I. Call to Order

II. Roll Call

III. Approval of the August 23rd, 2022 ZBA Meeting Minutes

IV. Public Comments & Questions (*Agenda Items Only*)

V. New Business
   A. ZBA Variance Application No. 22-11 – Zamiara – Dimensional Variance (Height)
   B. ZBA Variance Application No. 22-10 – Zamiara – Dimensional Variance (Walls)

VI. Reports

VII. Extended Public Comments & Questions (*Non-Agenda Items*)

VIII. Adjournment
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, Loftis, Behm, Slater, Egedy-Bader
Board of Appeals members absent: Hesselsweet

Also present: Senior Planner Thibault, Associate Planner Hoisington

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

III. APPROVAL OF MINUTES

Without objection, the minutes of the June 28, 2022 ZBA Meeting were approved.

IV. NEW BUSINESS

A. ZBA Variance Application No. 22-08 – Chittenden – Dimensional Variance

Party Requesting Variance: Dwight & Janine Chittenden
Address: 15721 Lincoln St.
Parcel Number: 70-07-11-300-007
Location: 15721 Lincoln St.

The applicant is seeking a variance for a land division creating 2 additional parcels (herein referred to as A & Remainder) that would result in Parcel A – a 1.68-acre lot with a lot width of 250-feet, and the Remainder – a 3.29 acre lot with a lot width of 761.50-feet. The proposed Lot A would violate Section 2.08.F of the Zoning Ordinance which requires a minimum frontage of 300-feet for the Rural Residential zoning district on a Double Width Road.

Thibault provided an overview through a memorandum dated August 17.

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

- Splitting the parcel at 300-feet lot width would result in a triangular piece of on one side of the County Drain without access to the majority of the parcel.
- Opined it would not be practical to gain access from the road to the triangular property via a driveway, which would make maintaining or using the property more difficult.

The Board discussed the application and noted the following:
• Inquired if the property around the drain was subject to an easement.
• Clarified the number of splits available does not change if the variance was approved and the proposed parcel exceeds the minimum size requirement.
• Confirmed no additional driveways would be installed onto Lincoln Street as a result of the reduced lot width, which is in line with the intent of the double lot width requirement.

Standard No. 1 – Exceptional or extraordinary circumstances:
• The way in which the County Drain bisects the property limits the buildable area for the land directly adjacent of it due to the drain easement.
  
  Ayes: Voss, Loftis, Behm, Slater, Egedy-Bader
  Nays: None
  Absent: Hesselsweet

Standard No. 2 – Substantial property right:
• The owner is entitled to split the property up to three times, the reduction in lot width would not result in any additional splits beyond what the applicant is entitled to by right.

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

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 August 19th).

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

Standard No. 4 – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:
• Though many properties are impacted by the presence of a County Drain, the location on this specific piece of property and how it relates to the lot width requirement is unique.

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

Motion by Slater, supported by Behm, to approve a dimensional variance from Section 2.08.F to allow a land division at 15721 Lincoln St. This will result in a 250-feet lot frontage for Lot A. 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: Hesselsweet

Following deliberations, the public comment period commenced:

- Kip Nadeau – 15600 Lincoln St., Grand Haven, MI 49417
  - Owns property close to the Chittenden’s.
  - Concerned over potential traffic impact for an entrance to Schmidt Heritage Park on Lincoln St.
  - Expressed that the applicant shouldn’t sell the land nor provide an easement to the Township.

B. ZBA Variance Application No. 22-09 – Ponce – Dimensional Variance

Party Requesting Variance: Jason Ponce
Address: 15944 Lake Ave.
Parcel Number: 70-07-02-132-039
Location: 15944 Lake Ave.

The applicant is seeking a variance to retain an existing 768-sqft building in its current location in the rear yard and reconstruct a new garage addition within the same footprint as the existing garage. This would result in a 768-sqft building where a maximum 720-sqft building is allowed, a side yard setback of 6-feet is 15-feet is required, a rear yard setback of 6-feet, 10-inches where 15-feet is required, and a setback from the house of 12-feet, 4-inches where 15-feet is required. This is in violation of Sections 10.01.C.7 and 10.01.C.10 of the Zoning Ordinance.

Hoisington provided an overview through a memorandum dated August 17.

