

REGULAR MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 23, 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, 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 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, Mr. Chittenden, was present to provide information.

- –
- –
- –

The Board discussed the application and noted the following:

- –

Standard No. 1 – Exceptional or extraordinary circumstances:

- –

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

Standard No. 2 – Substantial property 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:

- –

Ayes: Voss, Loftis, Behm, Slater, Egedy-Bader
Nays: none
Absent: Slater, 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-foot 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
- Agreeable 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 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-foot, 4-inch setback from the dwelling, a 6-foot setback from the side lot line, and a 6-foot, 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:

Absent: Hesselsweet

V. REPORTS

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at _____

Respectfully submitted,



Rory Thibault

Acting Recording Secretary