I. Call to Order

II. Roll Call

III. Approval of the May 5, 2022 ZBA Meeting Minutes

IV. New Business
   A. ZBA Variance Application No. 22-01 – Westra – Dimensional Variance
   B. ZBA Variance Application No. 22-04 – Skeels – Dimensional Variance
   C. ZBA Variance Application No. 22-05 – Jacobson – Dimensional Variance
   D. ZBA Variance Application No. 22-06 – Huddas – Dimensional Variance

V. Reports
   A. GR Solar Array Planting Update – Minor Amendment

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

VII. Adjournment
I. CALL TO ORDER
The special 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
Board of Appeals members absent: Behm, Egedy-Bader (alternate)

Also present: Associate Planner Hoisington

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

Hesselsweet joined the meeting at 7:12pm.

III. APPROVAL OF MINUTES

Without objection, the minutes of the April 5, 2022 ZBA Meeting were approved.

IV. NEW BUSINESS

A. ZBA Variance Application No. 22-03 – Karell – Building Addition

Party Requesting Variance: Linda Karell
Address: 15155 178th Avenue, Grand Haven
Parcel Number: 70-03-32-208-005
Location: 15155 178th Avenue

The applicant is seeking to construct a building addition with a front yard setback of 29.6-feet where 50-feet is required. The building addition violates Section 2.08 of the Zoning Ordinance.

Hoisington provided an overview through a memorandum dated May 2nd.

The applicant, Ms. Karell, was present to provide information.

- Struggles with access within home due to disabilities and bi-level design.
  - Garage addition would provide direct access to main level of home from garage.
- Stated alternative options are not feasible
  - Reached out to a stairlift company, but discovered they were not licensed in Michigan.
A parking space at proposed location would not provide shelter for vehicles in the winter.
Ramp to the front door would be difficult to access due to topography changes.
Believes garage addition would make home more desirable.
Considered an additional driveway or circle style driveway for access.

The Board discussed the application and noted the following:
Discussed alternative options for access to and within the site.
A parking pad is not regulated by setbacks and could be placed at the proposed garage location.
Stairlifts or elevators within the home would provide access between levels of the home.
Many local contractors that are capable of completing these projects and are licensed.
Alternative building additions could be constructed on site within the allowed setbacks.
Topography change of about 6-feet could be addressed through fill or retaining walls.
Discussed potential impact on traffic from an additional driveway.
Many bi-level homes located in the surrounding neighborhood.
Encroachment into the front yard would look out of place for the neighborhood.

Standard No. 1 – Exceptional or extraordinary circumstances:
The lot is dimensionally conforming, the available building envelope allows for alternate building additions.
Ayes: None
Nays: Voss, Slater, Loftis, Hesselsweet
Absent: Behm, Egedy-Bader

Standard No. 2 – Substantial property right:
The house currently has an attached garage.
Ayes: None
Nays: Voss, Slater, Loftis, Hesselsweet
Absent: Behm, Egedy-Bader

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:
Noted opposition of neighbors due to cohesiveness with the nearby homes.
• Possible traffic impact from additional driveway.

Ayes: None
Nays: Voss, Slater, Loftis, Hesselsweet
Absent: Behm, Egedy-Bader

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

• Many corner lots and bi-level homes are located within the Township.
• Concern that approval of the request could result in setting a precedent.

Ayes: None
Nays: Voss, Slater, Loftis, Hesselsweet
Absent: Behm, Egedy-Bader

**Motion** by Slater, supported by Loftis, to deny the dimensional variance from Section 2.08 to for a building addition at 15155 178th Avenue. Denial of this variance is based upon this Board’s findings that all four standards have not been affirmatively met.

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

Ayes: Voss, Slater, Loftis, Hesselsweet
Nays: None
Absent: Behm, Egedy-Bader

V. **REPORTS**
Hoisington provided an update on the upcoming May meeting agenda.

VI. **EXTENDED PUBLIC COMMENTS** – None

VII. **ADJOURNMENT**

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

Respectfully submitted,

Cassandra Hoisington
Acting Recording Secretary
# Community Development Memo

**DATE:** May 19, 2022  
**TO:** Zoning Board of Appeals  
**FROM:** Cassandra Hoisington, Associate Planner  
**RE:** 14494 Angelus Circle – Dimensional Variance Application No. 22-04

<table>
<thead>
<tr>
<th>Owner</th>
<th>Jane Skeels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>14494 Angelus Circle</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>70-03-35-351-022</td>
</tr>
<tr>
<td>Zoning</td>
<td>R-1 Single Family Residential</td>
</tr>
<tr>
<td>Lot Size</td>
<td>37,452sqft (or 0.86-acres)</td>
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<tr>
<td>Lot Type</td>
<td>Waterfront Lot</td>
</tr>
<tr>
<td></td>
<td>Typical Lot</td>
</tr>
</tbody>
</table>

