



AGENDA

Zoning Board of Appeals – Special Meeting
Tuesday, June 28th, 2022 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of the May 24, 2022 ZBA Meeting Minutes
- IV. New Business
 - A. ZBA Variance Application No. 22-07 – Kuiper – Dimensional Variance
- V. Reports
- VI. Extended Public Comments & Questions (Limited to 4 minutes)
- VII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MAY 24, 2022

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, Hesselsweet, Egedy-Bader
Board of Appeals members absent: Behm

Also present: Senior Planner Thibault, Manager Cargo

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

III. APPROVAL OF AMENDED MEETING AGENDA

Without objection, the amended agenda was approved.

IV. APPROVAL OF MINUTES

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

V. NEW BUSINESS

A. ZBA Variance Application No. 22-01 – Westra – Dimensional Variance

Party Requesting Variance:	Gregory Westra
Address:	17318 Timber Dunes Dr, Grand Haven
Parcel Number:	70-07-16-346-007
Location:	17318 Timber Dunes Dr.

The applicant is seeking to replace an existing deck which would result in a rear yard setback of 2-feet where 20-feet is required and a side yard setback of 13-feet, 7-inches where 15-feet is required. The deck violates Sections 10.01.C.3, 10.01.C.4, and 10.01.C.5 of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated May 19.

The applicant, Mr. Westra, was present to provide information.

- The intent is to replace the current wood deck and railing in kind with composite material
- The pool does not need additional support and will remain in place

The Board discussed the application and noted the following:

- The application and background of the project is familiar due to this being the second review

Standard No. 1 – Exceptional or extraordinary circumstances:

- There are elevation changes on the property of about 12±-feet. The existing home is legally non-conforming in location due to the reduced (~26-feet) rear yard setback, which limits the compliant footprint available for a deck.

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

Standard No. 2 – Substantial property right:

- Property owners are entitled to build decks in the rear yard of their property. The proposed deck would provide the applicant the continued ability to utilize the deck and pool area as he purchased it originally.

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

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- No letters of opposition were received for this application (*as of May 19th*).

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

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

- Compliance with the Zoning Ordinance would result in the deck bisecting the existing pool, and therefore would not be practical.
- The area around the pool has to be level, the topography changes in the rear yard require some sort of stabilized surface to be provided.

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

Motion by Slater, supported by Loftis, to **approve** a dimensional variance from Sections 10.01.C.3, 10.01.C.4, and 10.01.C.5 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.

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

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

B. ZBA Variance Application No. 22-05 – Jacobson – Dimensional Variance

Party Requesting Variance:	Nelson & Lana Jacobson
Applicant Representative:	Dennis Dryer, Dryer Architecture
Address:	220 ½ Washington, Grand Haven
Parcel Number:	70-07-08-200-006
Location:	13467 Windcrest

The applicant is seeking to install a new retaining wall measuring 10-feet 2-inches in height where a maximum height of 8-feet is allowed. The retaining wall would violate Section 14.13.C of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated May 19.

The applicants' representative, Mr. Dryer, was present to provide information:

- The retaining wall will be replaced with concrete members and block/stone material, rather than with the same timber material which is deteriorating
- It is difficult to get a Special Exception from EGLE, which would be required in order to make a series of compliant retaining walls
- The existing layout is dangerous, expanding the driveway would alleviate safety and maneuvering concerns – a railing will also be provided. The wall will extend past grade to form a curb.
- **EGLE** approval was granted on 06/25/2021
- Trees were cleared during demolition work, but the stumps remain – these will be buried

The Board discussed the application and noted the following:

Standard No. 1 – Exceptional or extraordinary circumstances:

- The subject property is within the Critical Dune Area, has significant topography changes. The proposed retaining wall has been reviewed and approved by EGLE.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

Standard No. 2 – Substantial property right:

- Property owners of residentially zoned properties are entitled to build a structurally sound driveway on the property.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- No correspondence 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.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

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

- The combination of the topographic change and location within the Critical Dune Area limit the buildable area. 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.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

Motion by Loftis, supported by Slater, to **approve** a dimensional variance from Section 14.13.C to build a new 18 linear foot retaining wall at 13467 Windcrest Lane 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.

