

AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, June 27, 2017 – 7:00 pm

- I. Call To Order
- II. Roll Call
- III. Approval of the May 23, 2017 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 17-03 – Hall
 - B. ZBA Variance Application No. 17-04 – Gallup
- 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, MAY 23, 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, Behm & Rycenga (alternate)
Board of Appeals members absent: Slater

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 February 28, 2017 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #17-02 – Dimensional Variance – Spartan Stores Fuel LLC

Party Requesting Variance:	Spartan Stores Fuel LLC
Mailing Address:	850 76 th Street SW, Grand Rapids 49518
Parcel Number:	70-03-33-100-047
Subject Property Location:	17200 Robbins Road, Grand Haven 49417

Spartan Stores Fuel is seeking a dimensional variance from Sections 20.19.5.B and 24.02.2 of the Zoning Ordinance in order to construct parking lots within the required side yard for a gasoline station renovation.

Fedewa provided an overview of the application through a memorandum dated May 19th.

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

Brian Sinnott, P.E. from Paradigm Design – 550 3 Mile NW Ste B, Grand Rapids 49544:

- Project Engineer for Spartan Stores Fuel LLC.

- Provided a brief review of how this ZBA application came to fruition through the Special Land Use process.
- Noted Art O'Strander, Director of Design & Construction for SpartanNash, was also present and available to answer questions.

The Board discussed the four standards and noted the following:

- Inquired what year the original gas station was constructed. It is believed it occurred in the 1970's or 1980's but that a formal approval process was not done through the Township, so there are limited records available.
- Noted the overall site will improve with better access management—defining the Robbins Road entrance and closing the north entrance on 172nd Avenue.
- The addition of the landscape island at the south entrance on 172nd Avenue will define the vehicle lanes and improve circulation on the site.
- Inquired if there will be any additional site lighting—no.
- Inquired if there will be any exterior improvements—new siding, paint, and signage.

Standard No. 1 – Exceptional or extraordinary circumstances:

- The original building was not constructed with Township approval, so there is no baseline for which to use as a reference.
- Nearly two dozen examples of existing businesses that have parking spaces within the required side yard.
- Challenging site design—the north, south, and west portions of the lot are not large enough to accommodate parking spaces, and the east portion is only 54 feet wide. Taking into account the required 40-foot side yard setback requirement for corner lots there is not enough space available to install compliant parking spaces.

Ayes: Robertson, Voss, Loftis, Behm, Rycenga

Nays: None

Standard No. 2 – Substantial property right:

- Property is subject to the US-31 Area Overlay Zone provisions, which emphasizes landscaping along the walls to reduce the visual mass of the buildings. Without the variance, the existing parking spaces would remain, which prevents landscaping from being planted. This would create less cohesion when the remainder of the site redevelops.
- All other property owners within the US-31 Area Overlay Zone must meet the landscaping requirements, and this business must as well because Section 15A.03.4

states, “where the standards of this Overlay Zone are more restrictive...such standards replace those that apply to the underlying zoning district outside the Overlay Zone.”

Ayes: Robertson, Voss, Loftis, Behm, Rycenga

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:

- No correspondence was received on this application.
- The major improvements to this site will result in an overall benefit to the community.

Ayes: Robertson, Voss, Loftis, Behm, Rycenga

Nays: None

Standard No. 4 – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:

- This is a unique parcel, in a unique location, with a unique history, and there are no other properties like this in the Township.
- The previous Zoning Ordinance did not establish a 40-foot side yard setback requirement for commercial properties on a corner lot. That changed in the most recent Zoning Ordinance that was adopted in 1999.

Ayes: Robertson, Voss, Loftis, Behm, Rycenga

Nays: None

Motion by Voss, supported by Behm, 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. **Which motion carried unanimously.**

Ayes: Robertson, Voss, Loftis, Behm, Rycenga

Nays: None

Absent: Slater

B. REVISE APPOINTMENT TO THE ZONING ORDINANCE UPDATE COMMITTEE

Without objection, the ZBA appointed Loftis to the Zoning Ordinance Update Committee.

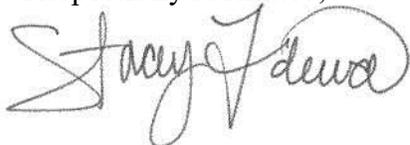
C. 2016 ZBA REPORT

Fedewa reviewed the 2016 ZBA Report through a memorandum dated May 19th.

- V. REPORTS – there will be a July ZBA meeting.
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:18 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: June 23, 2017
 TO: Zoning Board of Appeals
 FROM: Stacey Fedewa, Planning & Zoning Official
 RE: 14952 Westray Street – Dimensional Variance Application No. 17-03

PARCEL INFORMATION

Owner/Applicant	Larry & Doreen Hall
Property Address	14952 Westray
Parcel Number	70-03-33-100-074
Lot Size*	1.96 Acres
Lot Type	Legal Lot of Record
	Steep Topography
	No Road Frontage
Elevation	≈ 30 foot elevation change
Zoning	R-1 Single Family Residential
Required Setbacks for a 960 sqft Detached Garage	Dwelling – 25 feet
	Side Lot Line – 25 feet
	Rear Lot Line – 25 feet
	Locate in Side or Rear Yard
Requested Setbacks for a 954 sqft Detached Garage	Dwelling – 25 feet
	Side Lot Line – 85 feet
	Rear Lot Line – 100 feet
	Front Lot Line – 55 feet
	Locate in Front Yard



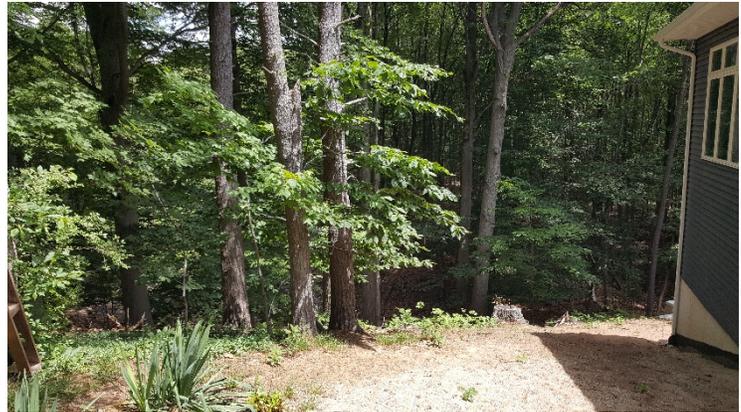
ZBA APPLICATION

The applicant owns a 1.96-acre property that does not have road frontage. The property is accessed via a second parcel owned by the applicant that is part of the vacated Hills Court right-of-way. The driveway is accessed from the cul-de-sac of Westray Street.



The parcel has steep elevation changes of approximately 30 feet. The dwelling with attached garage is situated on the flat area, but has steep decrease in elevation to the east, and a moderate decrease in elevation on the south.

Typically, a front yard is defined as being the lot line which abuts a road. However, because this property does not have road frontage, so the front lot line was determined simply by it being *closest* to the road.



The applicant is requesting a variance to locate the accessory building in the front yard because of the topographical challenges of the property.



A 1 < 2 acre parcel is entitled to have up to 2 accessory buildings that have a maximum total floor area of 960 sqft and the applicant is requesting a variance to construct a 954 sqft detached garage in the front yard.

Minimum setbacks for an accessory building have been met or exceeded, it's simply the placement of the building that is being requested for this variance application

A noteworthy item is the drain field. According to the applicant the County was specific on its location due to the topography and soils found on the site. The proposed site of the garage is on the reserve area. According to the applicant, the County has provided verbal approval that the reserve area can be relocated. Therefore, if this variance is approved, staff recommends this be added as a condition of approval.

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.

The subject property has notable changes in elevation and does not have road frontage. The ZBA will need to determine as to whether or not this 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.

The ZBA has established a precedence that a garage constitutes 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 was received for this application (*as of June 23rd*). 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.

The topographical changes along with the lack of road frontage to define the lot lines makes this parcel challenging, which is not the case for the majority of properties within 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 conditionally approve a dimensional variance from Section 20.03.1.J.1 to allow a 954 square foot detached garage at 14952 Westray Street that will result in an accessory building being located within the front yard. This approval is conditioned upon the applicant receiving a permit from the Ottawa County Environmental Health Department to relocate the Reserve Area drain field. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

Motion to deny dimensional variances from Section 20.03.1.J.1 of the Zoning Ordinance to construct a detached garage in the front yard. 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.

