

AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, February 28, 2017 – 7:00 pm

- I. Call To Order
- II. Roll Call
- III. Approval of the October 25, 2016 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 17-01 – Reimink
 - B. Housekeeping:
 - i. Appointment of Officers
 - ii. Approve 2017 Meeting Date Schedule
 - iii. Appoint 1 Member to Ordinance Review Committee
- 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, OCTOBER 25, 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, 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 June 28, 2016 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #16-03 – Dimensional Variance – Stroud

Party Requesting Variance:	Jeffrey Stroud
Mailing Address:	16804 Watersedge Dr, Grand Haven 49417
Parcel Number:	70-07-09-496-008
Subject Property Location:	16804 Watersedge Drive

Jeffrey Stroud is seeking a dimensional variance from Section 21.01.08 of the Zoning Ordinance in order to construct an attached third-stall garage on a corner lot. The structure would project into the corner lot side street setback requirement.

Fedewa provided an overview of the application through a memorandum dated October 21st.

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

Jeffrey Stroud – 16804 Watersedge Drive:

- Believes the third-stall garage will blend into the area nicely.
- During initial construction of the dwelling the Homeowners Association required the garage to be on the east side of the property.
- Subdivision’s Declaration of Restrictive Covenants prohibits accessory buildings, so constructing a detached garage in rear yard likely is not possible.

The Board discussed the four standards and noted the following:

- Discussed the easement location in relation to the dwelling and how that impacts buildable area.
- Questioned if the proposed third-stall garage would cause an issue for a possible future bike path expansion.
- Existing dwelling and garage already appear close to the road when traveling on 168th Avenue.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The location and width of overhead utility easement coupled with the corner lot side street setback significantly reduce the building envelope.
- According to the applicant, the Lincoln West Estates Declaration of Restrictive Covenants prohibits property owners from erecting accessory buildings in the rear yard.
- According to the applicant the Architectural Review Committee required the garage to be located on the east side of the property abutting the corner lot side yard.

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Standard No. 2 – Substantial property right:

- A 2,000 foot vicinity buffer was utilized to determine if other residential properties within the same zoning district created, and enjoyed, a specific neighborhood characteristic ~~substantial property right~~ of a third-stall attached garage. This survey revealed that Lincoln West Estates, The Retreat, and The Sanctuary subdivisions encompassed the applicable vicinity buffer—56 of the 77 total lots, or 73%, ~~enjoy the substantial property right~~ have the common characteristic of a third-stall attached garage.
- Typical neighborhood characteristics differ significantly within the Township. Substantial property rights differ significantly between neighborhoods. Considering the characteristics of this neighborhood ~~Therefore,~~ it is unlikely that another property will

be encumbered by an overhead utility easement, has a corner lot side street setback requirement, and that has 73% of nearby properties within the same vicinity and the same zoning district ~~creating a substantial property right of~~having a third-stall attached garage.

- This finding is not to be misconstrued as setting a precedence that third-stall attached garages are a substantial property right for all residential properties within the Township. The applicant's situation is unique within this niched vicinity.

Ayes: Robertson, 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:

- Applicant received written support for all 18 additional lot owners within the Lincoln West Estates Subdivision.
- Applicant received written support from two adjacent commercial businesses and the residential property owner directly north of the subject subdivision.

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:

- Although lots throughout the Township are encumbered by an overhead utility easement and a corner lot they are not all configured in such a manner that both side yards are effected.

Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Motion by Slater, supported by Voss, to approve a dimensional variance from Section 21.01.08 for a 12' x 24' attached third stall garage at 16804 Watersedge Drive that will result in a Corner Lot Side Street Setback variance of 9.1'. Furthermore, this approval is conditioned upon the applicant planting a continuous landscaping screen utilizing evergreen species, which will allow for year-round screening, and must include a minimum of 3 trees. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

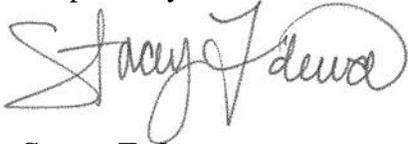
Ayes: Robertson, Voss, Slater, Loftis

Nays: None

Absent: Behm

- V. REPORTS – A Site Plan Review applicant has submitted a ZBA application, but the need for a variance hearing will be determined after the Planning Commission reviews the application.
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT
Without objection, the meeting was adjourned at 7:30 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: February 24, 2017

