

## AGENDA

Grand Haven Charter Township Zoning Board of Appeals  
Tuesday, May 23, 2017 – 7:00 pm

- I. Call To Order
- II. Roll Call
- III. Approval of the February 28, 2017 ZBA Meeting Minutes
- IV. New Business
  - A. ZBA Variance Application No. 17-02 – Spartan Stores Fuel LLC
  - B. Appoint Loftis to Zoning Ordinance Update Committee
  - C. 2016 ZBA Report
- 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, 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.

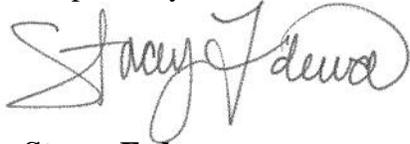
## V. REPORTS – None

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

# Community Development Memo

DATE: May 19, 2017

TO: Zoning Board of Appeals

FROM: Stacey Fedewa, Community Development Director

RE: 17200 Robbins Road – Dimensional Variance Application No. 17-02

## PARCEL INFORMATION

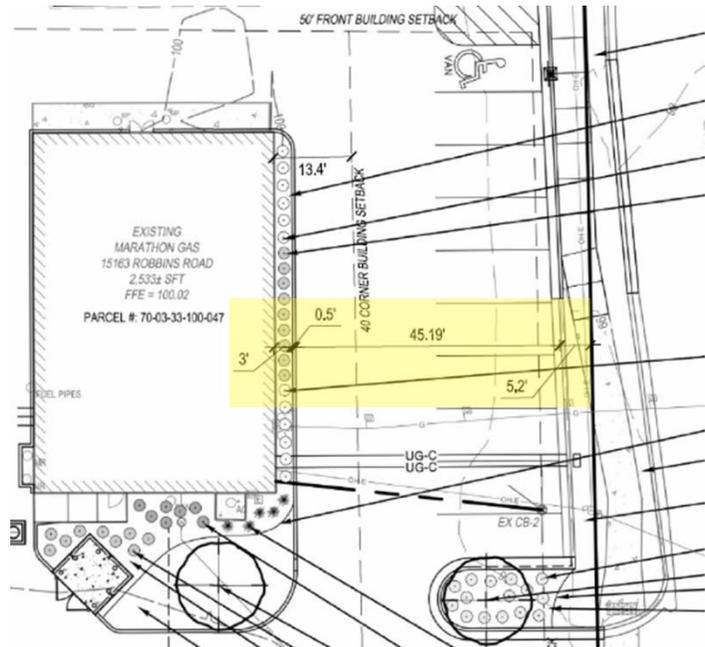
Owner	Robbins Road Real Estate c/o Bill Bowling	
Applicant	Spartan Stores Fuel c/o Brett Parker	
Property Address	17200 Robbins Road	
Parcel Number	70-03-33-100-047	
Lot Size	39,340 sqft	
Lot Type	Legal Lot of Record	
	Corner Lot	
	Part of larger 7-acre parcel	
Zoning	C-1 Commercial	
Existing Site Design	Lot Area	39,340 sqft
	Lot Width	140 feet
	Front	68' (bldg) 22' (canopy)
	Rear	N/A
	Side	#1 = 54' #2 = 45'
C-1 Design Requirements	Lot Area	35,000 sqft
	Lot Width	110 feet
	Front & Rear	50 feet
	Side	#1 = 40' #2 = 9'



## ZBA APPLICATION

On April 17<sup>th</sup> the applicant had a public hearing with the Planning Commission for consideration of a gasoline station within US-31 Area Overlay Zone, which is a Special Land Use application. Part of the adopted motion from the Planning Commission was regarding a dimensional variance.

Sections 20.19.5.B and 24.02.2 of the Zoning Ordinance require a commercial property on a corner lot have a 40-foot side yard setback, and the second Section states that parking is not allowed within the required side yard. This is an existing site, and the two Sections described above have created a parking predicament.



There is 54' from the building to the lot line, and with a 40' setback that does not provide the needed 42' to stripe the lot and have adequate maneuvering room. To further complicate matters, the rest of the structures preclude the construction of the parking spaces anywhere else on the project site.