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

- Expressed concern over time and material waste by demolishing an accessory structure
- Clarified design of new attached 2-story addition
- Agreed to refacing the proposed addition with noncombustible material if required
- Stated intention was not to immediately sell the property
- Clarified there was no sanitary facilities in proposed addition that would impact drain field capacity
The Board discussed the application and noted the following:

- Questioned the aesthetic qualities of the proposed addition
- Concerned with adequate fire separation given the Zoning Requirements
- Inquired what the enforcement procedures would be to maintain the accessory structure in accordance with its natural life.

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

- The property is a typical lot.
- The garage was permitted under a different Zoning Ordinance and was compliant at the time of construction.

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

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

- The R-1 zoning district allows a single-family dwelling as a use permitted by right, and the size of the property entitles the owner to install up to two accessory buildings with a combined floor area of 720 sqft.
- The 768 sqft accessory building is an existing structure that was permitted in 1989.
- The attached garage addition would be constructed within the existing building footprint and would continue to comply with the R-1 setbacks.

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

**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 August 19th).
- The accessory building is an existing structure and the attached garage addition would be rebuilt within the same footprint - this does not increase the existing nonconformities.

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

**Standard No. 4** – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:
- Obtaining a compliant setback between the dwelling and accessory building would still not alleviate the other nonconforming aspects of the building related to size or rear and side yard setbacks.

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

**Motion** by **Motion** by Slater, supported by Behm, to **conditionally approve** a dimensional variance from Sections 10.01.C.7 and 10.01.C.10 to allow an existing 768 sqft accessory building remain in place at 15944 Lake Avenue. This will result in a 12-feet, 4-inch setback from the dwelling, a 6-foot setback from the side lot line, and a 6-feet, 10-inch setback from the rear lot line. Approval of this variance is based upon this Board’s findings that all four standards **have been affirmatively met** and is conditioned upon the following:

  1. The existing 768 sqft accessory building may be maintained in place, but shall continue to be considered a nonconforming structure and may not be further improved or repaired beyond the natural life of the structure unless and until it complies with the Zoning Ordinance. No additional accessory structures may be constructed on the lot unless in compliance with the standards of the Zoning Ordinance at the time.

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

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

V. REPORTS - None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

**Without objection**, the meeting was adjourned at 8:15pm.

Respectfully submitted,

Rory Thibault
Acting Recording Secretary
# Community Development Memo

**DATE:** September 22, 2022  
**TO:** Zoning Board of Appeals  
**FROM:** Cassandra Hoisington, Associate Planner  
Rory Thibault – Senior Planner  
**RE:** 17461 Lakeside Trail – Dimensional Variance Application No. 22-11

<table>
<thead>
<tr>
<th><strong>PARCEL INFORMATION</strong></th>
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<tbody>
<tr>
<td><strong>Owner/Applicant</strong></td>
<td>Nancy Zamiara</td>
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<tr>
<td><strong>Property Address</strong></td>
<td>17461 Lakeside Trail</td>
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<tr>
<td><strong>Parcel Number</strong></td>
<td>70-07-33-125-036</td>
</tr>
<tr>
<td><strong>Lot Size</strong></td>
<td>1.78 Acres</td>
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<td><strong>Lot Type</strong></td>
<td>Waterfront Lot, Critical Dunes Area, Legal Lot of Record</td>
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<td><strong>Zoning</strong></td>
<td>R-1 - Single Family</td>
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<tr>
<td><strong>Required Dimensions for a Retaining Wall that Exceeds 4-Feet in Height</strong></td>
<td></td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>10-feet (due to reduced lot width)</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>8-feet</td>
</tr>
<tr>
<td><strong>Requested Dimensions for a Retaining Wall that Exceeds 4-Feet in Height</strong></td>
<td></td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>1-foot</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>10-feet</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>35-feet or 2.5-stories, whichever is less.</td>
</tr>
<tr>
<td><strong>Requested Building Height</strong></td>
<td>3-Stories</td>
</tr>
</tbody>
</table>

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[Location Map]  
[Critical Dune Area (Pink) and Wetlands (Blue)]
The property is located within the Critical Dune Area and is encumbered by regulated wetland, which limits the buildable area. The applicant is requesting a dimensional variance from Sections 2.08 and 14.13.C of the Zoning Ordinance as part of a house addition project. The applicant is seeking to construct a building addition which will extend to the east of the existing home. The existing garage would be converted to living space, and the addition would add additional living space and a new garage.

