Notice and agenda of a regular Zoning Board of Appeals Meeting at 7:00 p.m. to be held virtually. Zoning Board of Appeals members unable to attend the meeting are requested to contact the Community Development Department at 616-935-3276 prior to the meeting.

1. MEETING CALLED TO ORDER

2. ROLL CALL: Eric Brenberger, Kerry Bridges, Amy Kozanecki, Kevin McLaughlin, Field Reichardt, Melanie Riekels, Chair Jerry Klukos

3. CALL TO AUDIENCE – ONE OF TWO OPPORTUNITIES
   If you would like to comment during the Call to the Audience section of tonight’s agenda, you may enter your comments via Facebook live stream at any time during the meeting or call (616) 843-7528 when prompted. Those addressing the Zoning Board of Appeals are asked to provide their name and address and will be limited to three minutes of speaking time.

4. APPROVAL OF MINUTES – April 21, 2020

5. PUBLIC HEARINGS

   A. Case 21-05: A request by Peter Wilson for two variances related to a proposed 8-foot lot line adjustment between 1320 Washington Ave (parcel #70-03-21-480-005) and 1322 Washington Ave (parcel #70-03-21-480-006): 1) a variance from Sec. 40-409.02.C to allow for a lot width of 36 feet at 1320 Washington Ave (currently 44 feet) and a lot width of 30 feet at 1322 Washington Ave (currently 22 feet) where 44 feet is the district minimum; and 2) a variance from Sec. 40-409.02.C to allow for a lot area of 4,460 sq. ft. (currently 5,452 sq. ft.) at 1320 Washington and 3,717 sq. ft. (currently 2,726 sq. ft.) at 1322 Washington Ave where 5,800 sq. ft. is the district minimum.

   B. Case 21-06: A request by Dennis Dryer of Dryer Architectural Group on behalf of property owner Crescent Building LLC for one variance related to a proposed 130 sq. ft. building addition at 1103 Washington Ave (parcel #70-03-21-453-013): a variance from Sec. 40-411.02.C to allow for a lot coverage of 96.9 percent (currently 94.9 percent) where 70 percent is the district maximum.

6. CALL TO AUDIENCE – SECOND OPPORTUNITY
   If you would like to comment during the Call to the Audience section of tonight’s agenda, you may enter your comments via Facebook live stream at any time during the meeting or call (616) 843-7528 when prompted. Those addressing the Zoning Board of Appeals are asked to provide their name and address and will be limited to three minutes of speaking time.

7. ADJOURNMENT
A special electronic meeting of the Grand Haven Zoning Board of Appeals was called to order by Chair Jerry Klukos at 7:02 p.m. via Zoom. Chair Klukos stated that the meeting was being held electronically due to the coronavirus pandemic. On roll call, the following members were:

Present: Kerry Bridges, Kevin McLaughlin, Field Reichardt, Melanie Riekels, Chair Jerry Klukos.

Absent: Eric Brenberger, Amy Kozanecki

Each board member stated their location (City and State) for the record. All members in attendance were located in Grand Haven, MI with the exception of Kevin McLaughlin, who was in Ormond Beach, FL.

Also present was Jennifer Howland, Community Development Manager and Ashley Latsch, Assistant to the City Manager.

Call to Audience – First Opportunity
No comments

Approval of Minutes
A few corrections were made by Klukos and Reichardt. Motion by Reichardt, seconded by Riekels, to approve the March 17, 2021 minutes passed unanimously by roll call vote.

Case 21-03: A request by Richard Clark for one variance related to a proposed building addition at 1400 Woodlawn Avenue (parcel #70-03-28-279-001): a variance from Sec. 40-404.02.C to allow for a corner front yard setback of 7 feet where 20 feet is the district minimum.
Howland provided an overview of the request.

Richard Clark explained the limitations of the property for improvements that would conform to the zoning ordinance.

Klukos asked if the driveway on Hopkins was a legal use of the right-of-way and if a new construction home on the subject property would require access directly onto Woodlawn Ave. Howland stated that the existing driveway has been in place for years and would be considered legally nonconforming. She also confirmed that a new construction home would be provided a curb cut directly onto Woodlawn Ave. Reichardt asked if the neighbor to the west has a carport behind the building. Clark said yes. Reichardt asked for more information on the power pole. Clark said the power pole is in the southwest corner of the property and guide wires extend along the west side of his property. It limits potential improvement in that area.
Riekels asked if Clark was planning to landscape the area where the driveway is now. Clark said yes, he would restore it to lawn and they would no longer use it for vehicle access. The neighbor to the west would continue to use the Hopkins right-of-way for access.