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

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

C. ZBA Variance Application No. 22-06 – Huddas – Dimensional Variance

Party Requesting Variance:

Richard & Kathleen Huddas

Applicant Representative:

Adam Rought, Green Shield Home

Address:

4386 Airwest Dr SE, Kentwood

Parcel Number:

70-07-01-130-011

Location:

14939 Mercury Dr, Grand Haven

The applicant is seeking to replace a deck located within the required side yard which would result in a side yard setback of 9-feet, 10-inches, where 11-feet is required. The deck violates Section 10.04.C.4 of the Zoning Ordinance.

Thibault provided an overview through a memorandum dated May 19.

The applicants' representative, Mr. Rought, was present to provide information:

- Expressed that shrinking the deck to a compliant size would create a safety hazard in the side yard as a gap between the deck and retaining wall would be created
- Confirmed that the deck would be extending 6' closer to the river

The Board discussed the application and noted the following:

- Noted that this would be increasing the side yard setback to 9' - 10" from the current nonconforming setback of 9' for the retaining wall which was granted last year.

Standard No. 1 – Exceptional or extraordinary circumstances:

- 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.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

Standard No. 2 – Substantial property right:

- It is common for property owners with river frontage to have a deck overlooking the water.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- No correspondence was received for this application (*as of May 19th*).

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

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

- The combination of a narrow lot and elevation change 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 be reviewed to determine if a variance is applicable.

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

Motion by Hesselsweet, supported by Loftis, to **approve** a dimensional variance from Section 10.04.C.4 to replace an existing deck with a new deck resulting in a 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.

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

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

D. ZBA Variance Application No. 22-04 – Skeels – Dimensional Variance

Party Requesting Variance:	Gary & Jane Skeels
Address:	14494 Angelus Cir., Grand Haven
Parcel Number:	70-03-35-351-022
Location:	14494 Angelus Cir., Grand Haven

The applicant is seeking a variance for a 10’ x 16’ shed located in the front yard, which is in violation of Section 10.01.C.11.a of the Zoning Ordinance that prohibits accessory structures within the front yard.

Thibault provided an overview through a memorandum dated May 19.

The applicant, Mr. Skeels, was present to provide information:

- The accessory structure is not complete, rather it is “dried in” to protect the material
- Confirmed there are overhead utilities located in the front yard (water side) and underground utilities and a septic system in the rear yard (road side)
- Stated that there would not be enough space in either side yard for the accessory structure to be located
- Interested in building a garage for additional storage space in the future

The Board discussed the application and noted the following:

- A variance or Special Land Use would likely be needed if the proposed future garage as shown on the plan were to be built
- Noted that the rear yard is constrained in finding any compliant location
- Staff clarified that there are no view-shed triangle requirements in the current Zoning Ordinance
- Staff noted there is a compliant solution through a Special Land Use

Motion by Slater, supported by Hesselsweet, to **postpone** consideration of the dimensional variance application for 14494 Angelus Circle, until the applicant does the following:

1. Refer the application to the Planning Commission since there is another compliant option available, by submitting a Special Land Use application for an accessory structure located in the front yard per Section 12.07 of the Zoning Ordinance

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

Ayes: Voss, Slater, Loftis, Hesselsweet, Egedy-Bader

Nays: None

Absent: Behm

VI. REPORTS

Thibault provided an update on the Grand Rapids Water Treatment Plant solar array installation

VII. EXTENDED PUBLIC COMMENTS – None

VIII. ADJOURNMENT

Without objection, the meeting was adjourned at 8:11pm

Respectfully submitted,



Rory Thibault

Acting Recording Secretary



Community Development Memo

DATE: June 23, 2022

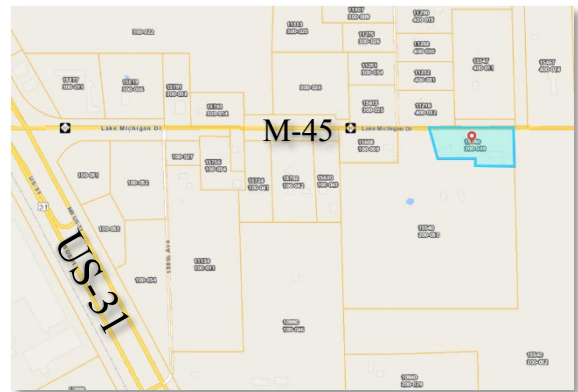
TO: Zoning Board of Appeals

FROM: Rory Thibault – Community Development Staff
Cassandra Hoisington

RE: 15540 Lake Michigan Dr. – Dimensional Variance Application No. 22-07

PARCEL INFORMATION

Owner	Floyd and Marilyn Reimink Trust
Property Address	15540 Lake Michigan Dr.
Parcel Number	70-07-26-200-049
Lot Size	2.07-Acres
Lot Type	Lot of Record
Zoning	AG – Agricultural
Minimum Lot Area	20-acres
Requested Lot Area	Parcel 2A – 1 acre
	Parcel 2B – 1.07 acres
Minimum Lot Width	330'
Requested Lot Width	Parcel 2A – 271.83'
	Parcel 2B – 209.97'