**Required Setbacks for a 160 sqft Accessory Structure**

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
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<tbody>
<tr>
<td>Front</td>
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<tr>
<td>Rear</td>
<td>5-feet</td>
</tr>
<tr>
<td>Side</td>
<td>5-feet</td>
</tr>
<tr>
<td>House</td>
<td>5-feet</td>
</tr>
<tr>
<td>Location</td>
<td>Side or Rear Yard</td>
</tr>
</tbody>
</table>

**Requested Setbacks for a 160sqft Accessory Structure**

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>~300-feet</td>
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<tr>
<td>Rear</td>
<td>~100-feet</td>
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<tr>
<td>Side</td>
<td>7-feet</td>
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<tr>
<td>House</td>
<td>30.5-feet</td>
</tr>
<tr>
<td>Location</td>
<td>Front Yard</td>
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</tbody>
</table>

*Accessory structures are allowed in a front yard as a Special Land Use

## BACKGROUND

The applicant, Jane Skeels, was contacted via a code enforcement letter in December 2020 which provided information regarding the non-compliant location of the building. The building was being constructed during the winter and staff granted time for the applicant to submit a compliant zoning permit application for the structure.
As of February 2022 the Township had still not received an application and construction had been completed. Code Enforcement Officer French informed the applicant that either a compliant application must be submitted and approved or a variance must be approved. The ZBA application was submitted in April.

**VARIANCE REQUEST**

The variance request pertains to a 160sqft accessory building in the front yard. For waterfront properties, the front yard is determined by the waterfront side rather than the street side. The setback requirement for a 160sqft accessory building is 5-feet from all lot lines and structures, which is compliant with the application. However, the shed may not be located within a front yard or required side yard. Accessory buildings are prohibited in the front yard except through a Special Land Use.

The applicant built the shed due to the need for more storage as the existing 720sqft basement garage was not capable of storing their tools and equipment. The applicant has stated the need for the location in the front yard is due to the location of the septic tank and utility lines in the rear yard. Additionally, the western portion of the yard slopes down to provide access to the basement garage, which the applicant has noted as a hurdle for placement of the shed. Staff notes the rear yard setback of the house appears to be non-conforming with a setback of about 37-feet where 50-feet is required.

There is an alternative to a variance. It would be possible to seek Special Land Use approval by the Planning Commission for an accessory structure in the front yard. This requires compliance with the standards of Section 12.07.

(A) The structure meets the minimum front setback requirement for the district it is located within or receive a variance from the Zoning Board of Appeals (ZBA) for the front setback.
(B) The structure meets all requirements of Section 10.01, other than being located in the front yard.
(C) The accessory structure must be aesthetically compatible with the Main Building on the site and surrounding Main Buildings. Aesthetic compatibility shall include roof pitch, façade materials/siding, inclusion of windows, colors, and other factors deemed necessary by the Planning Commission.
(D) No buildings clad in metal shall be located in a front yard.
(E) The accessory structure cannot be located in the side or rear yards due to at least one of the following factors:
   1. Natural Features
   2. The dimensions of the lot.
   3. Existing structures.
   4. The stated purpose of the accessory structure, which must accessory to the principal use of the site.

Staff and the applicant discussed this option but were not confident the existing shed would meet the requirements of Sections 12.07.C and 12.07.D.
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 a waterfront lot conforming with the R-1 dimensional standards. The house appears to have a non-conforming rear yard setback of about 37-feet where 50-feet is required. The topography of the lot slopes down in the rear yard to provide access to the basement garage. 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 of this size (.5 acre-less than 1 acre) are entitled to build up to three accessory structures totaling no more than 1,000sqft on their property. 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 May 19th) 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 waterfront lots in the Township. There is an option to apply for a special land use if the building can meet the aesthetic requirements of Section 12.07. 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 10.01.C.11.a to keep a 10’ x 16’ accessory building in the front yard at 14494 Angelus Circle. 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 Section 10.01.C.11.a to keep a 10’ x 16’ accessory building in the front yard at 14494 Angelus Circle. 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 14494 Angelus Circle, and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me if this raises questions.
Community Development Memo

DATE: May 19, 2022

TO: Zoning Board of Appeals

FROM: Cassandra Hoisington – Associate Planner

RE: 14939 Mercury Drive – Dimensional Variance Application No. 22-06

PARCEL INFORMATION

<table>
<thead>
<tr>
<th>Owner</th>
<th>Richard &amp; Kathleen Huddas</th>
</tr>
</thead>
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<tr>
<td>Property Address</td>
<td>14939 Mercury Drive</td>
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<tr>
<td>Parcel Number</td>
<td>70-07-01-130-011</td>
</tr>
<tr>
<td>Lot Size</td>
<td>17,250 sqft (or 0.4-acres)</td>
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<tr>
<td>Elevation</td>
<td>≈ 18-foot elevation change</td>
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<tr>
<td>Lot Type</td>
<td>Legal Lot of Record</td>
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<tr>
<td>Zoning</td>
<td>R-1 Single Family Residential</td>
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<tr>
<td>Required Deck Setback</td>
<td>Side – 11 feet</td>
</tr>
<tr>
<td>Requested Deck Setback</td>
<td>Side – 9-feet, 10-inches</td>
</tr>
</tbody>
</table>

BACKGROUND

The existing home was built in 1969. The property owners, the Huddas family, purchased the property in 2002. There are no records on file for the deck as a separate building permit, but the applicant has noted the deck is at least 25 years old.

