

## AGENDA

Grand Haven Charter Township Zoning Board of Appeals  
Tuesday, October 24, 2017 – 7:00 pm

- I. Call to Order
- II. Roll Call
- III. Approval of the June 27, 2017 ZBA Meeting Minutes
- IV. New Business
  - A. ZBA Variance Application No. 17-05 – Job
  - B. Appoint Chairperson
- V. Reports
  - A. Welcome New Member – Brock Hesselsweet
- VI. Extended Public Comments/Questions (*Limited to Four (4) Minutes Please*).
- VII. Adjournment

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
TUESDAY, JUNE 27, 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 Vice-Chair Voss.

The Vice-Chair announced the resignation of Chair Robertson.

II. ROLL CALL

Board of Appeals members present: Voss, Loftis, Slater, Behm & Rycenga (alternate)  
Board of Appeals members absent: None

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 May 23, 2017 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #17-03 – Dimensional Variance – Hall

Party Requesting Variance:	Larry & Doreen Hall
Mailing Address:	14952 Westray Street
Parcel Number:	70-03-33-100-074
Subject Property Location:	14952 Westray Street, Grand Haven 49417

Larry and Doreen Hall are seeking a dimensional variance from Section 20.03.1.J.1 of the Zoning Ordinance in order to construct an accessory building within the front yard of the subject property.

Rycenga recused himself due to a potential conflict of interest. Rycenga's company contracts with Hall's employer, which is general is coordinated by Hall.

Fedewa provided an overview of the application through a memorandum dated June 23<sup>rd</sup>.

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

Larry Hall – 14952 Westray Street:

- Intends to bring in fill-dirt to bring the elevation of the proposed accessory building to the same level as the dwelling.
- Unable to locate the accessory building in the grassy area southeast of the dwelling because that is the location of the primary drainfield.
- Proposed accessory building is setback 55-feet from the west boundary line, and the adjacent triangle-shaped parcel would also have a 50-foot setback for a principal dwelling, which would result in a minimum of 105-feet of separation between the buildings.

The Board discussed the four standards and noted the following:

- Expressed some concern about the closeness the proposed accessory building would be to the adjacent triangle-shaped parcel to the west.
- Discussed how private roads, driveway easements, and non-road frontage parcels are addressed. Each is handled individually based upon the circumstances. Generally, all parcels in the Township are considered legal lots of record regardless of the unique characteristics it may have related to access. However, new lots that are created are required to have road frontage. Doing so will gradually eliminate irregular lots such as the applicants subject parcel.
- Two previous cases were noted for discussion—the 2013 Avery case, which was granted a variance because of the narrowness of the lot; and the 2014 Rickard case, which was denied because there was a compliant location available.
  - A discussion ensued about the right to an accessory building. If an owner is entitled to an accessory building, but due to physical constraints of the property cannot place the building in a compliant location than a variance application is the appropriate avenue.
  - If an owner is entitled to an accessory building, and is able to locate in a compliant location, but the property would be better-served by having the building in the front yard (*e.g., save trees & less impervious surface*) then a Special Land Use is the appropriate avenue.
    - Discussions regarding accessory buildings in front yards as a Special Land Use has been a recent topic of conversation with the Planning Commission and Township Board. The Zoning Ordinance Update Committee will address this over the next year of this project.
  - Ultimately, the ZBA believed the Avery case is a closer match than the Rickard case as it relates to the Hall application.

**Standard No. 1** – Exceptional or extraordinary circumstances:

- Property has notable changes in topography—approximately 30 feet in elevation changes.
- Property does not have road frontage.
- No neighbors in front, or behind, subject property.
- Setbacks for the proposed building are compliant.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

**Standard No. 2** – Substantial property right:

- A property owner with a lot size of 1 < 2 acres is entitled to a 960 sqft accessory building.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

**Standard No. 3** – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- No correspondence was received on this application.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

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

- The 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.

Ayes: Voss, Loftis, Behm, Slater

Nays: None

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

Ayes: Voss, Loftis, Behm, Slater

Nays: None

Absent: None

B. ZBA Case #17-04 – Dimensional Variance – Gallup

Party Requesting Variance:	Jim & Ineke Gallup
Mailing Address:	12455 Jansma Drive
Parcel Number:	70-07-17-298-006
Subject Property Location:	12455 Jansma Drive, Grand Haven 49417

Jim and Ineke Gallup are seeking a dimensional variance from Section 20.03.1.K.2 of the Zoning Ordinance in order to construct a 24' x 24' detached garage in the rear yard, which would project into the required side yard. This would result in a 5-foot setback where 10-feet is required.

Fedewa provided an overview of the application through a memorandum dated June 23<sup>rd</sup>.