TO: Zoning Board of Appeals

FROM: Stacey Fedewa, Community Development Director

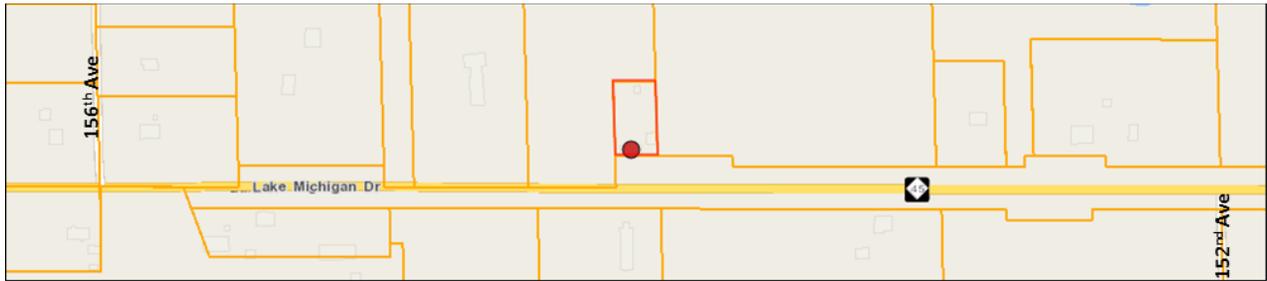
RE: 15421 Lake Michigan Drive – Dimensional Variance Application No. 17-01

PARCEL INFORMATION

Owner/Applicant	Reimink Properties LLC c/o Kevin Reimink	
Property Address	15421 Lake Michigan Drive	
Parcel Number	70-07-23-400-005	
Lot Size	25,000 sqft with right-of-way 17,500 sqft w/o right-of-way	
Lot Type	Legal Lot of Record	
	Undersized – Area & Width	
	75' right-of-way encumbrance	
Zoning	RR – Rural Residential	
Existing Site Design	Lot Area	25,000 sqft
	Lot Width	100 feet
	Front	-5± feet
	Rear	151.8 feet
	Side	#1 = 10.5' #2 = 35.3'
RR Design Requirements	Lot Area	45,000 sqft
	Lot Width	150 feet
	Front & Rear	50 feet
	Side	20' min/ 50' total
Proposed Setbacks for Deck	Front	23.2 feet
	Side #1	11.1 feet



Aerial Map



Location Map

ZBA APPLICATION

The applicant is requesting to construct an 18' x 20' (360 sqft) deck that would be flush with the western wall of the house, which would result in a side yard setback of 11.1 feet where 20 feet is required. This violates Section 20.20.5.B, which states in part, “an attached deck shall not extend into any required side yard setback.”



Understandably, if a deck were installed the owner wants it to be flush with the exterior wall to provide cohesion and to accommodate the french doors.

However, **there is an alternative that complies with the zoning ordinance —install a patio instead of a deck.** Stairs can be constructed from the french doors to the patio, and as long as a patio is 7” or less above grade then it is exempt from setback requirements. The applicant was advised of this alternative, but elected to proceed with the variance application.

This is a legal lot of record, but is undersized for the Rural Residential District. Additionally, there is a 125 foot wide right-of-way on this portion of M-45. Of this right-of-way, 75’ encumbers the property, which results in the dwelling projecting approximately 5 feet into the right-of-way.

The right-of-way encumbrance is unique, but only has a minimal impact on this case. The proposed deck is not in the front yard, but would technically fall within the front yard setback requirement (*setbacks are measured from the right-of-way*), so if a variance is granted it would include the front yard and side yard. Aside from that, the right-of-way does not affect this case.



Aerial Map + ROW

The Reimink's purchased this property without a deck in 2008, when Floyd Reimink bought it from a bank after it foreclosed. In 2014, the property was transferred from Floyd to Reimink Properties LLC. It appears this house has been used as a long-term rental since its initial purchase in 2008.

Based on a review of Assessing pictures and the GIS Aerial Photography it appears this property has not had a deck since at least 1999.

