AGENDA

Grand Haven Charter Township Zoning Board of Appeals
Tuesday, July 24, 2018 – 7:00 pm

I. Call To Order

II. Roll Call

III. Approval of the June 26, 2018 ZBA Meeting Minutes

IV. New Business
   A. ZBA Variance Application No. 18-06 – Urbytes

V. Reports

VI. Extended Public Comments (Limited To Four (4) Minutes Please).

VII. Adjournment
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 Voss.

II. ROLL CALL
Board of Appeals members present: Voss, Behm, Loftis, and Rycenga (Alternate)
Board of Appeals members absent: Slater and Hesselsweet
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 22, 2018 meeting were approved.

IV. NEW BUSINESS
A. ZBA Case #18-04 – Dimensional Variance – Gaasch

Party Requesting Variance: Joy Gaasch
Applicant Address: 15195 Lakeshore Drive
Parcel Number: 70-03-32-226-006
Subject Location: 15195 Lakeshore Drive

Joy Gaasch is seeking a dimensional variance to construct a 16’ x 18’ accessory
building in rear yard, and is unable to meet required setbacks. Requesting a variance
to allow a 5-foot side and rear yard setback, and a 20-foot setback from the
dwelling. Section 20.03.1.K.2 requires a 10-foot side and rear yard setback, and a
25-foot setback from the dwelling. Due to the sewage disposal systems on the
property, the applicant is unable to meet the required setbacks.

Fedewa provided an overview of the application through a memorandum dated June 20th.

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

- Attempted to connect to City of Grand Haven sanitary sewer in the past, but it was
  financially unfeasible to accomplish.
• Had new sewage disposal system installed in 2006. However, Ottawa County Environmental Health Department (OCEHD) did not allow part of the old system to be removed for various reasons; one of which, is to use as an overflow area.

• Existing shed bases are wood and cement. The wood base has been badly damaged by rodents and has reached the end of its useful life.

• OCEHD was not able to identify the precise location of the old sewage disposal system. As such, the applicant’s son has probed the rear yard and has roughly identified where it is located.

• Noted she is unable to move the proposed shed closer to the dwelling because it would encroach into the required isolation distance for the new sewage disposal system.

The Board discussed the four standards and noted the following:

• Inquired if other options were considered.
  o Fedewa explained that many different scenarios were reviewed and discussed prior to the submittal of the ZBA variance application. Unfortunately, there were no viable alternatives than what is being requested in the variance.

• Removing existing sheds and locating the new shed in the same place.

• Good screening present with existing tree coverage, plus the privacy fence provides an additional layer of screening.

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

• Property is encumbered by an existing sewage disposal system that has required isolation distances. Furthermore, a former sewage disposal system was not allowed to be removed by the OCEHD, which also restricts the available buildable areas.

• Layout of built environment on the lot is not conducive to a rear yard that allows for accessory structures to be installed.

  Ayes: Voss, Behm, Loftis, Rycenga
  Nays: None

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

• Parcel of this size is entitled to one accessory building up to 600 sqft and a second shed up to 120 sqft. Applicant is proposing a 288 sqft building.

  Ayes: Voss, Behm, Loftis, 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 has been received.

Two existing sheds are being removed and replaced with a shed of similar total floor area, which should not have a negative impact on adjacent properties.

Substantial screening in place with the existing privacy fence and tree coverage.

Unafflicted property owners are able to achieve their property right of constructing accessory buildings.

Ayes: Voss, Behm, Loftis, 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:

- Between the layout of the lot and the existing sewage disposal system, it is difficult, if not impossible, to meet the accessory building setback requirements. Which is not the case for the majority of properties within the Township.

