH 72 DEGREES 46 MINUTES EAST 154.3 FEET, THENCE NORTH 02 DEGREES 37 MINUTES 50 SECONDS WEST 34.76 FEET, THENCE WEST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 8 TO THE LAKE MICHIGAN SHORELINE, THENCE SOUTH 10 DEGREES 30 MINUTES EAST 15.05 FEET, THENCE EAST 346.10 FEET, MORE OR LESS TO THE POINT OF BEGINNING.
(MILANOVSKI & ENGLERT ENGINEERING & SURVEYING, INC., GRAND HAVEN, MI, 9-17-03)



KRAUS & KESSNICH
Civil Engineers
1025 Spaulding Ave. SE
Grand Rapids, MI 49546-5703
Tel: 616-957-1825 • Fax: 616-957-4080

PROPOSED SITE PLAN
JOHN JOB RESIDENCE
12885 WILDERNESS TRAIL
SE 1/4, SECTION 6, GRAND HAVEN TWP., OTTAWA CO., MI

DRAWN BY:	APB
CHECKED BY:	JGK
ISSUED FOR:	
8-25-14	PRELIMINARY
9-12-14	PRELIMINARY
10-3-14	MDEQ REVIEW & PERMIT
11-5-14	MDEQ PERMIT REVISIONS
1-31-15	MDEQ Permit Revisions
5-15-15	MDEQ Permit Revisions
6-19-15	GHHT Permit Revisions (Remaining Playhouse)
DRAWING NO:	1
PROJECT NO:	14038



Legend

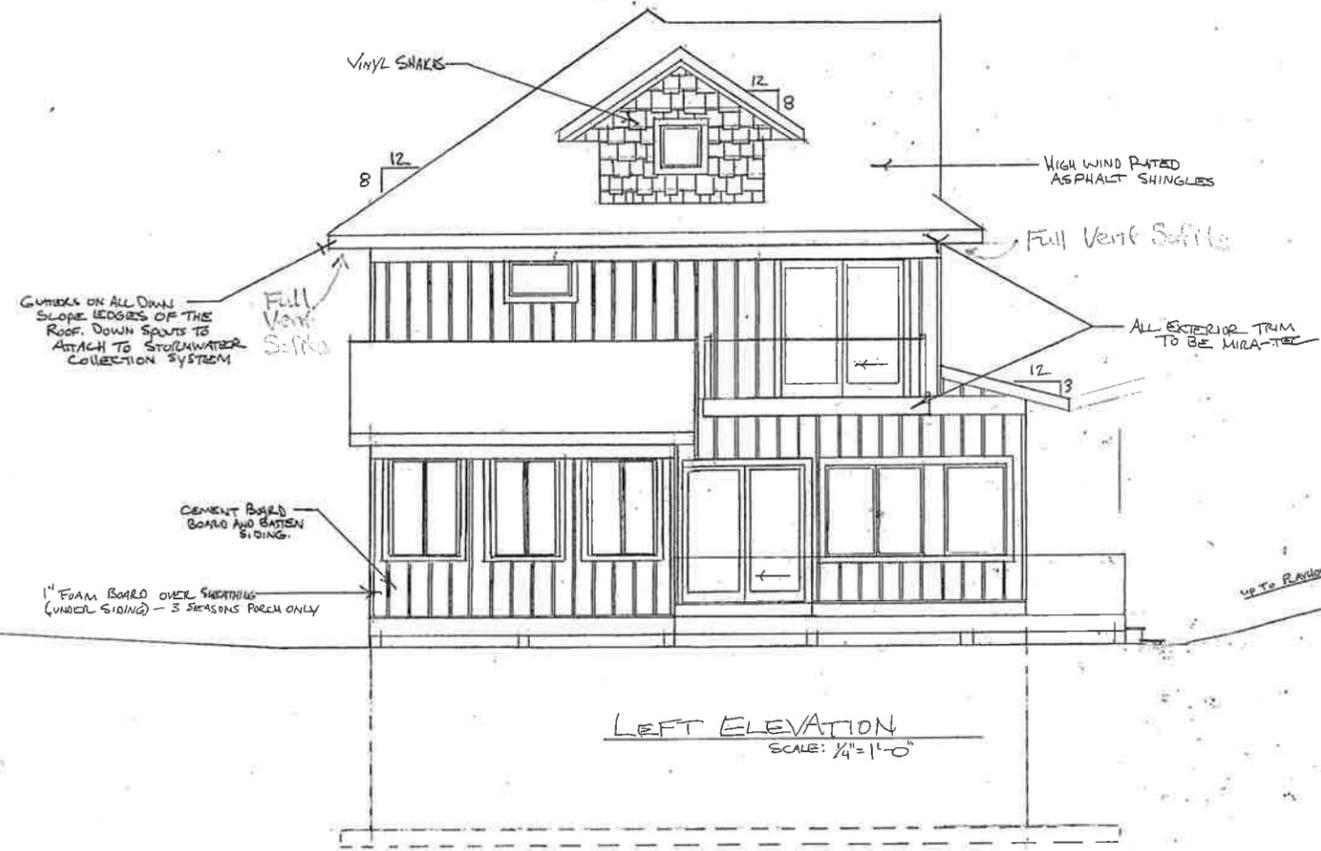
- Ten ft Contours
- Two ft Contours
- <all other values>
- 10ft
- +2ft
- +4ft
- +6ft
- +8ft
- Parcels
- Village Points
- City of Holland Parcels (Allega
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Notes