The adjacent property to the west is in a natural wooded state, is zoned RR, and is 4.5 acres in size. Even though it's master-planned for AG it still retains its rights as a RR property until a rezoning occurs. In theory the property could construct a private road and create 4 lots, so although there may be privacy today it is not guaranteed.



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.

Given the legally nonconforming lot area, legally nonconforming side yard 1 setback, and large right-of-way encumbrance the ZBA will need to make a determination as to whether or not this first 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.

Many properties in the vicinity do have a deck, but the patio alternative may preserve the enjoyment of a substantial property right. The ZBA will need to make a determination as to whether or not this standard is met given the circumstances of this case.

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.

No correspondence has been received. The ZBA will need to make the determination as to whether or not 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.

Legal lots of record and legally nonconforming setbacks are very common throughout the Township. The ZBA will need to make the determination as to whether or not this standard is met.

SAMPLE MOTIONS

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

Motion to approve 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 that will result in a Side Yard 1 setback of 11.1 feet and Front Yard setback of 23.2 feet. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

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 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.

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 15421 Lake Michigan Drive, and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me with questions or concerns.

Clear Form

Print



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

Request for Variance or Appeal	\$125
Special Meeting	\$250
Request for Interpretation	No Charge

Applicant/Appellant Information

Name Kevin Reimink
 Phone 616 292-6074 Fax _____
 Address 1101 Giddings Ave SE Gr. R., MI 49506
 Email Address Kevinreimink@yahoo.com

Owner Information (If different from applicant/appellant)

Name Reimink Properties LLC
 Phone 616-292-6074 Fax _____
 Address 15540 Lake Michigan Dr West Olive, MI 49460
 Email Address _____

Property Information (Include a survey or scaled drawing)

Address 15421 Lake Michigan Dr
 Parcel No. 70-07-23-400-005 Current Zoning Improved Res
 Lot Width 100 feet Lot Depth 250 feet
 Parcel Size 2 acres Parcel Size 25000 sq. ft.
 Lot Type Typical Lot Corner Lot _____ Interior Lot _____

General Information (Check one)

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

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) 21.02
3. Relating to Setback of 20 ft for New construction
4. Structure/Land Use (After Variance) Residential
5. Overall Building Size (After Variance) 1676 sq ft
6. Setbacks from lot lines (After Variance):

- a. Front Yard 74 feet
- b. Rear Yard 150 feet
- c. Side Yard #1 11.1 feet Existing (West)
- d. Side Yard #2 73 feet Existing (East)

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.

Setbacks are not changing from existing.

INTERPRETATION REQUEST *(If applicable)*

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

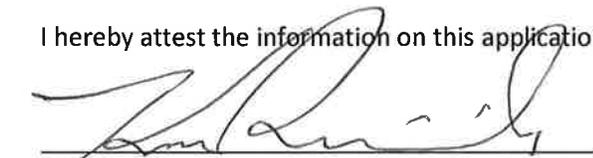
APPEALS AND OTHER APPLICATIONS *(If applicable)*

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

GROUND FOR APPEAL OR OTHER APPLICATION *(If applicable)*

IF THE SPACE PROVIDED ON THIS APPLICATION IS INADEQUATE
PLEASE ATTACH ADDITIONAL SHEETS AS NEEDED

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



Signature of Applicant

1-23-17

Date

Signature of Zoning Administrator

Date

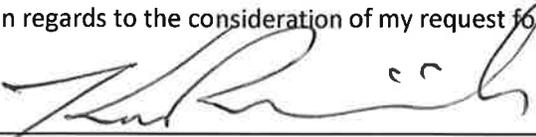
For Office Use Only

Date Received _____

Fee Paid? _____

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

1-23-17

Date

Owner's Signature (if different from applicant)

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 ZBA Chairperson

Date

ZONING BOARD OF APPEALS PROCEDURAL EXPLANATIONS

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

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. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance, or amendment thereto;
 - b. Exceptional topographic conditions;
 - c. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or
 - d. By reason of the use or development of the property immediately adjoining the property in question.
2. 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. 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. 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.

At the conclusion of the discussion the ZBA will vote on each of the four standards described above. If the majority of the members present find affirmatively for all four standards the variance will be approved.

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

Requesting a variance from the 20 ft setback regulation for any new structure.

