The regular meeting of the Grand Haven Zoning Board of Appeals was called to order at 7:00 p.m. in Grand Haven City Hall Council Chambers, 519 Washington, Grand Haven, Michigan. On a call of the roll, the following persons were:

Present: Jerry Klukos, Amy Kozanecki, Kevin McLaughlin, Field Reichardt, Chair Melanie Riekels (arrived at 7:30pm).

Absent: Bill Hohmeyer, Mischelle Julien.

Also present were Jennifer Howland, Community Development Manager, and MaryAnn Poel, Administrative Assistant.

Due to former Chair Ryan Cummins being elected to City Council, Vice Chair Riekels had become the Chair and therefore the Board needed to elect a new Vice Chair.

**Election for Vice Chair:**
Motion by Reichardt, seconded by Kozanecki, to elect Jerry Klukos for Vice Chair carried by voice vote.

Because Riekels was absent, Klukos would chair the meeting.

Motion by Reichardt, seconded by Kozanecki, to approve the October 16 meeting minutes was unanimously approved by voice vote.

**Call to Audience**

Case 20-01: A request by QCW Enterprises of 240 East 8th Street, Holland, MI, 49423 has submitted an application for the property at 832 Robbins Road, Grand Haven, MI, 49417 (parcel #70-03-33-100-055) for three (3) variances to the Grand Haven Zoning Ordinance, related to a proposed redevelopment of the property into an automobile wash:

1. A variance from Section 40-414.03.B.2, front yard setback on the west side of Beacon Boulevard from south city limits to Woodlawn Avenue. The requested variance is to allow for parking to be located within the 30 foot corner front yard setback from Beacon Boulevard.

2. A variance from Section 40-600.01.B, parking setbacks. The requested variance is to allow for parking within the required 25 foot front yard setback from Robbins Road.
3. A variance from Section 40-301.03.A, accessory structures. The requested variance is to allow for vacuums to be located in the corner front yard rather than the rear yard.

Vice Chair Klukos read the case and opened the Public Hearing for the case.

Rick Pulaski, project manager from Nederveld Inc., 217 Grandville Ave SW #302, Grand Rapids, explained this property was at the corner of Robbins and Beacon and was an existing gas station & car wash. The plan would be to demolish those two buildings and build a new Tommy’s Express car wash and vacuum station business. The existing oil change building to the west would remain. They were requesting variances for the parking and the vacuum stations but overall the new building would be more conforming than the existing building. The current business had several existing encroachments into the setback area and those would be removed. The existing asphalt near Robbins would be cut back and be more defined. He explained that the vacuum stations with canopy’s and round globe trash containers were a feature of the Tommy’s Express.

Reichardt asked what would happen with the fuel tanks. Pulaski stated they would be closed and monitored. He stated currently there was a purchase agreement in place and as soon as they closed on the property they would begin that process with EGLE.

Reichardt asked why they needed so many vacuum stations and Pulaski stated those were a feature of Tommy’s and in most locations those stations were frequently all being used and noted it was almost a type of “landscape” feature of Tommy’s.

Kozanecki asked how close the vacuum stations were to the property line and Howland stated they were 5 feet from the property line.

Vice Chair Klukos asked Howland if this variance was granted if the Planning Commission would still have control over the number of vacuum stations that would be allowed. Howland stated that was correct, but explained if the variance for the location of the vacuum stations was granted then the stations would be allowed to be in that front yard location.

Pulaski then went through his narrative of how they felt they met the requirements and also pointed out that they were bringing the property into better conformance. He stated they had pulled the asphalt in but they couldn’t pull it in 25 feet and still have this project work on this site.

Public Comment:
None

Correspondence:
None

Reichardt commented that the northeast driveway looked very close to the Beacon intersection and asked Howland if that was closer than before. Howland explained that it was actually narrower and was further west than the current driveway area.
Motion by McLaughlin, seconded by Kozanecki, to close the public portion of the case was carried by voice vote.

**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 this Ordinance.
Reichardt stated there would be no negative effect and the rest of the members agreed.

Motion by Reichardt, seconded by McLaughlin, to approve condition A **passed** on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Vice Chair Klukos. Nays: None.