Chair Klukos opened the public hearing for the case.

Public Comments:
Howland referenced three letters that had been received and were sent to the board members in advance of the meeting. All are in support of granting the variance.

Motion by Riekels, seconded by McLaughlin, to close the public hearing was carried unanimously by roll call vote.

The board considered the seven basic conditions.

A. Reichardt stated it is not against the intent of the ordinance. Riekels said it meets it because there is no alternative and is an improvement to the property. McLaughlin agreed. Bridges stated if the Hopkins right-of-way was improved in the future, it doesn’t seem they would be able to develop it as a grid design so the condition is met. Klukos stated it would be an improvement to the property and is not contrary to public interest or intent and purpose of the ordinance. Motion by Reichardt, seconded by McLaughlin, to approve Basic Condition A passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

B. McLaughlin said it’s a single-family home and meets condition B. All members agreed. Motion by Riekels, seconded by Bridges, to approve Basic Condition B passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

C. Bridges said it would not have an adverse effect on neighboring properties, and that some neighbors submitted letters in support of the request. He’d still maintain the front setback from the north. McLaughlin agreed. Reichardt said it improves the property. Riekels said there would be no adverse effect on properties. Klukos agreed. Motion by Reichardt, seconded by McLaughlin, to approve Basic Condition C passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

D. Bridges stated that the garage will be in line with house, and that there would be no decrease in setback from current. All other members agreed. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition D passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

E. Riekels said it’s not self-created because the house is situated on the property, and the proposed garage would be an improvement. Bridges said she agreed and the proposed garage would provide off-street parking as well. McLaughlin stated that the applicant had also asked the City Council to vacate the right-of-way, so he has done all he could. Reichardt and Klukos agreed. Motion by Riekels, seconded by Bridges, to approve Basic Condition E passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
F. Reichardt said there is no reasonable alternative location on the property. McLaughlin agreed and stated that it would be good to discourage the use of the Hopkins right-of-way for access. Bridges said the applicant provided an analysis of other alternatives and reasons why other locations wouldn’t be efficient. Riekels agreed. Klukos said it was the best fit for the property to do it as proposed. Motion by Reichardt, seconded by Riekels, to approve Basic Condition F passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

G. Bridges said it’s the minimum request because it would follow the line of the existing house. McLaughlin agreed and stated that the proposal will provide two off-street spaces that aren’t there today. Reichardt, Riekels, and Klukos agreed. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition G passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

Motion by Reichardt, seconded by McLaughlin, to APPROVE the requested variance, passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none. The variance was approved.

Case 21-04: A request by Chris Lisowicz for two variances related to a proposed building addition at North Shore Marina located at 18275 Berwyck Street (parcel #70-03-20-300-011): a variance from Sec. 40-416.02.C to allow for a side yard setback of 10 feet where 20 feet is the district minimum, and 2) a variance from Sec. 40-416.02.C to allow for a rear yard setback of 10 feet where 25 feet is the district minimum.

Al Licowicz of North Shore Marina, 18275 Berwyck St., provided an overview of the project. Howland reviewed the staff report and asked the applicant to explain why the proposed size was necessary. The applicant explained that the existing detached building is 10 feet from the side and rear property lines. The new building would be constructed in its place and also provide the same 10-foot setbacks.

Klukos asked why they can’t follow the required 20-foot setback. Andrew Rossell from Milanowski & Englert, 403 Oak St, Spring Lake, was the civil engineer for the project. He said that about half of the building was demolished due to a collapse in the roof, which is not reflected in the aerial imagery. The reason they are requesting to push the building further south is due to an access easement in the middle of the property to the musical fountain, and the fire marshal is requiring 56 feet between buildings on the property. In that 56-foot wide area, there are two water mains, electric line, and gas main, plus the musical fountain access easement. They would like to go closer to the northeast and meet the setback requirements, but for reasons stated, they cannot.

McLaughlin asked why the applicant can’t make the building smaller. Licowicz stated that the size of the proposed building is the minimum size to make the project economically viable. They would be demolishing an old storage building. They originally wanted 30,000 sq. ft. but the proposed 28,190 sq. ft. is as good as they can do. The extra 10 feet of setback would reduce the building to 24,000 sq. ft. which is not worth constructing.
Riekels asked for clarification on the location of the musical fountain access road. Licowicz stated that it will remain along the northwest wall of the new building and the 56 feet provides collapse zones for both buildings. This is the only access to the musical fountain.