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 Larry & Doreen Hall
 Phone 616.843.5748 Fax _____
 Address 14952 Westray St.
 Email Address lhall83@yahoo.com

Owner Information (If different from applicant/appellant)

Name SAME
 Phone _____ Fax _____
 Address _____
 Email Address _____

Property Information (Include a survey or scaled drawing)

Address 14952 Westray St.
 Parcel No. 70 - 03 - 33 - 100 - 074 Current Zoning R-1
 Lot Width 484 feet Lot Depth 200 feet
 Parcel Size 1.93 acres Parcel Size 84,071 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) 20.03 - 1.J.1
3. Relating to Location Requirement
4. Structure/Land Use (After Variance) Detached Garage
5. Overall Building Size (After Variance) 26.5' x 36' (954 sq. ft.)
6. Setbacks from lot lines (After Variance):
 - a. Front Yard 55' feet
 - b. Rear Yard 100' feet
 - c. Side Yard #1 85' feet
 - d. Side Yard #2 300' 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):

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



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.

Jerry Hall
Applicant's Signature

6/2/2017
Date

SAME
Owner's Signature (if different from applicant)

Date

14952 WESTRAY ST.
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

REQUEST FOR VARIANCE- GRAND HAVEN CHARTER TOWNSHIP

DATE: JUNE 2, 2017

OWNER: LARRY & DOREEN HALL
ADDRESS: 14952 WESTRAY ST.
PPN: 70-03-33-100-074

DEAR ZBA:

I AM REQUESTING APPROVAL OF A VARIANCE FOR OUR CURRENT RESIDENCE (14952 WESTRAY ST.) TO CONSTRUCT A DETACHED GARAGE TO ACCOMMODATE VEHICLES, WATERCRAFT, UTILITY TRAILERS OR RECREATIONAL TRAILERS.

I AM REQUESTING A VARIANCE FROM THE REQUIREMENTS OF SECTION 20.03 – 1.J.1 OF THE ZONING ORDINANCE FOR OUR PRIMARY RESIDENTIAL PARCEL.

REASONING:

1. EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS:

ITEM 'B' (EXCEPTIONAL TOPOGRAPHIC CONDITIONS)

OUR PARCEL (SEE ATTACHED TOPO MAP) HAS A SIGNIFICANT CHANGE IN ELEVATION ACROSS THE ENTIRE LENGTH OF THE PARCEL. THIS TOPOGRAPHY ELIMINATES THE ABILITY TO UTILIZE THE REAR YARD AREA TO LOCATE ANY ACCESSORY BUILDINGS IN THIS SPACE. ADDITIONALLY, THE TOPOGRAPHY REQUIRED THAT THE SANITARY SYSTEM BE INSTALLED IN A VERY SPECIFIC PLACE ON THE PARCEL (SEE ATTACHED).

2. SUCH A VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A PROPERTY RIGHT SIMILAR TO THAT POSSESSED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT AND IN THE VICINITY.

TO PROVIDE ENCLOSED SHELTER FOR THE STORAGE OF VEHICLES, WATERCRAFT, TRAILERS OR RECREATIONAL TRAILERS. WE WOULD LIKE TO HAVE THE ABILITY TO STORE THESE TYPES OF ITEMS, THAT ARE NOT SOMETHING USED ON A DAILY BASIS, IN AN ENCLOSED BUILDING, NOT ONLY TO PROTECT THEM FROM THE ELEMENTS BUT TO ELIMINATE UNSIGHTLY DISPLAY OF RECREATIONAL ITEMS (FOR BOTH OURSELVES AND OUR NEIGHBORS).

3. AUTHORIZATION OF SUCH A VARIANCE WILL NOT BE OF SUBSTANTIAL DETRIMENT TO THE ADJACENT PROPERTY AND WILL NOT MATERIALLY IMPAIR THE INTENT AND PURPOSE OF THE THIS ORDINANCE OR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE OF THE COMMUNITY.

DUE TO THE PHYSICAL LOCATION OF OUR PARCEL IN COMPARISON TO OUR NEIGHBORS (SEE ATTACHED) AND THE DETERMINATION OF THE TOWNSHIP THAT OUR FRONT YARD BE DEFINED

AS THE WEST PROPERTY LINE, OUR FRONT YARD FACES THE REAR OF ALL RESIDENTIAL PROPERTIES ON THE EAST SIDE OF LAKESHORE DRIVE.
THE EXCEPTION BEING PARCEL # 70-03-32-278-015 (THE TRIANGULAR PARCEL TO OUR WEST). I BELIEVE THE REQUESTED LOCATION FOR OUR PROPOSED GARAGE IS FAR ENOUGH TO THE SOUTH THAT IS WOULD NOT BE A DETRIMENT TO ANY FUTURE RESIDENTIAL STRUCTURES ON THIS PARCEL. ADDITIONALLY, WE HAVE A HEAVILY WOODED PARCEL AND THE VIEW OF ANY NEW STRUCTURE BY THE NEIGHBORING PARCELS IS OBSTRUCTED BY A VARIETY OF TREES. IN SUMMARY, OUR REQUESTED BUILDING LOCATION WOULD PROVIDE LIMITED ABILITY TO BE SEEN BY NEAR BY HOMES.

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 NATURE AS TO MAKE REASONABLY PRACTICAL THE FORMULA OF A GENERAL REGULATION FOR SUCH CONDITION OR SITUATION, A PART OF THIS ORDINANCE.

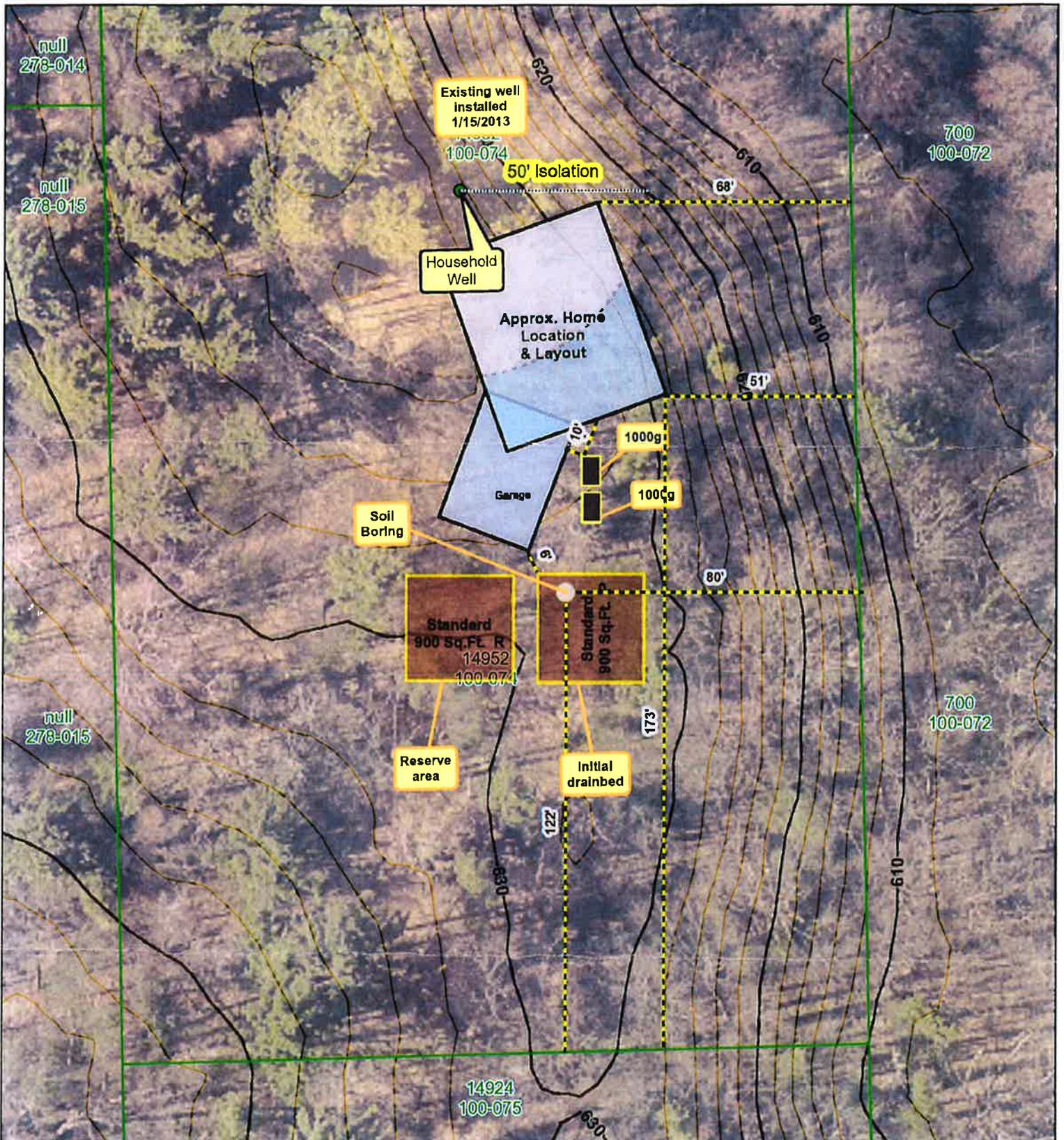
WE BELIEVE, DUE TO THE UNIQUE LOCATION, SHAPE, SIGNIFICANT TOPOGRAPHY AND BEING HEAVILY WOODED OUR PARCEL IS FAR FROM BEING COMMON AND THEREFORE IS NOT WIDELY RECURRENT WITHIN THE TOWNSHIP. WE DO CONSIDER OUR PARCEL UNIQUE AS THIS IS WHAT ATTRACTED US TO IT ORIGINALLY.

