I. Call to Order

II. Roll Call

III. Approval of the October 26, 2021 ZBA Meeting Minutes

IV. New Business
   A. ZBA Variance Application No. 22-01 – Westra – Dimensional Variance
   B. ZBA Variance Application No. 22-02 – Hesselsweet – Dimensional Variance
   C. Housekeeping
      a. Appointment of Officers
      b. Approve 2022 Meeting Date Schedule

V. Reports

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

VII. Adjournment
MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 26, 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 Chair Voss.

II. ROLL CALL
Board of Appeals members present: Voss, Slater, Loftis, Behm, Hesselsweet, Egedy-Bader (alternate)
Board of Appeals members absent: None

Also present: Associate Planner Hoisington

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the September 28, 2021 ZBA Meeting were approved.

IV. NEW BUSINESS
A. ZBA Variance Application No. 22-01 – Westra – Retaining Walls

Applicant: Kennard Creason
Property Owner: Sally Creason
Address: 2106 Jane Court, Grand Haven
Parcel Number: 70-03-34-280-015
Location: 14931 160th Avenue

The applicant is requesting to construct a 16’ x 24’ detached garage in the side and rear yards. This would result in a side yard setback of 7-feet where 10-feet is required, and a 6-foot setback from the attached deck when 10-feet is required. The proposed encroachments violate Sections 2.08 and 10.1.C.10 of the Zoning Ordinance.

Hoisington provided an overview through a memorandum dated September 24th.

The applicant, Mr. Creason, was present to provide information.
- Variance request is needed due to house location and preserving an existing maple tree.
- Property previously had a garage at the proposed location.

The Board discussed the application and noted the following:
• Shared concerns over granting a variance based on the perceived condition of the maple tree.
  o Applicant was open to consulting with an arborist to determine health of the maple tree.
• Inquired about location of septic tank and impact on buildable area.

**Motion** by Slater, supported by Hesselsweet, to **table** the dimensional variance application for 14931 160th Avenue, and direct the applicant to address the following:

1. Have the existing maple tree reviewed by an arborist to determine the health of the tree.
2. Provide information on the septic tank location.

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

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

V. REPORTS – None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Cassandra Hoisington
Acting Recording Secretary
Community Development Memo

DATE: March 31, 2022

TO: Zoning Board of Appeals

FROM: Cassandra Hoisington – Associate Planner

RE: 17318 Timber Dunes Drive – Dimensional Variance Application No. 22-01

---

**PARCEL INFORMATION**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Gregory Westra</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>17318 Timber Dunes Drive</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>70-07-16-346-007</td>
</tr>
<tr>
<td>Lot Size</td>
<td>~20,000 sqft (or 0.46-acres)</td>
</tr>
<tr>
<td>Elevation</td>
<td>Topography change of ~12’</td>
</tr>
<tr>
<td>Lot Type</td>
<td>Typical Lot</td>
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<tr>
<td>Zoning</td>
<td>R-1 Single Family Residential</td>
</tr>
<tr>
<td>Required Setbacks for Retaining Walls Exceeding 4’ in Height</td>
<td>Rear – 50 feet</td>
</tr>
<tr>
<td></td>
<td>Side – 15 feet</td>
</tr>
<tr>
<td>Requested Setbacks for Retaining Walls Exceeding 4’ in Height</td>
<td>Rear – 2-feet</td>
</tr>
<tr>
<td></td>
<td>Side – 2-feet</td>
</tr>
</tbody>
</table>

---

**REASON FOR ZBA APPLICATION**

The house was built in 1971 and was constructed under different zoning regulations. The location of the house is legally non-conforming as it has a rear yard setback of approximately 26.24-feet where 50-feet is required. The western side yard setback for the house is also not compliant at 13.5-feet where 15-feet is required. Additionally, the current layout of the property exceeds the allowed 40% impervious surface coverage.
There are topography changes of 12±-feet onsite, with about 7-feet of the change occurring in the southwestern edge of the property, where it abuts the American Dunes Golf Course.

The applicant purchased the property in 1991, at which time the pool and house were already constructed. In 2006 the applicant applied for a variance for a reduced side yard for a garage addition, which was tabled by the ZBA with the direction to provide plans showing an alternate addition would not work for the site, the application was later withdrawn by the applicant. More recently in 2020, a building permit application for a house addition on the rear of the building was submitted, but withdrawn after the nonconforming setbacks and lot coverage were explained.

The applicant is now requesting to construct a new retaining wall system included as part of an outdoor renovation project. The existing deck and pool barrier fence are aging and in need of repair. Rather than replace the deck, the applicant would prefer to use retaining walls to provide better support for the pool and plans to install a patio made of pervious pavers in place of a new deck. When the deck is removed it will result in a reduction of the impervious surface coverage, meaning any new structure or patio will need to conform with the Zoning Ordinance standards.

Because of the location of the house, it is not possible to place a retaining wall with a compliant rear yard setback. However, it does appear possible to have a compliant side yard setback, even if that would not be the preference of the applicant. Recall, the ZBA is authorized to grant a lesser variance than what is requested if the Board members are in agreement as to what is acceptable.
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 property is a typical lot. There are elevation changes on the property of about 12±-feet. 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.

Property owners are entitled to build retaining walls. The proposed retaining walls would provide a level surface to support the existing pool and allow the applicant to replace the aging pool barrier. 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.

One letter of opposition was received for this application (as of March 31st) and is included in the meeting packet. 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.

There are many houses in the Township that are legally non-conforming in location. The topographic changes and legally non-conforming location of the house create the need for the retaining wall. 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 14.13.C to build a retaining wall system at 17318 Timber Dunes Drive. Resulting in the following setbacks:

1. West retaining wall – side yard setback of 2-feet; and
2. South retaining wall – rear yard setback of 2-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 14.13.C to build a retaining wall system at 17318 Timber Dunes Drive. 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 17318 Timber Dunes Drive, 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>
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</thead>
<tbody>
<tr>
<td>Variance or Appeal</td>
<td>$250</td>
<td>$300</td>
</tr>
<tr>
<td>603 Exemption</td>
<td>$250</td>
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<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>
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</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: Gregory Westra
Phone: (616) 847-1098
Address: 17318 Timber Dune Drive
Email Address: gregorydavidwestra@gmail.com

Owner Information (If different from applicant/appellant)
Name
Phone
Address
Email Address

Property Information (Include a survey or scaled drawing)
Address: 17318 Timber Dune Drive
Parcel No.: 70-07-16-346-007
Lot Width: 110 FT (South) - 110.27 (North)
Parcel Size: 19758 SQ. FT.

Current Zoning: Residential
Lot Depth: 175.94 (West) - 183.29 (East)
Parcel Size: 0.46 Acre

General Information (Check one)
(✓) 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) 14.13 C.3
3. Relating to 50 FT setback requirement for placement of retaining wall greater than 4 FT in height
4. Structure/Land Use (After Variance): 401 - Residential, Improved
5. Overall Building Size (After Variance): Unchanged
6. Setbacks from lot lines (After Variance):
   a. Front Yard 66.9 feet
   b. Rear Yard 2 feet
   c. Side Yard #1 2 feet
   d. Side Yard #2 2.5 feet

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.

[Signature]
Applicant’s Signature

[Date]

[Signature]
Owner’s Signature (if different from applicant)

[Date]

17318 Timber Dune Drive

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
GRAND HAVEN TOWNSHIP
13300 168TH AVENUE
Grand Haven, MI 49417
(616) 842-5988
(616) 842-9419

WESTRA GREGORY
17318 TIMBER DUNE DR
GRAND HAVEN MI 49417

Invoice Date: 02/24/2022

TOTAL AMOUNT DUE
$ 550.00

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<td>P22ZBA0001</td>
<td>17318 TIMBER DUNE DR</td>
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Fee Details:

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<td>APPLICATION FEE (VARIANCE)</td>
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<td>2/24/2022 3:27:47 PM</td>
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<td>ESCROW (VARIANCE)</td>
<td>$ 300.00</td>
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Total Amount Due: $ 550.00
Purpose of zoning variance request:

To waive the 50 foot setback requirements for placement of a retaining wall greater than four feet in height. This variance will permit a two foot setback from the south property line and a two foot setback from the west property line for purposes of addressing elevation changes unique to the property topography. Retention walls will raise grade allowing for a pervious paver patio and three foot wide planting beds be placed inside new fence line adjacent to the in ground pool.

General Regulations - Chapter 14.13 C.3 Retaining Wall Setbacks

Four Dimensional Variance Standards:

A.1

a) Unique slopping topography of south-west corner of property necessitates need for retention wall. Elevation change from 637 to 628 (based on Nederveld Survey performed on 02/09/2022).

b) Need to update the aging pool barrier and elevated wood deck originally built on the southern lot line. New paver patio and planting beds will serve to reduce impervious surfaces on the property.

c) The house is built in a non-conforming location (far rear of property) and the proposed retaining walls will provide the swimming pool with necessary ground support.

d) Southern property line backs onto a heavily wooded, vacant corner section of the American Dunes Golf Course.

