

## AGENDA

Grand Haven Charter Township Zoning Board of Appeals  
Wednesday, November 4, 2015 – 7:00 pm

- I. Call To Order
- II. Roll Call
- III. Approval of the October 27, 2015 ZBA Meeting Minutes
- IV. New Business
  - A. ZBA Variance Application No. 15-08 – Tober
- V. Reports
- VI. Extended Public Comments/Questions on Non-Agenda Items Only (*Limited To Four (4) Minutes Please*).
- VII. Adjournment

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
TUESDAY, OCTOBER 27, 2015 – 7:00 P.M.

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 Robertson.

The Chair explained both the purpose and procedures of the ZBA.

II. ROLL CALL

Board of Appeals members present: Robertson, Behm, Voss, Slater, & Rycenga (alternate)  
Board of Appeals members absent: Loftis

Also present: Planning & Zoning Official Fedewa

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

III. APPROVAL OF MINUTES

**Without objection**, the minutes of the July 28, 2015 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #15-06 – Additional Accessory Building – Pelkey

Party Requesting Variance:	Dean and Lisa Pelkey
Address:	14403 Lakeshore Drive, Grand Haven
Parcel Number:	70-03-33-300-060
Location:	14403 Lakeshore Drive

Dean and Lisa Pelkey are seeking a variance to construct a second accessory building in the rear yard. Section 20.03 of the Zoning Ordinance only permits one accessory building on lots less than one acre in size. Applicant is unable to construct an attached garage due to the 15 foot setback requirement imposed by Consumers Energy for the power line.

Fedewa provided an overview of the application through a memorandum dated October 22<sup>nd</sup>.

Following the initial discussions the Chair invited the applicant to speak:

Lisa Pelkey – 14403 Lakeshore Drive:

- Prior health issues make traversing through winter weather precarious. Utilizing the existing detached garage poses safety concerns due to the distance between the garage and dwelling.

- Per Consumers Energy, the poles are relatively new. Therefore, at this time Consumers is unwilling to relocate the line in the road right-of-way.
- Due to the configuration of the dwelling it would be difficult to construct an attached garage on the north side.

Nancy Johnson – 14421 Lakeshore Drive:

- Pelkey’s have been good neighbors and made aesthetic improvements to property. Supports a variance to allow the construction of a second accessory building.

The Board discussed the four standards and noted the following:

- Power lines exist throughout the Township, and approval of this variance request could set precedence.

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

- Although the power line restricts the buildable area of the parcel, many properties throughout the Township have the same encumbrance, so it does not meet the definition of exceptional or extraordinary as described in Standard No. 1.

Ayes: None

Nays: Robertson, Behm, Voss, Slater, Rycenga

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

- A detached garage exists on the property.
- Appears an attached garage can be constructed on the north side of the dwelling.

Ayes: None

Nays: Robertson, Behm, Voss, Slater, Rycenga

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

- Approval could have a material impact on the intent and purpose of the Ordinance.

Ayes: None

Nays: Robertson, Behm, Voss, Slater, Rycenga

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

- Many properties are encumbered by power lines, and approving this variance could result in a general regulation of allowing more than one accessory building on parcels less than one acre in size.

Ayes: None

Nays: Robertson, Behm, Voss, Slater, Rycenga

**Motion** by Slater, supported by Behm to **deny** a variance from Section 20.03 of the Grand Haven Charter Township Zoning Ordinance. Which would permit a second 24' x 24' accessory building to be constructed in the rear yard of 14403 Lakeshore Drive (Parcel No. 70-03-33-300-060). Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Robertson, Behm, Voss, Slater, Rycenga

Nays: None

Absent: Loftis

B. ZBA Case #15-07 – Dimensional Variance – Hesselsweet

Party Requesting Variance:	Brock Hesselsweet
Address:	14250 Cricklewood, Grand Haven
Parcel Number:	70-07-05-203-020
Location:	0 Cricklewood

Brock Hesselsweet is seeking a front yard setback dimensional variance of 15 feet and a side yard 1 dimensional variance of 11 feet to construct a single family dwelling. Section 21.02 of the Zoning Ordinance requires a front yard setback of 50 feet, a side yard setback of 15 feet minimum/35 feet total, and a minimum floor area of 1,240 square feet per dwelling in the R-1 Single Family Residential Zoning District. Due to the Critical Dune Area and minimum floor area per dwelling requirement the applicant cannot meet the setback requirements.