ONE ADDITIONAL POINT OF DISCUSSION IS THAT THE REQUESTED LOCATION FOR THE PROPOSED GARAGE DOES ENCROACH SLIGHTLY ON THE COUNTY DEFINED 'RESERVE AREA' FOR OUR SEPTIC SYSTEM. I DID DISCUSS THIS ISSUE WITH COUNTY SANITARIAN (ADAM ZANTILLO) AND SPECIFICALLY ASKED IF THIS VARIANCE WERE GRANTED, COULD I CHANGE THE SHAPE AND/OR LOCATION OF THIS RESERVE AREA ON THE PARCEL. ADAM, AFTER RESEARCHING THE SITE AND INVESTIGATING THE SOILS HAS VERBALLY GIVEN ME AN AFFIRMATIVE RESPONSE THAT I COULD EASILY 'ADJUST' THIS RESERVE AREA AS LONG AS IT MAINTAINS A THREE-FOOT SEPARATION FROM THE INITIAL DRAIN FIELD. I WOULD EXPECT THE APPROVAL OF THE VARIANCE TO BE CONTINGENT ON ME SECURING THIS APPROVAL IN WRITING FROM THE O.C. HEALTH DEPARTMENT.

IN SUMMARY, I APPRECIATE THE ZBA'S WILLINGNESS TO EVALUATE THE FACTS STATED HERE, UNDERSTAND THAT WE HAVE BEEN TOWNSHIP RESIDENTS FOR OVER 25 YEARS AND CONSIDER THIS ONE OF THE GREATEST PLACES TO LIVE AND WORK. WE APPRECIATE THE HIGH STANDARDS THE TOWNSHIP MAINTAINS AND WANT THE ZBA TO KNOW THAT THIS REQUEST IS NOT TAKEN LIGHTLY. OUR GARAGE WILL BE A QUALITY PRODUCT THAT WILL NOT ONLY PROTECT OUR ASSETS BUT IS PROPOSED IN THE ONLY LOCATION ON OUR PARCEL TO BE FUNCTIONAL AND NOT OBTRUSIVE OR DETRIMENTAL TO OUR NEIGHBORS.

AGAIN, THANK YOU FOR YOUR CONSIDERATION,


LARRY HALL
616.843.5748



OTTAWA COUNTY HEALTH DEPARTMENT

Sewage Disposal System Permit



www.miOttawa.org

Address: 14952 Westray
 Parcel: 70-03-33-100-074
 Date: 11/13/2014
 EH Specialist: Dave Miller

12251 James Street Holland, Michigan 49424 (616) 393-5645 Fax (616) 393-5643



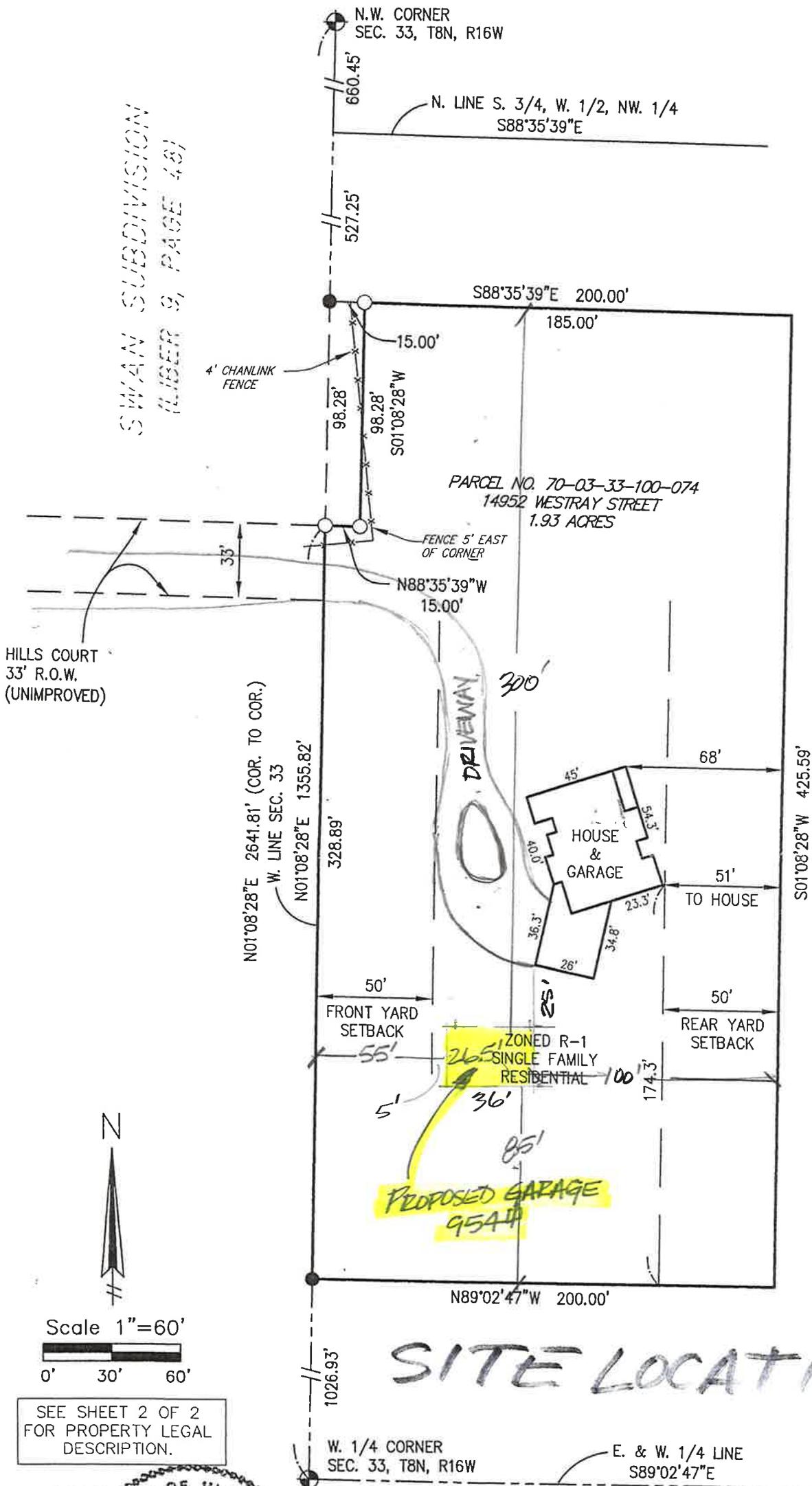
1: 550

1in. = 46 ft.





PROPOSED HOUSE LOCATION



ADJNE - 075



Scale 1"=60'

0' 30' 60'

SEE SHEET 2 OF 2 FOR PROPERTY LEGAL DESCRIPTION.

SITE LOCATION

Brian A. Borg Professional Surveyor No. 47199

BRIAN A. BORG
PROFESSIONAL SURVEYOR
No. 47199

This survey was made from the legal description shown above. The description should be compared with the Abstract title or Title Insurance Policy for accuracy, easements and exceptions.

- LEGEND
- SET CON. MON
 - FOUND CONC. MON
 - SET CAPPED IRON
 - △ SET MAG NAIL
 - FOUND IRON
 - SET CUT "X"
 - "X" PLATTED
 - P. MEASURED