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.
McLaughlin stated this was met.
Kozanecki stated this was a permitted use so this criteria was met.
Reichardt and Vice Chair Klukos agreed this was met.

Motion by Reichardt, seconded by McLaughlin, to approve condition B **passed** on the following roll call vote: Ayes: Kozanecki, Reichardt, McLaughlin, Vice Chair Klukos. Nays: None.

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.
McLaughlin stated this was actually an improvement and so he felt this was met.
Reichardt and Kozanecki stated it would be a positive effect.
Vice Chair Klukos agreed.

Motion by McLaughlin, seconded by Reichardt, to approve condition C **passed** on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Vice Chair Klukos. Nays: None.

D. 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.
Vice Chair Klukos called for a motion on item D.
Motion by Reichardt, seconded by Kozanecki, to approve condition D because it was not general in nature **passed** on the following roll call vote: Ayes: McLaughlin, Reichardt, Kozanecki, Vice Chair Klukos. Nays: None.

E. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
Reichardt stated he felt it was obvious this was not self-created.
Kozanecki stated it wasn’t self-created but with an “asterisk”. Yes the pavement was already there and yes they wanted to use the existing pavement, but they were also choosing to put the vacuums in that location. She stated she was torn on this criteria but agreed it would be a little less non-conforming than what it currently was.
McLaughlin agreed and stated he felt they were improving it somewhat.
Vice Chair Klukos agreed stating the improvements were cosmetic and benefited the design of the project.

Motion by Kozanecki, seconded by McLaughlin, to approve condition E **passed** on the following roll call vote: Ayes: Reichardt, McLaughlin, Kozanecki, Vice Chair Klukos. Nays: None.

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.
Reichardt stated there were a lot of those umbrella things especially along the highway, but pointed out that this plan would move on to the Planning Commission for review so he was comfortable voting yes on this criteria.
Kozanecki agreed it was an improvement but also agreed that there were a lot of vacuum stations.
McLaughlin stated he would bring that information about there being a lot of vacuum stations back to the Planning Commission.
Vice Chair Klukos stated the whole concept of the vacuum stations was that they had eye appeal. If they were located behind the building it would negate the higher concept of the plan so he understood their request and based on that he felt this criteria was met.
Reichardt stated that it might also cause a traffic flow issue if the building was moved closer to Beacon so they still might need a variance.

Motion by Kozanecki, seconded by McLaughlin, to approve condition F **passed** on the following roll call vote: Ayes: Reichardt, McLaughlin, Kozanecki, Vice Chair Klukos. Nays: None.

G. The requested variance is the minimum variance that will make possible the reasonable use of the improvement.
Kozanecki stated they were way over on the number of spots and that was her concern. She felt they should have to show that the parking spots were really needed because the parking spots were also in conjunction with the number of vacuum stations.
Vice Chair Klukos stated he felt the minimum was yet to be determined based on what the Planning Commission decided when they reviewed the site plan.

Motion by Reichardt, seconded by Kozanecki, to approve condition G passed on the following roll call vote: Ayes: McLaughlin, Reichardt, Kozanecki, Vice Chair Klukos. Nays: None.

Chair Melanie Riekels arrived and took her seat on the Board. Howland suggested that Riekels not participate in the vote on this variance request since she had just arrived.

Vice Chair Klukos asked Howland if the Board would be considering this as one request for all three items and Howland replied as long as that was the understanding of the Board it was fine.

Consensus was it was understood it was for all three requests.

Motion by Reichardt, seconded by McLaughlin, to approve the request by QCW Enterprises for the property at 832 Robbins Road, Grand Haven, MI, 49417 (parcel #70-03-33-100-055) for the following variances related to a proposed redevelopment of the property into an automobile wash:

1. A variance from Section 40-414.03.B.2, front yard setback on the west side of Beacon Boulevard from south city limits to Woodlawn Avenue. The requested variance is to allow for parking to be located within the 30 foot corner front yard setback from Beacon Boulevard.
2. A variance from Section 40-600.01.B, parking setbacks. The requested variance is to allow for parking within the required 25 foot front yard setback from Robbins Road.
3. A variance from Section 40-301.03.A, accessory structures. The requested variance is to allow for vacuums to be located in the corner front yard rather than the rear yard.

based on that it met all the criteria and that it would be reviewed by the Planning Commission. The motion to approve passed on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Vice Chair Klukos. Nays: None.