Chair Klukos opened the public hearing for the case.

**Public Comments:** Howland referenced a letter that the board members received in advance of the meeting from the City of Ferrysburg on behalf of the dune preserve. Licowicz confirmed they are in agreement with dune preserve concerns. These will be handled during Planning Commission site plan review.

Motion by Bridges, seconded by Riekels, to close the public hearing was carried unanimously by roll call vote.

Riekels asked if boat cradles be stored in the 10-foot setback area. Licowicz stated that once the building is constructed, there will be no outside storage. The area will be used for storm water management and will be landscaped with dune grass.

The board considered the seven basic conditions.

A. McLaughlin said because the adjacent property is a dune preserve, setbacks aren’t an issue. Bridges said the area will be improved in keeping with the public interest. Klukos said if you were a hiker, you wouldn’t know they were 10 feet away. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition A **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

B. Klukos asked Howland for explanation. Howland said the ZBA is not granting a use which is not permitted by granting the variances; it is allowable. Board members had no issues. Motion by Reichardt, seconded by McLaughlin, to approve Basic Condition B **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

C. Riekels said the proposal would not create a substantial adverse effect. Bridges said that the use of the 10-foot area is an improvement and hikers would not notice where they were in relation to the property line. Klukos said that the dune land is not likely to change. Motion by Riekels, seconded by Bridges, to approve Basic Condition C **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

D. Bridges stated that the proposed building matches the setbacks of the existing building to be demolished, so there is no concern. Klukos said it is a boat storage facility so there aren’t too many times when this would be a point of interest. Motion by Bridges, seconded by Riekels, to approve Basic Condition D **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

E. Riekels said the applicant has not created the circumstances. Klukos said it is unique that utilities and access to the musical fountain are on the property. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition E **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
F. Reichardt sees no alternative location. Bridges said they looked into a smaller size and it’s not economically feasible. With a required 56-foot separation from other buildings, there is no alternative location. Motion by Reichardt, seconded by Bridges, to approve Basic Condition F passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

G. Bridges referenced the statements made by the applicant regarding the economic impact of a smaller building; it’s the minimum request. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition G passed on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

Motion by Reichardt, seconded by McLaughlin, to APPROVE the requested variance, passed; on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

Klukos reiterated that dune preserve items would be addressed by the Planning Commission.

Call to the Audience – Second Opportunity
No comments.

Adjournment:
Motion by McLaughlin, seconded by Riekels, to adjourn was unanimously approved by roll call vote. The meeting adjourned at 8:17 p.m.

Jennifer Howland, Community Development Manager
1.0 Proposal
Property owner Peter Wilson has submitted a request for two variances related to a proposed 8-foot lot line adjustment between 1320 Washington Ave (parcel #70-03-21-480-005) and 1322 Washington Ave (parcel #70-03-21-480-006): 1) a variance from Sec. 40-409.02.C to allow for a lot width of 36 feet at 1320 Washington Ave (currently 44 feet) and a lot width of 30 feet at 1322 Washington Ave (currently 22 feet) where 44 feet is the district minimum; and 2) a variance from Sec. 40-409.02.C to allow for a lot area of 4,460 sq. ft. (currently 5,452 sq. ft.) at 1320 Washington and 3,717 sq. ft. (currently 2,726 sq. ft.) at 1322 Washington Ave where 5,800 sq. ft. is the district minimum.

2.0 Zoning of Subject Parcel
The property is located in the E – Eastown District.

3.0 General Location
1320 Washington Ave (vacant lot) and 1322 Washington Ave (former Artisan Cooking School), two contiguous parcels on the south side of Washington Avenue between Griffin St and Hopkins St.

4.0 Existing Land Use on the Parcel
Vacant land (1320) and former Artisan cooking school (1322)

5.0 Adjacent Area Land Uses
North: Washington Ave/Residential
South: Residential
East: Residential
West: Residential

6.0 Zoning on Adjacent Parcels
North: E
South: E
East: E
West: E

7.0 Findings of Fact
The applicant has provided responses to the Basic Conditions for the requested variance. Their responses are provided as an attachment to this report.