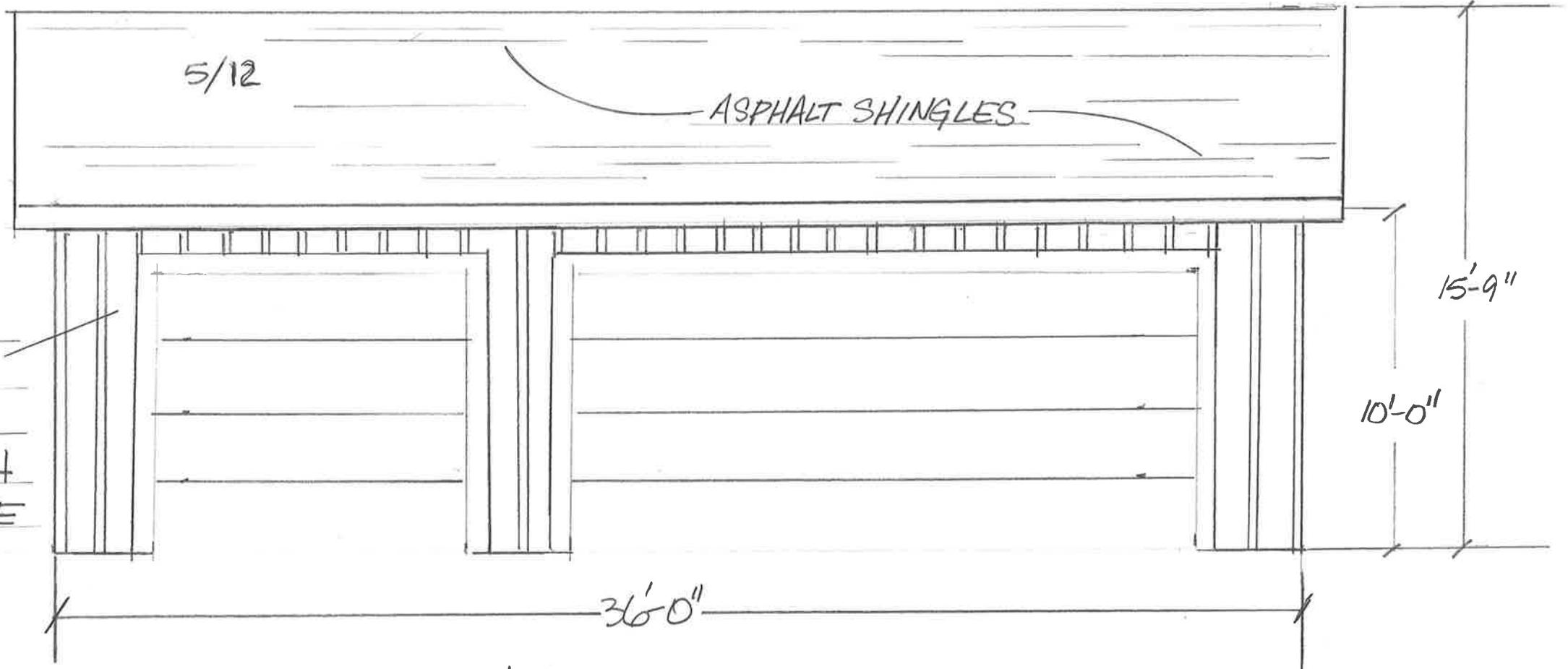
Milanowski and Englert Engineering and Surveying, Inc.
927 Beechtree Street, Suite 3
Grand Haven, Michigan 49417
Phone(616)847-4070 Fax(616)847-6626

FOR LARRY HALL

SEC. 33, T8N, R16W, GRAND HAVEN TWP.

DATE 9-23-2013 DRAWN BY TV/DRB

FRONT ELEVATION



5/12

ASPHALT SHINGLES

VINYL BOARD &
BATTEN OVER
OSB

*SIDING TO MATCH
EXISTING HOUSE

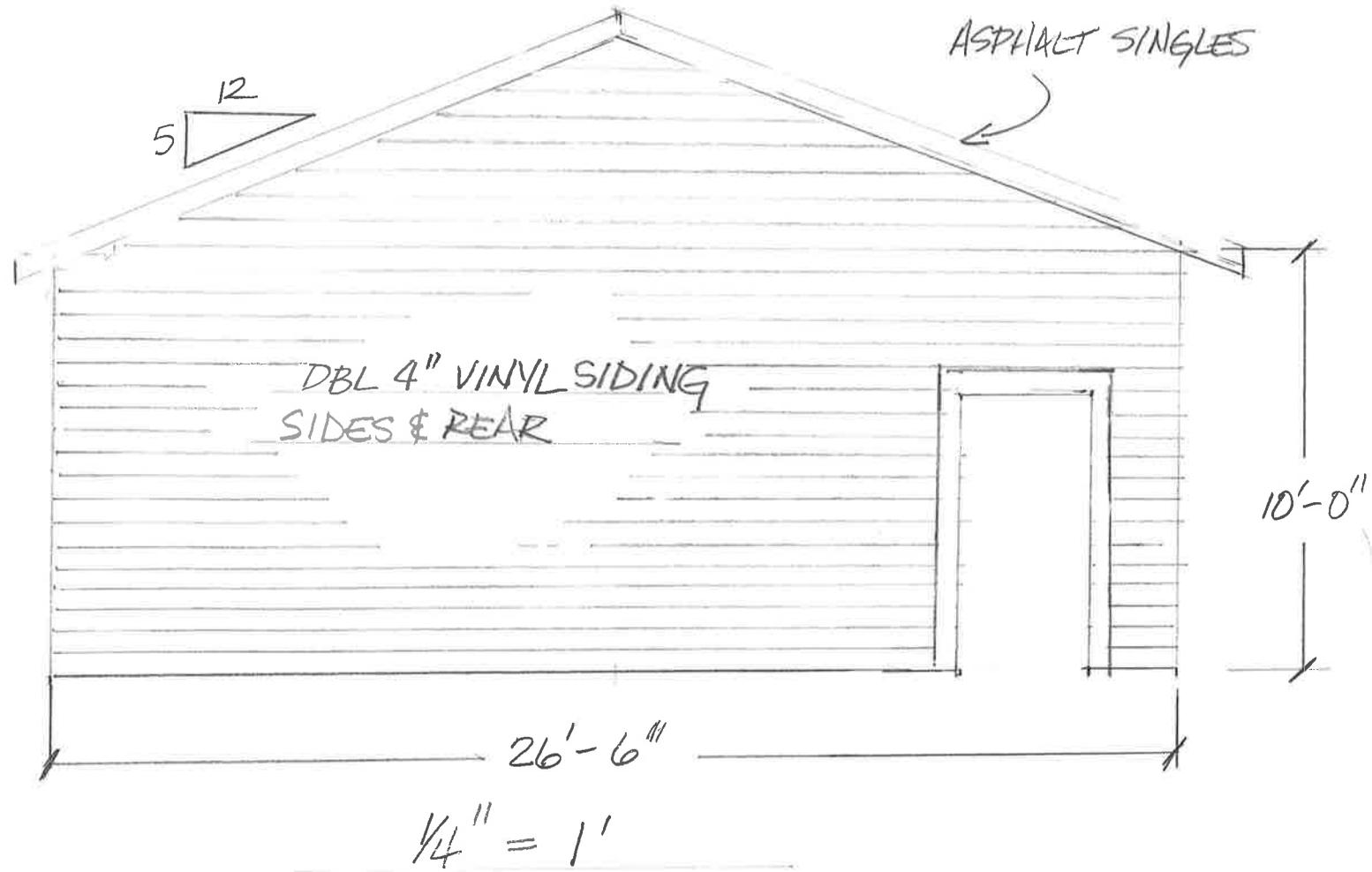
15'-9"

10'-0"

36'-0"

1/4" = 1'

SIDE ELEVATION





GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: June 23, 2017
 TO: Zoning Board of Appeals
 FROM: Stacey Fedewa, Planning & Zoning Official
 RE: 12455 Jansma Drive – Dimensional Variance Application No. 17-04

PARCEL INFORMATION			
Owner/Applicant	Jim & Ineke Gallup	Required Setbacks for a 150 < 600 sqft Detached Garage	Dwelling – 6 feet
Property Address	12455 Jansma Drive		Side Lot Line – 10 feet
Parcel Number	70-07-17-298-006	Requested Setbacks for a 576 sqft Detached Garage	Rear Lot Line – 10 feet
Lot Size*	0.66 Acres		Locate in Side/Rear Yard
Lot Type	Legal Lot of Record		Dwelling – 6 feet
	Critical Dunes		Side Lot Line – 5 feet
	High Risk Erosion	Rear Lot Line – 10 feet	
	Irregular Lot Shape	Locate in Rear Yard	
Zoning	R-1 Single Family Residential		



ZBA APPLICATION

The applicant owns approximately 1/2-acre of land on Lake Michigan. The property has one small accessory building that will be removed. A property of this size is entitled to one accessory building with a maximum total floor area of 600 sqft.



The applicant has received a DEQ permit to construct a 24' x 24' detached garage that is connected by a canopy to the dwelling. It would be setback from the dwelling by 6-feet, which is compliant with the requirements.



However, due to the angular rear lot line and slight angle of the dwelling when compared to the side lot line the proposed garage would have a side yard setback of 5-feet at the northeast corner of the building. The northwest corner of the garage would comply with the 10-foot setback requirement.



Lastly, underground utilities have also assisted with determining the location. In fact, the applicant is relocating a gas line to truly make this small location buildable.

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.

The subject property is located within the Critical Dune Area and High Risk Erosion Area, which severely limits the buildable area on this lot. The ZBA will need to determine as to whether or not this 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.

The ZBA has established a precedence that a garage constitutes 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 was received for this application (*as of June 23rd*). 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.

The restrictions from the DEQ along with the utilities drastically limit the buildable areas of this lot. The ZBA will need to make the determination as to whether or not this standard is met.