The ZBA granted a variance request for the property in 2021 for a series of retaining walls to stabilize the yard. In the process of installation, the retaining wall contractor ended up removing a support post of the existing deck,
which required the property owner to seek a deck permit to fix the deck. Because the deck has a nonconforming side yard, a size-for-size replacement deck would not be permitted without variance approval.

**VARIANCE REQUEST**

The applicant, Green Shield Home, LLC., is representing the property owners in this request. The proposed deck will be slightly larger than the existing deck at 16-feet x 18-feet when the existing deck is 16-feet x 12-feet.

The additional length does not impact the side yard setback, just the front yard setback, which would remain complaint. The existing and proposed side yard setback is 9-feet, 10-inches where 11-feet is required. The property is allowed this reduced side yard setback of 11-feet instead of 15-feet due to a narrow (nonconforming) lot width.

The applicant has cited the need for the larger deck as it provides more usable space for both the deck and existing patio on the lower level. The existing deck had stairs to provide access to the lower level patio. The proposed deck will not feature stairs which the applicant has stated will provide better views to the river from the lower level.

It may be possible to bring the deck in line with the house and not extend into the required side yard. However, this may limit access from the wrap-around walkway.

**VARIANCE STANDARDS**

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

**STANDARD 1**

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

The subject property is located on a segment of the Grand River where a 18-foot elevation change exists between Mercury Drive and the water. The lot is legally nonconforming in regards to lot width. 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.
It is common for property owners with river frontage to have a deck overlooking the water. The ZBA will need to make a determination whether this standard is met given the circumstances of this case.

**STANDARD 3**

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

No correspondence has been received for this application (as of May 19\(^{th}\)). 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 a narrow lot and elevation change are unique. There may be properties with similar circumstances in the same vicinity but they are limited in number and each property would need to reviewed to determine if a variance is applicable. 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 10.04.C.4 to replace an existing deck with a new deck resulting in the same side yard setback of 9-feet, 10-inches at 14939 Mercury Drive.

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 10.04.C.4 to replace at 14939 Mercury 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 14939 Mercury Drive, and direct the applicant and/or staff to provide the following information:

1. List items.
Please contact me if this raises questions.
## Zoning Board of Appeals Application

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Fee</th>
<th>Escrow*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance or Appeal</td>
<td>$250</td>
<td>$300</td>
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<tr>
<td>603 Exemption</td>
<td>$250</td>
<td>$300</td>
</tr>
</tbody>
</table>

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

### Applicant/Appellant Information

**Name:** Green Shield Home LLC  
**Phone:** 616.232.7461  
**Address:** 14386 Airwest Dr SE Kentwood MI 49512  
**Email:** adamsr@goshimprovement.com

### Owner Information (If different from applicant/appellant)

**Name:** Richard Huddas  
**Phone:** 616-847-1981  
**Email:** rkhuddas@att.net

### Property Information (Include a survey or scaled drawing)

<table>
<thead>
<tr>
<th>Address</th>
<th>14939 Mercury Dr. Grand Haven 49417</th>
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</thead>
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<tr>
<td>Parcel No.</td>
<td>70 .07 .01 .130 .011</td>
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<tr>
<td>Lot Width</td>
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<tr>
<td>Parcel Size</td>
<td>17250</td>
</tr>
</tbody>
</table>

**Current Zoning:** R1  
**Lot Depth:** 230  
**Parcel Size:** 0.401 Acres

### 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) __________________
3. Relating to __________________
4. Structure/Land Use (After Variance) __________________
5. Overall Building Size (After Variance) __________________
6. Setbacks from lot lines (After Variance):
   a. Front Yard ________ feet  
   b. Rear Yard ________ feet  
   c. Side Yard #1 9' 10" feet  
   d. Side Yard #2 ________ feet
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

Adam Rought
g.c.
Date

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

[Signature]
Date

148 39 Mercury Dr Grand haven

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
INFORMATION TO HELP WITH ZBA APPLICATION
14939 Mercury Dr. Grand Haven
Richard Huddas - 616-847-1981

See ZBA Section - Variance Requested, No. 1

Description of Project
Removing the deck stairs was necessary to provide access for retaining wall replacement in process and approved by Grand Haven Township. Given the age of the deck (25+ years) and building requirements, it was determined it was best to replace the deck. After homeowner reviewed the project with the contractor, it was further determined a larger deck outweighed the need for outdoor stairs to the lower level. The existing deck space was limited and the new design will provide a more useful size deck and more useful area and improved view at the lower level.