Ayes: Voss, Behm, Loftis, Rycenga
Nays: None

**Motion** by Behm, supported by Loftis, to approve a dimensional variance from Section 20.03.1.K.2 for a 16’ x 18’ accessory building at 15195 Lakeshore Drive that will result in a Rear Yard setback of 5-feet, Side Yard setback of 5-feet, and a 20-foot setback from the dwelling. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met. Which motion carried unanimously, as indicated by the following roll call vote:

Ayes: Voss, Behm, Loftis, Rycenga
Nays: None
Absent: Slater, Hesselsweet

**B. ZBA Case #18-05 – Dimensional Variance – Kobel**

<table>
<thead>
<tr>
<th>Party Requesting Variance:</th>
<th>Paul and Suzanne Kobel</th>
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</thead>
<tbody>
<tr>
<td>Applicant Representative:</td>
<td>Denny Dryer, Dryer Architectural Group</td>
</tr>
<tr>
<td>Parcel Number:</td>
<td>70-07-21-102-012</td>
</tr>
<tr>
<td>Subject Location:</td>
<td>11837 Garnsey Avenue</td>
</tr>
</tbody>
</table>

Paul and Suzanne Kobel, along with their representative, architect Denny Dryer, are seeking a dimensional variance to keep an existing 828 sqft accessory building in its current location in the rear yard and construct a new residential dwelling on
the same footprint of the existing dwelling. Requesting a variance to allow the existing accessory building to maintain a 6-foot setback from the dwelling, and a 4’-3” side yard setback. Section 20.03.1.K.2 requires a 15-foot setback from the side lot line and 25-foot setback from the dwelling. Due to this situation the accessory building is unable to meet the required setbacks when the new dwelling is constructed.

Fedewa provided an overview of the application through a memorandum dated June 22nd.

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

- Dryer explained the Kobel’s initially planned on expanding the existing dwelling on the second story. However, upon further inspection it was discovered the foundation is in very poor condition. Found an approximate 6-inch floor height difference in the foundation.

- Believes this dwelling is the original “Garnsey House.”

- Kobel grew up in Grand Haven and looks forward to moving back to the area from Los Angeles, CA. Noted his father owned a home on Lake Michigan, which fell into the Lake during the mid-1980s when the water levels were too high. For this reason, he is very leery of moving the dwelling any closer to the waterfront. Hence, the desire to rebuild on the same footprint.

- Design of sewage disposal system was finalized and submitted to the Ottawa County Environmental Health Department today. Once the permit is issued, it will be forwarded to the DEQ, which is the last remaining document the agency needs before processing the amended DEQ permit application.

The Board discussed the four standards and noted the following:

- Inquired if the existing attached garage could be expanded and replace the accessory building.
  
  - Applicant noted it is possible, but not desired. Further, without removing the existing accessory building it would not be able to meet the required setbacks.
  
  - Fedewa noted, the property owner is entitled to two accessory buildings with a combined floor area of 960 sqft. The applicant is requesting a dimensional variance for setbacks, and it is not within the ZBA’s purview to require the accessory building be removed. Rather, if the variance request is denied, the applicant will need to make a determination on how best to proceed.

- Inquired if a variance would be necessary if only part of the dwelling was razed and rebuilt.
  
  - Fedewa explained that is a very subjective topic, and one that arises frequently. It is reviewed on a case-by-case basis. In this particular case, when the applicant
identified the deficiencies in the foundation it became necessary to raze the entire dwelling and rebuild on a new, sturdy, foundation.

- Inquired why the applicant does not want to rebuild the house in a compliant location.
  - Fedewa explained the sewage disposal system encumbers all of the southern side yard, which prohibits the dwelling from relocating closer to the south lot line. Further, the property is currently subject to High Risk Erosion Area provisions through the DEQ, and if the dwelling moved further west closer to Lake Michigan it will begin encroaching into Critical Dune Areas. Also, based on the applicant’s personal experience with his father’s home, he does not want to move the dwelling closer to the shoreline.

- Best practices for sensitive landscapes is not to disturb additional land.