SAMPLE MOTIONS

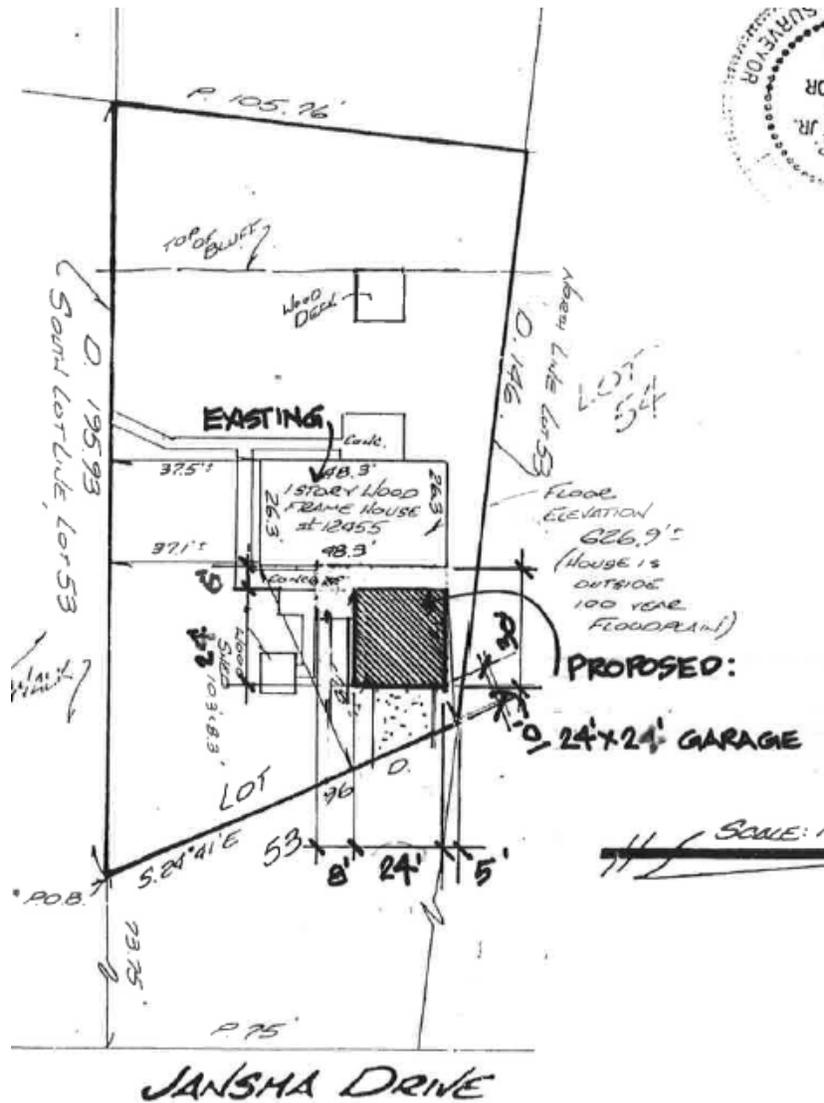
If the ZBA determines each standard has been affirmatively met, the following motion can be offered:

Motion to approve a dimensional variance from Section 20.03.1.K.2 to allow a 24' x 24' detached garage at 12455 Jansma Drive, which will result in a Side Yard 1 setback of 5-feet. Approval of this variance is based upon this Board's findings that all four standards have been affirmatively met.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

Motion to deny dimensional variances from Section 20.03.1.K.2 to construct a detached garage in the rear yard of 12455 Jansma Drive. 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.



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 Jim Gallup
 Phone 616 842 1308 Fax _____
 Address 12455 Jansma Dr
 Email Address jb.gallup@charter.net

Owner Information (If different from applicant/appellant)

Name _____
 Phone _____ Fax _____
 Address _____
 Email Address _____

Property Information (Include a survey or scaled drawing)

Address Above
 Parcel No. 70-07-17-298-006 Current Zoning Res
 Lot Width 96' East feet Lot Depth 146' N feet
 Parcel Size Approx 1/2 acres Parcel Size ~ 17,000 sq. ft.
 Lot Type Typical Lot _____ Corner Lot _____ Interior Lot X

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 Garage Setbacks on North and East Sides
4. Structure/Land Use (After Variance) No Change
5. Overall Building Size (After Variance) Garage Addition 24' x 24'
6. Setbacks from lot lines (After Variance):
 - a. Front Yard 10 feet East
 - b. Rear Yard N/C feet
 - c. Side Yard #1 5 feet North
 - d. Side Yard #2 N/C 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.

Variance Narrative:

We have owned our cottage since 1993 and have lived there full-time for the past 12 years. We have decided to add a garage and canopy for protection from the elements, and to improve the aesthetics of our home. Our property is located in the Sunset Hills Association and is in the critical dune/high erosion area. Attached is a copy of the DEQ permit granted to us for the construction of a 24' x 24' garage attached to the existing house by a canopy leading to the front door.

1. The exceptional/extraordinary circumstances requiring our request for a variance include:
 - There is only one optimum site on the east of the house, which meets DEQ requirements.
 - The south side of the property is a hill and is not suitable for building and does not meet DEQ requirements.
 - The location of the garage, as proposed, will not block the main entrance/windows in the main living area. Any other location would do so.
 - The foundation of the proposed garage requires 42" footings. The existing home is a slab on grade foundation and digging next to it could compromise the slab. Therefore, the location of the proposed garage is 6' east of the home. This will also allow for natural light to the windows on the east side of the home.
 - The north lot line is a diagonal and the northeast corner of the garage only allows for a 5' setback at its narrowest point when keeping the garage on the same plane as the existing home. The east lot line is also a diagonal and would allow for a 10' setback at its most narrow point.
2. This variance is requested to allow placement of a 2-stall garage for protection from the rain, wind and snow. The canopy will allow for protected access to and from the house/garage. It will also provide privacy for us, as well as for our neighbors, who can now see all our comings and goings and always have our vehicles in view. This garage and canopy will improve the aesthetics of the home and be more consistent with the neighborhood. Our existing shed will be removed, along with an unsightly hot tub deck and well pit. Our landscaping and brick walkway will greatly improve the appearance of our property.
3. There will be no substantial detriment to the adjacent properties. The east side of the property is an easement for the house to the north and it will be preserved, allowing unimpeded access. The proposed garage is similar height to the house, and therefore will not impede the view of the lake for the neighbors to the east. In addition, removal of the shed, tub deck and well pit, along with landscaping and brick work will greatly improve the appearance of the property, overall.
4. The restrictions on our lot prevent us from meeting the setback requirements.

Jim and Ineke Gallup

5/24/17

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

5/18/17

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

5/18/17

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

From: McIntyre, Nicole (DEQ)

Sent: Thursday, April 27, 2017 11:50 AM

To: jbgallup@charter.net; countyclerk@miottawa.org; waterresourcescommissioner@miottawa.org; mallen@miottawa.org; ottawacd@macd.org; jbraxmaier@miottawa.org

Cc: Occhipinti, Matthew (DEQ)

Subject: DEQ Permit #WRP006761

Good morning,

Attached you will find a copy of the Permit and Plans that was issued for a project located at 70-12455 Jansma Dr-Grand Haven. Please print the attached documents for your records. **Once the project is completed**, please notify Matt Occhipinti by Email and include any required photos.

Nicole McIntyre 

District Secretary for the Water Resources Division

350 Ottawa Avenue, Unit #10

Grand Rapids, Michigan 49503

616-356-0286 | mcintyren@michigan.gov





NOTICE OF AUTHORIZATION

Permit Number: WRP006761 v. 1
Site Name: 70-12455 Jansma Dr-Grand Haven

Date Issued: April 27, 2017
Expiration Date: April 27, 2022

The Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

- Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- Part 301, Inland Lakes and Streams.
- Part 303, Wetlands Protection.
- Part 315, Dam Safety.
- Part 323, Shorelands Protection and Management.
- Part 325, Great Lakes Submerged Lands.
- Part 353, Sand Dunes Protection and Management.

Authorized activity:

Construct a 24 feet by 24 feet garage addition to an existing non-readily moveable structure within a Critical Dune and High Risk Erosion Area.

To be conducted at property located in: Ottawa County, Waterbody: [Waterbody Name]
Section 17, Town 07N, Range 16W, [Name] township

Permittee:
James Gallup
12455 Jansma Dr

Grand Haven, MI 49417

Matthew Occhipinti, P.E.
Grand Rapids District Office
Water Resources Division
616-204-1708

*This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.*
Please refer to the above permit number with any questions or concerns.