Because the project is located within the Critical Dune Area, an EGLE permit is required prior to a building permit being issued by the Township. An EGLE permit has been obtained for the proposed house addition, but the retaining walls were not included on the permit. EGLE would need to issue an amended permit to the applicant prior to the Township issuing a building permit. As a policy, Township staff requests a copy of an EGLE permit prior to submitting a ZBA application to ensure whatever may be approved is also compliant with EGLE, but the applicant has the right to apply for approval without the permit.

**RETAINING WALL**

A retaining wall is required to provide a flat surface for a new parking area. The proposed at 10-feet tall retaining wall would exceed the maximum retaining wall height of 8-feet. The requested setback is 1-foot from the side lot line where 10-feet is required.

Due to the topography of the proposed retaining wall location, it is unlikely that a compliant solution would be found that met both the height and setback requirements.
BUILDING HEIGHT

Building stories are counted towards building height when at least 6 feet of the story (when measured from average building grade) is exposed. Because the roof line that extends from the existing home continues at the same height, while the topography slopes away, the bottom level of the home is exposed greater than 6-feet. Therefore, it is considered a story, and results in a three-story home.

While the building footprint is limited, the existing home is conforming in size at about 2,100 sqft. The building addition would add an additional 1,446 sqft of living space and 624 sqft as a garage. The minimum dwelling size for a house in the R-1 District is 1,240 sqft, which this house meets. The house is not undersized and the top level of the addition could be removed to provide a compliant solution.

ALTERNATE OPTIONS

When discussing the project with the applicant and the project architect, it was confirmed that the size of the addition could be reduced to comply with the Ordinance, but that it was not what was desired. Staff recommended that rather than seek a variance for height, the applicant adjust the grade around the perimeter of the house through retaining walls, as retaining walls are commonly used throughout the dune area to alleviate grading issues. Since building height is measured from grade, 6-feet from the perimeter of the foundation – the calculated height can effectively be reduced through changing the topography. A separate variance request to reduce the building height through a series of retaining walls is provided in a separate memo. The applicant has requested this variance request be considered as the preferred option.

VARIANCE STANDARDS

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

STANDARD 1

There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.
The property is a legal lot of record and is non-conforming in lot width. The property is encumbered by both Critical Dune Area and regulated wetlands. 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.

Retaining wall: The wall is needed to support the location of the driveway.

Building height: Each property owner has the right to expand their home within the regulations of the Zoning Ordinance. The existing home is approximately 2,100 sqft in size, which conforms with the required minimum dwelling size. There is no entitlement to a larger or taller home.

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 correspondence has been received as of September 22\textsuperscript{nd}. 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.

Retaining wall: the limitations on the property due to the Critical Dune Area, regulated wetlands, and existing topography limit the buildable area and are unique to the property.

Building height: The buildable area of the lot is limited, but the existing home already complies with the Zoning Ordinance. Increased building height is a common desire on lakefront properties.

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 conditionally approve** a dimensional variance from Sections 2.08 and 14.13.C of the Zoning Ordinance to construct a home addition and retaining wall at 17461 Lakeside Trail. This will result in the home having a 3-story height and construction of a 10-feet tall retaining wall with a 1-foot side yard setback. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met and is conditioned upon the following:

1. An EGLE permit shall be issued and provided to staff which approves the construction of all items included in this variance request.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

**Motion to deny** dimensional variance from Sections 2.08 and 14.13.C of the Zoning Ordinance to construct a home addition and retaining wall at 17461 Lakeside Trail. 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 postpone** the dimensional variance application for 17461 Lakeside Trail, and direct the applicant and/or staff to provide the following information:

1. Provide a copy of the EGLE permit which approves the construction of all items included in this variance request.

Please contact me prior to the meeting with questions or concerns.
2 EAST ELEVATION AT DRIVEWAY RETAINING WALL

1 NORTH ELEVATION AT DRIVEWAY RETAINING WALL

GRADE
2x3 RED-WALL RETAINING WALL
6" CURB

RAILING T.B.D.

GRADE
2x3 RED-WALL RETAINING WALL
6" CURB

RAILING T.B.D.