A.2

Many neighbors have similar patios and fencing surrounding their in ground pools. This improvement would be on pare with similar retaining walls in the neighborhood.

A.3

Neighbors sharing west lot line (Michael and Rosemary Mandrick) have been included in the planning process and are in full support of the proposed retaining wall.

A.4

This variance being sought is not of so general or recurrent a nature as to make reasonably practical the formation of a general regulation for such condition or situation.
Drainage Management Plans:

1. The two existing floor drains along south side of home will remain and be tied into the new drainage system within retaining wall.

2. All drainage will be exit south/west corner of retraining wall where topography slopes into heavily wooded, vacant land.

3. Three foot wide planting beds along south and west sides of pervious paver patio inside the retaining walls and fence will provide additional drainage.

Survey:

Full parcel survey with elevations performed by Nederveld on February 9, 2022 in preparation of this zoning variance request. Stakes were placed at all corners and along west lot line.

Materials List:

1. Wall Block: Diamond Pro Beveled Face - 8" x 18" x 12"
2. Wall Cap: Pro Cap - 3" x 18"
3. Geogrid
4. Drain Tile
5. Crushed Stone
6. Sand Fill
7. Pavers: Belgard - Porcelain Verona Platinum (Pervious)
8. Aluminum Fence - 55" Tall, between 4' x 4' brick columns
9. Aluminum Gates - (1) 3' Gate, (2) 4' Gate
Existing Deck & Fence:

Image 1: South property line

Image 2: Southwest corner of property
Image 3: Existing elevated wood deck and fence wrapping around pool

Image 4: Proposed paver patio and fence
Image 5: Proposed paver patio and retaining walls

Image 6: Proposed retaining wall placement on lot
Image 7: Proposed setback of 2 feet on the west and south lot lines

Image 8: Proposed planting beds and fencing supported by retaining wall
An examination of the National Flood Insurance Program's Flood Insurance Rate Map for Community Number 260270, 1) Flood Zone Classification:
Architects, engineers and contractors are choosing the Diamond Pro® retaining wall system to create flexible, cost-effective solutions for a broad range of large commercial, municipal and residential retaining wall projects. For contours that shape new environments and colors that blend with the surroundings, the natural choice is Diamond Pro blocks.

Aesthetically, the natural rock texture and earth-tone colors blend easily into any environment. Diamond Pro products can be used with geosynthetic reinforcement for tall-wall applications.

- One square foot of wall face per block
- Can be used to build gravity walls up to 4 feet high, including buried course, but excluding the cap*
- Original rear-lip locator
- Taller walls can be built with geosynthetic reinforcement or the Anchorplex™ retaining wall system when designed by a qualified engineer
- ICC evaluated

Straight Face
- Minimum outside radius, measured on the top course to the front of the units: 4 feet

Beveled Face
- Minimum outside radius, measured on the top course to the front of the units: 2 feet
- Minimum inside radius, measured on the base course to the front of the units: 4 feet

*This height assumes cores are filled with drainage aggregate, level backfill and clean, compacted sand or gravel and no surcharge.
**PRODUCT INFORMATION**

Diamond Pro®
RETAINING WALL SYSTEM

See anchorwall.com for installation instructions.

<table>
<thead>
<tr>
<th>Stretcher Units</th>
<th>Straight Face</th>
<th>Beveled Face</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximate Dimensions*</td>
<td>8&quot; x 18&quot; x 12&quot;</td>
<td>8&quot; x 18&quot; x 12&quot;</td>
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<tr>
<td>Approximate Weight*</td>
<td>74 lbs.</td>
<td>72 lbs.</td>
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<tr>
<td>Coverage</td>
<td>1.00 sq. ft.</td>
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<tr>
<td>Setback/System Batter</td>
<td>1&quot;/7.1°</td>
<td>1&quot;/7.1°</td>
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<table>
<thead>
<tr>
<th>Accessory Units</th>
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<th>Corner</th>
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</thead>
<tbody>
<tr>
<td>Approximate Dimensions*</td>
<td>Front, 4&quot; x 17½&quot; x 10½&quot;</td>
<td>8&quot; x 18&quot; x 9&quot;</td>
</tr>
<tr>
<td>Back, 4&quot; x 12&quot; x 10½&quot;</td>
<td>8&quot; x 18&quot; x 9&quot;</td>
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<tr>
<td>Approximate Weight*</td>
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<td>101 lbs.</td>
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<tr>
<td>Coverage</td>
<td>1.22 lin. ft.</td>
<td>1.50 sq. ft.</td>
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</table>

*Product dimensions are height by face length by depth. Actual dimensions and weights may vary from these approximate values due to variations in manufacturing processes. Specifications may change without notice. See your Anchor representative for details, color options, block dimensions and additional information.

© 2011 Anchor Wall Systems, Inc. The Diamond Pro® wall system is manufactured under license from Anchor Wall Systems, Inc. (AWS). The “Anchor A” and “Anchor Build Something Beautiful” logos, “Anchorplex” and “Diamond Pro” are trademarks of AWS. The wall system blocks are covered by the AWS Limited Warranty. For a complete copy, visit your local dealer or see anchorwall.com.

Anchor Wall Systems, Inc., 5959 Baker Road, Suite 390,Minnetonka, MN 55345.
The Verona™ line emulates a variety of natural stones to create distinctive outdoor living designs. Each available color was fashioned to closely mimic the specific natural qualities of a different quarried stone.

*All colors and/or products may not be available in all areas. Please inquire for availability and special order options.

**COLORS**

- Blue Stone
- Platinum
- Sagi
- Yeron

**APPLICATIONS**

- Driveways
- Patios
- Pool Decks
- Walkways

**PRICING**

- $$$

**SPECS**

- Square
  - 23.54 x 23.54 x 3/4
March 24th, 2022

Rory Thibault, Associate Planner
Grand Haven Charter Township
13300 168th Avenue
Grand Haven
MI 49417

Mr Thibault

This letter is in response to the Public Notice received earlier this week regarding the proposed dimensional variance application for parcel 70-07-16-346-007.

The requested setbacks are a significant deviation from the current zoning ordinance. The purposes of setbacks are generally understood, and serve a purpose to a greater or lesser degree. Presuming that the retaining wall is intended to offset some unfavorable terrain, the need is understood. We are in support of some form of variance to provide accommodation to the home-owner’s needs – perhaps to 10-feet in the side yard area and 25-feet in the rear yard.

The requested variance is not supported, resulting as it would in 13% of the required side yard setback and only 4% of the required rear yard setback remaining.

Sincerely

Robert J and Debra K Mann
12218 Lakeshore Drive
Grand Haven
MI 49417
Community Development Memo

DATE: March 31, 2022
TO: Zoning Board of Appeals
FROM: Cassandra Hoisington, Associate Planner
RE: Parcel #70-07-05-203-020 – Dimensional Variance Application No. 22-02

<table>
<thead>
<tr>
<th>Owner</th>
<th>Brock Hesselsweet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>0 Cricklewood Road</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>70-07-05-203-020</td>
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<tr>
<td>Zoning</td>
<td>R-1 Single Family Residential</td>
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<tr>
<td>Lot Size</td>
<td>23,622 sqft (<em>or 0.54 acres</em>)</td>
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<tr>
<td>Lot Type</td>
<td>Critical Dunes, Typical Lot</td>
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<tr>
<td>Elevation</td>
<td>~ 60 foot elevation change</td>
</tr>
<tr>
<td><strong>Required Setbacks for a Principal Dwelling</strong></td>
<td></td>
</tr>
<tr>
<td>Front – 50-feet</td>
<td>Rear – 50-feet</td>
</tr>
<tr>
<td>Rear – 50-feet</td>
<td>Side – 15-feet</td>
</tr>
<tr>
<td>Side – 15-feet</td>
<td>Requested Setbacks for Retaining Walls or a Series of Walls Exceeding 4’ in Height</td>
</tr>
<tr>
<td>Side Yard – 5-feet</td>
<td>Front – 18-feet, 23 feet</td>
</tr>
<tr>
<td><strong>Requested Setbacks for a Principal Dwelling</strong></td>
<td>Side – 5-feet</td>
</tr>
<tr>
<td><strong>Maximum Height for a Retaining Wall</strong></td>
<td>8-feet</td>
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<tr>
<td><strong>Requested Height for a Retaining Wall</strong></td>
<td>9-feet</td>
</tr>
<tr>
<td><strong>Required Setbacks for Stairs in a Required Front Yard</strong></td>
<td>35-feet, (30% extension into the Required Front Yard)</td>
</tr>
<tr>
<td><strong>Requested Setbacks for Stairs in a Required Front Yard</strong></td>
<td>27-feet (46% extension into the Required Front Yard)</td>
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</table>
BACKGROUND

The applicant is requesting to build a new home on a vacant lot abutting his primary residence. The applicant previously requested a variance for this property in 2015, but at that time had not gone through the permit process with EGLE. The ZBA directed the applicant to seek approval from EGLE prior to a variance being approved and the applicant chose to withdraw the application.