The new deck will be a little less footprint than the existing deck/stairs. It does not create additional side lot encroachment and meets other lot line line setback requirements. The proposed deck is planned to be even with house foundation and concrete walk that provide access to the living room. As the existing deck and stairs, the planned deck provides some protection over the high portion of the retaining wall.

Addressing Each of the Four 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.
Exceptional topographical conditions when the house was built in 1969, resulted in a house with a foundation and concrete walk over lower room that is 9'10" from the side lot line. This foundation was further extended with typical retaining wall to contain the hill due elevation change between the two levels. This retaining wall is in process of being replaced. The deck safely provides second level house access, an outdoor sitting area, and cover for part of the walk and retaining wall.

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.

After the deck stairs were removed to provide access for retaining wall replacement, it was determined that because of age (25+ years) and building requirements the entire structure should be replaced. It is not being expanded
beyond the existing footprint of deck and stairs. There is no additional encroachment on the adjacent property. It is lengthened toward the front property line over where stairs once existed to provide a more useable area. 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 for owners of lake front property.

**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.*

Homeowner discussed encroachment with neighbor at 14945 Mercury - no issue - replacement with no additional encroachment. Both adjacent properties have similar side lot encroachment variances and both have larger decks that extend further to the front lot line.

**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 a narrow lot and elevation change, along with replacing a deck in line with the existing house foundation, walk for house access, and retaining wall is unique. While there may be properties with similar circumstances in the same vicinity they are limited in number to similar properties on the high bank of a river or lake.
Community Development Memo

DATE: May 19, 2022

TO: Zoning Board of Appeals

FROM: Rory Thibault

RE: Grand Rapids Water Treatment Plant: Site Plan Minor Amendment

All —

The Grand Rapids Water Treatment Plant asked Township Staff in February to extend the landscape buffer installation deadline for their Solar Array project.

- Due to supply chain shortages effecting nursery stock, the original extension deadline of June 1st is unable to be met;
  - They now anticipate installation to occur by the end of October.
- Originally, a planting deadline and extension was provided in lieu of an escrow by the Zoning Board of Appeals and the Planning Commission in March, 2021.
- They have completed the bid process and will be taking the lowest bid (~$170k) to their City Commission on 3.15.22 for approval.

Staff asked approval for a Minor Site Plan Amendment from Supervisor Reender and Chair Wilson which was granted. The Minor amendment permits:

- another planting installation extension (October, 2022), pending the Grand Rapids City Commission approval of the bid, and;
- any further delays to prompt litigation.

Please let me know if you have any questions.
Community Development Memo

DATE: May 19, 2022

TO: Zoning Board of Appeals

FROM: Rory Thibault – Senior Planner

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

PARCEL INFORMATION

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<thead>
<tr>
<th>Owner</th>
<th>Gregory Westra</th>
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<tbody>
<tr>
<td>Property Address</td>
<td>17318 Timber Dunes Drive</td>
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<tr>
<td>Parcel Number</td>
<td>70-07-16-346-007</td>
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<tr>
<td>Lot Size</td>
<td>~20,000 sqft (or 0.46-acres)</td>
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<td>Elevation</td>
<td>Topography change of ~12’</td>
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<tr>
<td>Lot Type</td>
<td>Typical Lot</td>
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<tr>
<td>Zoning</td>
<td>R-1 Single Family Residential</td>
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<table>
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<tr>
<th>Required Setbacks for Decks</th>
<th>Rear – 20 feet</th>
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<td>Side – 15 feet</td>
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<th>Requested Setbacks for Decks</th>
<th>Rear – 2-feet</th>
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<tr>
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<td>Side – 13-feet 7-inches</td>
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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 deck were already constructed. The applicant is requesting to replace the deck in kind as part of an outdoor renovation project. The existing deck and pool barrier fence are aging and in need of repair. 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. While possible to create a deck and fence with a compliant rear yard and side yard setback, the applicant is requesting that a variance be granted since the deck is existing and he is replacing it in kind and location.
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 existing deck is legally non-conforming. The current pool 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 decks. The proposed deck would provide the applicant the continued ability to utilize the deck and pool area as he purchased it originally. The ZBA will need to make a determination whether this standard is met given the circumstances of this case.

**STANDARD 3**

Authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.
No letters of opposition were received for this application (as of May 19th). The ZBA will need to make the determination whether this standard is met given the circumstances of this case and the findings on standards 1 and 2.

