I. Call to Order

II. Roll Call

III. Approval of the June 22, 2021 ZBA Meeting Minutes

IV. New Business
   A. ZBA Variance Application No. 21-04 – Creason – Garage

V. Reports

VI. Extended Public Comments & Questions (Limited to 4 minutes)

VII. Adjournment
MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 22, 2021

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, Behm, Hesselsweet
Board of Appeals members absent: Voss, Egedy-Bader (alternate)

Also present: Community Development Director Fedewa

Without objection, Fedewa was instructed to record the minutes for the meeting.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES
Without objection, the minutes of the March 9, 2021 ZBA Meeting were approved.

V. NEW BUSINESS

A. ZBA Variance Application No. 21-03 – Huddas – Replace Retaining Walls

Party Requesting Variance: Richard Huddas
Address: 14939 Mercury Drive
Parcel Number: 70-07-01-130-011
Location: 14939 Mercury Drive

The applicant is requesting to replace a series of retaining wall systems in the front yard. Will not exceed existing footprint. Height and setback violations of Section 14.13 of the Zoning Ordinance.

Fedewa provided an overview through a memorandum dated June 18th.

Applicant Huddas was present to provide information.

The Board discussed the application and noted the following:

Standard No. 1 – Exceptional or extraordinary circumstances:
• Narrow lot
• Elevation change of nearly 20-feet.
• Walls are existing and over 50-years old.
Ayes: Slater, Behm, Loftis, Hesselsweet  
Nays: None  
Abstained: None

**Standard No. 2** – Substantial property right:  
- Existing walls in need of replacement.  
- Topography changes.  
- Adjacent homes have a similar need for retaining walls due to topography.  
- Necessary to maintain a usable front yard.  
- Protect the property from the negative of impacts of potential future flooding.

Ayes: Slater, Behm, Loftis, Hesselsweet  
Nays: None  
Abstained: None

**Standard No. 3** – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:  
- Abutting neighbor has submitted correspondence expressing they have no problems with the application.  
- Existing walls are in disrepair and need to be replaced.  
- Replacing the existing walls within the same footprint is the safest approach.

Ayes: Slater, Behm, Loftis, Hesselsweet  
Nays: None  
Abstained: None

**Standard No. 4** – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:  
- The combination of a narrow lot and elevation change, along with maintaining the existing footprint and not creating additional encroachment is unique.

Ayes: Slater, Behm, Loftis, Hesselsweet  
Nays: None  
Abstained: None

**Motion** by Behm, supported by Hesselsweet, to **approve** a dimensional variance from Section 14.13 to rebuild three existing retaining wall systems within the same footprint at 14939 Mercury Drive. Resulting in the following setbacks:  
1. Terraced System A – 12’ overall series height; 8’ front yard setback; 0’ side yard setback (southeast lot line);  
2. Terraced System B – 10’ side yard setback; and

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: Slater, Behm, Loftis, Hesselsweet
Nays: None
Abstained: None

VI. REPORTS – None

VII. EXTENDED PUBLIC COMMENTS – None

VIII. ADJOURNMENT

*Without objection*, the meeting was adjourned at 7:19pm.

Respectfully submitted,

[Signature]

Stacey Fedewa
Acting Recording Secretary
Community Development Memo

DATE: September 24, 2021
TO: Zoning Board of Appeals
FROM: Stacey Fedewa, AICP – Community Development Director
RE: 14931 160th Avenue – Dimensional Variance Application No. 21-04

**PARCEL INFORMATION**

<table>
<thead>
<tr>
<th><strong>Owner</strong></th>
<th>Sally Creason</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Representative</strong></td>
<td>Kennard Creason <em>(father)</em></td>
</tr>
<tr>
<td><strong>Property Address</strong></td>
<td>14931 160th Ave</td>
</tr>
<tr>
<td><strong>Parcel Number</strong></td>
<td>70-03-34-280-015</td>
</tr>
<tr>
<td><strong>Lot Size</strong></td>
<td>15,000 sqft <em>(or 0.34-acres)</em></td>
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<tr>
<td><strong>Elevation</strong></td>
<td>Flat Land</td>
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<tr>
<td><strong>Lot Type</strong></td>
<td>Legal Lot of Record</td>
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<tr>
<td><strong>Zoning</strong></td>
<td>R-2 Single Family Residential</td>
</tr>
<tr>
<td><strong>Required Setbacks</strong></td>
<td>Front – 50 feet, Rear – 50 feet, Side – 10 feet min, Garage to Dwelling – 10 feet</td>
</tr>
<tr>
<td><strong>Requested Setbacks</strong></td>
<td>Side – 7 feet, Garage to Dwelling – 6 feet</td>
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</tbody>
</table>
The applicant is requesting to build 384 sqft garage (16’ x 24’) on an existing pad. The property does not have a garage today but did have one prior to 2014. It appears it was demolished by a previous owner without a permit. The current owner purchased the property in February 2018.