Case 20-02: Midwest X, LLC of 1435 Fulton Avenue, 2nd Floor, Grand Haven, MI, 49417 has submitted an application for the property at 300 North Beacon Boulevard, Grand Haven, MI, 49417 (parcel #70-03-21-327-010) for two (2) variances to the Grand Haven Zoning Ordinance, related to a proposed redevelopment of the property into a Hungry Howie’s:

1. A variance from Section 40-600.01.B, parking setbacks. The requested variance is to allow for parking within the required 25 foot front yard setback from Elliott Street.
2. A variance from Section 40-600.01.B, parking setbacks. The requested variance is to allow for parking within the required 25 foot front yard setback from Beacon Boulevard.
Vice Chair Klukos opened the public hearing for the case.

Mark Tomasik of Innovative Design PC, 1261 Leonard NE, Grand Rapids, explained this property was a former gas station. He stated they would be demolishing the existing building, a new building would be constructed in basically the same location, and they would also be abandoning one curb cut on Elliott. He stated the existing asphalt went right to the property line but they would be cutting that back and creating more green space. He read through his narrative of how they felt they met the requirements.

Kozanecki asked if this would be a “sit down” type or just “take out”. Tomasik stated there would be some chairs where people could wait, but it would be a “take out” facility.

Peter Oleszczuk of Westwind Construction of 1435 Fulton, Grand Haven, stated this would be take out or delivery by their delivery drivers. Oleszczuk explained that they were mainly asking to be able to keep the pavement that already existed so they could utilize it for the function of the site. They had been working with the city with the storm water to try to maximize the efficiencies of what was already there. They were also working thru the Brownfield to make sure all aspects of the site were going to get cleaned up.

Reichardt asked why they moved the drive on Elliott Street so close to Beacon Blvd. Oleszczuk explained that was an existing driveway. During discussions with the Department of Public Works it was determined that the storm water connections were in that existing driveway area so they kept that drive and the other one on Elliott would be closed.

Riekels asked how many total parking spaces they would have and Oleszczuk stated they were proposing 17 spaces based on the operator felt was needed.

Kozanecki asked why they needed 17 spaces and Oleszczuk stated that was something that they would deal with at the Planning Commission level, but it was based on the operator’s desire to have enough space for workers, customers, and delivery vehicles.

Riekels asked how many delivery drivers they anticipated and Oleszczuk stated there would be 5-8 delivery people. This operator also owned Jimmy John’s so he trusted that the operator knew what his business needed.

Kozanecki asked if they were going to use the existing structure and Oleszczuk stated they would be tearing down the existing building and building a brand new structure.

Kozanecki stated she was trying to see how they could eliminate the need for the parking spaces shown right along Beacon Blvd. She wondered if the building was moved forward then maybe the delivery parking could be behind the building. She knew that the Beach Party store also had parking along Beacon, but they had reused the existing building. She asked Howland if there were other parcels in that area had were parking in the 25 foot setback area.

Howland stated there were several parcels that didn’t meet the setback but through redevelopment the expectation would be that it would be met. But she pointed out that
over the years these variance requests had been granted so she felt they needed to look at if it made sense to keep requiring the setback.

Kozanecki asked if along this area when other redevelopment projects had happened if they had not been made to abide to the 25 foot setback.

Howland stated those projects had to request this same type of variance.

Vice Chair Klukos thought this was a fairly shallow lot.

Howland stated there were other small lots on Beacon Blvd, but this was shallow and strange shaped. She stated corner lots were always tricky. She stated at the Planning Commission level they would to have to review and determine if having twice as much parking as required was going to be allowed.

Vice Chair Klukos had a concern and hoped that the extra parking along the frontages was not going to be used just for the delivery vehicles with big Hungry Howie logos for advertising purposes in such close proximity to the highway.

