

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
WEDNESDAY, MAY 29, 2019

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 Slater.

II. ROLL CALL

Board of Appeals members present: Slater, Loftis, and Hesselsweet  
Board of Appeals members absent: Voss, Behm, and Rycenga (alternate)

Also present: Assistant Zoning Administrator Hoisington, and 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 July 24, 2018 ZBA Meeting were approved.

IV. NEW BUSINESS

1. ZBA Case #19-01 – Dimensional Variance – Rust

Party Requesting Variance:	Dale and Mary Jo Rust
Applicant Representative:	Curt Hall, LandTechwmi LLC
Address:	1939 Koehling Rd, Northbrook, IL 60052
Parcel Number:	70-03-32-331-017
Location:	18165 Shore Acres Road

Dale and Mary Joe Rust, represented by Curt Hall, are seeking a variance to construct a series of retaining walls and decks that would violate Sections 21.02, 20.22.1, and 20.22.2 of the Zoning Ordinance.

Hoisington provided an overview of the application through a memorandum dated May 24<sup>th</sup>.

Representative Hall summarized the full scope of work for the project, which is significantly more than what is being requested in the dimensional variance. Goal is to stabilize the aging house and make it safer. Permit from EGLE is ready to be issued after the engineering drawings are sealed, and submitted.

The Board discussed the application and noted the following:

- Inquired why the variance application was submitted prior to obtaining the EGLE permit.

- Site plan is difficult to read. Need to remove non-variance items, so the Township can review the application.

**Motion** by Hesselsweet, supported by Loftis to **table** the dimensional variance application for 18165 Shore Acres Road until the June 25<sup>th</sup> meeting, or when the applicant has addressed the items below:

1. Site plan for all variance components only—remove the other items within the scope of work that do not pertain to the variance application.
2. Height information for each retaining wall, including profiles.
3. Issued EGLE permits
4. Direct staff to contact the Township Attorney to determine what is required or necessary to address the western deck on the adjacent parcel.

**Which motion carried unanimously**, as indicated by the following roll call vote:

Ayes: Slater, Hesselsweet, Loftis

Nays: None

Absent: Voss, Behm

## 2. ZBA Case #19-02 – Interpretation – Griffeth

Party Requesting Interpretation:	Paul and Michelle Griffeth
Applicant Representative:	Dennis Dryer, Dryer Architectural Group
Address:	18301 Hillside Drive
Parcel Number:	70-03-32-177-015
Location:	18301 Hillside Drive

Paul and Michelle Griffeth, represented by Denny Dryer, are seeking an interpretation of the definition of a Story as found in Section 2.20 of the Zoning Ordinance. The Griffeth’s desire to build an additional story on the dwelling, but was denied by the Zoning Administrator because the proposal exceeded the 2½ story allowance.

Fedewa provided an overview of the application through a memorandum dated May 24<sup>th</sup>.

Representative Dryer offered the following:

- Describes the Township’s definition as the most explicit he has witnessed in his years as an architect. It is too complex and needs to be simplified.
- Per the definition, a story is the area between the surface of the floor (i.e., the walking surface) above the average grade and the surface of the next floor. This floor aka walking surface is 6-¾” below average grade.
- Believes the house has two basements. Very large and sturdy concrete foundation for the two lowest levels, and you only use that strong of a foundation for basements—so those two levels must be basements.

- Understands that zoning should not create “odd ducks,” but without building another story the Griffeth house looks so much smaller compared to the neighbors.

Applicant, Paul Griffeth, offered the following:

- From the road, house only appears to be one story, which looks out of place compared to the adjacent properties.
- Before purchasing the house it was in disrepair and used as a rental.
- Has trouble fitting all of his family into the house during the summer.

The Board discussed the application and noted the following:

- Reviewed applicable definitions of Story, Basement, Ground Floor, Maximum Height, and Average Grade.
- Confirmed that Average Grade measures the conditions of today, and not decades ago.
- Issue at hand is interpreting the definition of a Story, and not height.
- Agree that the definition of Story should be improved to remove the potential conflict of *floor* being interpreted as a “walking surface” instead of the “volume” of a livable space.

**Without objection**, the Zoning Board of Appeals affirms the Zoning Administrators findings outlined in the April 4, 2019 email to the applicant and representative, and the staff memo dated May 24, 2019. Further, staff is directed to improve the relevant definitions with the Planning Commission.

### 3. ZBA Case #19-03 – Dimensional Variance – Griffeth

Party Requesting Interpretation:	Paul and Michelle Griffeth
Applicant Representative:	Dennis Dryer, Dryer Architectural Group
Address:	18301 Hillside Drive
Parcel Number:	70-03-32-177-015
Location:	18301 Hillside Drive

Paul and Michelle Griffeth, represented by Denny Dryer, are seeking to construct an additional story to the dwelling. This would result in a building height of 3 stories where only 2½ stories is permissible. This is in violation of Section 15.08 of the Zoning Ordinance.