**STANDARD 4**

The condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

There are many houses in the Township that have legally non-conforming deck locations. 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 replace a deck at 17318 Timber Dunes Drive. Resulting in the following setbacks:

1. West deck edge – side yard setback of 13-feet 7-inches; and
2. South deck edge – 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 replace a deck 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.
Community Development Memo

DATE: May 19, 2022
TO: Zoning Board of Appeals
FROM: Rory Thibault – Senior Planner
RE: 13467 Windcrest – Dimensional Variance Application No. 22-05

<table>
<thead>
<tr>
<th>PARCEL INFORMATION</th>
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<tbody>
<tr>
<td><strong>Owner</strong></td>
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<tr>
<td><strong>Property Address</strong></td>
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<tr>
<td><strong>Parcel Number</strong></td>
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<tr>
<td><strong>Lot Size</strong></td>
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<tr>
<td><strong>Elevation</strong></td>
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<td><strong>Lot Type</strong></td>
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<td><strong>Critical Dunes</strong></td>
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<td><strong>Zoning</strong></td>
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<tr>
<td><strong>Required Retaining Wall</strong></td>
</tr>
<tr>
<td><strong>Requested Retaining Wall</strong></td>
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</tbody>
</table>

![Parcel Information Table](image)

![Parcel Diagram](image)
The applicant is requesting to build a new wood timber retaining wall along the entry driveway, replacing the existing wood timber wall currently in place.

The applicant has requested a change to the geometry of the retaining wall to straighten out the driveway and minimize the linear length of the replacement wall.

Due to the existing topography of the site, elevation from the top of the existing wall to grade is exceeding the 8-feet maximum as permitted by the Zoning Ordinance.

The applicant is requesting (1) wall, rather than a wall series or independently compliant 3-feet tall retaining walls due to the location within the critical dune area. As such, EGLE must review the structure and provide approval.

The variance request of constructing an 18-linear-foot retaining wall along the existing driveway at a height of 10-feet 2-inches has been approved by EGLE on 06/25/2022.
VARIANCE STANDARDS

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

STANDARD 1

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

The subject property is within the Critical Dune Area, has significant topography changes, and has been reviewed and approved by EGLE. 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 residually zoned properties are entitled to build a structurally sound driveway on the property. The ZBA will need to make a determination whether this standard is met given the circumstances of this case.

STANDARD 3

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

No correspondence was received for this application (as of May 19th). The property is located within a gated community with driveway access not open to the public. 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 topographic change and location within the Critical Dune Area limit the buildable area. There is no possible retaining wall that could be
created that would not need to be approved by EGLE. The more conforming solution of a separated series of independent retaining walls would greater impact the dune than the proposed and approved design as shown. 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 new 18 linear foot retaining wall at 13467 Windcrest Ln. that will result in a height of 10 feet 2 inches. 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 14.13.C to build a new retaining wall at 13467 Windcrest Ln. 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 13467 Windcrest Ln., and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me if this raises questions.
ZONING BOARD OF APPEALS APPLICATION

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<td>n/a</td>
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<tr>
<td>Interpretation</td>
<td>$125</td>
<td>n/a</td>
</tr>
</tbody>
</table>

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

The full zoning ordinance can be found at [www.ghct.org/zoning](http://www.ghct.org/zoning).

**Applicant/Appellant Information**

Name: Gary & Jane Scheck
Phone: 616-430-2052
Address: 14494 Angeles Cir, Grand Haven, MI 49417
Email Address: boones73@aol.com

**Owner Information (If different from applicant/appellant)**

Name: as above
Phone: 
Address: 
Email Address: 

**Property Information (Include a survey or scaled drawing)**

Address: 14494 Angeles Cir, Grand Haven, MI 49417
Parcel No.: 70-03-35-351-022
Lot Depth: see enclosed survey
Parcel Size: 

**General Information (Check one)**

( x ) 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) 12.07
3. Relating to placement of the shed
4. Structure/Land Use (After Variance) To store lawn & garden equipment
5. Overall Building Size (After Variance) 10' x 16'

6. Setbacks from lot lines (After Variance):
   a. Front Yard 30' 6 7/8 feet
   b. Rear Yard N/A feet
   c. Side Yard #1 N/A feet
   d. Side Yard #2 N/A feet

The shed is 7 feet from the lot line and 30.5 feet from the house.
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]

Address: 14494 Angelus Cir, Grand Haven, MI

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]
Signature of ZBA Chairperson

[Date]

Last Revised 7/15/20
Reasons for requested variance:

1. The physical shape of the property restricts the placement of the shed to where it is currently. The septic tank, utilities, and trees on the roadside of the dwelling prohibiting the shed placement on the roadside of the dwelling. The lakeside of the dwelling cannot include a shed by township ordinance.

2. The house was built in 1963 which includes garages of that time period much smaller than those built today. The shed will allow us the use and enjoyment of being able to store various yard tools and equipment. The current garage was built as part of the house and again, it is simply too small for our use and up to date tools and supplies.

3. The shed is not a detriment to adjacent property. It is as close to our house as the property layout (township ordinances) allows. It does not restrict access or views of any neighboring property nor presents any safety issue such as access by emergency equipment type vehicles if necessary.

4. The property shape, size, and lakefront placement as reasons for requesting the variance are unique in nature to our property so as not to be resolved via general regulations by the Township. The variables discussed herein are unique to our property and hence a request for a variance.
April 12, 2022

Kevin,

Enclosed please find a completed Zoning Board of Appeals Application and check #9742 for $550.00 ($250 fee and $300 escrow) for the construction of a shed on our property at 14494 Angelus Circle. I have also enclosed a copy of a survey we had done last July 1, 2021. It shows the shed is on our property. We have penciled in where we would like to build a detached garage at the end of the driveway in the near future. We are looking at contractors for cost estimates.