Scale: 1:10
NOTICE OF AUTHORIZATION

Permit Number: WRP032100 v. 1  Date Issued: February 4, 2022
Site Name: 70-17461 Lakeside Trail-West Olive: 13-70-0219-P
Expiration Date: February 4, 2027

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

☐ Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
☐ Part 301, Inland Lakes and Streams.
☐ Part 303, Wetlands Protection.
☐ Part 315, Dam Safety.
☒ Part 323, Shorelands Protection and Management.
☐ Part 325, Great Lakes Submerged Lands.
☒ Part 353, Sand Dunes Protection and Management.

Authorized activity:

Remove a 64 square foot area of the existing structure foundation; construct three, permanent slab on grade additions to the remaining structure foundation measuring 200 square feet, 72 square feet, and 624 square feet respectively; construct a 896 square foot addition to the second floor and a 350 square foot addition to the third floor, and relocate the septic tanks landward of the proposed addition; construct a 75 square foot concrete walkway, a leaching basin and a 30 linear foot sewer line 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.

To be conducted at property located in: Ottawa County, Waterbody: Lake Michigan
Section 33, Town 07N, Range 16W, Grand Haven Township

Permittee:
Mike & Nancy Zamiara
17461 Lakeside Trail
West Olive, MI 49460

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

This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.
Please refer to the above permit number with any questions or concerns.
Community Development Memo

DATE: September 22, 2022

TO: Zoning Board of Appeals

FROM: Cassandra Hoisington, Associate Planner
       Rory Thibault – Senior Planner

RE: 17461 Lakeside Trail – Dimensional Variance Application No. 22-10

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Critical Dune Area (Pink) and Wetlands (Blue)
The property is located within the Critical Dune Area and is encumbered by regulated wetlands, which limit the buildable area. The applicant is requesting a dimensional variance from Section 14.13.C of the Zoning Ordinance as part of a house addition project. The applicant is seeking to construct a building addition which will extend to the east of the existing home. The existing garage would be converted to living space, and the addition would add additional living space and a new garage.

Because the project is located within the Critical Dune Area, an EGLE permit is required prior to a building permit being issued by the Township. An EGLE permit has been obtained for the proposed house addition, but the retaining walls were not included on the permit. EGLE would need to issue an amended permit to the applicant prior to the Township issuing a building permit. As a principle, Township staff requests a copy of an EGLE permit prior to the submission of a ZBA application to ensure whatever may be approved is also compliant with EGLE, but the applicant has the right to apply for approval without the permit.

By using a series of retaining walls, the grading around the lowest level of the home may be modified such that it will not count as a story, and therefore not exceed the maximum building height requirement of 2.5 stories.
RETAINING WALL SYSTEM A

A retaining wall is required to provide a flat surface for a new parking area. The retaining wall is proposed at 10-feet tall and would exceed the maximum retaining wall height of 8-feet. The requested setback is 1-foot from the side lot line where 10-feet is required.

Due to the topography of the area in which the retaining wall is located, it is unlikely that a compliant solution would be found that complied with both the height and setback requirements.

RETAINING WALL SYSTEM B

A series of retaining walls are proposed directly north of the home to modify the grading. The proposed series is 4-feet in height. This would be required to meet a 10-feet setback. A 4-feet side yard setback is requested instead.

RETAINING WALL SYSTEM C

A series of retaining walls are proposed directly South of the home to modify the grading. The proposed series is 4.5-feet in height. This would be required to meet a 10-feet setback. A 7-feet side yard setback is requested instead.

ALTERNATE OPTIONS

The applicant would prefer to obtain a variance for the building height, rather than reduce the height through retaining walls. Because there is no entitlement to a certain sized home which would warrant a larger home, staff opined that constructing a series of retaining walls is a typical method for bringing building height into compliance and therefore would be a more appropriate approach. Retaining Wall “A”, as identified, is required for either variance path.
VARIANCE STANDARDS

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

STANDARD 1

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

The property is a legal lot of record and is non-conforming in lot width. The property is encumbered by both Critical Dune Area and regulated wetlands. 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.

A series of retaining walls are required to maintain appropriate grading to provide a compliant building height for the addition and flat surface for a parking 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 correspondence has been received as of September 22\textsuperscript{nd}. 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.