- Reviewed the correspondence from a neighbor requesting the ZBA enforce the subdivisions restrictive covenants and mandate the accessory building be removed.
  - Fedewa explained the Township cannot use public funds to enforce private deed restrictions.

- Inquired if precedence was being created from this case.
  - Fedewa explained no—it’s merely affirming the property right to have accessory buildings.

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

- Property is subject to High Risk Erosion Area requirements through the DEQ. Another portion of the property is subject to Critical Dune Areas.
- Required sewage disposal system encumbers the southern side yard.
- Rebuilding dwelling on existing footprint and not increasing any nonconformities.

**Ayes:** Voss, Behm, Loftis, Rycenga  
**Nays:** None

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

- The R-1 zoning district allows a single-family dwelling as a use permitted by right. Dwelling is proposed to be rebuilt on existing footprint, which would continue to comply with R-1 setbacks.
- Size of the property entitles the owner to install two accessory buildings with a combined floor area of 960 sqft.
- The accessory building is an existing structure.

**Ayes:** Voss, Behm, Loftis, 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:

- Two items of correspondence have been received—one that objects, and the other lending support.
- Accessory building is an existing structure and the dwelling is proposed to be rebuilt on the existing footprint, which does not increase the existing nonconformities.

Ayes: Voss, Behm, Loftis, 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:

- Property is subject to the High Risk Erosion Area requirements, and if the dwelling was moved to a location that complied with the accessory building setbacks it would disturb other sensitive landscapes and then could be subject to Critical Dune Areas as well.
- Obtaining a compliant setback between the dwelling and accessory building would still not alleviate the side yard setback encroachment along the north property line.
- The nuances of this case based on the various decision-making methods make it unique.

Ayes: Voss, Behm, Loftis, Rycenga
Nays: None

**Motion** by Loftis, supported by Behm, to *conditionally approve* a dimensional variance from Section 20.03.1.K.2 to allow an existing 828 sqft accessory building remain in place at 11837 Garnsey Drive. This will result in a 6-foot setback from the dwelling and a 4'-3” setback from the side lot line. Approval of this variance is conditioned upon the applicant providing an amended DEQ permit that allows the dwelling to be reconstructed on the same footprint. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met. **Which motion carried unanimously**, as indicated by the following roll call vote:

Ayes: Voss, Behm, Loftis, Rycenga
Nays: None
Absent: Slater, Hesselsweet
C. 2017 ZBA Report

Fedewa provided an overview of the report in a memorandum dated June 21st.

Loftis noted that he had attended additional training sessions than those identified on the report. Fedewa indicated she would review the records again and update the report as needed.

Fedewa reiterated that any training, or continuing education, that is done on behalf of each members profession is eligible to be included in the ZBA report. Rycenga will provide information on his continuing education classes as he attends, including the Township’s Builders Forum.

V. REPORTS

➢ Next Zoning Ordinance Update Committee meeting is June 28th at 6pm.

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Stacey Fedewa
Acting Recording Secretary
Community Development Memo

DATE: July 19, 2018

TO: Zoning Board of Appeals

FROM: Cassandra Hoisington, Assistant Zoning Administrator
Stacey Fedewa, AICP – Community Development Director