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

Issued To:

James Gallup
12455 Jansma Dr
Grand Haven, MI 49417

Permit No: WRP006761 v.1
Submission No.: 2PQ-WQQK-JHR8
Site Name: 70-12455 Jansma Dr-Grand Haven
Issued: April 27, 2017
Revised:
Expires: April 27, 2022

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- | | |
|--|---|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 325, Great Lakes Submerged Lands |
| <input type="checkbox"/> Part 315, Dam Safety | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Water Resources Protection (Floodplain Regulatory Authority) | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Construct a 24 feet by 24 feet garage addition to an existing non-readily moveable structure within a Critical Dune and High Risk Erosion Area. All construction shall be completed in accordance with the attached plans.

Water Course Affected: Waterbody Name
Property Location: Ottawa County, Grand Haven Township, Town/Range/Section 07N16W17, Property Tax No. 70-07-17-298-006

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.

- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all of the above information may be provided to the MDEQ. The MDEQ will review the request and, if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.

- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
 1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit www.mi.gov/degstormwater and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
 2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
 3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
 4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
 5. The permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.
 6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
 7. The permitted garage shall be constructed to readily moveable structure criteria in the Great Lakes Shorelands Rules. To meet this requirement, the garage can be built on a footing foundation with a slab floor if it does not exceed 676 square feet in foundation size, is bolted to the foundation, and does not have plumbing or interior walls within the garage.
- 8. All earth moving and contour change must occur within the building footprint. All slopes steeper than one on three must not be disturbed.
- 9. Vegetation changes are not permitted more than ten feet outside of the project footprint. All disturbed areas shall be re-vegetated and stabilized immediately upon the completion of this project. The dune must be restabilized with indigenous dune vegetation.
- 10. Machinery is not permitted to be driven or used on any slopes steeper than one on four. Machinery, soil, or materials are not permitted to be stored or placed on any slopes steeper than one on four. Soil shall not be placed in areas with slopes less than one on four (25%) if vegetation could be disturbed by the placement of soil.
- 11. The construction of retaining walls, porches, or decks is not permitted unless shown on the attached plans.
- 12. The underground utility lines must be placed in areas with slopes less than one on four or the lines must be installed using the directional bore method. If the directional bore method is utilized, the bore pits must be located in areas with slopes less than one on four. The disturbed areas must be stabilized and repaired immediately after installation is complete. Trenching areas with slopes steeper than one on four is not permitted.
- 13. Elevated stairway/walkways must be constructed above grade, on a hand dug post foundation, a maximum of 5 feet in width, and shall not have a roof or walls. Stairway/walkways must be located in an area that does not impact vegetation greater than 3 inches in diameter.

14. Altering the crest and the area lakeward of the crest by placing retaining walls or other regulated structures, removing soil or vegetation, lowering or heightening the elevation of the crest, placing materials or soils lakeward of the crest on the lakeward facing bluff is not permitted.
15. Excess excavated sand must be deposited on site in areas containing slopes less than 25 percent. Machinery is not permitted to be driven down the lakeward facing bluff. Sand shall not be placed below the OHWM, in the water, or on the lakeward facing bluff.
16. The proposed structure is within 100 feet of the dune crest and therefore the following requirements must be met:
 - The use must not destabilize the critical dune area.
 - Contour changes and vegetative removal must be limited to that essential to siting the structure and access to the structure.
 - Access to the structure must be from the landward side of the dune.
 - The dune must be restabilized with indigenous vegetation.
 - Construction techniques and methods employed must mitigate the impact on the dune.
 - The crest of the dune must not be reduced in elevation.
 - The use must meet all other applicable requirements of the model zoning plan.

Issued By:



Matthew Occhipinti, P.E.
Grand Rapids District Office
Water Resources Division
616-204-1708

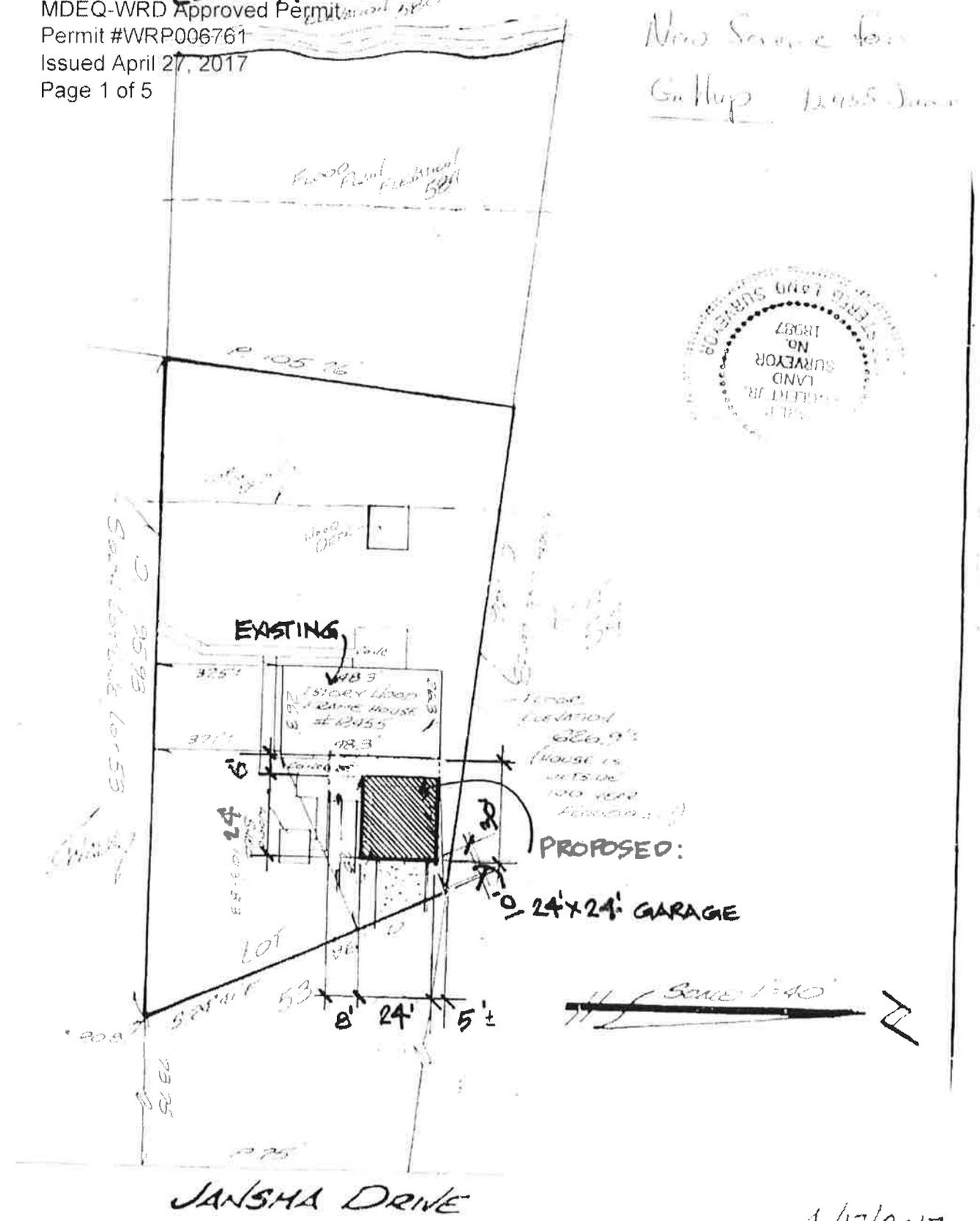
cc: Grand Haven Township Building Department

to the point of beginning, Sunset Hills No. 1, Section 17, Town 7 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan.

I hereby certify that I have this day made an inspection of the above described property and that the improvements are as hereon shown.

LAKE MICHIGAN
MDEQ-WRD Approved Permit
Permit #WRP006761
Issued April 27, 2017
Page 1 of 5