Retaining wall: the limitations on the property due to the Critical Dune Area, regulated wetlands, and existing topography limit the buildable area and are unique to the property. The walls are needed in order to comply with the maximum
building height requirement. 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 conditionally approve** a dimensional variance from Section 14.13.C of the Zoning Ordinance to construct a series of retaining walls at 17461 Lakeside Trail. This will result in three retaining wall systems: System A – has a 10-feet height and a 1-foot side yard setback. System B – Has a 4-feet side yard setback. System C – Has a 7-feet side yard setback. Approval of this variance is based upon this Board’s findings that all four standards have been affirmatively met and is conditioned upon the following:

1. An EGLE permit shall be issued and provided to staff which approves the construction of all items included in this variance request.

However, if the ZBA determines each standard as not been affirmatively met, the following motion can be offered:

**Motion to deny** dimensional variance from Section 14.13.C of the Zoning Ordinance to construct a home addition and retaining wall at 17461 Lakeside Trail. 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 postpone** the dimensional variance application for 17461 Lakeside Trail, and direct the applicant and/or staff to provide the following information:

1. Provide a copy of the EGLE permit which approves the construction of all items included in this variance request.

Please contact staff prior to the meeting with questions or concerns.
GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

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

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

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

Applicant/Appellant Information

Name: Nancy Zamiara
Phone: 517-669-8893
Address: 17461 Lakeside Trail Pk., West Olive, MI 49460
Email Address: nzamiara@comcast.net

Owner Information (if different from applicant/appellant)

Name: 
Phone: 
Address: 
Email Address: 

Property Information (Include a survey or scaled drawing)

Address: 17461 Lakeside Trail Pk., West Olive, MI 49460
Parcel No.: 70-07-33-125-036
Lot Width: 60.09/65+/-
Parcel Size: 37,140 square feet

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 14.13
3. Relating to Retaining Wall Location and Height
4. Structure/Land Use (After Variance) 21' long x 21' long and up to 10' high
5. Overall Building Size (After Variance)
6. Setbacks from lot lines (After Variance):
   a. Front Yard _______ feet
   b. Rear Yard _______ feet
   c. Side Yard #1 _______ feet
   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

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

8-19-2022
Date

17461 Lakeside Trail Ave. 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
August 19, 2022

Dear Members of the Zoning Board of Appeals,

Thank you for taking the time to consider our application for a variance to construct a retaining wall that will allow for parking and a safe turn-around for the addition we are seeking to build onto our home.

We purchased our home in the fall of 2010. My husband and I grew up in West Michigan and we wanted to return to the area that we love and where our families have always had a presence. We would like to build an addition to our home to provide enough space for our four adult children and their families. When we purchased this home, it was with the intention to be in a place where our children would want to come home to visit and where our grandchildren would want to spend time with us. As our children will soon be starting their own families, we realize that we are outgrowing the current space of our home.

Due to the constraints on our lot, we will have to move our septic holding tanks to do this addition. The increased driveway area will provide more space for the relocation of these tanks and the dosing chamber. It will also provide a safe turn-around within our narrow lot and a basic parking area. In 2018, in anticipation of the need for this addition, we worked with our neighbors to the south to obtain an easement for the septic system’s drain field due to the unique circumstances of our lot.

We hope that you will grant this variance and that we will be able to make this home the place where we can continue to live now and into our retirement, allowing it to be a place to accommodate our growing family.

Sincerely,

Nancy A. Zamiara
ZONING BOARD OF APPEALS NARRATIVE
17461 LAKESIDE TRAIL, PVT.

Grand Haven Township ZBA
Zamiara Retaining Wall Variance Narrative
17461 Lakeside Trail, Pvt.

The Zamiara site has exceptional conditions that do not apply generally to other properties in the same zoning classification.

The exceptional topographic conditions of the site includes the burden of Critical Dunes. The no build portion of the legislation limits where buildings and roads and grading changes can happen. The Zamiaras have gotten an EGLE permit to place this retaining wall. They recognize the need to allow the parking and that there is no other place for it.

The dimensional and wall height variance is necessary for the Zamiaras enjoyment of the right to have appropriate parking and safe turn-around space.

The authorization of the retaining wall location and height will not be a detriment to either of the adjacent property owners. From the south it will not be visible. From the north Camp Blodgett has no active use of the adjacent area on its large property.