1. **Basic Conditions:** The Board shall find that a variance request meets all of the following conditions.
   a. The requested variance shall not be contrary to the public interest or to the intent and purpose of the Ordinance.
   b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
d. The conditions or situation of the property or its intended use is not so general or recurrent in nature as to make reasonably practicable a general regulation for the condition or situation.
e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
f. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
g. The requested variance is the minimum variance that will make possible the reasonable use of the improvement.

8.0 Staff Analysis
Basic Condition (a). The intent and purpose of the minimum lot area and lot width standards are to maintain a uniform development pattern for neighborhoods. The proposed lot line adjustment will likely not create a substantial change to the development pattern for the neighborhood, as minimum setbacks and lot coverage will be met by future development.

Basic Condition (b). The granting of this variance will not establish a use which is not permitted. A single-family dwelling is a permitted use in the E District. The owner intends to convert the nonconforming Artisan cooking school building into a single-family home and construct a new single-family home on the vacant lot.

Basic Condition (c). It is unlikely that the granting of the variance will cause a substantial adverse effect on any neighboring properties. The location of the common lot line and the width of the two lots will not be apparent to the neighborhood.

Basic Condition (d). There are many narrow lots in the community where a lot line adjustment would result in a greater lot size/width for one lot and the creation of a nonconforming lot next door. There are however, fewer properties in the community where there is a vacant lot next door which could allow for a lot line adjustment without affecting an existing structure. Further, there is very limited access from the front of the property to the rear of the property at 1322 Washington without encroaching onto neighboring property.

Basic Condition (e). There are no circumstances of the property that are self-created. The lot configurations and Artisan improvements were in place at the time the property was purchased by the applicant.

Basic Condition (f). There is no reasonable alternative location on the property for the proposed lot line adjustment where a variance would not be required, because the vacant lot is conforming. Any reduction to that conforming lot would render it nonconforming. The distance of the proposed lot shift of 8 feet could be reduced, but the applicant wishes to have the entire pedestrian walkway to be located on the Artisan lot.

Basic Condition (g). The existing parcel configurations today do not allow for reasonable use of both properties due to the lack of access along the side of the Artisan building. The lot line adjustment would provide reasonable access and therefore use of both properties.
9.0 Correspondence
As of the date this staff report was finalized, we have not received any correspondence related to this request.

10.0 Sample Motions

Motion to **APPROVE** ZBA Case 21-05, a request by Peter Wilson for two variances related to a proposed 8-foot lot line adjustment between 1320 Washington Ave (parcel #70-03-21-480-005) and 1322 Washington Ave (parcel #70-03-21-480-006): 1) a variance from Sec. 40-409.02.C to allow for a lot width of 36 feet at 1320 Washington Ave (currently 44 feet) and a lot width of 30 feet at 1322 Washington Ave (currently 22 feet) where 44 feet is the district minimum; and 2) a variance from Sec. 40-409.02.C to allow for a lot area of 4,460 sq. ft. (currently 5,452 sq. ft.) at 1320 Washington and 3,717 sq. ft. (currently 2,726 sq. ft.) at 1322 Washington Ave where 5,800 sq. ft. is the district minimum.

The variances are granted based on the following finding(s) of fact:

1. Insert ZBA finding(s) of fact.

Motion to **DENY** ZBA Case 21-05, a request by Peter Wilson for two variances related to a proposed 8-foot lot line adjustment between 1320 Washington Ave (parcel #70-03-21-480-005) and 1322 Washington Ave (parcel #70-03-21-480-006): 1) a variance from Sec. 40-409.02.C to allow for a lot width of 36 feet at 1320 Washington Ave (currently 44 feet) and a lot width of 30 feet at 1322 Washington Ave (currently 22 feet) where 44 feet is the district minimum; and 2) a variance from Sec. 40-409.02.C to allow for a lot area of 4,460 sq. ft. (currently 5,452 sq. ft.) at 1320 Washington and 3,717 sq. ft. (currently 2,726 sq. ft.) at 1322 Washington Ave where 5,800 sq. ft. is the district minimum.