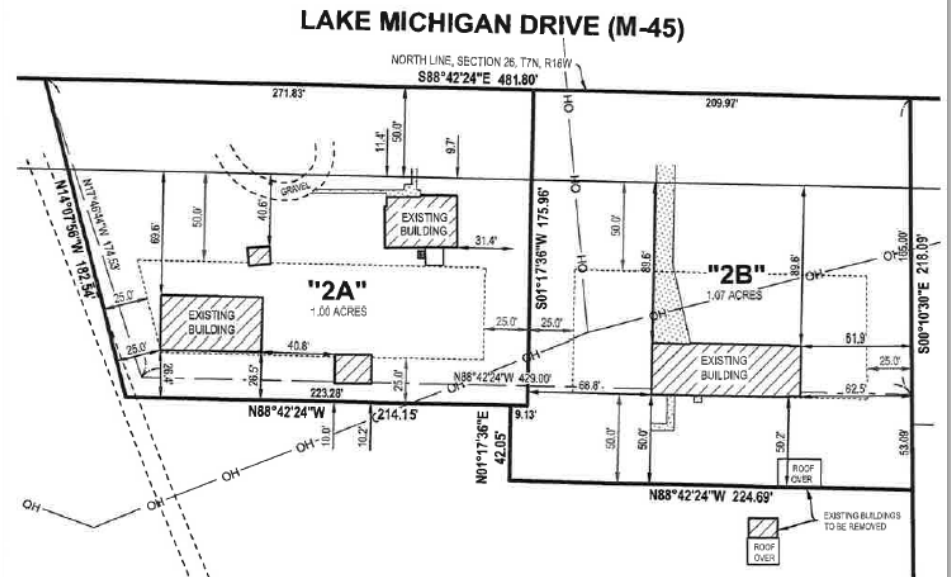


ZBA APPLICATION

The applicant has applied for a land division to split the subject property into two separate lots and sell them separately. The parcel is zoned Agricultural (AG), and the Future Land Use is likewise Agricultural Preservation (AP). M-45 is currently paved, with water service by the Grand Rapids water main; sewer is located within 2700-feet of the subject property.



Per Section 2.08, AG properties are required to have a minimum area of 20 acres and a lot width of 330-feet (AG properties are exempt from the double lot frontage requirement for M-45). The proposed land division would violate the lot width requirement and increase the degree of non-conformity related to lot area for each child parcel.



The property owners would like to sell each property individually and believe a split is the only path forward. However, each residence may be addressed individually regardless of property boundaries. Additionally, the Assessing Director confirmed each dwelling is assessed a unique value; property owners may claim a PRE on each home if sold to separate parties.

Per Section 15.04, only one dwelling is allowed per lot. Additionally, per Section 15.02, the legally nonconforming buildings can remain provided they are not enlarged or otherwise altered to increase any nonconformities. It is the intention of the Zoning Ordinance to gradually eliminate non-conformities. Therefore, if the parcel remains as is, neither house may be expanded. By dividing the parcel the house in Parcel 2B becomes conforming. The house in Parcel 2A remains non-conforming in location and increases in non-conformity due to the area of the accessory structures. Currently, the accessory structures to remain total 2,340 sqft - exceeding the 1,000sqft allowance for a one-acre parcel; 2,000sqft is allowed for a 2.07 acre parcel.

The property owners were approved for a series of lot line transfers earlier this year. In this process, the subject parcel's area was increased to provide compliant setbacks for proposed eastern parcel (2B). At this time, the property owners also may have transferred the lot line over to separate the houses in a location similar to what is now being requested, but chose not to pursue it at that time. This would have combined the house on parcel 2B with the vacant parcel to the east. The difference being that a variance to allow a split would result in four buildable lots, where the lot line transfers would have remained at three lots.

If approved, there is nothing holding the current property owners or any future owner to maintaining the existing houses. Due to the age and condition of the house on Parcel 2A, it would not be unlikely that someone would purchase the property with the intention of razing the house and building a new dwelling.