This property is on Cricklewood Road and located in the Critical Dune Area. Because Cricklewood Road is a private road the applicant sought approval by the Township Board in 2017 for an exception to the Private Road Ordinance to allow another dwelling to be built. This exception was approved by the Township Board pursuant to the following findings:

1. *That the strict application of the literal terms of this ordinance would impose an undue hardship.*
2. *That emergency vehicles can adequately access the property.*
3. *That the residential unit to be constructed can meet the requirements of all other applicable state and township regulations.*
4. *That the Dowerk v. Township of Oxford Court of Appeals case indicates that the Township must allow an existing lot of record to be built upon if the Township believes that lot can be accessed for emergency purposes.*
5. *It is noted that this exception does not relieve the property owner from meeting all other environmental, building and zoning requirements that may arise during the course of the home construction.*

The applicant applied for an EGLE approval for the current building plans, and an EGLE permit was issued in January 2022.

CURRENT PROPOSAL

The current proposal is for a two-story home over a basement garage. The proposed floor plan provides 1,160 sqft of living space on the main floor, which meets the minimum floor area requirement of 1,100 sqft. Retaining walls are proposed to provide support for the house and driveway. Entryway stairs will be constructed for access to the main floor.

The lot has significant topography changes and is in the Critical Dune area, therefore EGLE has limited the buildable area to the northwestern corner as shown in the image below.
The placement of the proposed home is in accordance with the 2022 EGLE approved plans. The house is able to meet the front yard and rear yard setback requirements, but not the side yard setback to the north. As a result of the proposed location, the variance request pertains to multiple sections of the Zoning Ordinance as listed below:

- The proposed building placement would result in a side yard setback of 5-feet where 15-feet is required.
- A 9-foot tall retaining wall would result in the same 5-feet side yard setback where 15-feet is required and a front yard setback of 27-feet where 50-feet is required.
- A series of retaining walls (more than 4-feet, but not to exceed 8-feet in height) to provide support and allow for a level driveway that would result in a front yard setback of 23-feet where 50-feet is required.
- Entryway stairs would be constructed to connect the front door to the driveway which would extend into the required front yard 23-feet (46%), which is more than the allowable 15-feet (30%) and would result in a front yard setback of 27-feet where 35-feet is required.
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 significant topography changes (~60-feet). 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.
Property owners of residentially zoned properties are entitled to build a single-family dwelling on the property. The retaining walls are needed for support of the home and driveway and the stairs are required to access the home’s main floor. 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.

Eleven emails of opposition were received for this application (as of March 31st) and have been included in the meeting packet. 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 combination of the significant sloping and Critical Dune Area limit the area EGLE has deemed buildable. The requests for the location of the retaining walls and stairs are directly related to the support and access for the home. 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, 10.04.C.2, 14.13.C, and 14.13.C.3, to build a new single-family dwelling, entryway stairs, and retaining walls at Parcel No. 70-07-05-203-020. This will result in the following setbacks:

1. Principal Dwelling – Side Yard 1 - 5-feet setback; and
2. Retaining Wall–9-feet maximum height, 18-feet front yard setback, 5-feet side yard setback; and
3. Retaining Wall System – 23-feet front yard setback; and
4. Entryway Stairs - 27-feet front yard setback (46% extension into the required front yard)

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, 10.04.C.2, 14.13.C, and 14.13.C.3, to build a new single-family dwelling, entryway stairs, and retaining walls at Parcel No. 70-07-05-203-020. 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 Parcel No. 70-07-05-203-020, and direct the applicant and/or staff to provide the following information:

1. **List items.**

Please contact me if this raises questions.
# Grand Haven Township

**Address:** 13300 168th Avenue, Grand Haven, MI 49417  
**Phone:** (616) 842-5988, (616) 842-9419  

---

**HesselSweet Trust**  
14250 Cricklewood Rd  
Grand Haven MI 49417  

---

**Invoice Date:** 03/02/2022  
**Total Amount Due:** $550.00

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<th>Amount Due</th>
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**Total Amount Due:** $550.00
Project Information Sheet
(Please complete and return to Andrea)

Project Data

Project Name: Hesselsweet Variance

Engineer/Architect: N/A

Type of Project: ZBA Variance (Land division, PUD, Water, Wastewater, etc.)

Parcel #: 70-07-05-203-020

Manager: Thibault

Account number: 101-000-255.000

Escrow Information

Date Escrow Secured: 3/2/2022

Escrow Amount Required: $300

Project Owner: Brock Hesselsweet

Phone: 616-335-1906

Mailing Address: 14250 Cricklewood

City, State, Zip: Grand Haven, MI 49417
ZONING BOARD OF APPEALS APPLICATION

<table>
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<td>Interpretation</td>
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*To cover cost of legal and consulting fees, may be increased as necessary

Applicant/Appellant Information
Name: Brock Hesselsweet
Phone: 616-335-1906
Address: 14250 Cricklewood, Grand Haven, MI 49417
Email Address: bhesselsweet@gmail.com

Owner Information (If different from applicant/appellant)
Name
Phone
Address
Email Address

Property Information (Include a survey or scaled drawing)
Address: 0 Cricklewood, Grand Haven, MI 49417 (immediately north of 14250 Cricklewood)
Parcel No: 70-07-05-203-020
Lot Width: 100'
Lot Depth: 236.22'
Parcel Size: 0.5422865 acres
Current Zoning: R-1

General Information (Check one)
(✓) 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) 2.08, 14.13 C, 10.04 C (2)
3. Relating to 5' side yard setback, retaining walls 1 at 9', and stairs 46% into front yard setback
4. Structure/Land Use (After Variance) R-1 single family residence
5. Overall Building Size (After Variance) 1,160 sq. ft main floor, 2,908 sq. ft. total
6. Setbacks from lot lines (After Variance):
   a. Front Yard 50 feet
   b. Rear Yard 136 feet
   c. Side Yard #1 5 feet
   d. Side Yard #2 63 feet

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

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

3-2-24

Date

Owner’s Signature (if different from applicant)

Date

0 Cricklewood, Grand Haven, MI 49417 (immediately north of 14250 Cricklewood, Grand Haven, MI 49417) Gate Code #7777

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 7/15/10
NARRATIVE
REQUEST FOR VARIANCE
O Crinklewood, Grand Haven, MI 49417

This lot is a lot of record before the Private Road Ordinance existed. It is also very unusual in contour and buildable area as well as being in the Critical Dune which requires EGLE approval.

Let me address each of the four standards for a variance.

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

   This property has exceptional shape to the buildable area making the residence unusual in shape and placement.

   This property has very exceptional topography with a small triangular area for a residence and a steep 60' deep valley to the south.

   Due to the proximity of this property to Lake Michigan it is in Critical Dune and requires EGLE approval.

   EGLE has given us the location and shape of the residence with their approval.

2. Without this variance the substantial property rights similar to that possessed by other properties is not possible. The restriction put upon this property by EGLE requires variances to maintain property rights.

3. The authorization of this variance will not be a substantial detriment to adjacent property as the adjacent home is 40’ - 2” from the closest corner of the proposed residence and their deck is 45’ - 0” from the proposed residence.

4. The condition of this property is very unique and is not of so general a nature as to make reasonably practical the formulation of a general regulation for such conditions a part of this Ordinance.
MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT

Issued To:
Brock Hesselsweet
14250 Cricklewood Road
Grand Haven, MI 49417

Permit No: WRP032075 v.1
Submission No.: HP9-PB0J-PHA8G
Site Name: 70-’0’ Cricklewood Road-Grand Haven
Issued: January 6, 2022
Revised:  
Expires: January 6, 2027

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

☒ Part 353, Sand Dunes Protection and Management

EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan’s water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.

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

Authorized Activity:

Remove 18 trees; construct a new house on an 1160 square foot basement foundation, with a 72 square foot at-grade patio, and a 48 square foot elevated deck; construct a 16 foot wide, 1622 square foot driveway with two (2) retaining walls within the driveway footprint measuring 32 feet and 27 feet respectively; construct a 3 foot wide accessibility path separated from the driveway by 4 feet with two (2) retaining walls each measuring 24 feet, bordering the walkway; install a 480 square foot septic system; and 7 drywells all within a critical dune area. All work shall be completed in accordance with the attached plans and the terms and conditions of this permit.

Waterbody Affected: Lake Michigan
Property Location: Ottawa County, Grand Haven Township,
Town/Range/Section 07N/16W/05,
Property Tax No. 70-07-05-203-020
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, state, or 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 EGLE within one week after the completion of the activity authorized by this permit.