The denial is based on the following finding(s) of fact:

1. Insert ZBA finding(s) of fact.

Motion to **POSTPONE** ZBA Case 21-05, until the following information can be submitted for review:

1. Insert ZBA condition(s).
1. Project Information
To the Zoning Board of Appeals;

I (we) Peter Wilson of 322 N. 2nd Street
(Applicant Name) (Street Number)

Grand Haven MI 49417
(City) (State & Zip Code)

Applicant Phone Number: 773-412-7700 Applicant Fax Number: X

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance (X) Appeal ( ) Interpretation ( ) Change of Nonconforming Use ( )

Address/location of property: 1320 Washington Ave 1322 Washington Ave
 Parcel #: 70-03-21-480-005
Zoning District: Eastown

2. Required Attachments
- 10 copies of site plan
- 10 copies of the application
- Narrative demonstrating why a variance is being sought

- Description of how the requested variance meets all of the seven (7) Basic Conditions
- Required fee

3. Description of Case (fill out only the items that apply to your case)
A. Description of the property
   1) Size of lot
   2) Area of lot
   3) Is lot a corner or interior lot

B. Description of existing structures:
   1) Number of buildings now on premises 1 building on 1322 lot only
   2) Size of each building now on premises 19.5' x 50'
   3) Use of existing buildings on premises

C. Description of proposed structures:
   1) Height of proposed structure N/A - Application for lot line change only
   2) Dimensions of proposed building or addition
   3) Area of proposed building
   4) Percentage of lot coverage of building or addition
D. Yard setbacks after completion of building or addition:  
1) Front yard (measured from lot line)  
2) Side yard (measured from lot line)  
3) Rear yard (measured from lot line)  

E. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.  
F. Article and Section number of Zoning Ordinance that is being appealed:  

G. Clearly state your request:  

4. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the Basic Conditions described below can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.  

A. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.  

1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.  

2) The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.  

3) The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.  

4) The conditions or situation of the property or its intended use is not so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.  

5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.  

6) There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.  

7) The requested variance is the minimum variance that will make possible the reasonable use of the improvement.  

Section 40-113.08 (B)(3) states the following (See Section for additional Rules):  

1. Each variance granted under the provisions of this Ordinance shall become null and void unless:  
The construction authorized by such variance has received a City Land Use Permit within one (1)
year after the granting of the variance; and the occupancy of land, premises, or buildings authorized
by the variance has taken place within one (1) year after the issuance of the Land Use Permit, unless
an extension of time has been granted by the Zoning Board of Appeals. The Zoning Administrator
may grant one six (6) month extension of construction. After expiration of a six (6) month extension,
all extension shall be granted by the Zoning Board of Appeals.

2. No application for a variance which has been denied wholly or in part by the Board shall be re-
submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly
discovered evidence of changed conditions found, upon inspection by the Board, to be valid.

Signature of Owner: [Signature]
Print Name: [Name]

Date: 4-27-21

Subscribed and sworn before me on this 23rd day of April, 2021
My Commission expires on: 9-2-2027

[Signature]
Notary Public

Anna J Darwin
Notary Public, State of Michigan
County of Ottawa
My Commission Expires 09/02/2027
Acting in the County of Ottawa
Request for variance at 1320 and 1322 W. Washington.

Request is to extend the lot width of 1322 W. Washington by 8' from 22' to 30' and have a corresponding decrease in the lot width of the 1320 property from 44' to 36'. The scope of request is for lot line change only and does not extend to planned building projects. That will come later through normal building permit application process and will adhere to current Eastown zoning guidelines with no anticipation of further variance request required if this lot line variance is granted. I have included a spreadsheet of current and future lot square footages and coverages that will act as basis for that planning if this variance is granted.

Attachments:

** Copy of current survey included that shows lot details and location of current building at 1322 W. Washington (A)
** Expanded view from survey showing current lot line location. (B)
** Copy of proposed new lot line rough location included. This also shows a general view of what future single family homes with one car garage and second parking spot uncovered parking pad might look like. This is for example only and is not final plan submission is not in scope of this variance request (C)
** PIN# map of the whole block that shows other non-conforming lots widths and basic house/building locations of surrounding properties included. (D)
*** Photo that shows the existing sidewalk along west side of building at 1322 W. Washington. This is the sidewalk that I want to attribute to the property line of 1322 W. Washington to allow that sidewalk to stay in place without easement on neighboring property. (E)
*** Spreadsheet that shows current lot sizes and square footages and new lot sizes and square footage that will become basis for planned projects for single family home on each property. (F)

Basis for request:

1. The current footprint of 1322 property does not allow for any reasonable passage from front of lot sidewalk to back of lot alley without being on adjoining property.