Jane Skeels
CERTIFICATE OF SURVEY

Legend
- IRON SET
- IRON FOUND
- MONUMENT FOUND
- NAIL SET
- NAIL FOUND
- SET WOOD LATH ON LINE
- GOVERNMENT 1/4 CORNER
- SECTION CORNER
- CENTER 1/4 CORNER
- RECORD
- MEASURED

STATE OF MICHIGAN
LICENSED PROFESSIONAL SURVEYOR
NO. 85041

CIL ANGELUS CIRCLE
(66 PUBLIC R/W)

N80°08'51"E
60.12'

N80°44'54"E
40.70'

N80°27'02"E
101.47

N80°27'02"E
101.47(M)

1-STORY
HOUSE

CONCRETE
±0.1' EAST
OF LINE

SHED

O/H
UTILITIES

LOT 2

LOT 3

LOT 4

N79°45'38"E
101.57'

SEA WALL ±5.3'
EAST OF LINE

SEA WALL ±1.8'
EAST OF LINE

POT TAWATOMI BAYOU

Scale: 1" = 60'

NOTE: PER PLAT, LOT LINES EXTEND TO WATERS EDGE, NO RIPARIAN OWNERSHIP WAS DETERMINED BY THIS SURVEY

DESCRIPTION: A PARCEL OF LAND, SITUATED IN THE TOWNSHIP OF GRAND HAVEN, COUNTY OF OTTAWA, STATE OF MICHIGAN AND DESCRIBED AS FOLLOWS TO WIT:

LOT 3, PLAT OF SUNNY SHORES, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF AS RECORDED IN LIBER 12, PAGE 2, OTTAWA COUNTY RECORDS.

SUBJECT TO ALL AGREEMENTS, COVENANTS, EASEMENTS, RIGHTS-OF-WAY, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.
**RECORD OF FINAL INSPECTION**

**SEWAGE DISPOSAL SYSTEM**

<table>
<thead>
<tr>
<th>Elevated Mound</th>
<th>Lagoon</th>
<th>Other</th>
</tr>
</thead>
</table>

**Parcel #** 70-03-35-361-022

**Owner or Builder** Joe Scott

**Township** Grand Haven

**Location** 14494 Angelus Circle

**City** GH **Zip** 49424

**Plat** Sunny Shores Lot 3

**Primary Treatment** 1-10000 gal

**Secondary Treatment** 4 Pcs. of Septic Tank - 2 Each

**Installed by** Unk

**Send Report to**

**Address**

**City** ____________ **Zip** ____________

**APPROVED** ✔ **DISAPPROVED** ___

**Inspected by** J. VanRaden

**Issuing Agency** OC HD

**Date** 10-3-96

**REMARKS:**

---

**IMPORTANT INFORMATION:**

Shrubs or trees should not be planted close to the sewage disposal system as they would interfere with pumping of tank. The yard grade in the disposal area should be such that surface water does not collect on the drainfield. Do not excessively water the lawn in the drainfield area.

Footing drainage and downspouts should not be connected into the septic system or discharged into the drainfield area.

The septic tank itself should be PUMPED EVERY THREE TO FOUR YEARS depending on the habits of the family, the number of fixtures in the house, and the amount that a garbage disposal is used. Pumping at the right time will avoid the risk of injuring or destroying the drainfield due to solids carrying over into the drainfield. Call the Ottawa County Health Department for a list of licensed septic tank pumpers in your area. The pumper can serve you best if you show them this record.

Heavy trucks or equipment should never be driven over the tank or drainfield. Consult this record in case any buildings, driveways, swimming pools, or extensive grading or filling are later contemplated.

This record is not a guarantee of performance. A septic system is not a municipal sewer. However, with proper maintenance and careful use of water, it can give many years of trouble-free service. Many problems with septic tanks are caused by flushing excessive amounts of paper, cloth and plastic materials down the drain, or by large amounts of water from leaky faucets or faulty fixtures.
The same proposed grade to remain.
Existing wall, existing conduit, landward of impacted. All work will be
retaining wall will not be
steep slopes beyond the
existing grade.