J. This permit shall not be assigned or transferred without the written approval of EGLE.

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, EGLE 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, EGLE 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, EGLE 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 EGLE. 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 EGLE prior to being implemented.

Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE 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 the above information may be provided to EGLE. EGLE 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/eglestormwater 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 EGLE, 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.

1. Notification shall be provided to EGLE by telephone 72 hours prior to commencing construction, vegetation removal, or grading activity. Contact: Bonnie Broadwater at broadwaterb@michigan.gov or (616) 591-8163.

2. All slopes steeper than one-on-three (33%) must not be disturbed. Impacting the dunes is not authorized outside of the permitted use including activities such as driving machinery on slopes steeper than one-on-three (33%), or storing (permanently or temporarily) machinery, soil, materials, equipment, or removed vegetation, on any slopes steeper than one-on-four (25%).
3. The construction of porches, decks, landscaping (with the exception of planting native dune vegetation), on-grade walkways, on-grade stairways, and retaining walls including the placement of boulders, are considered uses, and not permitted unless specified in the authorized activities of the permit and depicted on the approved plans.

4. All earth moving and contour changes must occur within 10 feet of the permitted use.

5. Vegetation changes are not authorized more than 10 feet outside of the permitted use. All disturbed areas shall be re-vegetated with native dune species and stabilized with temporary measures before or upon commencement of the permitted use, and maintained until permanent measures are in place. The removal and re-establishment of vegetation must be in accordance with the submitted vegetation assurance.

6. The tree pest, hemlock woolly adelgid (HWA), is known to infest hemlock and tiger-tail spruce trees in this county. The Michigan Department of Agriculture and Rural Development (MDARD) has issued a quarantine on the movement of all branches, boughs, any tree part bearing twigs and needles and uncomposted, chipped/shredded/ground parts that include twigs and needles. Issuance of this permit does not obviate the need to obtain approval to move hemlock and tiger-tail spruce parts off the project site prior to commencement of construction activity as stated in the quarantine effective on July 5, 2017 by authority of Public Act 72 of 1945, as amended. In Allegan and Ottawa counties contact MDARD Region 2 Supervisor Mike Hansen, hansenmg@michigan.gov or 269-429-0669.

7. Oak wilt, a non-native tree killing fungus, is known to infect oak trees in this county. Damage to the trees from construction, such as cut or broken branches, during the growing season may result in the tree becoming infected and dying shortly thereafter. If possible, do not cut or trim oak trees during the growing season, especially April 15 through July 15. Open cuts on damaged trees should be immediately painted with pruning sealer or tree paint. Contact the local Cooperative Invasive Species Management Area (CISMA) staff for more information, info@michiganinvasives.org or www.michiganinvasives.org.

8. The permitted use and development shall provide for disposal of storm water without serious soil erosion and without sedimentation to any waterbody or wetland.

9. Install temporary slope protection (such as plywood or plastic sheeting, for example) prior to the start of the project. The slope protection shall be placed flush with the foundation footings along the entire south side of the project to prevent slope impacts, unintended vegetation removal, and dune stability issues caused by excavation and access during construction. Silt fence is not an acceptable temporary slope protection measure. The slope protection shall remain in place during construction and shall be removed once the project has been completed and stabilized.

10. The transport of building materials/excavated sand and access to and from the site shall be via the permitted driveway. A separate temporary driveway or access road is not permitted for construction activities.

11. Excess excavated clean sand must be deposited in a critical dune area on the beach above the ordinary high water mark (OHWM) of 580.5 feet IGLD85, or on-site in areas with slopes less than one-on-three (33%) which do not contain woody vegetation or as noted on the site plan. Machinery is not permitted to be driven down the lakeward facing bluff, on slopes steeper than one-on-three (33%) or in the water of the lake for the purpose of depositing the excess sand. Sand shall not be left in piles. Where mature trees are present, sand shall not be placed greater than 2 inches deep. Where shrubs are present, sand shall not be placed greater 3 inches deep. In areas of open sand or dune grass, sand shall not be placed greater than 18 inches deep.

12. All excess woody debris, concrete, building materials, or other types of soil must be deposited off site, outside of the critical dune area.

13. If it is not feasible to dispose of excess excavated sand or soil on-site, then it must be deposited off-site, outside of a floodplain, lake, river, stream, or wetland, and stabilized with temporary measures until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.

14. Stairway(s)/walkway(s) must be constructed elevated above grade, on a hand dug post foundation, a maximum of five (5) feet in width and shall not have a roof or walls.
15. Underground utility lines must be placed in areas with slopes less than one-on-four (25%) or the lines must be installed using the directional bore method or by hand digging. If the directional bore method is used, the bore pits must be located in areas with slopes less than one-on-four (25%). The disturbed areas must be stabilized and repaired with temporary measures before or upon commencement of the permitted use and shall be maintained until permanent measures are in place. Trenching areas with slopes steeper than one-on-four (25%) is not permitted.

Issued By: 
Bonnie Broadwater
Grand Rapids District Office
Water Resources Division
616-591-8163

THIS PERMIT MUST BE SIGNED BY THE PERMITTEE TO BE VALID.

I hereby assure that I have read, am familiar with, and agree to adhere to the terms and conditions of this permit.

_________________________   ___________________________
Permittee Signature              Date

cc:     Grand Haven Township Clerk
        Ottawa County Water Resources Commissioner
        Ottawa County CEA
        Dave Pollock, Agent
THE PURPOSE OF THIS DRAWING IS TO ILLUSTRATE DESIGN INTENT ONLY. THIS DOCUMENT IS A PROGRESS PRINT FOR REVIEW, AND SHOULD NOT BE CONSTRUED TO ILLUSTRATE COMPLETENESS OF THE FINAL SCOPE OF WORK FOR THIS PROJECT.

PROPOSED ACTIVITY | AREA | UNITS
---|---|---
Building - Residential New | 1160 | SF
Driveway - Concrete | 1008 | SF
Driveway - Pavers | 614 | SF
Accessible Pathway - Concrete | 241 | SF
Accessible Pathway - Pavers | 80 | SF
Concrete Patio | 72 | SF
Deck/Balcony | 48 | SF
Septic System | 480 | SF
Well | 5 | SF
Drywells | 7 | SF
Retaining Walls | 107 | LF

LEGAL DESCRIPTION

THE PRESENT FENCED IN LOT IS SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. A minimum setback of 25 feet from the front property line and 15 feet from the side property lines shall be maintained.
2. No portion of the structure or driveway shall extend beyond the setback lines.
3. All structures and driveways shall be constructed to a maximum height of 10 feet.

THE DRAWING SHOWS THE PROPOSED PLACEMENT OF STRUCTURES AND IMPROVEMENTS ON THE LOT.

NOTES:

1. The proposed activities shown in the drawing are for review and planning purposes only.
2. All dimensions are approximate and should be verified.
3. The proposed activities should be reviewed by the appropriate authorities before commencement.

Scale 1" = 100'

Issued On: 01/06/2022
Expires On: 01/06/2027

EGLE APPROVAL
Spec House
Cricklewood Road, Grand Haven, Michigan
EGLE-WRD
WRP032075 v1.0
Approved

DATE: 11-17-21
SHEET NO.: C1.1
DESIGNED BY: B. HESSELSWEET
CAD OPERATOR: C.D.
CHECKED BY: B. HESSELSWEET

14250 CRICKLEWOOD STREET
GRAND HAVEN, MICHIGAN 49417
BROCK HESSELSWEET A.I.A.
PHONE 616-335-1906

EGLE APPROVAL
Spec House
Cricklewood Road, Grand Haven, Michigan
EGLE-WRD
WRP032075 v1.0
Approved
Issued On: 01/06/2022
Expires On: 01/06/2027
The purpose of this drawing is to illustrate design intent only. This document is a progress print for review, and should not be construed to illustrate completeness of the final scope of work for this project. Not for construction.
THE PURPOSE OF THIS DRAWING IS TO ILLUSTRATE DESIGN INTENT ONLY. THIS DOCUMENT IS A PROGRESS PRINT FOR REVIEW, AND SHOULD NOT BE CONSTRUED TO ILLUSTRATE COMPLETENESS OF THE FINAL SCOPE OF WORK FOR THIS PROJECT.

NOT FOR CONSTRUCTION

Spec House
Cricklewood Road, Grand Haven, Michigan
THE PURPOSE OF THIS DRAWING IS TO ILLUSTRATE DESIGN INTENT ONLY. THIS DOCUMENT IS A PROGRESS PRINT FOR REVIEW, AND SHOULD NOT BE CONSTRUED TO ILLUSTRATE COMPLETENESS OF THE FINAL SCOPE OF WORK FOR THIS PROJECT.

NOT FOR CONSTRUCTION
Dear Mr. Thibault:

We regret that we cannot attend the meeting in person as we are out of state. Please find our letter opposed to the variance attached.