2. There is fairly newly installed and good condition walkway that exists on side of building. Survey notes that farthest point off current line is 7.96 feet off current property line. Extending lot by 8' allows entire sidewalk to be part of 1322 lot.

3. The city has expressed a preference for this particular lot (1322 W. Washington) and all lots in general to be single family homes consistent with the neighborhood. The 1320 lot was previously a multiunit house and the 1322 is currently a non-conforming commercial entity. The intent is to develop both properties as single family homes. Resizing the lots with overall square footage changes for both will make both projects more practical for that outcome.

4. There are a number of other lots on the same block and alley with similarly non-conforming lot widths, so this change will not add to any greater level of inconsistency on that block or neighborhood.

Response to the 7 conditions to be met for approval.

A. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.
1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance. This is fully residential neighborhood dominated by single family homes. The previous use of 1320 Washington was a multiunit house in disrepair and the previous use of 1322 Washington was a non-conforming commercial kitchen/eatery on a residential lot. The planned use for both these properties is single family homes in size and character with the rest of the neighborhood. The lot size adjustment allows for practical lot coverage for this use on both lots under existing Eastown guidelines. This outcome is in clear public interest and will change out of character past use of both lots to better current neighborhood continuity.

2) The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required. Both lots are zoned conforming residential and will remain so.

3) The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located. Current footprint of 1322 property will not change and planned single family home at 1320 Washington will adhere to current zoning guidelines on setbacks, lot coverage, height, and square footage. Both lots will have alley access for parking spot and/or garage. There will be no adverse effect on neighboring properties.

4) The conditions or situation of the property or its intended use is not so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation. Property and intended property use is fully in character of neighborhood condition.

5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created. No current or planned future use of properties are self created to be out of zoning compliance. The property and sidewalk at 1322 Washington are existing and in good repair and are good use items for future plans. It would be destructive and hardship to alter walkway.

6) There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance. The current lot width of 1322 W. Washington does not allow any reasonable walking passage on either side of the building from front sidewalk to rear alley without passing on an adjoining property. This lot line shift is only reasonable solution. Additionally, the square footage changes of both lots will bring them more in line with each other and make reasonably sized lot coverage for single family homes, garage, and storage a more practical outcome for both properties.

7) The requested variance is the minimum variance that will make possible the reasonable use of the improvement. As noted on the survey, the farthest point that the 1322 walkway impedes on the current 1320 property is 7.97 feet. The 8' lot line shift is the minimum shift to allow passage on 1322 property without sidewalk easement for front to back access.
DESCRIPTION OF 1320 WASHINGTON AVE: The West 44 feet of Lot 6, Block 3, Hopkins Addition, according to the recorded plot in Libers 1 of Plats, Page 113, Ottawa County records, City of Grand Haven, Ottawa County, Michigan.

DESCRIPTION OF 1322 WASHINGTON AVE: The East 22.00 feet of Lot 6, Block 3, Hopkins Addition, according to the recorded plot in Libers 1 of Plats, Page 113, Ottawa County records, City of Grand Haven, Ottawa County, Michigan.

Proposed private easement for a walkway, described as: Commencing at the Northeast corner of Lot 6, Block 3 of said section; thence S84°18'00"W 22.00 feet to the point of beginning; thence continuing S84°18'00"W 4.00 feet; thence S0°44'51"E 35.00 feet; thence N10°16'46"W 19.50 feet; thence S0°27'00"E 7.95 feet; thence N86°52'01"E 7.74 feet; thence N03°07'01"W 62.09 feet to the point of beginning.

PROPERTY ADDRESS: 1320 & 1322 Washington Ave

WE HEREBY CERTIFY that the buildings and visible improvements are located within the lands and property herein described and that there are no encroachments except as shown hereon.

LEGEND
- Found Iron Stake
- Set Iron Stake
- Set Wood Stake
- Utility Pole
- Fence Line
- D = Deeded
- P = Plotted
- M = Measured

Building
Deck
Concrete
Asphalt
Gravel

This survey 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.
<table>
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<tr>
<th>PIN# 70-03-21-480-005 (0.13 acre 335 permiter)</th>
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<tr>
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<td><strong>1320 W Washington PROPOSED</strong></td>
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<td>Lot Depth</td>
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<td>16 Foot Alley 1/2 Depth</td>
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<td>Lot Sq Footage</td>
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<td>Lot Sq Ft with 1/2 Alley</td>
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<td>Lot coverage 35% Eastown</td>
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<td>1016</td>
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</table>
Pay to the Order of ________________

City of Grand Haven $275.00

LAKE MICHIGAN CREDIT UNION

For ________________ 12-20-13 22 5.03

__________________________

__________________________
1.0 Proposal
Dennis Dryer of Dryer Architectural Group has submitted a request on behalf of property owner Crescent Building LLC for one variance related to a proposed 130 sq. ft. building addition at 1103 Washington Ave (parcel #70-03-21-453-013): a variance from Sec. 40-411.02.C to allow for a lot coverage of 96.9 percent (currently 94.9 percent) where 70 percent is the district maximum.