Howland stated they couldn’t prevent vehicles from having logos. If the vehicle with a logo was just parking in a space (ie: being stored) and didn’t move then there may be ways the ordinance would apply to that. The city also did not allow trailer mounted signs.

McLaughlin stated, per the plan, it seemed obvious they were pulling the parking back from the Beacon side.

Kozanecki pointed out that when it was the gas station there wasn’t a parking area along Beacon it was where vehicles drove through the site. Now they were proposing to create parking there.

Reichardt asked Oleszczuk if they had considered Kozanecki’s idea of moving the building closer to Beacon and having parking behind the building. Oleszczuk stated they did consider moving the building to the middle but it would cost more, it seemed to create more conflict instead of less, and it would still need variances.

Oleszczuk explained they were reducing the overall existing impervious surface of the site and he pointed out that the parking was only encroaching less than 10 feet on the Beacon frontage.

Riekels was still wondering why they couldn’t move the building location to be able to prevent having the parking along Beacon.

Howland explained that a drive isle took up 22 feet of space and if they had to create space for two drive isles it would take up too much space and they wouldn’t be able to develop the site.

Riekels stated that neither the old Wendy’s property nor the Greenridge property had parking in the front. She didn’t feel you could compare the Beach Party liquor store parking because that same building had been there for many years. She stated she did not want
to see the delivery trucks parking in that front row either. She was also concerned that if parking was allowed in this location that it would be a problem if Beacon were ever to be widened.

Howland stated she did not think there was any interest in Beacon Blvd getting widened. She also pointed out that there wasn't a special extra setback (MDOT) in this section of Beacon Blvd like in the last case. In this area it was just the normal no parking in the front yard 25 foot setback for the Commercial District.

Public Comment:
None

Correspondence:
None

Motion by Reichardt, seconded by Riekels, to close the public portion of the case was carried by voice vote.

Vice Chair Klukos asked if it was okay to consider both variances simultaneously and Howland stated it was reasonable to combine the requests unless they felt there was something significantly different between Elliott Street and Beacon Blvd. If during the discussion they noticed that maybe one made sense and the other didn't on a criteria, then that could be noted and they could deal with it separately.

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 this Ordinance.
Riekels stated she felt this was met.
Kozanecki stated she had a problem with this. She stated this was non-conforming so at what point and time did they say this was the zoning (for this district) and that's why there was a zoning ordinance. She agreed this proposal was an improvement and she would love to see the property developed, but the ordinance didn't allow parking in the front yard. For what they wanted to do, they were over the required parking number so the ZBA would be granting a variance for parking the applicant technically didn't need. There were many non-conforming properties and if they were going to be allowed to stay non-conforming then she wondered why there was a zoning ordinance.

Howland stated what they needed to focus on was what was happening on this particular property. This parcel was non-conforming and redevelopment was the opportunity to bring properties into conformance, but they needed to look at the aspects of this property to decide if this was a unique situation.

Reichardt noted the Beach Party store parking was right up to the highway (sidewalk). Kozanecki stated that was correct but that same building had always been used on that same footprint. McLaughlin and Reichardt stated they were fine with this criteria.
Vice Chair Klukos asked what the required parking was and Howland answered 8 to 9 parking spaces.

Vice Chair Klukos asked Howland if that was just the minimum required. Howland explained that the parking regulations stated that an applicant could not provide more or less parking than what the ordinance required without demonstrating to the Planning Commission why it was needed. Howland explained if the front yard and corner front yard parking variances were granted at this meeting it would then stand on its own. She pointed out that the Planning Commission may later determine that the applicant didn’t need that many spaces, but if these variances were granted then the applicant could choose to remove the parking in front of the building and just use the ones along the frontages. She explained that the Planning Commission review would determine what was most appropriate for the site taking into consideration things like safety and circulation. She stated parking was based on the use and the size of the building and this was a small building.

Motion by Reichardt, seconded by Riekels, to approve condition A as it was consistent with the other parking in the neighborhood passed on the following roll call vote: Ayes: McLaughlin, Reichardt, Riekels, Vice Chair Klukos. Nays: Kozanecki.