RE: 18326 Holcomb Rd – Dimensional Variance Application No. 18-06

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PARCEL INFORMATION

<table>
<thead>
<tr>
<th>Owner</th>
<th>Mitchell &amp; Susan Urbytes</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>Jeff Swierenga, ReNew Construction</td>
</tr>
<tr>
<td>Property Address</td>
<td>18326 Holcomb Rd</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>70-03-32-132-022</td>
</tr>
<tr>
<td>Lot Size</td>
<td>7,200 sqft (or 0.165-acres)</td>
</tr>
<tr>
<td>Lot Type</td>
<td>Legal Lot of Record</td>
</tr>
<tr>
<td></td>
<td>Exceptionally Small &amp; Narrow</td>
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<td></td>
<td>Critical Dunes</td>
</tr>
<tr>
<td>Zoning</td>
<td>R-1 Single Family Residential</td>
</tr>
<tr>
<td>Required Setbacks</td>
<td>Front – 50 feet</td>
</tr>
<tr>
<td></td>
<td>Rear – 50 feet</td>
</tr>
<tr>
<td></td>
<td>Side – 10’ min, 23’ combined</td>
</tr>
<tr>
<td>Requested Setbacks</td>
<td>Side 1 – 3-feet variance</td>
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</table>
Recall the Urbytes’s dimensional variance application that was approved by the ZBA on February 27, 2018. The work detailed in the application has since commenced and the owners now desire to revise the approved site plan.

The approved plans included a staircase located on the north deck, the owners are now requesting to change the location of the stairs to the south deck. The relocated staircase would result in a 3-foot side yard setback. It should be noted the applicant also own the 5’ wide parcel directly south of the property, which could alleviate the impact of the stairs to neighboring properties.

Section 21.01.16 of the Ordinance allows for a reduced side yard setback for legally nonconforming lots in the R-1 district. A lot of this width is afforded a minimum setback of 10’ with a total combined setback of 23’. Even with the reduced setbacks, this exceptionally narrow lot is unable to meet the minimum standards. The requested setback for the staircase is consistent with the dimensional variance issued for the south deck.

Another important piece of information is the new proposal will reduce the overall impact. The approved site plan had a staircase projecting 11-feet from the deck, and the revised application only has the stairs projecting 2’-3” from the deck. Thus, the overall impact to adjacent properties is reduced because less bulk is being constructed near the side lot lines.
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 within the Critical Dune Area, and has an exceptionally small lot area (7,200 sqft where 15,000 sqft is required; or 48% smaller in area). The ZBA will need to determine whether 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 majority of homes along Lake Michigan have a series of decks that provide views. Due to the narrowness of the lot, any and all decks would encroach into the required side yard. The proposed revision would remain consistent with the setback for the deck, and actually reduce the amount of bulk being added near the side lot line by 8’-9”. The ZBA will need to make a determination whether 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 July 19th). The ZBA will need to make the determination whether 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 extreme narrowness of the lot makes general compliance with the zoning ordinance impractical. The ZBA will need to make the determination whether this standard is met.

**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 revise the dimensional variance permit P18ZBA0001 that was authorized by the ZBA on 2/27/2018. Requesting to relocate staircase to south deck (*instead of approved location on north deck*). The relocated staircase would result in a 3-foot setback that remains consistent with the dimensional variance issued for the south deck. 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 revise the dimensional variance permit P18ZBA0001 that was authorized by the ZBA on 2/27/2018. Denial of this variance is based upon this Board’s findings that all four standards have not been affirmatively met.

Please contact me if this raises questions.
GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Request for Variance or Appeal</td>
<td>$125</td>
</tr>
<tr>
<td>Special Meeting</td>
<td>$250</td>
</tr>
<tr>
<td>Request for Interpretation</td>
<td>No Charge</td>
</tr>
</tbody>
</table>

Applicant/Appellant Information

Name: Jeff Swieringa, ReNew Construction LLC
Phone: 616-510-0956
Address: 13861 Autumn Ave, Grand Haven, MI 49417
Email Address: jeff@renewify.net

Owner Information (If different from applicant/appellant)

Name: URBYTES MITCHELL G-SUSAN M
Phone: 616-566-4048
Address: 1378 Spinnaker Ct., Holland, MI 49424
Email Address: urbytes@gmail.com

Property Information (Include a survey or scaled drawing)

Address: 18326 Holcomb Rd.
Parcel No.: 70-03-32-132-022
Lot Width: 45 feet
Parcel Size: .1787 acres
Lot Type: Typical Lot

Current Zoning: R-1
Lot Depth: 160 feet
Parcel Size: 9965 sq. ft.