Fedewa provided an overview of the application through a memorandum dated October 22<sup>nd</sup>.

Following the initial discussions the Chair invited the applicant to speak:

Brock Hesselsweet – 14250 Cricklewood:

- Property is listed for sale, and is performing preliminary planning and environmental assessments for prospective buyers.
- Has not obtained a DEQ permit, but has been working with an environmental consultant to determine the buildable area.
- Noted an 11 foot exception on the survey that occurred prior to purchasing the property. If taken into consideration a side yard variance may not be required.
- Has given consideration to a one-story vs. two-story dwelling and how it may impact the viewshed of neighboring parcels.

Cort Corwin – 14235 Terry Trail:

- Newly appointed association president. Requests the ZBA practice consistency to maintain the aesthetics of the subdivision.
- Requests the ZBA consider the existing walkway and maintaining its visibility.

Frank Tamburello – 14276 Cricklewood:

- Provided a review of the objection letter submitted to the Board.
- Has a seasonal view of Lake Michigan. Concerned a two-story dwelling would obstruct that view.
- It is less appealing to have the proposed dwelling in front of his residence rather than directly adjacent with a smaller side yard.

The Board discussed the four standards and noted the following:

- ZBA has an established policy of requiring all applicable permits from outside agencies (*e.g., DEQ, Ottawa County Health Department, Ottawa County Water Resources Commissioner, etc.*) to be issued before the Board will deliberate on a variance application.
- An explanation of changes to the Sand Dune Protection Act was provided.
- Noted the amended Act provides additional property right protections. Obstruction of those rights can result in a “takings” case. If the DEQ identifies a buildable area and issues a permit the ZBA will carefully consider the variance request.

**Applicant, Brock Hesselsweet, chose to withdraw the application.** The Board ceased discussions on the matter.

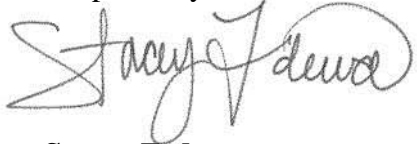
V. REPORTS – None

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

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

Respectfully submitted,



**Stacey Fedewa**

Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

# Community Development Memo

DATE: November 2, 2015  
 TO: Zoning Board of Appeals  
 FROM: Stacey Fedewa, Planning & Zoning Official  
 RE: 14935 Sharon Avenue – Dimensional Variance Application No. 15-08

## PARCEL INFORMATION

Owner/Applicant	Floyd Tober	
Property Address	14935 Sharon Avenue	
Parcel Number	70-03-35-189-010	
Lot Size	0.29 Acres	
Lot Type	Legal Lot of Record – 1941	
	Year Built – 1967	
	Legal Nonconforming Front Yard Setback	
Zoning	R-2 Single Family Residential	
Required Setbacks	Front	50'
	Rear	50'
	Side	10' min 25' total
Existing Setbacks	Front	38'7"
	Rear	104'
	Side 1	14'9"
	Side 2	25'4"
Requested Setbacks	Front	33'7"
	Side 1	14'9"
	Side 2	8'