New Service for
Gallup 12455 Jansha



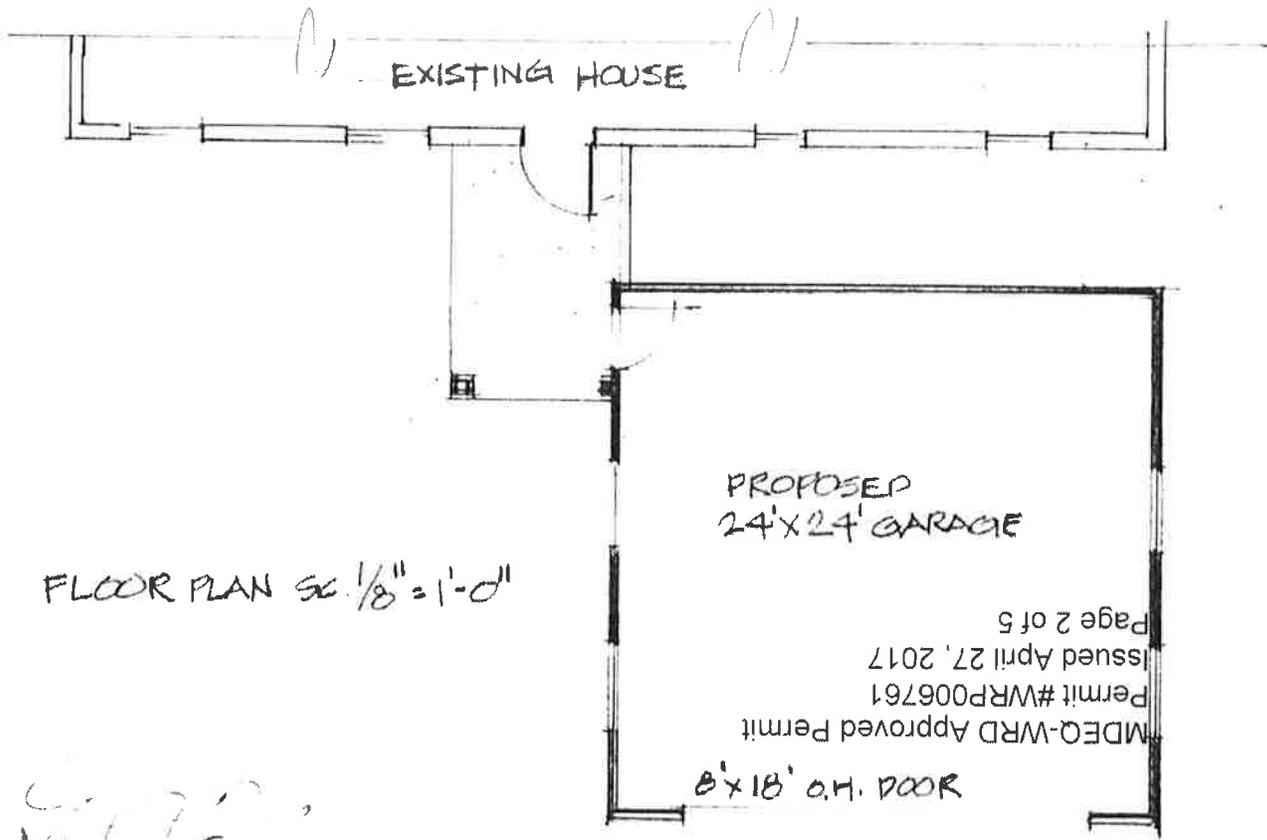
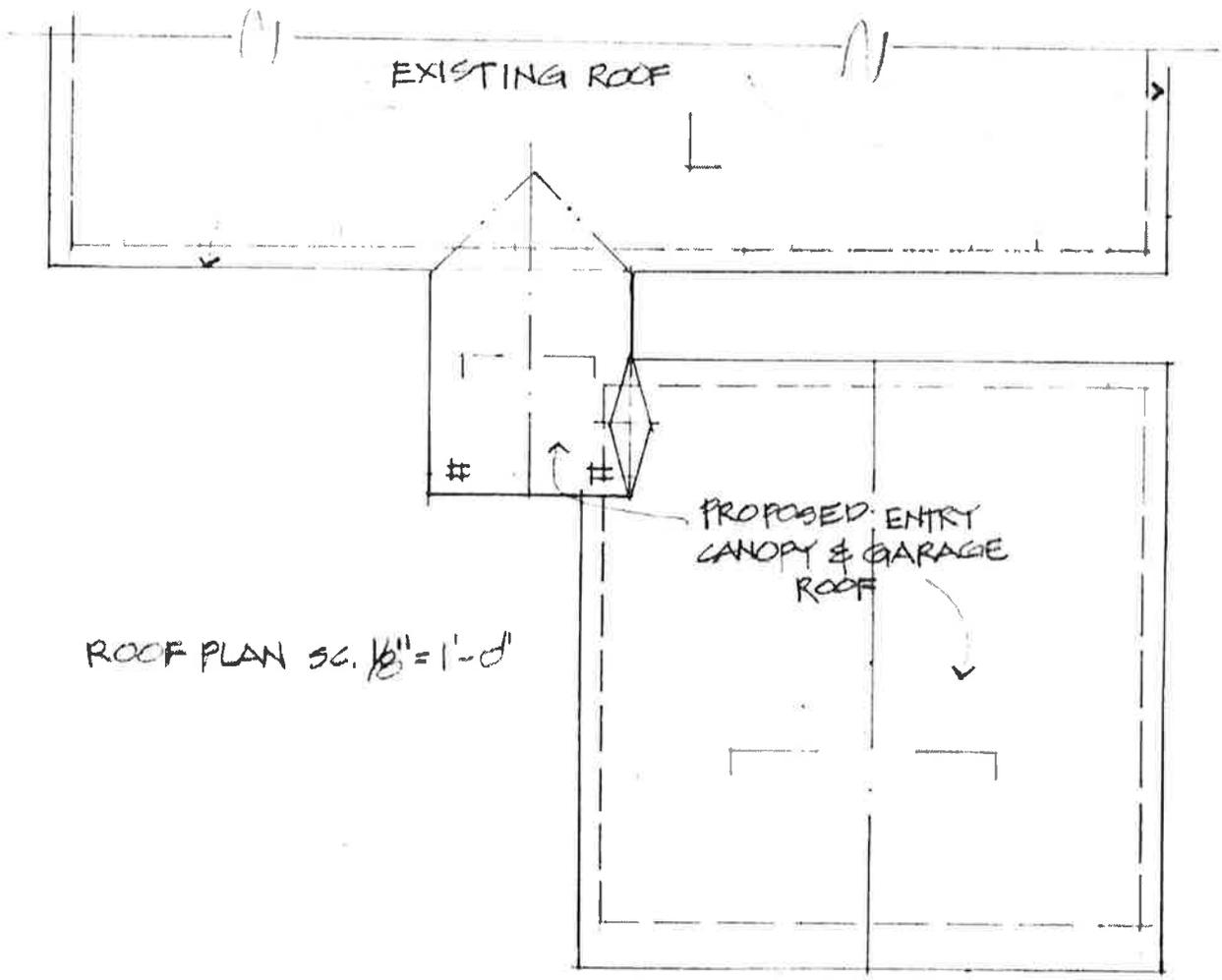
JANSHA DRIVE

4/17/2017

I hereby certify that this inspection plot shows the improvements as located on the

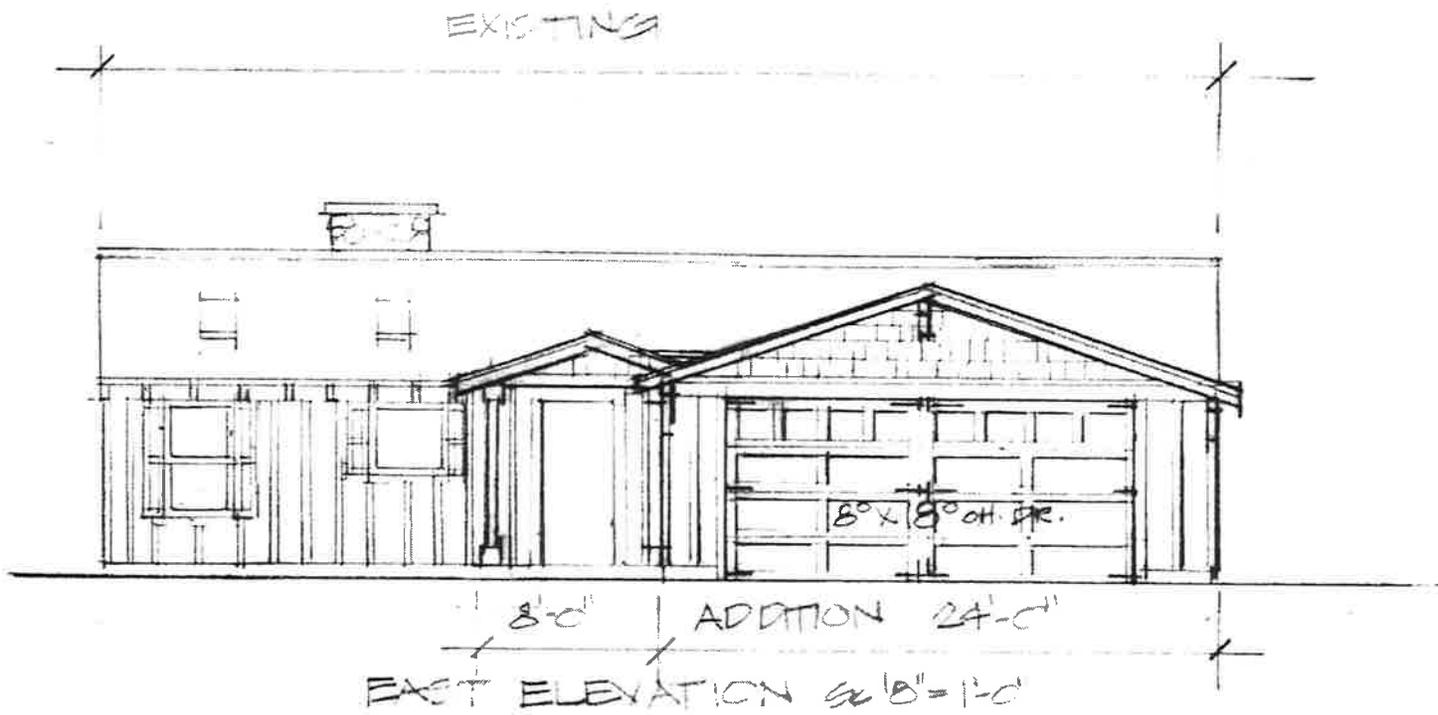
plat. I was present on the

GALLUP ADDITION
 12455 JANSMA DR. GRAND HAVEN TWP.