Sincerely,

Tom and Barb Jackoboice
14267 & 14279 Terry Trl
Via email: rthibault@ght.org

March 30, 2022
Rory Thibault
Senior Planner
Grand Haven Charter Township
13300 168th Avenue
Grand Haven, MI 49417

Re: Hesselsweet Dimensional Property Variance Application Parcel 70-07-05-203-020

Dear Mr. Thibault:

We oppose the request as it does not conform with the aesthetics and vision of the Terry Trails neighborhood which is now almost 100% developed. The proposed home will unnecessarily intrude on the home at 14276 Cricklewood and be too close to the road. The proximity to the road will be further exacerbated should Cricklewood be widened.

Hopefully, the home could be located at another place on the lot that would not require a variance and receive the appropriate permits.

Sincerely,

Barbara A Jackoboice

Thomas J Jackoboice

Barbara and Thomas Jackoboice, Trustees
Jackoboice Trusts
14267 & 14279 Terry Trails
Good Evening Mr. Thibault,

Please see attached for our written comments requesting you to DENY the variance application for vacant lot located at Parcel No. 70-07-05-203-020.

Unfortunately with the short notice and “special” timing for this public hearing falling during GHAPS spring break (where our two children along with several other families in the neighborhood attend) our travel plans that could not be rescheduled on such notice. When asked whether this hearing could be held during the regular timing, I was denied that request.

I trust that our written statement outlining our concerns will be taken into consideration and hold the same value as if we could be there to share in person.

If there is any opportunity to keep this meeting on the regular timing (as it states on the website 4th Tuesday of each month), we would make every effort to attend.

Please reach out with any questions.
Thank you for your time and consideration.

Respectfully,
Jeremy & Mandy Johnson
14276 Cricklewood Rd
jermandy@me.com
612-321-1512 (Jeremy) 612-805-2778 (Mandy)
Request for Variances from Brock Hesselsweet - Parcel # 70-07-05-203-020

Dear Rory Thibault,

It is with great displeasure that I respond to this variance application. Specifically, the timing of this special meeting is unfortunate, as it is scheduled during GHAPS spring break, and will prevent myself and my family from appearing in person. It also prevents a significant number of neighbors from attending the hearing as well, all of whom take issue with this variance would appear at the hearing if they were not out of town for spring break. Some have indicated that they will submit letters in opposition. We were denied the request to reschedule the meeting, so instead, you will have to rely upon the written word and the photos I will share and I trust this will receive the same attention and consideration as if we were in the room.

We vehemently oppose these variances, and in particular the extreme requests compared with the zoning setbacks (e.g., 15-feet side yard setback vs. 5 feet requested, and 18-feet front-yard setback where 35-feet is required). My opposition can be described in four primary reasons: 1) the aesthetic impact to my property and to our Terry Trails community; 2) the significant financial impact it will cause to our property value; 3) the open questions around the exact location of the property line by which Mr. Hesselsweet has developed his plans, and; 4) the legal precedent based on case law set in this very neighborhood approximately 13 years ago, which the Grand Haven Township Zoning Board of Appeals (ZBA) is required to consider.

1. The aesthetic impact to my property

As background, our property, 14276 Cricklewood Rd, sits adjacent to the vacant property in question. Our home and side yard is a few feet away from where this spec home would be build. Our neighborhood is called Terry Trails, a gated community which is set back in the woods of Grand Haven, bordering both Lake Michigan on the West and Rosy Mound natural area on the South. There are 28 homes in our community association. I would describe our neighborhood as peaceful and quiet - with homes set back from the road and the community designed to keep homes largely hidden from other neighbors and from our streets. In the summer especially, the foliage and trees block views from my neighbors homes entirely. Not only does this setback create a sense of privacy but creates safety for the many pedestrians in the neighborhood who enjoy walking on the road to access the beach. Our neighbors are friendly and our community is strong. We moved into our home with our two young sons on October 1, 2020. But the home is one of the oldest in the Terry Trails neighborhood, and was built in 1974.

The piece of vacant property to which these variance requests relate sits between our home and the home and additional property of the Hesslesweet's. Mr. Hesslesweet created this lot in 2016 when he increased the size of what was a non-buildable lot (this lot was 76 feet wide until he recently added an additional 24 feet to it in an effort to make it into a buildable lot). The property is largely a ravine. The ravine begins at the edge of my property, and continues down into a lower-elevation area.
There is a large flat area at this lower elevation which likely would allow Mr. Hesslesweet to build a home that fits within the Township ordinances and the community aesthetic without dimensional variances. If more area is required to build on the lower elevation, he could add additional property from the lot he owns to the south (closer to his home).

We can understand the desire to sell the plans to build this spec home at the higher-elevation portion of this property. However, there is not enough space to legally build the proposed home on the higher-elevation as it is significantly restricted by Michigan’s Environment, Great Lakes, and Energy (EGLE). More importantly, the three-level home would be mere feet from our patio, deck, and the large picture windows of our living room.

Our family and my neighbors gather in our front yard quite often. Cricklewood Road receives the majority of the pedestrian traffic as it is access points for wooded trails and beaches for the neighborhood. Having a home and stairways closer to the road in violation of the zoning ordinance Sections 14.13.C and 14.13.C.3 will negatively impact the safety of pedestrians, many of whom are children.

We enjoy the sound of Lake Michigan in the background, the chirping of the birds, and the feeling that we are in nature - the neighborhood was designed with a remote aesthetic in mind. This remoteness is why we bought the home – the fact that we don’t need to have blinds on our windows because nature does the job. We paid a premium for that. Violating Section 2.08 of the Zoning Ordinance as well as Sections 14.13.C and 14.13.C.3 will impact our quality of life, and as I will describe next, will impact the premium that we paid to buy our house.

2. The financial impact to my property value

It is without question that a home in the Terry Trails neighborhood this close to its neighbors will have an impact on the value of our property. One of the primary reasons we bought this property was the privacy in nature, and the distance from other homes.

Mr. Hesslesweet, an architect, has spent the past 10 years or so developing plans for a home on the property to try and solve the problem of maximizing value on this unbuildable lot. He desires to sell the property, alongside a set of plans for a home he is trying to get approved by EGLE, and with variances approved by the Township - which he believes will allow him to sell at the highest value possible.

Approving these variances would be a substantial benefit to Mr. Hesslesweet’s financial position, but at the significant detriment of our financial position. The closest corner of this proposed home would be spitting distance from our house. We know this because Mr. Hesslesweet has hammered wooden stakes into the land showing where the home would be built. Some of the stakes are on our property. Please consider the pictures and see how close this home would be to our house. You will understand how the approval of these variances would significantly impact our property value. (See pictures at the end of this memo).
We ask you simply, are you prepared to approve these variances to satisfy the financial gain of the property owner at the substantial financial detriment of the other property owner? If Mr. Hesslesweet’s spec home existed when we purchased our home, we would not have paid anywhere close to the amount we did. We likely would not have purchased the home. A putative purchase when/if we sell our house should be expected to pay at least $100,000 less for the loss of privacy.

We also believe that Mr. Hesslesweet has hammered the stakes into the ground as a way to intimidate us into buying the property. His intimidation has actually worked, and we have offered to buy the property from Mr. Hesslesweet because of our fear that Mr. Hesslesweet will go to great lengths to build on this property. Mr. Hesslesweet has said that he is considering our offer - and we believe is waiting for the outcome of these variance requests to maximize his financial gain.

Mr. Hesslesweet has a really good offer in hand for the property, and still has yet to rescind his request for variance. The proof that there will be financial impact to our property value is shown by the fact that we are willing to purchase a non-buildable lot to avoid the financial implications that would come along with a home being squeezed into an area that is non-compliant with the Township zoning regulations.

3. The open questions about the exact location of the property line

Mr. Hesslesweet has not hired a professional engineering firm to survey or mark the property or site plan. The property boundary Mr. Hesslesweet has used to develop his plans is incorrect. Mr. Hesslesweet has admitted to using measurements from a deck on the south side of my home, which he claims historically ended a certain number of feet from the property line. However, a tree fell on the deck prior to moving here, and as a means to repair it, we reduced the size of the deck by approximately 5 linear feet. Based on this, Mr. Hesslesweet’s measurements are incorrect. The side yard setback that he is requesting is not 5 feet, but zero feet (i.e., he plans to build the spec home on the property boundary).

Notice for the “special meeting” on these variances was just received. We have not been able to hire a surveyor to come out and mark the actual property lines (nor has Mr. Hesslesweet done so). The variances, as requested, are extreme and impactful, and we believe that should be enough to deny the request. However, if the ZBA is to even consider approving such extreme variances, there needs to be a full survey of the property boundary to ensure that these variances requests are even accurate.