Hoisington provided an overview of the application through a memorandum dated May 24<sup>th</sup>.

Representative Dryer offered the following:

- Summarized the same positions noted in Case #19-02.
- Constructing a half story is not feasible because it cannot be more than 50% of the floor area in the story below. Would still have to tear off the whole roof, and found it would be just as expensive as building the full 3<sup>rd</sup> story.

- Although over 2½ stories, the overall height is proposed at 29 feet, which is less than the 35 feet maximum.

The Board discussed the four standards and noted the following:

- Reviewed the ordinance language for a practical difficulty and hardship.

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

- Exceptionally small lot.
- Exceptional changes in topography.
- Located within the Critical Dune Areas.

Ayes: Slater, Loftis, Hesselsweet

Nays: None

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

- Allowing a larger house will make it more consistent with the neighbors.
- Adjacent homes appear much taller than the applicants.

Ayes: Slater, Loftis, Hesselsweet

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:

- The Board noted that no opposition was received from adjacent parcels.

Ayes: Slater, Loftis, Hesselsweet

Nays: None

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

- Case is unique, and does not present a concern that the situation will reoccur and make reasonable the formulation of a general regulation.

Ayes: Slater, Loftis, Hesselsweet

Nays: None

**Motion** by Hesselsweet, supported by Loftis, to **conditionally approve** a dimensional variance from Section 21.02 to construct an additional 772 sqft story to remain within the existing footprint of the house at 18301 Hillside Drive that will result in a building height of 3 stories. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met. Approval is conditioned upon the applicant providing an EGLE permit or a Letter of No Authority prior to a building permit being issued. **Which motion carried unanimously**, as indicated by the following roll call vote:

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

4. ZBA Case #19-04 – Dimensional Variance – Martin

Party Requesting Variance: John and Holly Martin, and Elsie Sillman  
Parcel Number: 70-03-26-380-008  
Location: 15297 Vintage Avenue

John and Holly Martin are seeking a variance to construct a three-seasons room that would result in a rear yard setback violation of Section 21.02 of the Zoning Ordinance.

Hoisington provided an overview of the application through a memorandum dated May 24<sup>th</sup>.

Applicants John and Holly Martin offered the following:

- Were unaware of the setback issues when initial project began.
- Proposing a raised three-seasons room, where it essentially sits on a deck. Requesting the room be equal to the size of the existing deck.
- Septic system location has been problematic for other projects considered in the past.
- Primary reason for room is to have shelter from mosquitos. Two of their grandchildren are allergic to mosquito bites. Further, does not believe in using poison to eliminate mosquitos.
- Willing to trade remaining accessory building allowance in exchange for the variance.
- If unable to build three-season room, likely to use accessory building allowance to construct a large “she shed.”
- The whole neighborhood has the same size lot and house, so this issue is impacting many residents.
- Received several letters of support.

The Board discussed the application and noted the following:

- Inquired if spraying poison to kill mosquitos had been considered.
- Reviewed information compiled by the applicant, and extrapolated by Hoisington—vicinity of Vintage Avenue to Kevin Street has a handful of structures with non-conforming setbacks.
- Directed staff to contact the Township Attorney and inquire if trading the accessory building allowance in exchange for the variance could be utilized to meet Standard 1.
- Based on information at hand there is a conflict between Standards 1 and 4.

**Motion** by Slater, supported by Loftis, to **table** the dimensional variance application for 15297 Vintage Avenue, until the June 25<sup>th</sup> meeting, or when the applicant and staff have addressed the items below:

1. Applicant:
  - (a) Provide a revised site plan with three-season room only.
  - (b) Consider other exceptional or extraordinary conditions that may be unique to the subject property.
2. Staff:
  - (a) Contact Township Attorney and inquire if a *quid pro quo* is acceptable for meeting Standard 1.
  - (b) Request Planning Commission review the neighborhood and R-2 requirements.

**Which motion carried unanimously**, as indicated by the following roll call vote:

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

E. Housekeeping

**Without objection**, existing officers are reappointed to their current positions:

- Chair Voss
- Vice Slater
- Secretary Loftis

**Without objection**, the 2019 Meeting Date Schedule is approved as presented.

- V. REPORTS – None
- VI. EXTENDED PUBLIC COMMENTS – None
- VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 9:03 p.m.

Respectfully submitted,



**Stacey Fedewa, AICP**  
Acting Recording Secretary