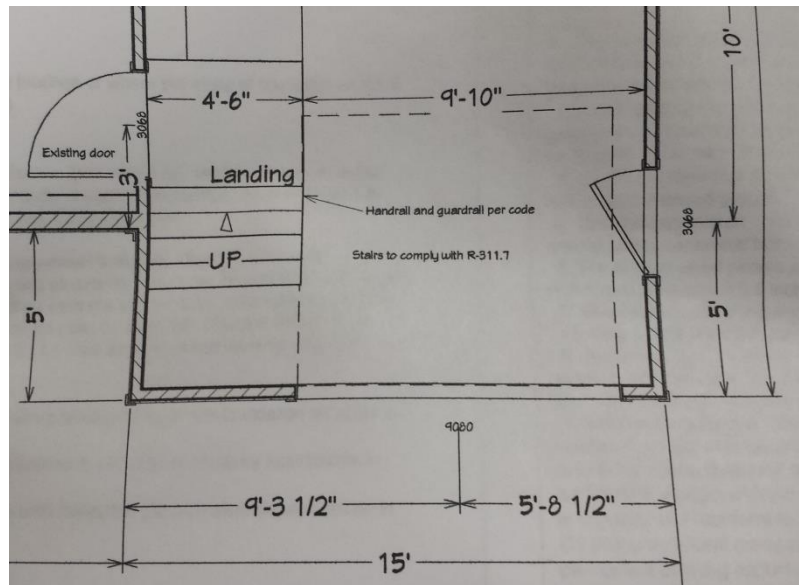
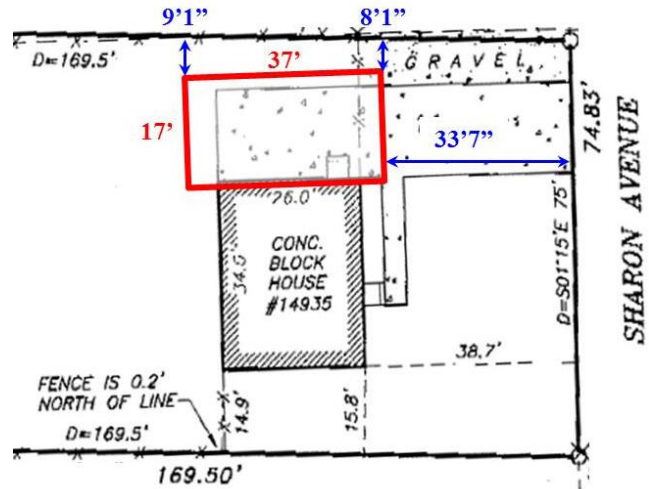
Location Map

## ZBA APPLICATION

The applicant is disabled and in need of a chair lift. The applicant desires to construct a 17' x 37' one stall garage (629 square feet) and install a chair lift to achieve a safe transition from the vehicle to the dwelling. This need is particularly important during the winter months.

The entry door on the north side of the dwelling will serve as the location for the chair lift. Construction code standards create the need for the garage to extend five feet into the required front yard because a staircase must be installed too.

Typically, a garage is 12 feet in width for each stall (e.g., 1 stall = 12 ft, 2 stall = 24 ft, etc.). However, because of the chair lift 4'6" is lost on the interior, which leaves 9'10" of maneuvering space. Therefore, the applicant is requesting a second variance for side yard 2. This would allow an additional 2 feet of maneuvering space bringing the total to 11'10" which is a typical size.



Lastly, the ramp in the front yard will be removed once the garage and chair lift are installed.

## 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.

Given the residents accessibility and safety needs the ZBA will need to make a determination as to whether or not this first standard is met.

## STANDARD 2

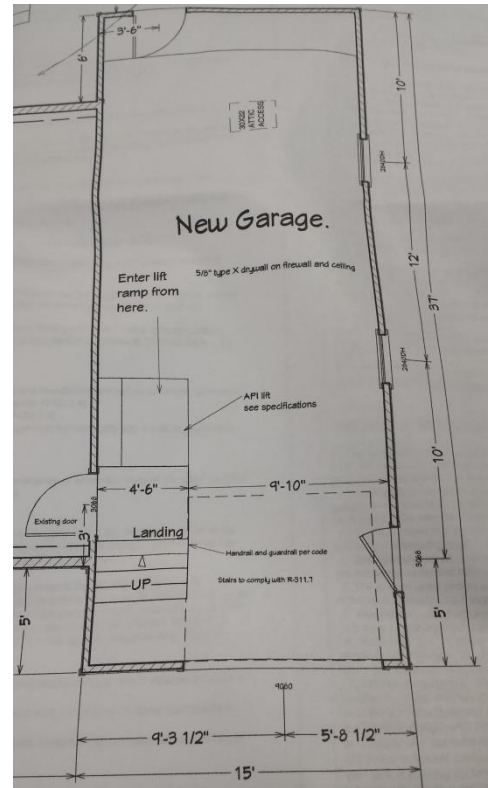
The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

Currently, there is no garage, which creates safety concerns for the applicant to gain access to the dwelling and vehicle. The ZBA will need to make a determination as to whether or not 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.