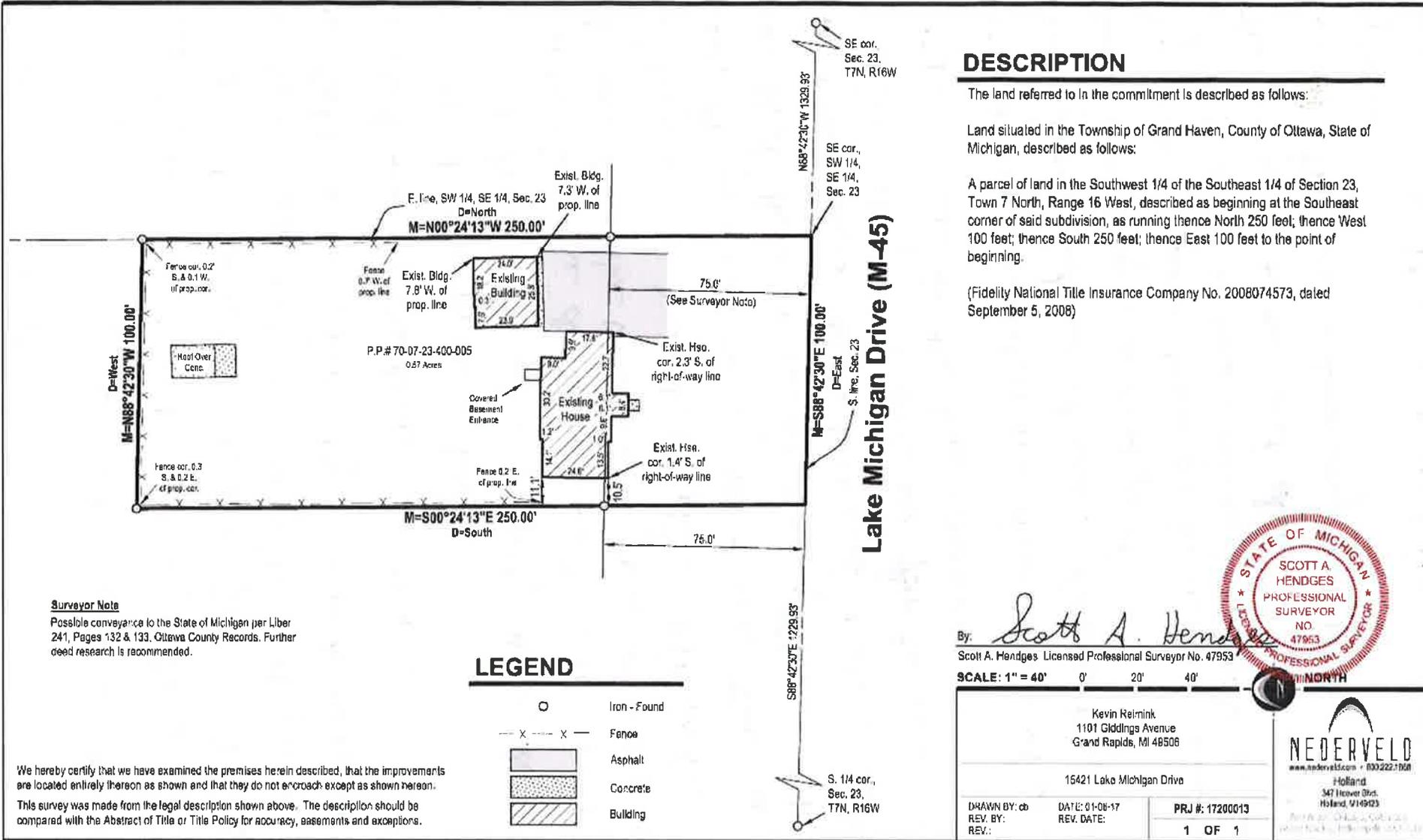
I would like to erect a deck off the back of my house located at 15421 Lake Michigan Drive. I have already submitted the plans for a building permit. I was informed that the deck would not be able to be built per my plans due to the setback regulation. My plan is to make the deck flush with the west side of the house and this appeared to put the deck too close to the property line.