4. The legal responsibility of the ZBA

It is not lost on us that Mr. Hesslesweet’s relationship with, and former board position on, the ZBA represents a significant potential conflict of interest. You may be hesitant to think that Mr. Hesslesweet’s connections to this board and the Township have any bearing on this approval, however, history tells us that we should be concerned.
Approximately 15 years ago, Mr. Hesslesweet objected to this same ZBA granting a dimensional variance in this exact same neighborhood, based upon his position that the applicants in that case (Mike and Rebecca Risko) should not be granted a dimensional variance because it was possible for them to construct a home without a variance. In the Riskos’ ZBA case, the adjacent neighbors all supported the grant of the variance and even testified at the ZBA hearing that they were in support of the request and agreed that the construction of the home with the variance would have no effect on the value of their property. Based upon Mr. Hesselsweet’s connections with the Township, the Riskos’ variance was denied. However, it was subsequently granted by the Circuit Court, then appealed by the Township to the Michigan Court of Appeals where it resulted in Risko v. Grand Haven Charter Twp. Zoning Bd. of Appeals, 284 Mich. App. 453, 458; 773 N.W.2d 730 (2009).

In the Risko case, the Court of Appeals ruled that it is proper for a ZBA to require that the variance applicant establish that there is no alternative available that would enable the applicant to construct their home without the variance. If this ZBA is going to be consistent, it must require the current Applicant to prove that it is not possible to construct a home on this lot without the requested variance. And, clearly, considering the size of the lot, although it might be more expensive to run a longer driveway, and less desirable to build at the bottom of the slope, there are alternatives to building on this lot without the requested variances.

In addition, in light of this ZBA’s prior position on dimensional variances in this same neighborhood, if Mr. Hesselsweet is granted these variances, then there really is no situation where any future applicant should be denied a dimensional variance. If the ZBA grants these variances, then any future dimensional variance applicant that is denied a variance, particularly if the ZBA relies upon the Risko case, would be able to successfully appeal the denial based upon Township of Blackman v Koller, 357 Mich 186; 98 NW2d 538 (1959) where the Michigan Supreme Court reversed the denial of a variance based upon the concept that the unequal application of the zoning ordinance can create unequal and discriminatory enforcement in violation of the applicant’s equal rights.

**Closing**

We urge you to deny this request for variance because of the aesthetic impact on our property and on the Terry Trails community, the substantial financial impact to us and our property value, the open questions about the exact property line, and the legal precedence. Should the ZBA grant this variance to a former member of the ZBA, they should expect legal action from us. This sets a dangerous precedent for the taxpayers of Grand Haven Township and puts into question the validity of the zoning regulations as they stand. If Mr. Hesslesweet (who manipulated the size of this lot to create his alleged problems) is granted these variances, there can’t possibly be a future scenario where this ZBA could effectively deny a dimensional variance.

Respectfully submitted,

Jeremy and Mandy Johnson
14276 Cricklewood Rd, Grand Haven, MI 49417
 jermandy@me.com
Photographs:

Image 1: This image is from Ottawa County Property Search mapping, displaying the property lines in question.
**Image 2:** This is an aerial representation of the properties in question. The red highlighted area indicates the proposed location for the build.

This protograph clearly shows the inconsistency with the neighboring setbacks as well as the negative impact to our privacy and residence. The driveway located to the south (the left of the photo) is the Hesselsweet residence; there is substantial space to the south (the left of the photo) of the proposed home location to consider other building options that would not require variances.
Images 3 & 4: These photos show the proximity from the proposed application to the southwest corner of our home.

In image 3, the person wearing black is standing where the orange flag is located, marking the northeast corner of the proposed build. The same orange flag is in image 4, looking back towards my house.
Image 5: This aerial view of the street and neighborhood shows the current setbacks of the other homes on the street as well as the distance between homes. The request for a dimensional variance would create an aesthetic inconsistent with the neighborhood.
Good morning.
I’m writing regarding **Dimensional Variance Request for Hesslesweet Parcel #70-07-05-203-020**. It is my hope that this variance is denied.

I have been a Terry Trails resident since 2001. Over the past 21 years I’ve seen several new construction projects proposed, some of which were within the association bylaws and met zoning criteria and there were some that required variances for a number of reasons. Those variances requested were far less egregious than the current proposal. Some of those variances were denied appropriately. I am writing to ask that this variance be denied for the following reasons:

- As I understand it, Terri Trails is currently at, or past, the maximum capacity for homesteads served by the existing road. Adding another home would require expansion of the road which would be a significant hardship to the current association members both in terms of cost as well as inconvenience. As it currently exists, the road is bordered by large trees and ravines and would require much more development than simply widening the existing asphalt.
- Adding an additional house in the location described on the variance would be an eyesore for the existing association members as it is far closer to the road than any of the other existing houses. Part of the appeal of our neighborhood is that the houses are separate from each other significantly in order to allow privacy. Adding a new house in the area described could very well lower everyone’s property value because of the loss of our bucolic vista.
- Safety. The proposed build site is also a very high volume pedestrian traffic area with many children riding bikes and going to and from the beach egress which is at the end of Cricklewood.

For these reasons described above, I encourage you to deny this variance. I appreciate your consideration of my request. I can be reached at 616–638–6652 if you would like to speak further on this.

Sincerely,

Peter G. Kamhout MD
14348 Woodhaven Court
Grand Haven, MI 49506

Peter G. Kamhout, M.D. FACEP
Lake Michigan Emergency Specialists
Mercy Health
Muskegon, Michigan 49444
Rory,

We’re concerned this hearing is being held when most families are on spring break. What day and time is the meeting? Please reconsider moving to mid-April. The feeling is the Hesselsweet’s have friends on the approval board and this is being push through when others in our neighbor can’t attend. I don’t have a basis for this feeling except for the refusal to reschedule when this is such an important issue for our neighborhood.

I look forward to meeting you.

Adient – INTERNAL

From: Rory Thibault <rthibault@ght.org>
Sent: Monday, March 28, 2022 11:21 AM
To: Jim G Koerner <jim.g.koerner@adient.com>
Cc: Mandy Johnson <jermandy@me.com>; Cort Corwin <cortcorwin@gmail.com>
Subject: RE: Request for Variances from Brock Hesselsweet - Parcel # 70-07-05-203-020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mr. Koerner, et al —

Thank you for your email.
We will include it in our memo and correspondence for the application.

Please let me know if you have any questions.
Sincerely,

Rory Thibault
Senior Planner at Grand Haven Charter Township

Phone 616-604-6319
Web www.ght.org   Email rthibault@ght.org
13300 168th Avenue, Grand Haven, MI  49417

From: Jim G Koerner <jim.g.koerner@adient.com>
Sent: Monday, March 21, 2022 3:34 PM
To: Rory Thibault <rthibault@ght.org>
Cc: Mandy Johnson <jermandy@me.com>; Cort Corwin <cortcorwin@gmail.com>
Subject: RE: Request for Variances from Brock Hesselsweet - Parcel # 70-07-05-203-020
Rory,

I forgot to mention several other important points. The lot is quite large. The requestor of the variances could put the house in a different location at a more flat spot or change the design to not ask for variances. I recommend you come take a look for yourself. We would be happy to meet with you.

Adient – INTERNAL

From: Jim G Koerner
Sent: Monday, March 21, 2022 1:29 PM
To: rthibault@ght.org
Cc: Mandy Johnson <jermandy@me.com>; Cort Corwin <cortcorwin@gmail.com>
Subject: Request for Variances from Brock Hesselsweet - Parcel # 70-07-05-203-020

Rory,

**Variation Request for Terry Trails**

I do not agree with this request in anyway. We have a lovely neighborhood and all houses are set back off of the road. Additionally, the proposed house would be right in my neighbors front yard. This has been a sore spot with the neighbors for years. The variances aren’t even close to the requirements. For example 5 feet compared with 15 and 18 feet compared with 35 feet with other variations with retaining walls and stairs. Finally, we many children, grandchildren, animals and adults that play and congregate within as little as 25 feet or less from where your outlining. This request is very unreasonable and not supported by the Koerner family.

Sincerely,

James, Lesa, Grandchildren (4) and Dogs

James G. Koerner, CPM & CPIM
Director Purchasing
Jim.g.koerner@adient.com
616-283-0967 (Mobile)

Adient – INTERNAL
To: Rory Thibault & The Grand Haven Charter Township Zoning Board of Appeals

My name is Jason McVoy and I am a resident at 14325 Woodhaven Ct, Grand Haven, MI, within the Terry Trails Neighborhood. I also am on the Board of Trustees for the Terry Trails Neighborhood Association in which the Hesslesweet family is requesting the Dimensional Variance Request for Hesslesweet Parcel #70-07-05-203-020.

I understand that there has been a special meeting called to discuss the matter next week, on Tuesday, April 5th. I very much wish that I could share my concerns about this request in person, however, my family and I will be out of town next week.

However, I do want to express that my family and I feel strongly that this request is unreasonable and unwarranted for a number of reasons that I have outlined below.