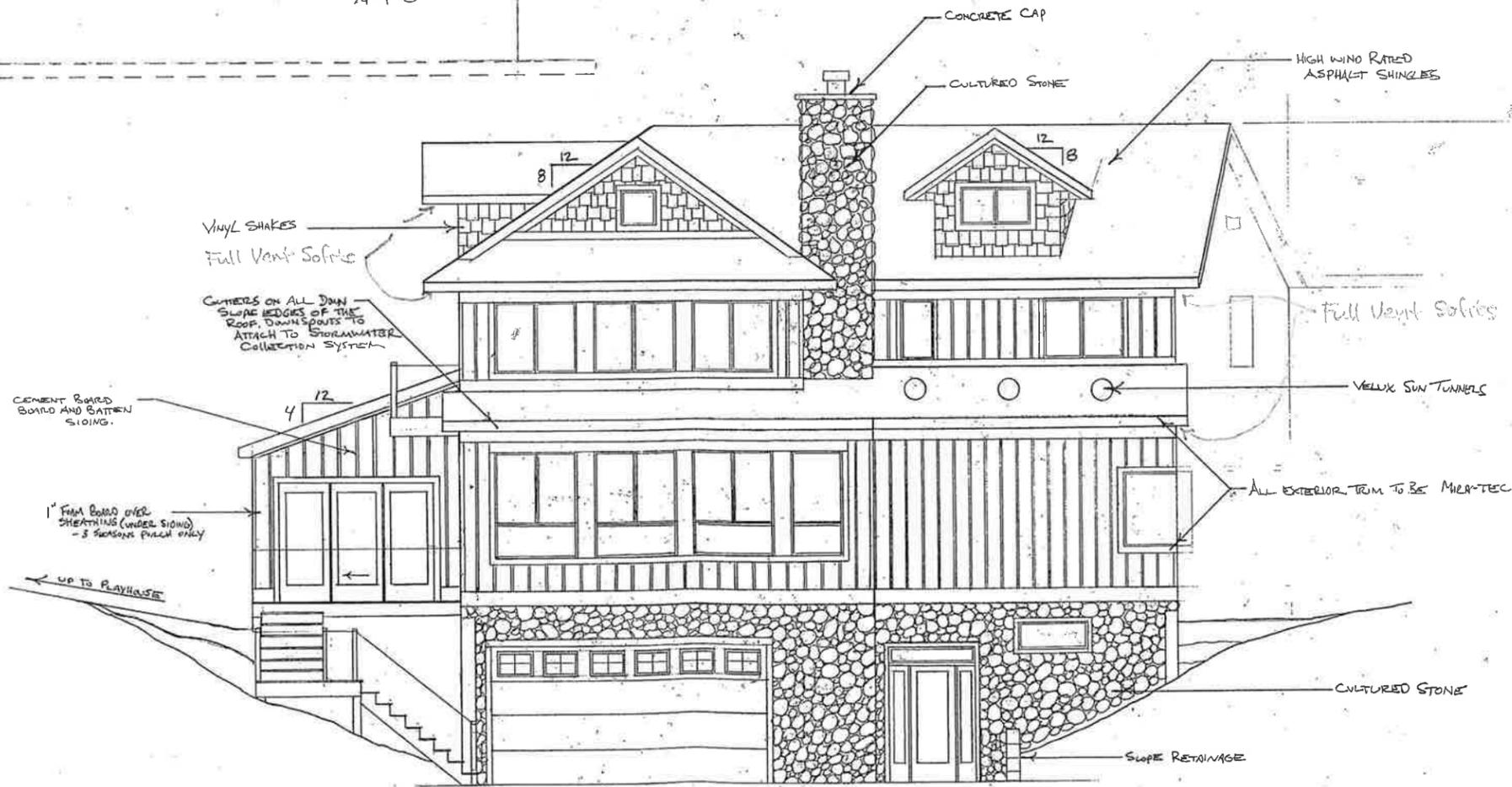
1: 1,576



262.7 0 131.37 262.7 Feet



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

REVISED 1/15

THE WILDERNESS TRAIL PROJECT
SCALE: AS NOTED
DRAWN BY: ADAM D. BEARUP