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. All agreed this criteria was met.

Motion by Kozanecki, seconded by McLaughlin, to approve condition B passed on the following roll call vote: Ayes: Reichardt, Riekels, McLaughlin, Kozanecki, Vice Chair Klukos. Nays: None.

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.
McLaughlin stated it would be an improvement in spite of the parking. Kozanecki stated it was an improvement minus the parking in the front. Riekels stated the parking may be up to the Planning Commission, but she didn’t feel the applicant needed that many spaces that the ZBA should have to grant them a variance to be able to park in the front yard.

Howland suggested they keep in mind that the applicant could have eliminated all of the parking right in front of the building and still asked for this variance.

Kozanecki believed the project was an improvement but she believed the improvement could be done minus the variance.

Howland reminded them this criteria was that it would not cause a substantial adverse effect on properties in the neighborhood.
Reichardt stated it would not be a substantial adverse effect.

Motion by Reichardt, seconded by Riekels, to approve condition C passed on the following roll call vote: Ayes: McLaughlin, Kozanecki, Reichardt, Riekels, Vice Chair Klukos. Nays: None.

D. 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. Kozanecki stated this seemed to happen on corner lots because that's just the way it was.

Howland explained that this criteria was asking what was unique or different about this lot and the size and shape of the lot had been mentioned before.

Reichardt stated if the sewer and water systems were already in place it was more practical to use what was currently there.

Howland stated one of the items that was unique was the Brownfield situation the applicant mentioned. Each case had to be unique to itself so the Board could justify why one request was granted when perhaps another one wasn’t

Riekels stated she was torn on this but she agreed it was met. Vice Chair Klukos was also torn as there was some general nature to it, but it was an odd shaped lot and commercial properties were very limited so he felt this lot was unique as well.

Motion by McLaughlin, seconded by Kozanecki, to approve condition D passed on the following roll call vote: Ayes: Riekels, Reichardt, McLaughlin, Kozanecki, Vice Chair Klukos. Nays: None.

Vice Chair Klukos wished state for the record that he would like the Planning Commission to review setbacks for commercial properties along Beacon Blvd. He stated the zoning ordinance was currently going through a review and he felt this would be an excellent time to discuss if the 25 foot setback was really appropriate since each side of the highway was only one-way not two-way traffic. He felt cars parked in the front yard up to the sidewalk didn’t seem like it would be a detriment to visibility to be able to pull out into traffic.

E. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
Kozanecki agreed this small corner lot with water connections that were already there was not a self-created condition.
Reichardt agreed this was fine.
Riekels and Vice Chair Klukos also agreed it was not self-created.
Motion by Riekels, seconded by Reichardt, to approve condition E passed on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Riekels, Vice Chair Klukos. Nays: None.

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.
Riekels felt there was an alternate way if they moved the building forward and parked behind. She wished the ZBA could stipulate that they couldn’t have more than so many parking spaces.
Reichardt stated he also questioned the number of proposed spaces but pointed out there would be employees and delivery people as well as customers. He felt the Planning Commission would have to address the parking issue. He liked that there would be additional landscaping and he felt it met this criteria.
McLaughlin agreed this was met.
Vice Chair Klukos also felt this was met. He didn’t think the new owner would choose to eliminate parking up by the building because common sense would be that customers would want to park as close to the building as possible when picking up their pizza.

Motion by McLaughlin, seconded by Kozanecki, to approve condition F failed on the following roll call vote: Ayes: Reichardt, McLaughlin, Vice Chair Klukos. Nays: Riekels, Kozanecki.

G. The requested variance is the minimum variance that will make possible the reasonable use of the improvement.
Riekels felt this got back to the parking issue.
Kozanecki stated 8 or 9 spaces were required but they were proposing 17 spaces so she felt this was above the minimum variance request.
Reichardt stated that would be an issue for the Planning Commission.
Vice Chair Klukos pointed out the request was to allow parking within 25 feet of Beacon. McLaughlin asked if 9 spaces were required and the Planning Commission said they couldn’t have the spaces along Beacon, then what would happen to the pavement that was already there. He felt people would just park there anyway.