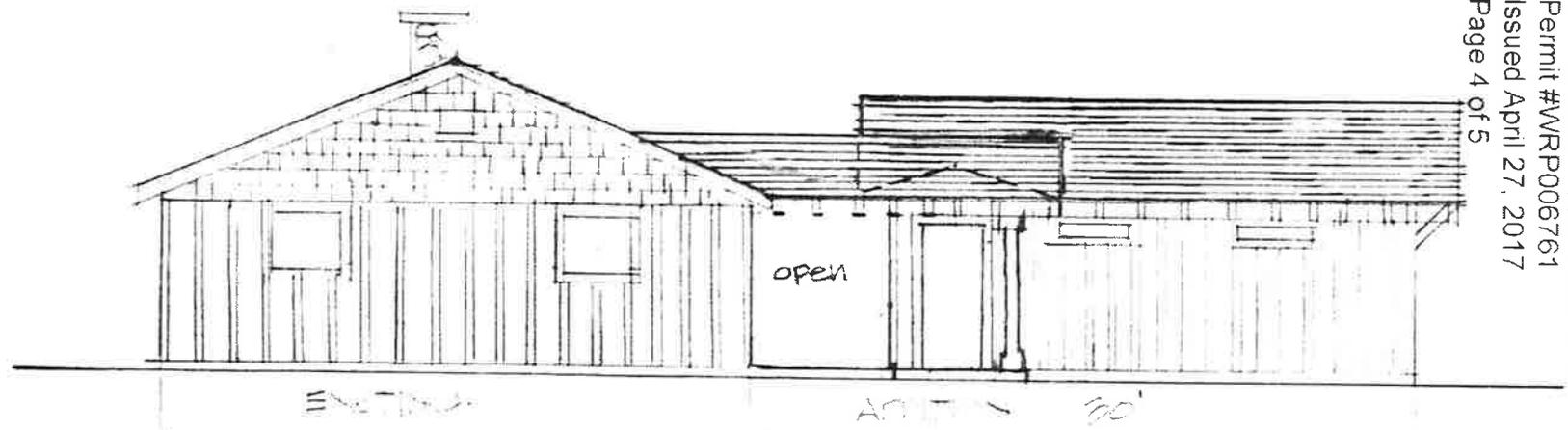
Sherald DeRusia, Architect
 4/20/2017

[Handwritten signature]

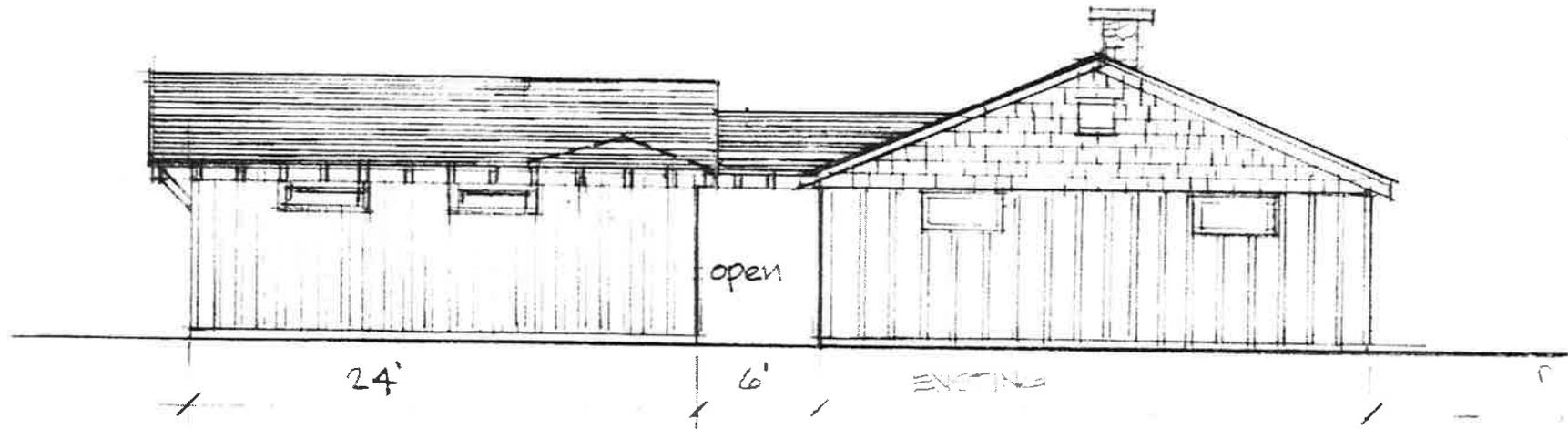


GALLUP ADDITION
12455 JANSMA DR. GRAND HAVEN TWP.

Gerald DeBorja, AIA
2/10/2017, REV 4/17/2017
REV 4/29/2017



SOUTH ELEVATION @ 1/8" = 1'-0"

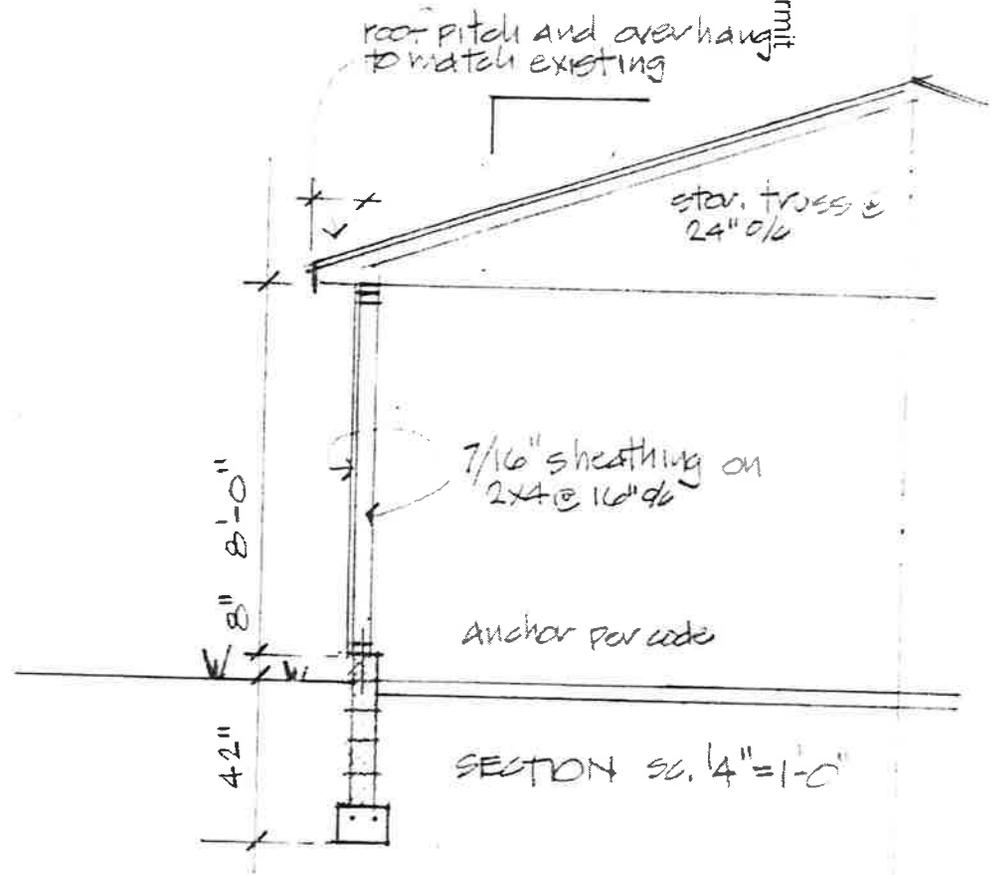


NORTH ELEVATION @ 1/8" = 1'-0"

Handwritten signature

GALLOP ADDITION
12438 JANORACK GRAN HAVEN TRAIL

2, 10, 20
4/17/2017
4/20/2017



Handwritten signature or initials.

GALLUP ADDITION
12455 JANSMA DR. GRAND HAVEN TWP.

Gerard DePersia, Architect
4/20/2017