- Approving these variances would create a negative impact to our current neighborhood aesthetic and would in no way be congruent with the original plan that was platted for the neighborhood. The Hesselsweet family has created this lot where there was not one originally planned. If this variance were to be allowed, it would quite literally place one home nearly on top of another home and be completely out of place with the overall look of the neighborhood.
- The aesthetic and financial impact to the adjacent neighbors, Jeremy and Mandy Johnson, would be especially negatively impacted by these approvals. I believe that this will negatively impact the privacy, enjoyment, and aesthetics of their home. I also believe that this will have a large negative impact on them financially in the form of a lower resale value of their home, as well as, other homes in our neighborhood.
- These variances are only being requested in an attempt to save the Hesselsweet family building costs on a new spec home that they would like to build and to protect the privacy of the home they currently live in at 14250 Cricklewood Rd. The proposed area for construction would push the spec home to the far north of the Hesselsweet lot keeping maximum distance from their current home. There are more buildable locations on the Hesselsweet lot that would not require any variances and would be much more congruent with the overall neighborhood plan. The Hessesawet family is looking to save building costs and their own privacy to the detriment of their neighbors and the rest of the neighborhood.
- My neighbors and I have all decided to purchase or build homes in this neighborhood because of the natural beauty, privacy, and space between homes. If granted, these variances would be extreme and go against all of the design ideals of the neighborhood. The required side yard setback for a house to a side yard is 15 feet, Mr. Hesslesweet is requesting 5 feet, and 18 feet instead of 35 feet for the front yard. This little space between properties is extreme and would be invasive to the neighboring home and be a giant eyesore for the whole neighborhood. This would be out of place in all but the most densely packed urban neighborhoods.
- This building location will likely not be approved by the MDEQ for an EGLE
permit under the Critical Dune Act because the Hesslesweet's are looking to build in a restricted "steep slope" location. There are flat areas on the lot that would not violate the "steep slope" restrictions within the act and would be much more acceptable within the Critical Dune area.

- I am confident that the proposed building location and home design would not be approved by the Terry Trails Board of Trustees in the location that is currently being proposed.

In conclusion, there is no purpose in allowing the requested variances from the Hesselsweet family because there are much more suitable locations to build on the lot. The only reason that this is being requested is to increase their financial gain by reducing their construction costs and maintaining maximum privacy with their current home, to the detriment of their immediate neighbors and our entire neighborhood.

Please consider my concerns and I also encourage to you come and take a look for yourself if you have any questions before rendering a judgment. If you have any questions please feel free to contact me any time at 231-750-0080.

Sincerely,

Jason McVoy
Board of Trustees
Terry Trails Neighborhood Association
Re: Parcel 70-07-05-203-020
Hesselsweet Variance Request

Mr. Thibault and the Zoing Board of Appeals:
This communication is in response to the public notice for the variance request for the vacant lot located on Cricklewood Road referenced above (and attached below) and scheduled for the special meeting on April 5, 2022.

As both homeowners close to the proposed structure and members of the association in general, we are opposed to most portions of this variance request. While we have no specific opinion about the marginal request for a 9-foot high retaining wall where 8-feet is allowed, we are very concerned about the other requests.

- The variance requests are drastic and extreme. A variance of a foot or two could be acceptable. The requests from an allowed 15 to 5 feet, or 35 to 23 feet are aggressive.
- Such variances would set precedence for future new builds and remodels/additions. We live in a community that specifically purchases for the enjoyment of nature and privacy. As an HOA we have always discussed how our homes fit into the landscape and have a minimal impact on our surroundings. We do not want to see building structures close to the road and where homes are on top of each other.
- This variance will financially impact the value of the home directly to the north of the property and be completely invasive to their privacy.

We realize that Hesselsweet's are well within their rights to build on their lot. However, we question whether there are other locations on the lot that would not require variances (or be less drastic), and be less disruptive to our quality of life and without negative impact to the neighborhood and neighbors.

Thank you for your time.
Paige and Darren Riopelle
14231 Cricklewood Road

Mr. Thibault –

Attached is correspondence regarding the variances being requested for PP#70-07-05-203-020. This matter has been scheduled for a “special meeting” on April 5.

Please confirm receipt of this email/letter. Also, do you have a ZBA case number for this Application?

Regards -

Michael P. Risko

Risko Law Office PC
250 Washington Avenue
Grand Haven MI 49417
616.847.1400 (t)
616.847.1619 (f)
risko@lakemichiganlaw.com

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March 30, 2022

Via Email only (rthibault@ght.org)

Mr. Rory Thibault
Senior Planner
Grand Haven Charter Township
13300 168th Avenue
Grand Haven, MI 49417

Re: Brock Hesselsweet Variance Application for Parcel 70–07–05–203–020

Dear Mr. Thibault:

Please be advised that I live with my wife, Rebecca, and our three daughters in the Sumner Terry Association where the parcel of property for which the current variances are being requested is located. This letter is being provided as notice of our opposition to the variance requests.

In 2007, my wife and I applied for a front yard setback variance of 9.5 feet which would affect only one corner of the two-stall garage of the house that we eventually built in the same neighborhood. In our case (ZBA Case #07–12), the adjacent neighbors provided statements and appeared at the hearing to inform the ZBA that they did not oppose the request. This was due in large part to the fact that even the closest corner of the garage would be well over 50 feet back from the actual road and that our house would be backed up against a critical dune.

The Applicant in this case, Mr. Hesselsweet, opposed our variance request. He attended the July 24, 2007 meeting where the ZBA considered our variance request. He not only presented at the meeting in opposition to the variance request, but also drummed up enough concern with other neighbors (none of which were adjacent to or within sight of our property), that he succeeded in convincing the ZBA to deny the dimensional variance that we had requested. The ZBA denied the variance request in spite of the fact that the Director of Community Development, Patrick Waterman, had recommended approving the variance as it had satisfied all four of the standards.

In denying our variance, the ZBA determined that there were "options which would enable [them] to construct a new home and garage without a variance." That Board went on to explain that "alternate design options were available to the owner because the lot was exceptionally wide....which eliminated the probability of any side yard encroachments."
The parcel of property on which Mr. Hesslerseek seeks to construct his offending spec home was originally 175 feet wide. At some point, the width of the lot was reduced to 75’. In approximately 2014, the Applicant created the current lot which is 100 feet wide.

In all likelihood, Mr. Hesslerseek recognized the precedent that was set when he opposed the dimensional variance requested in ZBA Case #07–12 and decreased the size of this lot in an effort to hamstring this ZBA from directing him to consider an alternate design (either cantilevered or moved to the large flat southeast portion of the lot at the bottom of the slope) in a location that doesn’t require these various dimensional variances.

As an architect, one would expect that Mr. Hesslerseek would have the ability to design a home that doesn’t need the numerous dimensional variances that cause such a significant detrimental effect on the adjacent properties. Based upon the precedent set as the result of the subsequent litigation related to ZBA Case #07–12, Mr. Hesslerseek bears the burden of convincing this ZBA that there is no alternate design or location that would enable him to construct his spec home without a variance.

If he were to return the parcel to its original width, there is clearly more than enough area on the bottom of the slope to construct a home. To the extent that he contends that the lot is not wide enough to construct a home on the flat area at the base of the slope, this problem was created by Mr. Hesslerseek (when he decreased the width of the lot).

Furthermore, in reviewing the various wooden stakes placed into the ground in connection with his efforts to sell this parcel of property with the proposed plans, it appears that some of the stakes are literally on the property of the adjacent neighbor, the Johnsons. Without a professional survey, it is entirely possible that the dimensional variances may not be accurate or adequate. Ultimately, the putative purchaser of this parcel of property may learn that the variances are insufficient and will have to come back to the ZBA with an additional request for a dimensional variance.

It is our position that the current Application does not satisfy any of the four applicable Standards. With respect to Standard #1, while there is a steep slope leading to the flat section at the bottom of the lot, there is no reason why a home cannot be constructed in the flat section at the bottom of the slope. To the extent that Mr. Hesslerseek contends that the lot is not large or wide enough, this is a problem that he created when he chose to merge 100 feet of the lot into the parcel upon which his home sits on the south side of this parcel.

Regarding Standard #3, there will be substantial detriment to the adjacent parcels, particularly the Johnsons. Clearly, the value of their home and property will fall significantly. The same can be said for the Cowins’ home which is directly across the street. Essentially everybody in the Association will sustain substantial detriment in terms of safety and aesthetic issues.
More importantly, the optics of providing a totally unnecessary set of dimensional variances for a fellow member of this Board will have a material impact on the intent and purpose of the Zoning Ordinance. The ZBA loses all credibility if it ignores the substantial detriment to the adjacent property owners and grants these dimensional variances to one of its own and then, in the future, intends to rely upon Standard #3 to deny a dimensional variance request.

Regarding Standard #4, if this ZBA grants these dimensional variances, compromising its ability to deny future dimensional variance requests, it will have essentially formulated a general regulation that there is no scenario where a dimensional variance can't be obtained.

For the reasons set forth in this letter, we request that the ZBA deny the variances requested by Mr. Hesselsweet.