The applicant is proposing to reconstruct the missing corner front entry of the Crescent Theater to very closely match what was historically in place.

2.0 Zoning of Subject Parcel
The property is located in the NMU – Neighborhood Mixed Use District.

3.0 General Location
1103 Washington Avenue is at the northeast corner of Washington Avenue and Ferry Street (former Crescent Theater)

4.0 Existing Land Use on the Parcel
Commercial

5.0 Adjacent Area Land Uses
North: Residential
South: Washington Ave/commercial
East: Commercial
West: Ferry St/Residential

6.0 Zoning on Adjacent Parcels
North: NMU
South: NMU
East: NMU
West: NMU

7.0 Findings of Fact
The applicant has provided responses to the Basic Conditions for the requested variance. Their responses are provided as an attachment to this report.

1. Basic Conditions: The Board shall find that a variance request meets all of the following conditions.
   a. The requested variance shall not be contrary to the public interest or to the intent and purpose of the Ordinance.
   b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
d. The conditions or situation of the property or its intended use is not so general or recurrent in nature as to make reasonably practicable a general regulation for the condition or situation.
e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
f. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
g. The requested variance is the minimum variance that will make possible the reasonable use of the improvement.

8.0 Staff Analysis
Basic Condition (a). The intent and purpose of the maximum lot coverage requirement is to maintain some open space on properties and to avoid over-development. The corner of the existing building is missing and the owner proposes to reconstruct it in keeping with the general appearance of the original building. The location of the proposed 130 sq. ft. addition is already occupied by an impervious stairway/concrete platform and is not expected to create a feeling of over-development.

Basic Condition (b). The granting of this variance will not establish a use which is not permitted. The NMU District allows for various commercial and residential uses.

Basic Condition (c). The granting of the variance will not cause a substantial adverse effect on any neighboring properties. The granting of the variance will lead to a major improvement to a very visible and important building in the Washington Square neighborhood.

Basic Condition (d). The condition or situation of the property is unique. The Crescent Theater is an important building in our community, and the proposed lot coverage variance will allow the reconstruction of the corner of the building to mimic what was there originally.

Basic Condition (e). There are no circumstances of the property that are self-created. The original corner of the building is missing. The owner wishes to reconstruct the corner of the building very similar to what was there before.

Basic Condition (f). There is no reasonable alternative location on the property for the proposed improvements where such improvements would not require a variance. The property is already exceeding the 70% lot coverage maximum as it stands today.

Basic Condition (g). The requested variance is the minimum variance that will make possible the reasonable use of the improvement and the rehabilitation of an important historical building.

9.0 Correspondence
As of the date this staff report was finalized, we have not received any correspondence related to this request.

10.0 Sample Motions
Motion to APPROVE ZBA Case 21-06, a request by Dennis Dryer of Dryer Architectural Group on behalf of property owner Crescent Building LLC for one variance related to a proposed 130 sq. ft. building addition at 1103 Washington Ave (parcel #70-03-21-453-013): a variance from Sec. 40-411.02.C to allow for a lot
coverage of 96.9 percent (currently 94.9 percent) where 70 percent is the district maximum.

The variances are granted based on the following finding(s) of fact:

1. Insert ZBA finding(s) of fact.

Motion to DENY ZBA Case 21-06, a request by Dennis Dryer of Dryer Architectural Group on behalf of property owner Crescent Building LLC for one variance related to a proposed 130 sq. ft. building addition at 1103 Washington Ave (parcel #70-03-21-453-013): a variance from Sec. 40-411.02.C to allow for a lot coverage of 96.9 percent (currently 94.9 percent) where 70 percent is the district maximum.