I decided to get a property survey done by Nederveld to determine the distance and have learned that the house is only 11ft from the West property line at that point. This means that the deck would have to be placed 9ft in from the end of the house. As you can see by the survey there is a 14ft wide room that the deck would come off from. That room has a 6ft French doors to the back yard centered in the 14ft wall.

I am asking for a variance for the above reasons.

In regards to the four standards.

1. Extraordinary circumstances. - deck placement would not allow access from interior of home. Movement of deck eastward would cover septic access point.
2. Many homes in area have decks including most new construction thus it would increase continuity in the area and township.
3. The property to the west does not have a structure close to the road. They have a driveway that leads to the home behind my house.
4. Home was built prior to regulation and thus a case by case review is the practical way to deal with this issue.



DESCRIPTION

The land referred to in the commitment is described as follows:

Land situated in the Township of Grand Haven, County of Ottawa, State of Michigan, described as follows:

A parcel of land in the Southwest 1/4 of the Southeast 1/4 of Section 23, Town 7 North, Range 16 West, described as beginning at the Southeast corner of said subdivision, as running thence North 250 feet; thence West 100 feet; thence South 250 feet; thence East 100 feet to the point of beginning.

(Fidelity National Title Insurance Company No. 2008074573, dated September 5, 2008)

Surveyor Note

Possible conveyance to the State of Michigan per Liber 241, Pages 132 & 133, Ottawa County Records. Further deed research is recommended.

LEGEND

- Iron - Found
- X - X - Fence
- ▨ Asphalt
- ▤ Concrete
- ▩ Building

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon. This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Lake Michigan Drive (M-45)



By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 47953

SCALE: 1" = 40' 0' 20' 40'

Kevin Reimink 1101 Gliddings Avenue Grand Rapids, MI 49506		 www.nederveld.com • 600.222.1808 Holland 347 Hoover Drive Holland, MI 49423
15421 Lake Michigan Drive		
DRAWN BY: cb REV. BY: REV.:	DATE: 01-08-17 REV. DATE:	PRJ #: 17200013 1 OF 1



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: February 24, 2017
TO: Zoning Board of Appeals
FROM: Stacey Fedewa, Community Development Director
RE: 2017 Housekeeping Duties – Appointments & Meeting Schedule

APPOINTMENT OF OFFICERS

As required by the ZBA Bylaws the officers must be appointed annually. The current appointments are:

- Chairperson Robertson
- Vice Chairperson Slater
- Secretary Loftis

If the ZBA wants the appointments to remain the same, the following motion can be offered:

Motion to nominate and reappoint the existing officers for their current positions.

2017 MEETING DATE SCHEDULE

The 2017 Meeting Date Schedule must be approved as well. Meetings are held on the 4th Tuesday of each month and begin at 7pm, except for December where the meeting is held on the second Tuesday because of the holidays.

Motion to approve the 2017 Meeting Date Schedule as presented.

APPOINTMENT TO ORDINANCE REVIEW COMMITTEE

On February 15th a Request For Proposals (RFP) was released for a new zoning ordinance. Myself, and the Ordinance Review Committee, will be responsible for working with a consultant that will be selected next month after submissions are received on March 15th. The RFP states the Committee will be comprised of 5 members—2 from the Board (*appointed by the Board*), 2 from the Planning Commission (*appointed by the PC*), and 1 from the ZBA (*appointed by the ZBA*).

Motion to nominate _____ for appointment to the Ordinance Review Committee to help craft a new Zoning Ordinance for Grand Haven Charter Township.

**GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
2017 MEETING DATES**

Tuesday, January 24, 2017
Tuesday, February 28, 2017
Tuesday, March 28, 2017
Tuesday, April 25, 2017
Tuesday, May 23, 2017
Tuesday, June 27, 2017

Tuesday, July 25, 2017
Tuesday, August 22, 2017
Tuesday, September 26, 2017
Tuesday, October 24, 2017
Tuesday, November 28, 2017
Tuesday, December 12, 2017

All meetings will be held at the Township Hall, 13300 168th Avenue, Grand Haven and will begin at 7:00 p.m.

The Charter Township of Grand Haven will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) business days' notice to the Charter Township of Grand Haven. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Grand Haven by writing or calling the following:

Superintendent
13300 168th Avenue
Grand Haven, MI 49417
(616) 842-5988