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

Jim Gallup – 12455 Jansma Drive:

- Explained the garage could not be moved south because it would block the front door and obstruct underground utilities. Cannot move to the south side of the dwelling because there is a 1:3 slope, for which the DEQ would not grant a permit.
- Existing well-pit and shed will be removed.
- Will add landscaping.
- Intends to construct the garage at a roof-pitch that is slightly less than the dwelling to ensure views of adjacent properties are not obstructed.
  - In regard to stormwater runoff from the roof of the proposed garage, there are existing boulders and sock tubes that have performed well, and expect they will continue to perform with the additional building.
- Proposed location will not impede access to adjacent property to the north.

The Board discussed the four standards and noted the following:

- Inquired if garage could be shifted south to comply with setbacks.
- Discussed potential for roof runoff/soil erosion issues that may arise.

- The 2016 Griffeth case was referenced, and all agreed it was a good case to use as a comparison.

**Standard No. 1** – Exceptional or extraordinary circumstances:

- Subject to the Critical Dune Area (CDA) and High Risk Erosion Area (HREA) restrictions, including sections of 1:3 slop areas.
- Angular nature of the lot compared to the dwelling results in the need for a 5-foot setback variance for one corner of the garage.

Ayes: Voss, Loftis, Behm, Slater, Rycenga

Nays: None

**Standard No. 2** – Substantial property right:

- The ZBA has established a precedence that a garage constitutes a substantial property right.

Ayes: Voss, Loftis, Behm, Slater, 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.
- Proposed garage only abuts the adjacent driveway.
- Proposed garage does not obstruct any views of neighboring properties.

Ayes: Voss, Loftis, Behm, Slater, 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:

- The CDA and HREA severely limit the buildable area of this parcel.

Ayes: Voss, Loftis, Behm, Slater, Rycenga

Nays: None

**Motion** by Slater, supported by Rycenga, 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. **Which motion carried unanimously.**

Ayes: Voss, Loftis, Behm, Slater

Nays: None

Absent: None

#### V. REPORTS

- Staff described the recent discussions with the Planning Commission and Township Board regarding a possible Special Land Use that would allow an accessory building to be located in the front yard under certain circumstances. This will be discussed by the Zoning Ordinance Update Committee.
- Loftis announced next the Zoning Ordinance Update Committee meeting is scheduled for June 29<sup>th</sup> at 7pm in the Conference Room.

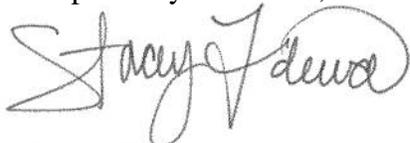
#### VI. EXTENDED PUBLIC COMMENTS

- Tim Whalen – 4656 61<sup>st</sup> Street, Holland
  - Recently acquired two 10-acre parcels in the Township.
  - Requesting advice on addressing two areas of concern—number of chickens allowed on large lots, and placing an accessory building for horses in the front yard.
  - The ZBA and staff informed Whalen that both subjects will be discussed with the Zoning Ordinance Update Committee with an expected adoption of the new ordinance in early summer 2018.

#### VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,



**Stacey Fedewa**

Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

# Community Development Memo

DATE: October 20, 2017  
 TO: Zoning Board of Appeals  
 FROM: Stacey Fedewa, Community Development Director  
 RE: 12905 Wilderness Trail – Dimensional Variance Application No. 17-05

## PARCEL INFORMATION

Owner/Applicant	John Job & Mary Ellen Mika
Property Address	12905 Wilderness Trail
Parcel Number	70-07-08-400-032
Lot Size	1.2 Acres
Lot Type	Waterfront – Lake Michigan
	Odd Shape
	Critical Dunes
Elevation Change	90 feet (590' – 680')
Zoning	R-1 Single Family Residential
Required Setbacks	Front – 50 feet
	Rear – 50 feet
	Side – 15 feet minimum, Total 35 feet
Requested Setback: Elevated Walkway	Side 1 – 10 foot variance Side 2 – 15 foot variance



Location Map



Critical Dune Map



Aerial GIS with Contours

## BACKGROUND

In July 2015, the applicant applied for, and received, a dimensional variance to allow an elevated walkway to be constructed down the center of the “finger-like” extension of this property. This walkway will allow the property owner to gain direct access to Lake Michigan.

As you know, life happens, and the applicant did not receive a building permit for the walkway during the 1-year the variance was valid—it expired 7/27/16. The applicant is now ready to begin construction, and wants to build the walkway at the same time as the house, so a new variance application was submitted.

## REASON FOR ZBA APPLICATION

The applicant submitted a building permit application in September 2017, and staff explained the variance for the walkway had expired, and would need to be re-approved by the ZBA in order for it to be constructed. Because the ZBA has already approved a variance for this walkway, and there have been no changes to what was approved, staff reduced the permit fee by 50%.