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 has two legally non-conforming dwellings with road frontage. The residential buildings are separately assessed and share a common address. While uncommon, other properties in the Township have multiple residential buildings. Legally non-conforming dwellings are allowed to remain provided that the dwelling is not enlarged or otherwise increases the degree of non-conformity. However, the State of Michigan's position as described in the Zoning Ordinance is that these nonconformities should be gradually eliminated. The ZBA will need to make a determination as to whether this standard is met given the circumstances of this case.

STANDARD 2

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

The property owner asserts that by dividing the lots, two separate parcels can independently claim the affordances of a typical lot with a single house (i.e. addresses, billings, and PRE) allowing the property owner use in the same way as other properties with a singular residence. However, the separate houses on the parcel are able to be separately addressed, and a PRE is possible. Further, a lot line transfer is possible to include one of the residences on the adjacent AG parcel owned by the same property owner.

So while the intent of the land division, selling the parcels separately to separate owners, is convenient – other options are available. Given the current conditions of the site, the context of the adjacent properties, and the intention of the application, the proposed land division maximizes the financial gain on the sale of the property and preempts a potential Master Plan change accommodating additional residential properties in the area. The ZBA will need to make a determination as to 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 written correspondence has been received, and it is unlikely to cause additional detriment to the health, safety, and welfare since the property would maintain the current number of access drives and number of structures. However, it would increase the number of nonconforming parcels in use and size. The ZBA will need to make the determination as to 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.

It is rare that a property owner has more than one residential building on their property; further, the current Zoning Ordinance prohibits this from occurring. However, 36 parcels in the Township do have multiple assessed residential structures on their lots. These properties could then choose to apply for a variance based on the same merit. The ZBA will need to make the determination as to whether this standard is met.

SAMPLE MOTIONS

If the ZBA determines each standard has been affirmatively met, the following motion can be offered:

Motion to approve a dimensional variance from Section 2.08 to approve a land division in the Agricultural district to result in 1-acre parcel with a lot width of 209.97-feet and 1.07-acre parcel with a lot width of 271.83-feet at 15540 Lake Michigan Drive. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met.

If the ZBA determines each standard has not been affirmatively met, the following motion can be offered:

Motion to deny a dimensional variance from Section 2.08 to approve a land division at 15540 Lake Michigan 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 15540 Lake Michigan Drive, and direct the applicant and/or staff to provide the following information:

1. *List items.*

Please contact me with questions or concerns.



May 18, 2022

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

Dear Mr. Thibault:

Included with this cover letter, please find the following documents to support the request for dimensional variances related to lot area, lot width and front yard setback resulting from a proposal to split 15540 Lake Michigan Drive (PPN: 70-07-26-200-002) into two (2) separate parcels.

1. Application
2. Survey Sketch
3. Narrative

These items are being submitted for consideration at the next regular Zoning Board of Appeals meeting. Should you have any questions or need additional information, please do not hesitate to contact me at (616) 485-5321.

Sincerely,

A handwritten signature in black ink that reads "Kelly Kuiper".

Kelly Kuiper
Project Manager



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Application Type	Fee	Escrow*
Variance or Appeal	\$250	\$300
603 Exemption	\$250	\$300

Application Type	Fee	Escrow*
Special Meeting	\$425	n/a
Interpretation	\$125	n/a

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

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

Applicant/Appellant Information

Name Kelly Kuiper
 Phone (616) 485-5321
 Address 3471 146th Avenue, Zeeland, MI 49464
 Email Address kmkuiper@outlook.com

Owner Information (If different from applicant/appellant)

Name REIMINK TRUST
 Phone _____ Email _____
 Address 15540 Lake Michigan Dr, West Olive, MI 49460
 Email Address _____

Property Information (Include a survey or scaled drawing)

Address 15540 Lake Michigan Dr, West Olive, MI 49460
 Parcel No. 70-07 - 26 - 200 - 002 Current Zoning AG
 Lot Width _____ Lot Depth _____
 Parcel Size _____ Parcel Size _____

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) Section 2.08
 3. Relating to Lot Area, Lot Width, Front Setback
 4. Structure/Land Use (After Variance) Single family residential
 5. Overall Building Size (After Variance) Unchanged
 6. Setbacks from lot lines (After Variance): *Western Parcel

a. Front Yard <u>9.7</u> feet *Not changing	c. Side Yard #1 <u>31.4</u> feet
b. Rear Yard <u>26.4</u> feet *Not changing	d. Side Yard #2 <u>25</u> feet
	<u>*Not changing</u>
	c. Side Yard #1 <u>61.9</u> feet *Not changing
	d. Side Yard #2 <u>68.8</u> feet
- Setbacks from lot lines (After Variance): *Eastern Parcel
- | | |
|--|----------------------------------|
| a. Front Yard <u>89.6</u> feet *Not changing | c. Side Yard #1 <u>61.9</u> feet |
| b. Rear Yard <u>50</u> feet *Not changing | d. Side Yard #2 <u>68.8</u> 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.