A letter of support was received from a neighbor. The ZBA will need to make the determination as to whether or not 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 ZBA will need to make the determination as to whether or not this standard is met.

## RECOMMENDATION

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



**Motion to approve** a Front Yard setback dimensional variance of 5 feet, and a Side Yard 2 setback dimensional variance of 2 feet; from Section 21.02 of the Grand Haven Charter Township Zoning Ordinance in order to construct a one stall garage and accessible chair lift at 14935 Sharon Avenue. 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** a Front Yard setback dimensional variance of 5 feet, and a Side Yard 2 setback dimensional variance of 2 feet; from Section 21.02 of the Grand Haven Charter Township Zoning Ordinance in order to construct a one stall garage and accessible chair lift at 14935 Sharon Avenue. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met.

Please contact me prior to the meeting with questions or concerns.



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

Request for Variance or Appeal - \$125.00
Special Meeting - \$250.00
Request for Interpretation - No Charge

Applicant/Appellant information

Name Floyd Tober
Phone
Address 14935 Sharon Ave, Grand Haven

Owner information (If different from applicant/appellant)

Name
Phone
Address

Property information

Address/Location 14935 Sharon Ave
Parcel # 70-03-35-189-010
Subdivision Name (if any) Peach Plains Sub No. 7
Lot Width 75 feet Lot Depth 169.5 feet
Subject Property size (acres and square feet) 0.29 acres 12,712 square feet
Lot Type Typical Lot X Corner Lot Interior Lot
Current Zoning R-2

General Information

This is a(n) (check one)
(X) Application for Variance
( ) Request for Interpretation
( ) Notice of Appeal

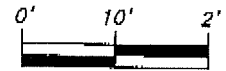
VARIANCE REQUESTED (If applicable)

Variance Requested From the Requirements of Section Number(s) 21.02
Relating to Front yard setback & side yard setback
Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)
Structure Use (after Variance) Attached garage with accessible chair lift (17x37)
Overall Building Size (after Variance) 1,513 sq. ft
Setbacks from lot lines (after Variance)
Front Yard 33'7" feet
Rear Yard 10'4" feet
Side Yard #1 15 feet
Side Yard #2 8 feet