Howland explained the ordinance actually stated that both parking lots and drive isles could not be in the required front yard. So they would have more landscaping up to the 25 foot line.

McLaughlin commented that it was all currently paved now and he felt the applicant was making it a much better situation.
Kozanecki pointed out they were only 8 feet away from becoming a conforming property. Riekels wondered why they would do things to make it still be non-conforming.

Howland explained the point of this process was to factor in unique aspects for properties that didn’t fit well and to take into consideration if it would cause a determent to the neighborhood or if there were alternate locations. There wasn’t a lot of open green space
where the applicant could move those parking spaces to so the applicant was just trying to utilize the site to the fullest extent and the Board needed to decide if that was the most reasonable use of the property.

Kozanecki stated this property needed 8 to 9 spots and they could make the 9th space in one of the other areas by moving the line a bit. So she questioned if a business needed 17 parking spaces to be able to go into business if this was the right location. Reichardt also pointed out if there wasn't some flexibility for people to redevelop a small property that was currently an eyesore then the city would continue to have the eyesore. Vice Chair Klukos agreed with Reichardt and stated a gas station was what functioned on the property and was what the property worked for, but by granting the variances it would be a way to allow a different development. If the ZBA didn't help these rather difficult lots out, the lot would likely stay vacant. Kozanecki stated she was all for improving the property but she felt they needed to get the property conforming.

Howland stated that was the point of the ZBA because there were so many non-conforming properties in the city that just didn't fit well and redevelopment was really important. She stated if they stepped back and looked at all the area taken out by the setbacks it made the development portion of the lot really small.

Vice Chair Klukos stated again that if they didn't help out in this situation so the new business could locate here then the property may continue to sit vacant.

Howland stated the concern she was hearing over and over again was the amount of extra parking. She stated again that they would have to demonstrate the need for the amount of parking they were proposing when they went to the Planning Commission.

Motion by Kozanecki, seconded McLaughlin, to approve condition G **failed** on the following roll call vote: Ayes: Reichardt, McLaughlin, Vice Chair Klukos. Nays: Riekels, Kozanecki.

Motion by Reichardt, seconded by McLaughlin, to reconsider criteria F and G and ask that someone change their vote.

Reichardt stated this was an ugly site that was very difficult to redevelop. It would be a substantial improvement over what the site was now in terms of landscaping and the setback of the building. He stated the developers felt this was the best design for their business to go forward. He also pointed out that the Planning Commission would be reviewing the need for the parking spaces.

Kozanecki commented that all of the members had expressed a concern over the number of spaces.

Howland stated it was more typical that a developer would ask for less parking. And she pointed out that it's not that it wasn't allowed to have more parking, they just had to demonstrate the need for the extra parking to the Planning Commission.
Kozanecki stated if they had 17 spaces and they weren’t asking for a variance then she wouldn’t have a problem with the 17 spaces. But they were asking for more parking than was required, and for it to be closer than they were allowed to have, and for it to be on a non-conforming spot. She understood the pavement was already there, but then why was there a ZBA and zoning rules. Why didn’t the applicant just go to the Planning Commission.

Howland stated the ZBA was to be able to consider special circumstances and the burden of proof was on the applicant to demonstrate that their site was challenging enough to warrant some consideration.

Howland explained if the concern was just the excess parking, then yes the Planning Commission would deal with that. It sounded like the concern wasn’t the parking in front of the building it sounded like the concern was the parking located in the required front yard and the corner front yard. So was there concern with the layout, or how it impacted Beacon Blvd and Elliott, or people walking on the sidewalk, or what it looked like when people drove by, was the circulation on the site okay, and did thinking of those things help in any way. If it was a bigger building and the only place that parking could be was on Beacon or Elliott would that still be a problem.

Kozanecki stated that would not change her mind because it would still be non-conforming.

Howland stated if the variance was granted it would still be non-conforming but it would be a legal non-conformity.

Riekels asked if this was the smallest size building they could have and still operate. Her thought was if they could operate with a smaller building there might be more room for parking without needing the variances.