Kelly Kuper
Applicant's Signature

May 18, 2022
Date

Steven Reimink
dotloop verified
02/28/22 9:08 PM EST
72QR-VFLC-ZGUE-M5KV

02/28/2022
Date

Owner's Signature (if different from applicant)

Date

15540 Lake Michigan Dr, West Olive, MI 49460
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:

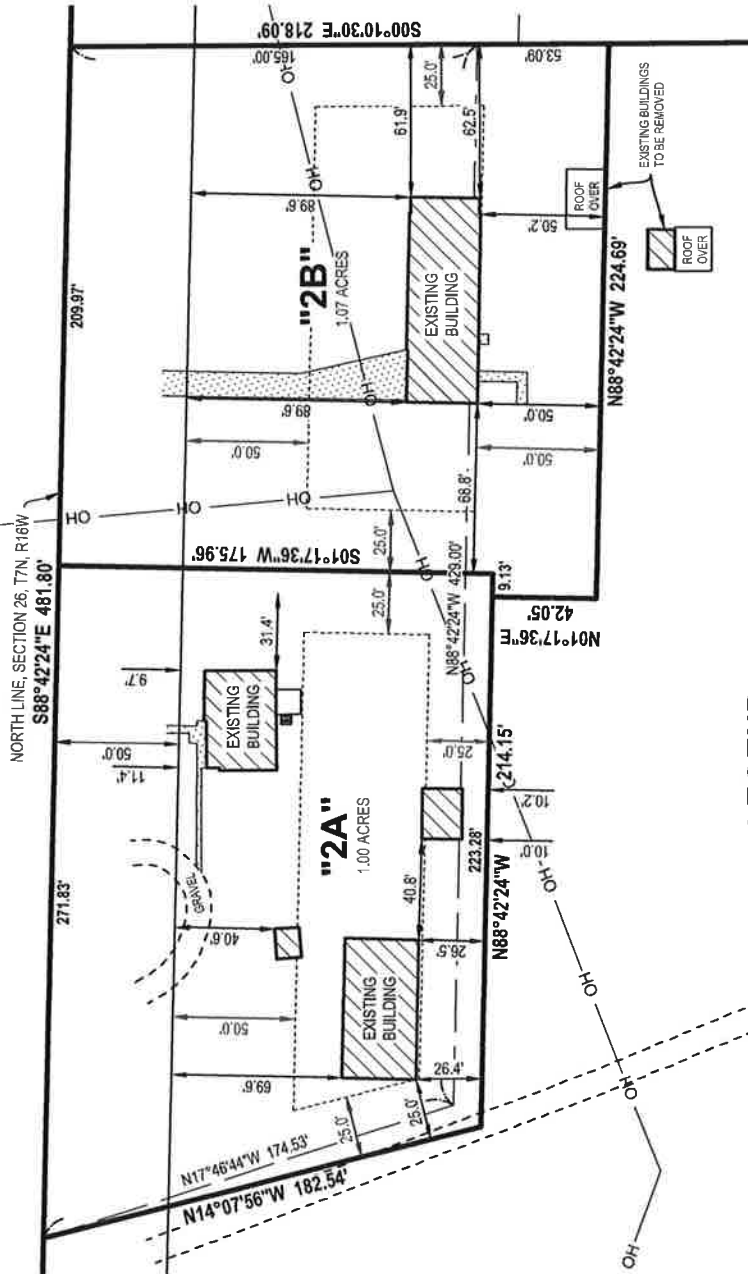
Signature of ZBA Chairperson

Date

PARTIAL DESCRIPTION

Part of the North 1/2 of Section 26, Town 7 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan.

LAKE MICHIGAN DRIVE (M-45)



LEGEND

- OH Overhead Utility
- HO Underhead Utility
- Zoning Setback
- Concrete
- Existing Building

NOTE: Care has been taken to meet proper setback requirements. However, municipal approval of the proposed location should be obtained prior to commencement of construction.

Note: Improvements shown herein are from previous Nederveld, Inc. project no. 20201091, dated 09-09-2020.