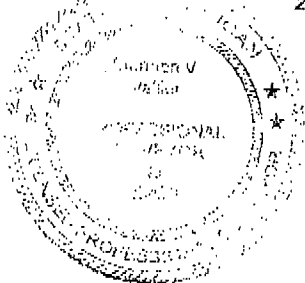
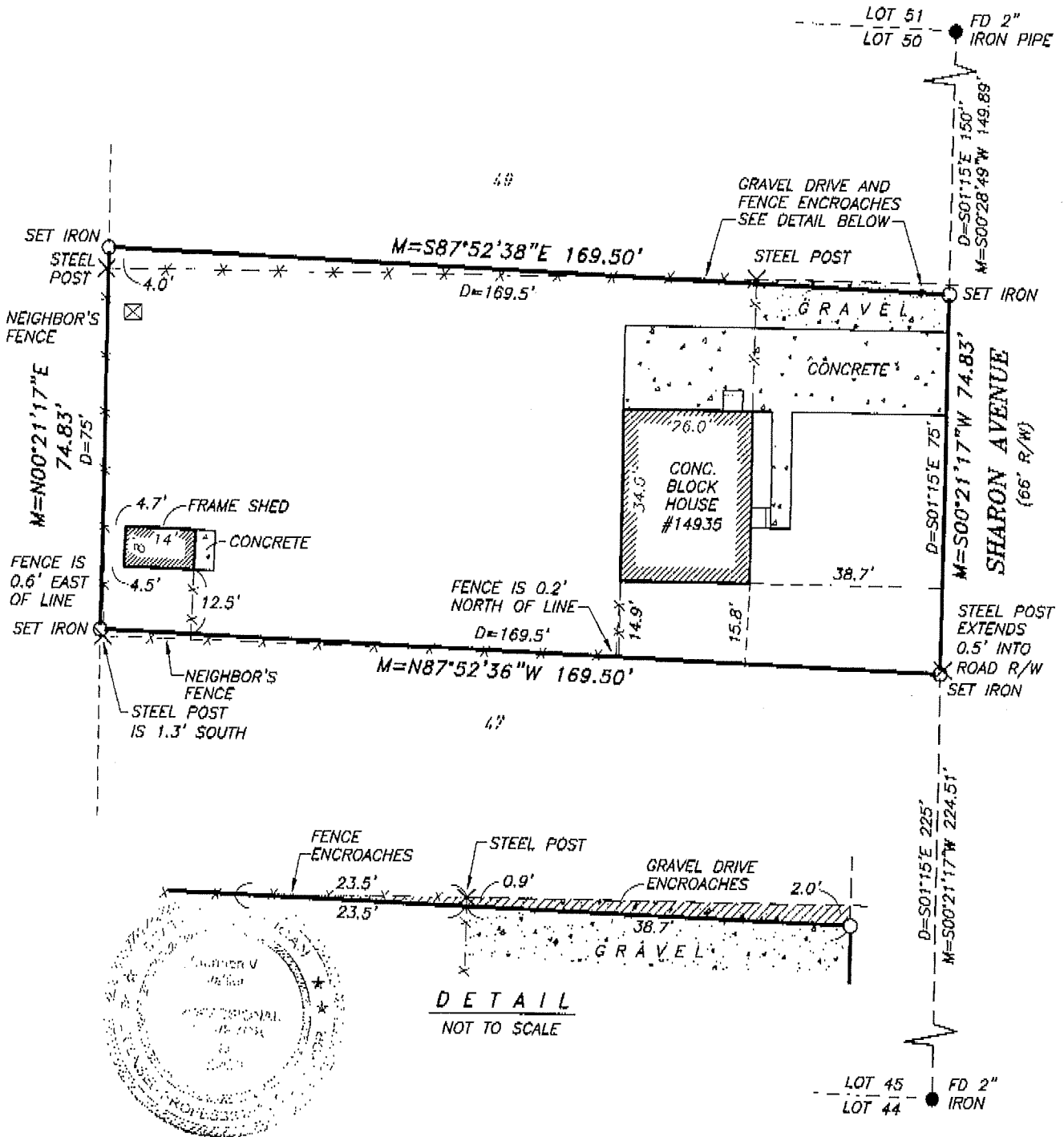
NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structure(s) (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

FOR: TWA RENOVATIONS

FURNISHED DESCRIPTION: LOT 48, PEACH PLAINS SUBDIVISION NO. 1, BEING PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 35, T.8N., R.16W., GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN.



SCALE: 1" = 20'



**DETAIL**  
NOT TO SCALE

**LEGEND**

- M MEASURED DIMENSION
- D DEED DIMENSION
- SET IRON
- FOUND IRON
- × STEEL POST

AS A PROFESSIONAL LAND SURVEYOR OF THE STATE OF MICHIGAN, I DO HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, I HAVE SURVEYED THE PROPERTY AS DESCRIBED AND SHOWN HEREIN AND THAT THERE EXISTS NO VISIBLE ENCROACHMENTS ON SAID PROPERTY UNLESS NOTED AND THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH A DESCRIPTION FURNISHED BY OTHERS AND SHOULD BE COMPARED TO THE ABSTRACT OF TITLE OR TITLE POLICY FOR ACCURACY, EASEMENTS, OR EXCEPTIONS. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR.

*Matthew V. DeLoe*

FILE NO: WS-14-0147  
SCALE: 1"=30'