As for the need to obtain a variance—it stems from Sections 20.20.6 (*Access Through Yards*), and 21.02 (*Schedule Limiting Height, Bulk, Density, and Area by Zoning District*). The language in these sections will be improved with the new zoning ordinance.

In short, Access Through Yards allows any access drive (including walkways, terraces, and pavement) to be located in required yards if it does not exceed 9” above grade. Obviously, an elevated walkway in the Critical Dunes will have portions that are above 9”. In essence, the ordinance is indicating that if one of these access drives is over 9” then it is a structure and must comply with setbacks.

The next question is—what setbacks must it meet: main building or accessory building. As best as staff can tell, the Township has interpreted that answer to be—if the access drive is attached to the main building it must comply with the setbacks of the zoning district, but if it is unattached then it should meet the accessory building setbacks.

As the ZBA can tell, this section needs improvement and clarity, and staff is confident that a solution will be developed with the new zoning ordinance.

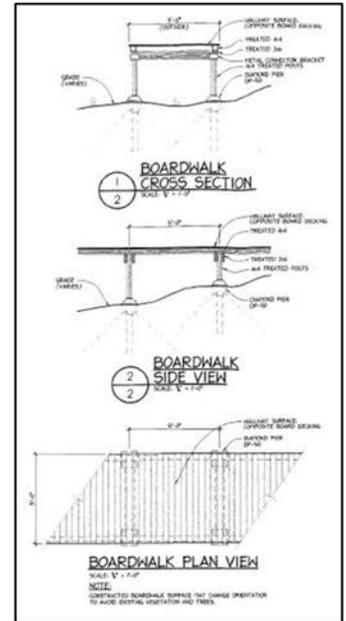
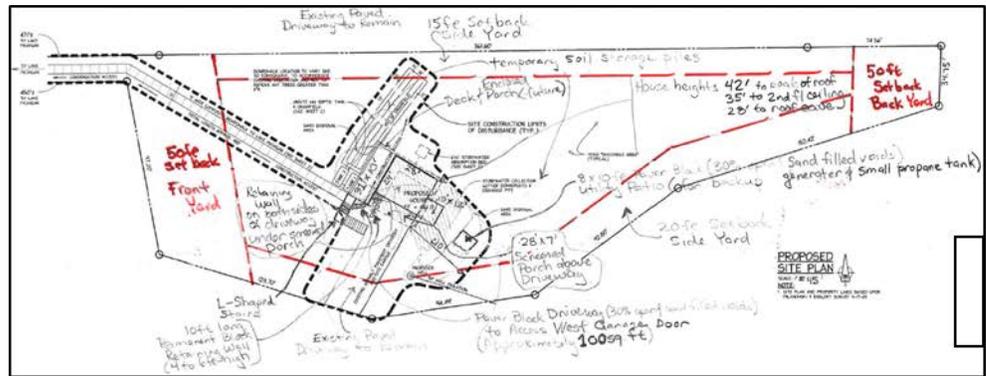
## PROPOSED PROJECT

The overall construction project proposed by the applicants:

- Demolition of the existing garage (*completed 9/25/17*).
- Construct a new 2,332 square foot single family dwelling.
- 420 feet of elevated walkway to gain beach access.

The applicant possesses the following permits:

- DEQ Permit
- Sewage Disposal System
- Private Water Well
- Vegetation Removal Assurance in Designated Critical Dune Areas
- Soil Erosion and Sedimentation Control Agency



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

## VARIANCE STANDARDS

To authorize a dimensional variance from the strict applications of the provisions of this Ordinance, the ZBA shall apply the following standards and make an affirmative finding as to each of the matters set forth in the standards.

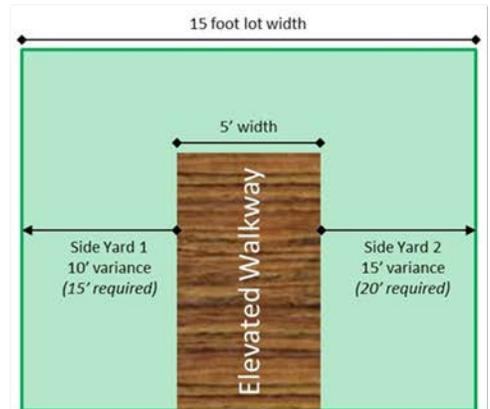
### STANDARD 1

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

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

### STANDARD 2

The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.



The applicants desire to access the waterfront portion of their parcel. A similar variance (ZBA Case No. 10-01) for an elevated walkway was approved on 1/12/2010; and this specific variance was issued to the same applicant on 7/28/15.

### STANDARD 3

Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

Staff notes the clear majority of property owners with Lake Michigan waterfront have some form of walkway that allows a person to traverse through the critical dunes to gain access to the waterfront.