Respectfully submitted,

Michael R. Risko
14357 Terry Trail
Grand Haven, MI 49417
Dear Mr Thibault,

I am writing to you regarding the above referenced variance. It is my hope that this variance is denied.

I first moved to the Terry Trails neighborhood in 2001. I feel qualified to speak on the history of the past few decades of variances and build-outs in our development as we have frequent neighborhood committee meetings and I have previously attended several Zoning Board of Appeals meetings regarding these matters.

As you know, Terry Trails is a private, gated community with a mature neighborhood. New construction is a rather rare occurrence. A large part of the neighborhood's appeal is the private, natural and spacious surroundings which is in large part due to the spacing both between houses and houses and the road. I understand that this variance would place a new structure very close to a neighboring home/property line as well as close to the road.

In our neighborhood history, there have been a few variances granted that are reasonable as they were very minimally outside of the building standard. This variance does not fall in that category and I fear that it will set an untoward precedent.

In addition, in the past 15 years, our small neighborhood has gained 14 children under the age of 16 years old that traverse and play in and near the roadways with various games and activities. There has been the addition of many 4 legged friends of the canine variety as well which are leash walked frequently on the roadways. I fear that adding new construction on Cricklewood (which is the egress to the shared neighborhood beach easement) would increase the traffic and become a safety issue for our children and pets.

Lastly, the negative financial impact of a new house (in the unsightly proposed location) to the neighboring home of the Johnsons would be immense.

Thank you for considering my correspondence.
I am happy to discuss these things further should you desire/require.
I can be reached at 616-405-2462.

Sincerely,
Terri A. Zomerlei MD
Plastic & Reconstructive Surgeon

14348 Woodhaven Court
Grand Haven, MI 49417

Previously residing at:
14235 Terry Trails
Grand Haven, MI 49417
Mr. Thibault –

The Board of the Association is in opposition to the variances requested in this case for the reasons set forth in the attached document. On behalf of the Association, the Board members (including the officers) are unanimous in our opposition to the Application (although we have been unable to reach one Board member who is believed to be out of state).

Regards -

Michael P. Risko  
Risko Law Office PC  
250 Washington Avenue  
Grand Haven MI 49417  
616.847.1400 (t)  
616.847.1619 (f)  
risko@lakemichiganlaw.com

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RE: Dimensional Variance Requests for Parcel 70-07-05-203-020

The Board of the Sumner Terry Association objects to the dimensional variances requested in this case because, in addition to the issues raised by residents, including related to the substantial detriment of homes in the Association resulting from one home being built so closely to another, prior to the construction of any home on this parcel, the owner must bring Terry Trails Road into compliance with the Township Private Road Ordinance.

The Association is currently several homes in excess of the maximum number of homes that can be on a private roadway without improving the roadway to the standards in the Private Road Ordinance. The excess results primarily from homes being constructed on lots that preexisted the enactment of the Ordinance.

The Applicant for the variances in this case created this current parcel in 2014. He also created a new parcel (203 - 021) and has the opportunity to create yet another parcel adjacent to this parcel by splitting off 100 feet from parcel 203 - 022.

There is a steep, narrow hill on the main roadway in the Association which has no shoulders and has seen at least two head-on collisions in the last few years. The parcel on which the Applicant seeks to construct a spec home is “up the hill,” and on the narrowest part of the roadway with valleys on either side.

Adding homes to the Association will increase traffic. Constructing another home “up the hill” will create significant safety issues, including because there are numerous children in the neighborhood, several under ten years old. Access for fire trucks and equipment would also be an issue. In its current proposed location, due to the dimensional restraints resulting from the Applicant’s decision to attempt to construct a spec home in the corner of the property instead of the flat section toward the back of the property, it also appears likely that vehicles will be parked along the narrow roadway.

The Board therefore requests that the ZBA deny the request and variances for these reasons (or to table the matter until Terry Trails Road is brought into compliance with the Private Road Ordinance).

Dated: March 30, 2022

By: [Signature]
Vice President of the Association
Mr. Thibault,

In addition to the reasons provided in the letter submitted on behalf of our family by my husband, Michael, I would like the Zoning Board to know two additional things in connection with our opposition to the variances being requested.

First, we are disappointed that the Hesselsweets were somehow able to get this meeting scheduled for a time when all of the families in the neighborhood with school-age children will be out of town on spring break. If this meeting was scheduled pursuant to the Township’s standard schedule, we would attend the meeting and more effectively voice the reasons for our opposition.

Second, while there is a 50-foot front yard setback, it appears that the application and design will have the small driveway, along with retaining walls and stairways much closer to the roadway. With the likelihood that cars will park on the narrow street, particularly in an area where so many of the younger neighborhood kids play, the proposed design creates a safety hazard.

There is what appears to be an old two-track or dirt roadway that starts just to the south of where the proposed driveway would be that is on a gradual slope (~15-20°) that parallels the road down to the bottom of the hill. Why can’t the Hesselsweets build their spec home at the bottom of the hill? This would eliminate the need for any variances and keep parked cars off of the road.

I understand that the Hesselsweets intentionally reduced the width of this lot by 100’. But, if the flat area at the lower elevation requires a side yard variance on the south side, this would affect the Hesselsweets (and allow a house that is still 100’ away from their home). That would resolve most of the concern regarding the substantial detriment to the Johnsons and Corwins.

Thank you for considering our opposition to these unnecessary variances.

Rebecca Risko
I would like to voice my opposition to the request by Mr. Hesselsweet to change the current variances to accommodate a home that he is currently thinking of building. I feel that the proposed variance would place the home too close to the Johnson property and too close to the road… causing congestion and creating a negative impact to the neighborhood aesthetics.

Mr. Hesselsweet is a talented architect. Perhaps a different design of home on another part of his property would be a better solution to this issue. The beauty of Terry Trails is the uniqueness of the homes, and the privacy the wooded lots provide. Therefore I am not in favor of changing the current variances.

Thank you
Ronda Ruscett
14229 Cricklewood

Sent from my iPhone
Mr. Thibault,

I recently learned of the hearing referenced in the attached link. [link here]

I have corresponded with Mr. Hesselsweet and he indicates the variances are necessary due to Michigan Department of Environment, Great Lakes and Energy (EGLE) restrictions. I am concerned that the variances will affect the character and property values in our neighborhood. In the interest of an equitable outcome I would request the Township work with EGLE to find a way that would ensure all existing rules and laws are followed without variances. Saving that, I oppose the variances.

I am told that Mr. Hesselsweet is discussing sale of the property to the property owners next to the subject property. I request the Township explore this possibility with the parties. This would likely result in no construction. This outcome would be best for the neighborhood and the dunes.

Chris DeRose  
14380 Woodhaven Ct.  
517-898-3287
Community Development Memo

DATE: March 31, 2022
TO: Zoning Board of Appeals
FROM: Cassandra Hoisington, Associate Planner
RE: 2022 Housekeeping Duties

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**APPOINTMENT OF OFFICERS**

As required by the ZBA Bylaws the officers must be appointed annually. The current appointments are:

- Chairperson: Voss
- Vice Chairperson: Slater
- Secretary: Loftis

If the ZBA wants the appointments to remain the same, the following motion can be offered:

**Motion** to nominate and reappoint the existing officers for their current positions.

If new appointments are desired, the following motion can be offered:

**Motion** to nominate ________ for the position of ________.

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**2022 MEETING DATE SCHEDULE**

Additionally, the 2022 meeting date schedule must be approved. The typical schedule holds regular meetings on the fourth Tuesday of the month. The meeting in December is on the second Tuesday to accommodate the holiday schedule.

**Motion** to **approve** the 2022 Meeting Date Schedule.
# ZONING BOARD OF APPEALS
## 2022 MEETING DATES

<table>
<thead>
<tr>
<th>Date</th>
<th>Date</th>
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<tbody>
<tr>
<td>Tuesday, January 25, 2022</td>
<td>Tuesday, July 26, 2022</td>
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<td>Tuesday, February 22, 2022</td>
<td>Tuesday, August 23, 2022</td>
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<td>Tuesday, March 22, 2022</td>
<td>Tuesday, September 27, 2022</td>
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<td>Tuesday, April 26, 2022</td>
<td>Tuesday, October 25, 2022</td>
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<td>Tuesday, May 24, 2022</td>
<td>Tuesday, November 22, 2022</td>
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<td>Tuesday, June 28, 2022</td>
<td>Tuesday, December 13, 2022</td>
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All meetings will be held at the Township Hall, 13300 168th Avenue, Grand Haven and will begin at 7:00 p.m. The agenda and associated documents can be found online at [www.ght.org](http://www.ght.org).

The Charter Township of Grand Haven will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) business days’ notice to the Charter Township of Grand Haven. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Grand Haven by writing or calling the following:

HR Director  
13300 168th Avenue  
Grand Haven, MI  49417  
(616) 842-5988