Howland asked Kozanecki and Riekels if either of them had a concern with the parking on Elliott or if it was just the Beacon side.

Riekels stated she was not concerned with the parking along Elliott.

Howland asked Kozanecki and Riekels if one of them or both of them thought that Elliott was not an issue then that request could be approved. If one of them was ok with parking on the Elliott side and one was ok with parking on the Beacon side then perhaps both of the requests could be approved.

Kozanecki stated she would be willing to reconsider her vote if the two requests could be voted on separately. Riekels also agreed to reconsider.

There was a motion on the table to be able to reconsider criteria F and G so that motion needed to be voted on at this point.

The motion to reconsider F and G passed on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Riekels, Vice Chair Klukos. Nays: None.
Motion by Riekels, seconded by Reichardt, to reconsider criteria F & G for the variance request for the setback for parking on Elliott Street passed on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Riekels, Vice Chair Klukos. Nays: None.

Vice Chair Klukos stated there were many buildings that did not comply with the 25 foot setback. He felt they would discourage developments on small properties by not being flexible.

Reichardt agreed and pointed out this was across the street from a business that was much closer to the highway with their parking. He stated this was a tiny site that was going to be significantly improved and the issue of parking that they were hung up on was going to be dealt with by the Planning Commission.

Kozanecki stated she didn’t agree that they should allow the parking in the front yard setback because the Planning Commission was going to take care of that.

Reichardt stated the Board just did that for the previous case and Kozanecki voted for it.

Kozanecki stated that was a different circumstance.

Motion by McLaughlin, seconded by Reichardt, to reconsider criteria F & G for the variance request for the setback for the parking on Beacon Blvd failed on the following roll call vote: Ayes: Reichardt, McLaughlin, Vice Chair Klukos. Nays: Riekels, Kozanecki.

Riekels stated she wanted to go on record that she totally agreed this would be an improvement, but she did have a problem in that she felt there was an alternative and also granting something to be non-conforming.

Motion by Reichardt, seconded by McLaughlin, to grant the parking variance for Elliott Street because it met all the criteria passed on the following roll call vote: Ayes: Riekels, Kozanecki, McLaughlin, Reichardt, Vice Chair Klukos. Nays: None.

Motion by Riekels, seconded by Kozanecki, to deny the parking variance for Beacon Blvd because criteria F & G did not pass failed on the following roll call vote: Ayes: Riekels, Kozanecki. Nays: Reichardt, McLaughlin, Vice Chair Klukos.

Howland stated the variance for Beacon failed because they were not going to be able to change any votes.

Reichardt asked Howland if the ZBA could get an update on the proposed revisions to the zoning ordinance.

McLaughlin gave the ZBA an update of items the Planning Commission had been working on including Medical Marijuana, a new marina and banquet facility for the Eastpointe RV
Park, the properties around 714 Fulton were rezoned to Commercial, a new outdoor café had been approved for Odd Side Ales, the former bank at 21 N Beacon was approved to become a Morning Belle restaurant, the old Grand Haven Jewelry store would be redeveloped into office/retail on the first floor and apartments on the upper levels, and there were a couple of upcoming cases for retaining walls.

Riekels stated she understood that the city needed Short Term rentals but she just wished that they weren't all of the affordable homes. She felt the ST rentals were just pricing housing out of reach for most people. She explained she was experiencing this herself right now trying to find an affordable single story barrier free home and at this point she felt she wasn't going to be able to remain living in Grand Haven.

Kozanecki asked if there was talk about expanding where ST rentals could be and Howland stated there wasn't.

McLaughlin stated there were some members of the Planning Commission that felt it should be opened up to the whole city.

Riekels stated even though some area rentals were not supposed to be ST rentals, she stated they were being used as ST rentals. She stated no one was watching and policing these places.

Howland stated if they knew of any being used that way to please call or email her to report it so her office could investigate it.

Kozanecki stated she knew of one on Slayton that she would email to Howland.

**Adjournment:**
Motion by Reichardt, seconded by Riekels, to adjourn was unanimously approved by voice vote. The meeting adjourned at 9:18 p.m.

MaryAnn Poel
Administrative Assistant
Community Development Department