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

SCHEDULE B - SECTION II NOTES

- 14 Right of Way in favor of Michigan Gas Utilities Company, a Michigan corporation and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 627, Page 308. (THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM THE RECORD DOCUMENT, AND IS NOT SHOWN ON THIS SURVEY.)
- 15 Right of Way in favor of Michigan Gas Utilities Company, a Michigan corporation and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 627, Page 306. (EASEMENT DOCUMENT NOT RECEIVED FOR REVIEW AND IS NOT SHOWN ON THIS SURVEY.)

TENTATIVE PARCEL MAP

SCALE: 1" = 60' 0' 30' 60'



Great Lakes Excavating
Kelly Kuiper
3471 146th Avenue
Zeeland, MI 49484

15540 Lake Michigan Drive

DRAWN BY: JV DATE: 05-06-2022
REV. BY: JV REV. DATE: 05-16-22
REV: NEW PARCEL LAYOUT

PRJ #: 222003527PM1.1
1 OF 1

NEDERVELD
www.nederveld.com • 800.222.1888

Holland
347 Haven Blvd.
Holland, MI 49423
Ann Arbor, Chicago, Columbus,
Carmel, Indianapolis, St. Louis

NARRATIVE

The variances being requested are from Section 2.08, Schedule of Dimensional Regulations that result from a proposed land division of 15540 Lake Michigan Drive. The variances are as follows:

Lot Area

1. A variance of 19 acres from the 20 acres required for the minimum lot area in an AG zoning district, allowing the proposed western parcel to be 1.00 acres.
2. A variance of 18.93 acres from the 20 acres required for the minimum lot area in an AG zoning district, allowing the proposed eastern parcel to be 1.07 acres.

Lot Width

3. A variance of 120.03 feet from the 330 feet required for the minimum lot width in an AG zoning district, allowing the proposed western parcel to be 209.97 feet wide.
4. A variance of 58.17 feet from the 330 feet required for the minimum lot width in an AG zoning district, allowing the proposed eastern parcel to be 271.83 feet wide.

Front Setback

5. A variance of 40.3 feet from the 50 feet required for the minimum front setback in an AG zoning district, allowing the proposed western parcel to maintain an existing front setback of 9.7 feet.

Dimensional Variances standards:

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

The exceptional or extraordinary condition that applies to this property is that two (2) principal structures exist on the same property, including a 1,240 square foot 1+ story home of unknown construction date and a 1,512 square foot ranch built in 1972. While Section 14.05 does not necessarily restrict only one main building on a lot in the AG district, all other residential zoning districts are restricted to one main building. Although zoned AG, since this lot is single family residential in use only, it appears that the one main building restriction (accomplished with a land division at 15540 Lake Michigan Drive) would bring this lot into greater conformance with the intent of the Zoning Ordinance. This is supported by the fact that this condition does not generally apply to other properties throughout the Township since it is in fact prohibited in residential zoning districts.

- (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.**

The variances requested would allow 15540 Lake Michigan Drive to be split into two (2) separate parcels. This is necessary for the preservation and enjoyment of the substantial property rights that are typically associated with home and property ownership: for each

NARRATIVE

home to have a separate address, for each home to claim a principal residence exemption (fairly and correctly), for each home to have separate tax bills, utility bills, etc. without undue confusion. Currently, there can only be one (1) landowner of 15540 Lake Michigan Drive, meaning that both homes must be owned by the same person. Granting the variances would allow the property to be split and therefore, have two (2) separate owners for two (2) separate homes. While this may not be a property "right," it would be correcting the situation to allow these homes, as a single home on a single lot, to be enjoyed and used in the same manner as all other single family residential properties throughout the Township.

- (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.**

Granting the variances that would allow Lake Michigan Drive to be split into two (2) properties and would not cause detriment to adjacent property owners. For all intents and purposes, the "naked eye" would not see a difference at this property since the homes would exist in the same location and continue with the same use. However, an invisible line dividing the two homes would allow the Township would enjoy more conforming properties. For this reason (and many reasons mentioned above), the intent and purpose of the Ordinance, nor the public health, safety, and general welfare of the community would not be impaired, rather improved.

- (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.**

The situation for which the variances are ultimately being sought, to split the property since two (2) principal residences exist on the same lot, is not general or recurrent throughout the Township and is the crux of the unique situation at hand. In fact, Section 14.05 of the Zoning Ordinance already exists to prevent this situation from happening within Grand Haven Township which proves it is a situation worth correcting.