Parking standards are as follows:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces and Maneuvering Lane
90-degree	24 feet	9 feet	18 feet	42 feet



## ADDITIONAL INFORMATION

Because this is an existing site, the current parking spaces are legally nonconforming in location. Absent a variance, the parking spaces will remain in the same location. If this would occur the

Planning Commission invoked their discretionary right and directed the applicant to keep the legally nonconforming spaces and are not required to plant the landscaping along the wall of the building.

## 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 existing site conditions and dimensions that preclude new parking spaces on this site with a 40-foot corner lot side yard setback requirement 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.

To remain compliant with the US-31 Area Overlay Zone provisions, which require landscaping to abut the building to reduce the visual mass, this site would become less compliant with the Overlay Zone without said landscaping. This may cause problems in the future as the surrounding properties redevelop and become compliant with the Overlay Zone requirements. 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.

Remainder of Site



Front Yard (North)



Side Yard 2 (West)



Rear Yard (South)

## 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.

Commercially zoned corner lots that are legal lots of record are either compliant or not compliant with the setback requirement. Lots developed after the setback provision was added in 1999, comply with this requirement, but others do not. 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 Sections 20.19.5.B and 24.02.2 to allow parking spaces to be located within the required side yard at 17200 Robbins Road. 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 Sections 20.19.5.B and 24.02.2 to allow parking spaces within the required side yard at 17200 Robbins Road. 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 17200 Robbins Road, and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me with questions or concerns.



## ZONING BOARD OF APPEALS APPLICATION

### Fees

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

### Applicant/Appellant Information

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

### Owner Information *(If different from applicant/appellant)*

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

### Property Information *(Include a survey or scaled drawing)*

Address \_\_\_\_\_  
 Parcel No. 70 - - - - Current Zoning \_\_\_\_\_  
 Lot Width \_\_\_\_\_ feet Lot Depth \_\_\_\_\_ feet  
 Parcel Size \_\_\_\_\_ acres Parcel Size \_\_\_\_\_ 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) \_\_\_\_\_
3. Relating to \_\_\_\_\_
4. Structure/Land Use *(After Variance)* \_\_\_\_\_
5. Overall Building Size *(After Variance)* \_\_\_\_\_
6. Setbacks from lot lines *(After Variance)*:
  - a. Front Yard \_\_\_\_\_ feet
  - b. Rear Yard \_\_\_\_\_ feet
  - c. Side Yard #1 \_\_\_\_\_ feet
  - d. 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** *(If applicable)*

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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*

\_\_\_\_\_  
*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*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Owner's Signature (if different from applicant)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Property Address*

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**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.

## **Supplemental narrative for SpartanNash ZBA Application**

SpartanNash intends to lease and re-brand the gas station at the southwest corner of Robbins Road and 172<sup>nd</sup> Avenue. In doing so, they plan to update the store interior, the store façade materials and also update the site with additional landscaping. Also, in an effort to improve traffic flow at the intersection, SpartanNash has worked with the township to develop an improved entry to the properties west of the gas station from 172<sup>nd</sup> Avenue. To accomplish this, one of the 2 driveways on 172<sup>nd</sup> is planned to be eliminated while the remaining drive is planned to be improved with a better definition of the throat of the drive. A byproduct of this improvement is that the existing parking against the building on the east side would no longer be possible. However flipping the parking to the east along the property line and sidewalk moves that parking further into the side yard setback. This is the reason for the variance request.

**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;**

The property is a corner at a significant intersection in the township. It is unique in that it is a small property yet has 3 access points to significant roadways at a busy intersection.

**b. Exceptional topographic conditions;**

The property is adjacent to 2 major roadways, Robbins Road and 172<sup>nd</sup> Avenue.

**c. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or**

The property provides through access to the rear of other properties.

**d. By reason of the use or development of the property immediately adjoining the property in question.**

The adjacent properties have experienced decades of development along Robbins Road and created a situation of nearly open access anywhere along Robbins Road.