Existing wall
Existing timber

Drive
New concrete
Be removed (4)
Existing trees to

Proposed grade
M/ SAND FILL
New timber wall

Section A - A
Email from Cassie 5-03-22

The submission received on Friday does not appear to have the changes I requested. Please make the following changes by EOD tomorrow so I may draft the public notice:

- Copy of plans approved by EGLE that show the 10’ wall as approved.
  - Current approval is dated June 2021, prior to the change in wall height occurring. Copy of April 7th revised EGLE permit included
  - Submitted plans feature a series of walls, rather than one wall.
    That is to show how much disturbed “Critical Dune” would happen w/o the variance

- Clarify/amend the application for the variance being requested. The section referenced applies to retaining wall series but the request description applies to one wall exceeding the maximum height.
  14.13.C now called out

- Clarify on the application the exact height of the wall needed (not 10+) and that it is not an existing wall to be replaced, rather it’s a new wall.
  All documents show the wall 10’-2”

- Provide all setbacks for the proposed wall on the application and on the site plan.
  They are included again (they were on “Ret Wall”)
  - Site plan appears to show a series of walls.
    To show what would be needed to avoid a variance
  - Setbacks are not provided, and file is not legible to make out dimensions.
    SP-80 resubmitted
ZONING BOARD OF APPEALS APPLICATION

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

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

Applicant/Appellant Information

Name: DENNIS DRYER
Phone: 846-5400
Address: 220.1/2 WASHINGTON
Email Address: DRYERARCH@GMAIL.COM

Owner Information (If different from applicant/appellant)

Name: NELSON & LANA JACOBSON
Phone: 844-2291
Address: 17732 TAMARACK
Email: LANA-JACOBSON@HOTMAIL.COM

Property Information (Include a survey or scaled drawing)

Address: 13467 WINDCREST
Parcel No.: 70.07.08 .006
Lot Width: Varies
Parcel Size: 11.68 AC

Current Zoning: R-1
Lot Depth: VARIES
Parcel Size: VARIES

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. Relating to AN EXISTING 10'-2" HIGH WOOD TIMBER WALL NEEDING TO BE REPLACED
4. Structure/Land Use (After Variance): DRIVE/PARKING
5. Overall Building Size (After Variance): NO CHANGE
6. Setbacks from lot lines (After Variance):
   a. Front Yard NC ______ feet
   b. Rear Yard NC ______ feet
   c. Side Yard #1 NC ______ feet
   d. Side Yard #2 NC ______ feet

Last Revised 7/15/20
The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Township staff members to inspect the property (address stated below) at reasonable times, in regards to the consideration of my request for a variance.

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

Applicant's Signature: ___________________________ Date: 5-4-22

Owner's Signature (if different from applicant): ___________________________ Date: 

13487 WINDCREST 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
VARIANCES.

(A) Dimensional Variance. Except as otherwise provided, to authorize a non-use or dimensional variances from the strict applications of the provisions of this Ordinance, the Zoning Board of Appeals shall apply the following standards and shall make an affirmative finding as to each of the matters set forth in each of such standards:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification. Exceptional or extraordinary circumstances or conditions include:

(a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance, or amendment thereto;

(b) Exceptional topographic conditions;

(c) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or

(d) By reason of the use or development of the property immediately adjoining the property in question

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

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

(4) That 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.
CHAPTER 19: ZONING BOARD OF APPEALS

EXEMPTIONS TO REAR YARD SETBACKS IN CERTAIN CIRCUMSTANCES.

(B) Authority of Zoning Board of Appeals. In some circumstances, Main Buildings extending into the required rear setback may be authorized by the Zoning Board of Appeals pursuant to Section 603 of the Michigan Zoning Enabling Act.

(C) Approval Criteria. In order to qualify for an authorization under this Section, the application must meet the following criteria: The criteria for approving a variance shall NOT apply to these requests, and any approval by the ZBA shall not be considered a variance from this Ordinance.

1. The lot in question must be in the R-2 zoning district.
2. The lot in question must be fifteen thousand (15,000) square feet or less in area.
3. The square footage of the footprint of the portion of the Main Building extending into the required rear yard, plus the total square footage of the footprints of all Accessory Structures on a Lot shall not be more than the amount of square footage of Accessory Structures allowed by right. Once constructed, the square footage of the Main Building extending into the required rear yard shall be included in the calculation of total square footage of Accessory Structures, when determining whether a new Accessory Structure may be constructed on the lot.
   a. See Section 10.01.C.7 for the maximum square footage of Accessory Structures permitted on a given lot.
   b. The ZBA will require a restrictive covenant, such as a deed restriction, recorded with the Ottawa County Register of Deeds, indicating the restriction on the size (and potentially, the number of) accessory structures on the lot, based on the requirements of this Section.

4. The portion of the Main Building within the required rear setback shall meet the required side setback for a Main Building, and no less than forty percent (40%) of the required rear yard setback. Further, the requirements of Section 10.04.C shall apply to any deck extending from the projection into the required yard, so no deck may extend closer to the rear lot line than forty percent (40%) of the required rear setback.

5. The footprint of the portion of the Main Building within the required rear yard shall not exceed twenty-five percent (25%) of the footprint of the Main Building that is not within the required rear yard.

6. The Board of Appeals shall have the authority to require landscaping when deemed appropriate when considering the nature of the area.

7. All of the Buildings and Structures on the Lot shall not exceed the Lot Coverage standards of the underlying Zoning District.

8. The portion of the Main Building within the required rear yard shall generally be compatible with the architecture style and Building form of the Main Building, as well as generally compatible with the architecture style of the surrounding buildings on adjacent lots.