The denial is based on the following finding(s) of fact:

1. Insert ZBA finding(s) of fact.

Motion to POSTPONE ZBA Case 21-06, until the following information can be submitted for review:

1. Insert ZBA condition(s).
1. Project Information
To the Zoning Board of Appeals;

I (we) Dennis Dryer (Dryer Architectural Group) of 220.1/2 Washington Ave.
(Applicant Name) (Street Number)

Grand Haven Michigan, 49417
(City) (State & Zip Code)

Applicant Phone Number: 616.846.5400 Applicant Fax Number: __________

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance (X) Appeal ( ) Interpretation ( ) Change of Nonconforming Use ( )

Address/location of property: 1103 Washington Ave.

Parcel #: 70-03-21-453-013 Zoning District: NMU, Neighborhood Mixed Use

2. Required Attachments
- 10 copies of site plan
- 10 copies of the application
- Narrative demonstrating why a variance is being sought

- Description of how the requested variance meets all of the seven (7) Basic Conditions
- Required fee

3. Description of Case (fill out only the items that apply to your case)

A. Description of the property
1) Size of lot 50’ x 132.1’
2) Area of lot 6,605 SF
3) Is lot a corner or interior lot ________________

B. Description of existing structures:
1) Number of buildings now on premises ________________
2) Size of each building now on premises 6,270 SF Building Footprint
3) Use of existing buildings on premises Retail, Office, & (1) Apartment (on 2nd flr)

C. Description of proposed structures:
1) Height of proposed structure 14'-8"
2) Dimensions of proposed building or addition 7'-4"+/- Extension (Corner Addition)
3) Area of proposed building 130 SF
4) Percentage of lot coverage of building or addition Existing = 94.9%, Proposed = 96.8%
D. Yard setbacks after completion of building or addition:
   1) Front yard (measured from lot line) 1'-0"
   2) Side yard (measured from lot line) NA
   3) Rear yard (measured from lot line) NA

E. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

F. Article and Section number of Zoning Ordinance that is being appealed: Section 40-411.D (Lot Coverage)

G. Clearly state your request: Refer to attached narrative.

4. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the Basic Conditions described below can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

A. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.

   1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.

   2) The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.

   3) The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.

   4) The conditions or situation of the property or its intended use is not so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

   5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

   6) There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

   7) The requested variance is the minimum variance that will make possible the reasonable use of the improvement.

Section 40-113.08 (B)(3) states the following (See Section for additional Rules):

1. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City Land Use Permit within one (1)
year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the issuance of the Land Use Permit, unless an extension of time has been granted by the Zoning Board of Appeals. The Zoning Administrator may grant one six (6) month extension of construction. After expiration of a six (6) month extension, all extension shall be granted by the Zoning Board of Appeals.

2. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid.

Signature of Owner: Roberta Sabine Date: 16 April 2021

Print Name: Roberta Sabine

Subscribed and sworn before me on this 16 day of April 2020

My Commission expires on: 05/23/2027

Notary Public

City of Grand Haven – Zoning Board of Appeals application
Revised November 2020
DRYER ARCHITECTURAL GROUP, PLC

220.1/2 Washington
Grand Haven, MI 49417
Phone: 616.846.5400
E-Mail: dryerarch@gmail.com

Grand Haven ZBA
Basic Conditions Response

DATE: April 23, 2021

TO: Grand Haven ZBA Members

RE: Sabine Variance Request for Crescent Bldg.
Ferry & Washington

A.1. That the granting of the variance will not be contrary to the public interest or to the intent and purpose of this Ordinance.

   This variance request is not contrary to public interest. The addition to the building will reestablish the original footprint of the historical building.

A.2. Non-Permitted use or Special Land Use required.

   A coffee shop/retail use is a permitted use.

A.3. Adverse effect on neighboring properties.

   No adverse effect will be created with this addition or the installation of a coffee shop or other retail in this building.

A.4. Recurrent Nature

   The resurrecting of an original/historic entry of an old theater, causing the site coverage to exceed the stated maximum percentage, is not of such a general nature as to cause a change in the zoning ordinance.

A.5. Self Created - Exception or extraordinary circumstances

   The original entry/lobby was located in the location. So re-creating the original entry is not a self-created issue.

A.6. Reasonable Alternative

   The building currently exceeds the maximum site coverage percentage. So, any addition to this building will cause a variance to be required.

A.7. Minimum Variance

   To replicate the original entry, this is the minimum variance that can be requested.

Respectfully Submitted:

Dennis Dryer - President