**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.**

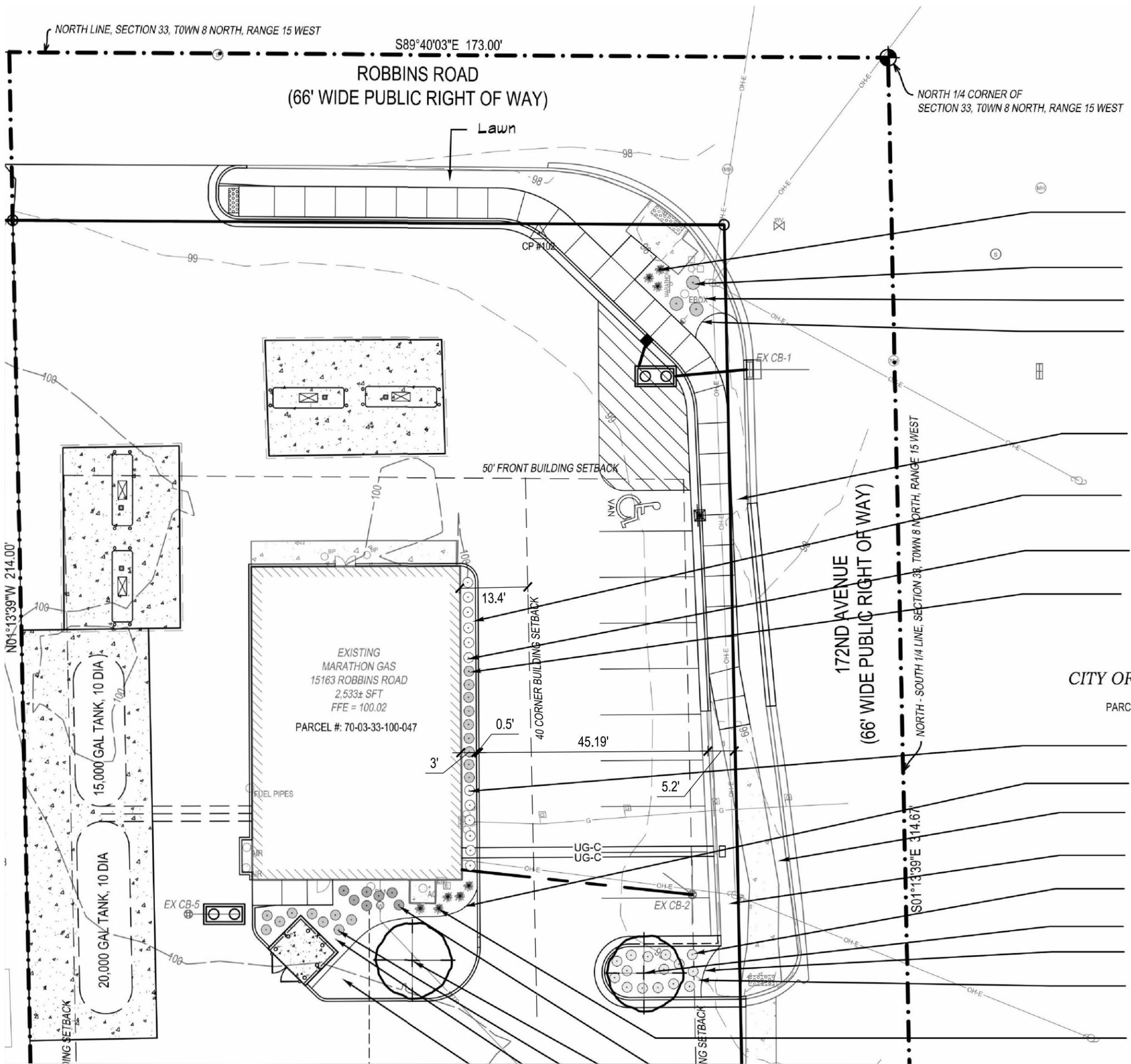
It appears that parking adjacent to roadways within building setbacks is fairly common in the area, along Robbins Road and 172<sup>nd</sup> Avenue. The Goodwill/Little Caesars area, is a good example of a similar parking situation.