9. The area, height, and massing of the proposed Accessory Building or Structure shall be proportional to the overall area of the Lot upon which it is placed and consistent with other residential Buildings or Structures in the surrounding neighborhood. The building height shall not exceed the maximum height in the R-2 district for Main Buildings.

10. The Accessory Building or Structure shall be located in such a manner as to not cause a storm water runoff nuisance on adjacent property.
1b …exceptional or extraordinary circumstances – topography

   The variance request is for the relocation & replacement of an existing wood timber retaining wall along the drive to the garage. This site is located in Critical Dune area and the retaining walls are in an area of slopes greater than 33%.

   I have attached an email I sent to Bonnie @ EGLE regarding the GHT ordinance requiring more land be covered in installing the replacement wall(s) along with her response. The special exception she mentions, is next to impossible to get, takes 3 to 6 months to process (before Covid) & will cost $3000 to $5000 to make application, that will not get serious consideration because GHT’s new zoning ordinance does not permit retaining walls over 4’ h.

2. …necessary for the preservation & enjoyment…

   The variance is necessary to prevent the collapse of an existing wood timber retaining wall & meet EGLE requirements. No increased financial return will be gained by this variance.

3. …substantial detriment to adjacent property…

   The variance will have no detriment (let alone substantial detriment) on any adjacent properties. The variance will not impair the intent & purpose of the zoning ordinance & will be an aid in protecting the health, safety & general welfare of the community (the Jacobsons’ & their guests)

4. …is not of so general nature…

   The variance requested is specific to replacing existing 10’h (+/-) retaining walls in critical dune area, on land with slopes greater than 33% & in an area that is not visible by or accessible to the general public (as this is a gated community).

FROM:
Dennis Dryer – President
EGLE

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT

Issued To:

Nelson & Lana Jacobson, Nelson & Lana Jacobson
13467 Windcrest Lane
Grand Haven, MI 49417

Permit No: WRP029461 v.1.1
Submission No.: HP4-DK2B-ME1Z4
Site Name: 70-13467 Windcrest Lane-Grand Haven
Issued: June 25, 2021
Revised: April 7, 2022
Expires: June 25, 2026

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 323, Shorelands Protection and Management
☑ Part 353, Sand Dunes Protection and Management

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

Authorized Activity:

Remove a total of 12 trees, fill a 234 square foot area with approximately 75 cubic yards of material and construct an 18 linear foot retaining wall along the existing driveway, install a total of 1780 square feet of concrete driveway over the existing driveway use and the newly filled area. After the fact authorization to remove the existing decks and new authorization to construct a 3400 square foot at-grade patio on the west side of the structure, a 530 square foot at-grade patio on the north side of the structure, a 50 linear foot retaining wall, and approximately 50 linear feet of walkway and at-grade stairs connecting the patios. Renovate the existing large, non-conforming, structure including the addition of two (2) second story decks each measuring 80 square feet, and the installation of a 36 square foot window well on the east side of the house all within a critical dune and high risk erosion 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/08,
Property Tax No. 70-07-08-200-006
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 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 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 prosecution of 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/weather 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.

7. The authorized structure was reviewed under Subrule 15 of the Great Lakes Shorelands Administrative Rule 281.22

8. 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 (810) 591-8183.

9. 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%).
10. Altering the crest and the area lakeward of the crest by placing retaining walls or other regulated structures, removing soil or vegetation, lowering or raising the elevation of the crest, placing materials or soils lakeward of the crest on the lakeward facing bluff is not permitted.

11. 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.

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

13. 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.

14. 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 1946, as amended. In Allegan and Ottawa counties contact MDARD Region 2 Supervisor Mike Hansen, hansenmg@michigan.gov or 269-429-0669.

15. 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.

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

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

18. Excess excavated clean sand must be deposited in a critical dune area on the beach above the ordinary high water mark (OHWM) of 680.5 feet MGLD85, 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. The sand shall be leveled out immediately and planted with native dune vegetation. 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 than 3 inches deep. In areas of open sand or dune grass, sand shall not be placed greater than 18 inches deep.

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

20. All man-made debris that has been compromised by erosion and is threatening to be discarded below the Ordinary High Water Mark of a Great Lake, such as stairways, decks, catch basins, septic systems, pool foundations, buildings, sheds, pipes, and concrete, must be removed and deposited in an upland location outside of the Critical Dune Area.

21. 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.
22. 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.

23. 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.

24. The proposed structure is within 100 feet of the dune crest and therefore the following requirements must be met:
   - The structure and access to the structure shall be in accordance with a site plan prepared for the site by a registered professional architect or a licensed professional engineer and the site plan shall provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
   - Access to the structure shall be from the landward side of the dune.
   - The dune shall be re-stabilized with indigenous vegetation.

25. The crest of the dune shall not be reduced in elevation.

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

cc:  
Grand Haven Township Clerk  
Ottawa County Water Resources Commissioner  
Ottawa County CEA  
Peterson Environmental Agent