As you may recall, the Township ZBA has set a precedence that properties are entitled to a garage. The vast majority of surrounding properties also have garages—a mix of attached and detached.

The applicant has explained the existing deck and mature tree are generating the variance request. The request is for a reduced side yard setback of 7-feet between the lot line and new garage, as well as 6-feet between the new garage and attached deck.

**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 previously had a garage in the same location. There is a mature maple tree they want to preserve. An existing attached deck narrows the buildable 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 ZBA has determined garages are a substantial property right. Majority of surrounding properties have garages—attached and detached. 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 September 24th). The property contained a garage as recently as 2014 in the same location being proposed. 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.

Garages are a substantial property right, but each case is unique so a general regulation in the zoning ordinance is not practical. 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 Sections 2.08 and 10.1.C.10 to build a 16′ x 24′ detached garage at 14931 160th Avenue that will result in a side yard setback of 7-feet and a separation of 6-feet between the garage and attached 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 Sections 2.08 and 10.1.C.10 to build a detached garage at 14931 160th Avenue. Denial of this variance is based upon this Board’s findings that all four standards **have not been affirmatively met**.

If the ZBA determines that more information is needed to make an affirmative finding, the following motion can be offered:

**Motion** to **table** the dimensional variance application for 14931 160th Avenue, and direct the applicant and/or staff to address the following:

1. *List items here...*

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

ZONING BOARD OF APPEALS APPLICATION

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Fee</th>
<th>Escrow*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance or Appeal</td>
<td>$250</td>
<td>$300</td>
</tr>
<tr>
<td>603 Exemption</td>
<td>$250</td>
<td>$300</td>
</tr>
<tr>
<td>Special Meeting</td>
<td>$425</td>
<td>n/a</td>
</tr>
<tr>
<td>Interpretation</td>
<td>$125</td>
<td>n/a</td>
</tr>
</tbody>
</table>

*To cover cost of legal and consulting fees, may be increased as necessary

The full zoning ordinance can be found at www.ght.org/zoning.

Applicant/Appellant Information

Name: KEVIN CLEASON
Phone: 616 502 3547
Address: 2106 JANE CT. REASON BEHAVN
Email Address: KEVIN CLEASON @ICLOUD.COM

Owner Information (If different from applicant/appellant)

Name: SALLY CLEASON
Phone: 616 402 6750
Address: 14931 160TH GRAND HAVEN
Email Address: SALLY CLEASON @ICLOUD.COM

Property Information (Include a survey or scaled drawing)

Address: 14931 160TH GRAND HAVEN
Parcel No.: 70-033-428 0015
Lot Width: 75
Parcel Size: 15,000

Current Zoning: 300
Lot Depth: 300
Parcel Size: 15,000

General Information (Check one)

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

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structures (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 REQUESTED (If applicable)

1. Attach a Narrative: Description of Request; Why it is needed; and Addresses each of the 4 Standards
2. Variance Requested From the Requirements of Section Number(s) __________________________
3. Relating to __________________________
4. Structure/Land Use (After Variance) __________________________
5. Overall Building Size (After Variance) __________________________
6. Setbacks from lot lines (After Variance):
   a. Front Yard ______ feet
   b. Rear Yard ______ feet
   c. Side Yard #1 ______ feet FROM HOUSE
   d. Side Yard #2 ______ feet FROM HOUSE

Last Revised 7/15/20
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.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Applicant’s Signature

Date

Owner’s Signature (if different from applicant)

Date

Property Address

For Office Use Only

Date Received

Fee Paid?

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

Last Revised 7/15/20
Narrative for Variance Request

We wish to replace a garage that had been removed prior to our buying this house at 14931 160th. The existing pad remains as identified on the sketch. The lot line stakes were placed by Lake Michigan Surveying. We wish to build a new 1 and a half car garage on a new pad. The dimensions are 16 ft by 24 ft, or 384 square feet, in the plan we like at this time. The problem is the corner of the existing back deck on the house. We cannot meet the 10 ft. setback from the principal residence requirement if we have to do a 10 ft setback from the side lot line, and we cannot move the planned garage back more than a few feet without endangering a very nice large maple tree. (see photos)

We are requesting a variance to allow the garage to be built on the old existing pad line which is 7 feet from the side lot line, and for the North corner of the garage to be built at what would then be approximately 6 feet from the corner of the deck, where we would place a gate as a part of a privacy fence.

Thank you for your consideration,

Kennard Creason, for Sally Creason
August 30, 2021
Sent from my iPhone
*VARIA CE REQUESTED TO MOVE NEW GARAGE TO 7 FT. FROM S. DE LOT LINE AND THEN N. CORNER WOULD BE 6 FT FROM CORNER OF HOUSE BACK DECK.*
1 CAR GARAGE

384 sq. ft.

Elevation & Floorplan

(\images\galleries\Garage\1_Car_Garage-page-0.jpg)
KENSTING PAD 7' FROM PROP LINE
21' 6" DEEP
16' WIDE
22' TO BACK YARD FENCE