**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.**

As discussed with the Planning Commission during conditional Site Plan Approval meeting, our intention here is to improve traffic flow for the existing site, improving the public health, safety and welfare of the community. Our efforts include closing one of the 2 driveways on 172<sup>nd</sup> Avenue and defining more of an entry into the overall site at the remaining driveway. In doing so, it is necessary to move the parking for the gas station to the roadway side of the property rather than against the store. Note that the existing parking is already within the side yard setback and that it is practically impossible to provide adequate parking for the site and meet the ordinance.

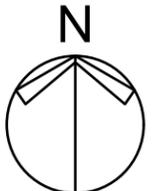
**4. The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance**

This situation is unique in that it is a decades old development on a small corner parcel with additional corner lot setback requirements. Additionally, it is unique that the existing fueling pump islands prevent the possibility of parking on the interior portion of the parcel.



- 3 Kim's Knee High Purple Cone Flower (1 gal.)
- 3 My Monet Weigela (3 gal.)
- Shredded Bark Mulch
- Aluminum Edging
- Lawn
- 1-2" Crushed Natural Stone on Landscape Fabric (limestone not acceptable)
- 6 Heavy Metal Switch Grass (1 gal.)
- 9 Liatris (1 gal.)
- 6 Heavy Metal Switch Grass (1 gal.)
- Aluminum Edging
- Lawn
- Lawn
- 15 Walkers Low Nepeta (1 gal.)
- 1 Princeton Sentry Ginkgo (3" cal.)
- Aluminum Edging
- Shredded Bark Mulch
- 5 Karl Foester's Feather Reed Grass (2 gal.)
- 1 Russian Cypress (3 gal.)

CITY OF GRAND HAVEN  
 PARCEL #: 70-03-33-201-001





GRAND HAVEN CHARTER TOWNSHIP

## Community Development Memo

DATE: May 19, 2017  
TO: Zoning Board of Appeals  
FROM: Stacey Fedewa, Community Development Director  
RE: 2016 Zoning Board of Appeals Report

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The following annual report is submitted to the Zoning Board of Appeals:

### ATTENDANCE

There were 4 meetings of the ZBA during 2016. Below is the attendance record of each member:

Member	Excused Absence	Unexcused Absence
Robertson (Chair)	0	0
Slater (Vice Chair)	0	0
Loftis (Secretary)	0	0
Behm (Trustee)*	1	0
Voss	0	0
Rycenga (Alternate)	2	0

### TRAINING

It is noted the Township Board strongly encourages members of the Zoning Board of Appeals to avail themselves of training opportunities, which is a significant factor for reappointments (*i.e., two training sessions during each appointment period. Training completed as part of a member's professional career can be applied to this training requirement*).

<b>Member</b>	<b>2016 Training Session(s)</b>	<b>2014 – 2016 Total Training</b>
Robertson (Chair)	None	6
Slater (Vice Chair)	Site Plan Review Workshop	5
Loftis (Secretary)	None	4
Behm (Trustee)	None	0
Voss	Site Plan Review Workshop	3
Rycenga (Alternate)	None	0

## ACTIVITY

<b>Application Type</b>	<b>Project</b>	<b>Status</b>
Dimensional Variance	Case 15-09: Sign (Hope Reformed Church)*	Approved
	Case 15-11: Front Porch (Snyder)*	Approved
	Case 16-01: Deck (Berry)	Approved
	Case 16-02: Garage & Retaining Wall (Griffeth)	Approved
	Case 16-03: Third-Stall Garage (Stroud)**	Approved

\* Owner applied in 2015, but ZBA made determination for case in 2016.

\*\* Subsequently, case also required a supplemental agreement to guarantee ZBA findings were held true in future.

## BUDGET

<b>Budget Item</b>	<b>Budgeted</b>	<b>Expenditures</b>	<b>Percent Used</b>
Wages & FICA	\$2,040	\$1,477	72%
Legal & Consulting	\$2,600	\$2,868	110%
Training	\$600	\$409	68%
Travel & Mileage	\$100	\$8	8%
<b>Total</b>	<b>\$5,340</b>	<b>\$4,762</b>	<b>89%</b>

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