The situation is unique to the property and not such a recurring condition that would warrant a general regulation.
SITE PLAN-EXISTING
SCALE: 1" = 10'-0"

ZAMIARA-1146 Lakeside Trl Pvt Information
Parcel No: 10-07-35-00-036
Lot square footage: 29,620 SF
Total House SF: 2,246 SF
Total Exg Ratio 4 Dalks: 1320 SF

0.8.22

ZAMIARA-1146 Lakeside Trl Pvt

POSTHUMUS ARCHITECTS PLLC
307 Union St. S.E.
GRAND RAPIDS, MI 49509
posthumusarch@msn.com

C-3
DECLARATION AND GRANT OF EASEMENT

This Declaration and Grant of Easement (the “Agreement”) is made October 26, 2018, by NANCY ZAMIARA AND MIKE ZAMIARA, husband and wife, whose address is 633 S Grand Ave, #5, Lansing, Michigan 48933 (“Zamiara”), and JEFFERY VAN DRUNEN AND AMY VAN DRUNEN, husband and wife, whose address is 464 Brighton Lane, Dyer, Indiana 46311 (“Van Drunen”).

This conveyance is exempt from County Real Estate Transfer Tax under MCL 207.505(a) and from State Real Estate Transfer Tax under MCL 207.526(a). The value of the consideration is less than $100.

Background

A. Zamiara is the owner of certain land located in Grand Haven Township, Ottawa County, Michigan, legally described on Exhibit B as the Zamiara Parcel, and Depicted on Exhibit A as “Parcel C” (the “Zamiara Parcel”).

B. Van Drunen is the owner of certain adjoining land located immediately to the east of the Zamiara Parcel in Grand Haven Township, Ottawa County, Michigan, legally described on Exhibit B as the “Van Drunen Parcel”.

C. A portion of the septic field currently serving the Zamiara Parcel is located on the Van Drunen Parcel as depicted on the attached Exhibit A.

D. Van Drunen desires to grant Zamiara a perpetual, private easement for the use and maintenance of a septic field serving the Zamiara Parcel, on over an across a portion of the Van Drunen Parcel pursuant to the terms and conditions of this Agreement.

Terms and Conditions

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Zamiara and Van Drunen make this Declaration and Grant of Easements.
1. Declaration of Drain Field Easement. Van Druen, as owner of the Van Druen Parcel declares and grants to the Zamiara Parcel Owner, and their successors and assigns, as an easement appurtenant to the Zamiara Parcel, a perpetual, private easement (the “Drain Field Easement”) for construction, maintenance, repair and replacement of a septic drain field on, over and across those portions of the Van Druen Parcel depicted as the Drainfield Easement and as legally described on the attached Exhibit A (the “Easement Area”).

Included within this Drain Field Easement is the right to construct, install, maintain, repair, replace, reinstall, operate, and inspect a septic drain field, and associated piping, vents, and distribution box, over, across, and under the Easement Area.

2. Binding Effect. This Agreement shall, to the extent permitted by law, run with the land which comprises the Zamiara Parcel and Van Druen Parcel, shall not be subject to termination except upon the mutual agreement of the parties to this Agreement or their respective successors and assigns (in which case such parties will execute and record a release of this Declaration and Grant of Easements in recordable form, whereupon all rights, duties and liabilities created hereby shall automatically terminate), and shall inure to the benefit of the Zamiara Parcel, and be binding upon the Van Druen Parcel owners, and their respective successors, assigns, transferees, customers, licensees, invitees, servants, employees, designees and mortgagees, and each person or entity owning, occupying or using the Parent Parcel.

3. Construction and Maintenance Obligations. The parties to this Agreement shall have the following construction and maintenance obligations with respect to the easements:

   a) Barriers. In completing the construction, installation, maintenance, repair, replacement, reinstallion, operation and inspection of any of the improvements, no party shall construct any barrier, fence or other obstruction which will inhibit use of the easements, by the other party.

   b) Method of Construction. In the event any of the improvements located within the easements needs to be constructed, replaced or reconstructed, such work shall be performed in accordance with applicable laws, ordinances and regulations of all governmental authorities, specifically including (without limitation) Grand Haven Township and Ottawa County. All construction shall be completed in a good, workmanlike, and expeditious fashion and shall be performed free of any and all construction liens. The party contracting for the construction shall defend, indemnify and hold harmless the other parties from any construction liens or claims to construction liens.

   c) Entry. The parties acknowledge that, in performing their respective obligations to maintain or replace improvements within the easements, it may be necessary to enter upon the property of the other during such construction. Accordingly, the Van Druen Parcel owners grant and convey to the Zamiara Parcel Owner, and their successors and assigns, a non-exclusive easement for the purpose of entering upon the Van Druen Parcel during the repair or replacement of their respective improvements, so long as any damage is promptly remedied and the property restored to the condition it was in prior to the entry.