### 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.

A review of 2003 – 2017, ZBA cases yielded two variances for an elevated walkway, one of which was the applicants in 2015.

### SAMPLE MOTIONS

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

**Motion to approve** a dimensional variance from Section 21.02 to allow a 5-foot wide elevated walkway at 12905 Wilderness Trail, which will allow the applicant to gain access to the waterfront. This will result in a Side Yard 1 and Side Yard 2 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 has not been affirmatively met, the following motion can be offered:

**Motion to deny** the dimensional variance from Section 21.02 to allow a 5-foot wide elevated walkway at 12905 Wilderness Trail. 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 John T Job / Mary Ellen Mika  
 Phone 616 340-9012 / 616 292-9189 Fax \_\_\_\_\_  
 Address 2530 Hampshire Blvd, Grand Rapids, MI 49506  
 Email Address john.job@comcast.net / MMIKA@steelcase.com

Owner Information (If different from applicant/appellant)

Name Same as above  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Address \_\_\_\_\_  
 Email Address \_\_\_\_\_

Property Information (Include a survey or scaled drawing)

Address 12905 Wilderness Trail, Grand Haven, MI 49417  
 Parcel No. 70-07-08-400-032 Current Zoning R-1  
 Lot Width see survey feet Lot Depth see survey feet  
 Parcel Size see survey acres Parcel Size see survey sq. ft.  
 Lot Type Typical Lot very odd shape 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) Chapter 8 Section 8.04 (15.0804)
3. Relating to 50fe set back from front & 15 to 20fe from side yards
4. Structure/Land Use (After Variance) Walkway / stairwell to beach will be built in
5. Overall Building Size (After Variance) 5fe x 420fe long total length
6. Setbacks from lot lines (After Variance):
  - a. Front Yard 50 feet 15fe corridor only
  - b. Rear Yard 50 feet
  - c. Side Yard #1 15 to 20 feet 15fe corridor
  - d. Side Yard #2 150 feet 15fe corridor

**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):

N/A

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

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

see attached description

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

N/A

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.

John P. [Signature] / Mary [Signature] 9/7/2017  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Zoning Administrator Date

**For Office Use Only**

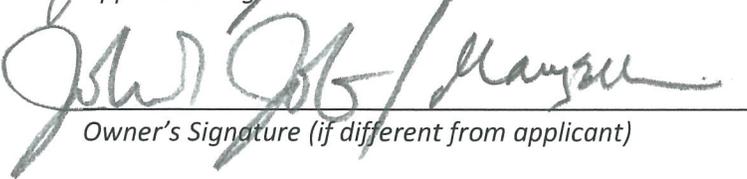
Date Received \_\_\_\_\_

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 9/7/2017  
Date

  
Owner's Signature (if different from applicant) 9/17/2017  
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.

To: Grand Haven Charter Township Construction Board of Appeals

From: John T. Job and Mary Ellen Mika

Re: Walkway to Beach Construction at 12905 Wilderness Trail, Grand Haven, MI 49417

As shown on the attached survey, this lot includes a 15 ft. wide "beach access" section of land that extends from the northwest corner of the lot to the beach at Lake Michigan. Unfortunately, this strip of land is crossed by a 10 ft. deep drainage ditch and has a steep final hill so it is unusable without a walkway to allow much easier access. The value of the lot is substantially affected by whether the 15 ft. wide section can be used. Otherwise, the lot is just a wooded lot with no direct beach access. The Wilderness Neighborhood does have a shared beach for home owners whose lots are not directly at the water, but it is near the south end of the neighborhood association, 1/3 mile from our lot.

The Grand Haven Township's Building Code normally requires a 50 ft. setback on the front yard (west towards beach in this case). The side yard set backs are 15 ft. and 20 ft. We are asking for the 50 ft. setback to be waved and the side yard set backs to be reduced to 5 ft.. This will allow us to build a 5 ft. wide walkway/stairs in the middle of the 15 ft. wide strip of land as shown in the site drawing (with set back lines shown in red). The total length of this walkway/stairs will be 420 ft. and it will end within 200 ft. of the high water mark at Lake Michigan.

Thank you for your consideration





GRAND HAVEN CHARTER TOWNSHIP

## Community Development Memo

DATE: October 20, 2017  
TO: Planning Commission  
FROM: Stacey Fedewa, Community Development Director  
RE: Appointment of a New Chairperson

### BACKGROUND

The former Chairperson, Susan Robertson, resigned on June 27, 2017. As such, the ZBA needs to appoint a new Chairperson.

The current appointments are:

- Vice Chair – Michael Voss
- Secretary – Jim Loftis

### SAMPLE MOTION

Due to Robertson's departure it is necessary for the ZBA to appoint a new Chairperson. A sample motion has been provided below:

**Motion** to nominate, and appoint, (name) as the ZBA Chairperson.

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