Interior Lot

General Information (Check one)

✓ Application for Variance
( ) Request for Interpretation
( ) Notice of Appeal

VARIANCE REQUESTED (If applicable)

1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards
2. Variance Requested From the Requirements of Section Number(s) 21.02
3. Relating to property line setbacks for proposed deck stair (Shown with revision Clouds on plans)
4. Structure/Land Use (After Variance)
5. Overall Building Size (After Variance)
6. Setbacks from lot lines (After Variance):
   a. Front Yard: unchanged feet
   b. Rear Yard: 85 feet
   c. Side Yard #1: 7.75 feet
   d. Side Yard #2: 3 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.

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Last Revised 12/31/2015
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.

________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________

GROUNDs 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.

\[Signature\]

\[Signature\]

\[Signature\]

\[Signature\]

Date

Date

Date

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

7/5/2018
Date

Owner's Signature (if different from applicant)

7/5/2018
Date

18326 Holcomb Rd. Grand Haven, MI 49417
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

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Last Revised 12/31/2015
RE: Request for Setback Variance for 18326 Holcomb Rd.

July 5th, 2018

Dear Zoning Board Members:

My clients, Mitchell and Susan Urbytes, own the home at 18326 Holcomb Rd. in the R-1 Residential District. This property abuts Lake Michigan on the West side of the property.

In February, we received a variance from this board to proceed with construction of two decks on the cottage. In addition to other exterior renovations on the cottage, these two decks which were approved in February have now been constructed with the exception of the lakeside deck stair which hasn't yet been built. The reason we are now back asking for an additional variance is because of the rising lake levels. While my clients understand that the water levels are variable and often cyclical, the original deck stair location that we had proposed off the North West corner of the lake side deck now seems unnecessarily close to the bluff. My clients would like to move the stair to the south east corner of the deck which moves it about 6’ east and further away from the bluff and potential future erosion concerns. We are requesting an additional variance because the zoning ordinance for this district code requires larger setbacks than we have available on this lot because of its exceptionally small lot size. The DEQ has already given us the approval to move the stair location but it has been brought to our attention that a variance from the township ZBA is necessary because we would now be changing the approved plan from February. Based on the 4 zoning standards detailed in Section 26.05, we have outlined below our reasons for this variance application:

1. This lot is exceptionally narrow. The survey shows a 45’ width at the front but in actuality, the lot is only 42’ wide if measured perpendicularly between the north and south lot lines. The existing home is already 31.5 feet wide and we would simply like to move the deck stairs on the west side of the home to the South
West corner of the deck without any further encroachments on the side lot lines. Furthermore, the topography at this south west location is much more suitable for the stairs as it is higher and will require fewer steps. It’s also further back from the edge of the bluff which should help protect the deck from future erosion events if the lake level continues to rise.

2. The variance is requested to allow the homeowners to fully enjoy their property rights on this lake front home while providing egress from the lakeside deck. Moving the rear deck stair to this new location will allow the owners to enjoy the views that they invested in when they purchased this property.

3. As noted above, we do not want to encroach on the side property lines any more than the current house and deck already do. By simply adding the deck stair to the South West side of the home, we would not be blocking any site lines or creating any other negative effects on the adjacent properties. On the contrary, the new proposed location would actually improve peripheral views for the adjacent properties as it would move the deck stairs 6’ further east so they wouldn’t project as far out as previously drawn.

4. This lakefront property is somewhat unique in the narrowness of the lot based on today’s standards. However, it is evident that similarly sized lots and homes along this stretch of Lake Michigan shoreline have been granted variances in the past for very similar reasons. A deck facing the lake is one of the most basic and yet most important components in lakefront living, even on very narrow lots.

We would like to begin construction soon and hope the Zoning Board can consider this request at its earliest possible date. Thank you for your consideration of this matter.

Respectfully,

Jeff Swieringa