   

   10/21/2018
d) **Construction, Maintenance and Financial Responsibility.** The Zamiara Parcel owner shall be responsible for all costs incurred in the construction, maintenance, repair, and replacement of any drain field improvements constructed within the Easement Area.

4. **Liability.** The owner of each Parcel agrees to defend, indemnify, and hold harmless the others, and their successors, and assigns, from and against all liens, claims, suits, or causes of action, that may be based upon any injury or alleged injury to person or property, which may be caused by or which may arise from any construction, maintenance, or use of or to the easements by such owner, its successors and assigns, or its employees, agents, contractors, customers, guests or invitees.

5. **Miscellaneous.** Time is of the essence. Invalidation of any one of the provisions contained in the Agreement by judgment, court order, or otherwise shall not invalidate or otherwise affect any other provision in this Agreement, all of which shall remain in full force and effect. Whenever a transfer of ownership of any of the Parcels occurs, liability of the transferor for the breach of any obligation under this Agreement occurring after the transfer shall automatically terminate. The easement grant shall be given a reasonable construction so that the intention of each party to confer a usable right of enjoyment is carried out.

6. **Scope.** This Agreement is being entered into for the use and benefit of the Zamiara Parcel. This Agreement, and the rights under this Agreement, shall not be transferred or assigned by the parties, except appurtenant to the property owned by them. None of the rights contained in this Agreement may be conveyed or granted by either party to real estate other than the Zamiara Parcel and the Van Drunen Parcel.

7. **Relationship of Parties.** Nothing contained in this Agreement, nor any act of the parties, shall be deemed or construed by any party or by any third party to create the relationship of principal and agent, of partnership, of joint venture, of joint enterprise, or of any association between the parties hereto, nor shall anything contained in this Agreement or any act of the parties be construed to render any party liable for the debts or obligations of any other party.

8. **Amendment, Waiver, Modification, or Cancellation.** Any amendment, waiver, alteration, or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement (in whole or in part), shall be effective only if in writing and signed by the parties to this Agreement.

9. **Cumulative Remedies.** All rights, remedies, and recourse under this Agreement or otherwise are separate and cumulative and may be pursued separately, successively, or concurrently, are non-exclusive and the exercise of any one or more of them shall in no way limit or prejudice any other legal or equitable right, remedy, or recourse to which any party may be entitled.

10. **Interpretation.** No provision in this Agreement is to be interpreted for or against any party because that party or that party’s legal representative drafted the provision.

\[Signature\]

10/24/2018
11. Construction. This Agreement shall be governed by and construed according to the laws of the State of Michigan.

12. Counterparts. This Agreement may be signed in original or by facsimile in any number of counterparts, each of which shall be deemed to be an original, and together the counterparts shall constitute one complete document. Any person may rely on a copy or reproduction of this Agreement that has been certified as being a true copy of this Agreement by a Notary Public or similar court officer.

13. Entire Agreement. This Agreement contains the entire understanding between the parties relating to the rights granted and the obligations assumed. This Agreement may not be amended, except in writing and signed by all parties to this Agreement, their heirs, personal representatives, successors or assigns.

(signatures on following page)
ZAMIARA:

Nancy Zamiara

Mike Zamiara

Acknowledged before me in Ingham County, Michigan, on October 24, 2018, by Nancy Zamiara and Mike Zamiara, husband and wife.

Notary Public, State of Michigan, County of Ingham
Acting in the County of Ingham
My commission expires: 6-3-2021

UNAA HOLINESS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires June 7, 2021
Acting in the County of Ingham

VAN DRUNEN:

Jeffery Van Drunen

Amy Van Drunen

Acknowledged before me in Kankakee County, Illinois, on October 24, 2018, by Jeffery Van Drunen and Amy Van Drunen, husband and wife.

Notary Public, State of Illinois, County of Kankakee
Acting in the County of Kankakee
My commission expires: 2-26-2019

Drafted by and when recorded return to:
William A. Sikkel, IV, esq.
Property Law Solutions, PLC
42 East Lakewood Blvd.
Holland, Michigan 49442
(616) 394-3025
EXHIBIT B
LEGAL DESCRIPTIONS

Zamiara Parcel:

PARCEL "C" DESCRIPTION: Part of the North 120 feet of the North 1/2 of the Northwest fractional 1/4 of Section 33, Town 7 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan, lying West of Lakeshore Drive, described as: Commencing at the North 1/4 corner of said Section; thence S89°45'01"W 1831.71 feet along the North line of the Northwest fractional 1/4 of said Section to the Point of Beginning; thence S03°22'32"E 60.09 feet parallel with the centerline of Lakeshore Drive; thence S89°45'01"W 608 feet more or less to the shoreline of Lake Michigan; thence Northwesterly 65 feet more or less along said shoreline to a point on the North line of the Northwest fractional 1/4 of said Section; thence N89°45'01"E 626 feet more or less along the North line of the Northwest fractional 1/4 of said Section to the Point of Beginning. Containing 0.8 acres more or less.

Subject to easements, restrictions and rights of way of record. Subject to and together with a 33.00 foot wide easement for ingress, egress and utilities, lying 16.50 feet each side of the following described centerline: Commencing at the intersection of the North line of the Northwest fractional 1/4 of said Section and the Westerly right of way line of Lakeshore Drive; thence S03°22'32"E 56.75 feet along said Westerly right of way line to the Point of Beginning of said centerline; thence S89°21'13"W 147.81 feet; thence N79°14'20"W 50.34 feet; thence S89°59'49"W 277.26 feet to Reference Point "1" and the Point of ending of said centerline. ALSO an 80.00 foot wide easement for ingress, egress and utilities lying 40.00 feet each side of the following described centerline; Beginning at the aforesaid Reference Point "1"; thence S00°30'59"E 73.12 feet to a point on the South line of the South 120.00 feet of the North 1/2 of the Northwest fractional 1/4 and the Point of Ending of said centerline.

Parcel No. 70-07-33-125-036
17461 Zamiara Trail

Van Drunen Parcel:

PART N 120 FT OF N 1/2 OF NW FRL 1/4 LYING W OF LAKESHORE DR COM ON N SEC LI S 89D 45M 01S W 1256.71 FT FROM N 1/4 COR, TH S 03D 22M 32S E 120.18 FT ALG CEN LI OF LAKESHORE DR, TH S 89D 45M 01S W 375 FT ALG S LI OF N 120 FT OF N 1/2 OF NW FRL 1/4, TH N 03D 22M 32S W 120.18 FT, TH N 89D 45M 01S E 375 FT ALG N SEC LI TO BEG, ALSO PART OF N 120 FT OF N 1/2 OF NW FRL 1/4 LYING W OF LAKESHORE DR COM S 89D 45M 01S W 1631.71 FT ALG N SEC LI & S 03D 22M 32S E 60.09 FT FROM N 1/4 COR, TH S 03D 22M 32S E 60.09 FT TO PT ON S LI OF N 120 FT OF N 1/2 OF NW FRL 1/4, TH S 89D 45M 01S W 583 FT M/L TO SHORE OF LAKE MICHIGAN, TH NWLY 65 FT M/L TO A PT BEARING S 89D 45M 01S W FROM THE PT OF BEG, TH N 89D 45M 01S E 608 FT M/L TO BEG SEC 33 T7N R16W

Parcel No. 70-07-33-125-039
17462 Zamiara Trail

[Signature]
10/21/2018
2

EAST ELEVATION AT DRIVEWAY RETAINING WALL

GRADE @ 80
6' CURB
@ 82.5
10'-0"
@ 91
RAILING T.B.D.

2' x 3' REDI-WALL
RETAINING WALL

9.14.22

C9

1

NORTH ELEVATION AT DRIVEWAY RETAINING WALL

GRADE @ 90
6' CURB
@ 90.5
@ 91
RAILING T.B.D.

2' x 3' REDI-WALL
RETAINING WALL

ZAHARA-1146 LAKESIDE TRL
PVT.

Scale: 1:10