

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

April 19, 2023

A regular meeting of the Grand Haven Zoning Board of Appeals was called to order by Chair Jerry Klukos at 7:00 p.m. in the Grand Haven Council Chambers. On roll call, the following members were:

Present: Kerry Bridges, Ryan Galligan, Tyler Jackson, Marshall Lystra, Chair Jerry Klukos.

Absent: Tyler Berg, Vice-Chair Mark Hills

Also present: Brian Urquhart, City Planner, and members of the public.

Approval of Minutes

Motion by Galligan, seconded by Bridges, to approve the March 15, 2023 minutes as written. Passed unanimous with a voice vote.

Call to the Audience – No comments

Case 23-02: A request by Jeanne Fricano of 540 Lake Avenue (#70-03-29-203-015) for two variances from Sec. 40-404.02.C for corner front yard setback of 15.5 feet and a lot coverage of 35.7% in the MDR District.

Chair Klukos opened the public hearing for the case at 7:04pm

Urquhart provided an overview of the case. In June 2022, the city issued a condemnation notice to the existing home at 540 Lake Avenue due to the poor conditions. In October 2022, the applicant applied for a demolition permit and build new. The home was demolished in October. Urquhart said the applicant had discussions with the city on possible home design. A plan was brought forward in which Urquhart said a variance would be required for the corner front yard setback and total lot coverage. Urquhart added the lot is conforming with respect to lot size and lot width.

Jeanne Fricano, 12243 168th Street, said she purchased the home in 2020 in good faith. The home experienced vandalism, setbacks on contractors because of COVID-19. In 2022, the Dept. of Public Safety issued a warning for her to shore up the home as it was a public safety concern. Fricano noted she had difficulty with the garage access from the Dept. of Public Works.

Galligan did not have any questions.

Jackson asked if Fricano fought the 4-week time frame to repair the home. Fricano stated she was unaware she could appeal the 4-week time frame.

Lystra asked what the width of garage is. Fricano said it would be a single stall garage.

Bridges asked if the garage has storage. Fricano said there was little storage which is why she is requesting a 10' x 12' detached shed.

Jackson asked why is the corner front yard setback 20 feet? Urquhart responded the setbacks in the MDR District reflect traditional neighborhood design. In Grand Haven, 20 feet is rather large compared to other district. He also said a corner front would line up with front yard setbacks on interior lots within the same block.

Klukos asked when Fricano closed on the property. Fricano said March 2020. He asked if she made any conversions to the property, which she replied she did not.

Al Hase, 539 Butler, agreed the demolition of the home was good and it removed an eyesore. In support of a new home on the lot which would improve the neighborhood.

Blake Mertens, 220 Williams, spoke in support of the variance. Mertens noted that other neighbors who could not be in attendance were also in support.

Mike Weaver, 637 Lake Ave., said the lot is too narrow, and Fricano has demonstrated a hardship. He's been in the city for many years, and feels a new home with a 15.5 feet corner front yard setback is great addition to the neighborhood and the city.

Chad Sehars, 520 Lake Ave., spoke in support of the variance.

Motion by Galligan, seconded by Bridges, to close the public hearing was carried unanimously by voice vote. Closed at 7:33pm.

Klukos asked Urquhart about any written correspondence. Urquhart said the city received 3 emails, 2 in support of the variance, 1 against the variance.

Klukos asked Urquhart if the home burned or was destroyed by another means, could she rebuild in the previous location. Urquhart said Sec. 40-111.04.B requires any new construction that exceeds 60% of the replacement cost of the home would requires the new home brought into conformity with the ordinance. Urquhart added the demolition permit included the removal of the foundation.

The board considered the seven basic conditions.

- A. Bridges said she did not have an issue with this condition. Lystra felt the intent of the purposed of the ordinance was met. Jackson did not have an issue. Galligan said he does not believe Condition A has been met. The applicant can build lawfully on her property. Klukos agreed this standard is not met. Motion by Bridges, seconded by Lystra, to approve Basic Condition A. Yeas: Jackson, Bridges. Nays: Klukos, Galligan, Lystra. Condition A **failed** on 3-2 roll call vote.
- B. All members agreed the use of single family home and detached accessory building is permitted in the Moderate Density Residential District. Motion by Lystra, seconded by Bridges, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.

- C. All members agreed the approval of the variance would not cause adverse effect on neighboring properties. Motion by Bridges, seconded by Lystra, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. Bridges, Lystra, Jackson felt this condition was met. Galligan said this condition is not met, as there are other small corner lots in the city and the MDR Zoning. District Klukos said this is met, because the condition is not recurring or general. Motion by Bridges, seconded by Jackson, to approve Basic Condition D. Yeas: Bridges, Lystra, Jackson, Klukos. Nays: Galligan. Condition D **passed** 4-1 on a roll call vote.
- E. Galligan said the variance is self-created because the applicant can build within the existing building envelope. Jackson said the applicant did not self-create the issue, citing she only had 4 weeks to tear down the home. He asked if the ZBA could rephrase the language of the standard. Bridges felt this condition was met. Lystra felt the condition was self-created. Klukos felt the applicant did not cause the building to be in poor condition, nor request a brief 4-week period to make repairs. Motion by Lystra, seconded by Bridges, to approve Basic Condition E. Yeas: Bridges, Jackson. Nays: Galligan, Lystra, Klukos. Condition E **failed** 3-2 on a roll call vote.
- F. Galligan felt this condition was not met. All other members believed there is not reasonable location for the home. Motion by Bridges, seconded by Jackson, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. Galligan stated there is enough room on the lot to construct a home within the building envelope. Jackson said the home should be built to increase the tax base and felt this condition was met. Klukos agreed with Galligan that this condition was not met. Bridges felt this condition was met. Lystra said this condition was not met, as the applicant has an open lot to building upon. Motion by Bridges, seconded by Galligan, to approve Basic Condition G. Yeas: Bridges, Jackson. Nays: Lystra, Galligan, Klukos. Condition G **failed** 3-2 on roll call vote.

Motion by Galligan, seconded by Lystra, to **DENY** ZBA Case 23-02, a request to allow a corner front yard setback of 15.5 feet at 540 Lake Avenue (parcel #70-03-29-203-015) because the variance did not satisfy conditions A, E, G. Yeas: Lystra, Galligan, Klukos. Nays: Bridges, Berg. The variance was **denied** on a 3-2 vote.

The ZBA discussed the necessity of considering the lot coverage variance. Urquhart suggested the ZBA could consider the conditions through an exercise of the standards, but restated the ZBA holds the discretion.

Klukos inquired with Fricano if she wanted to withdraw her variance request for lot coverage. Fricano agree to withdraw, thus the ZBA did not consider this request.

Urquhart said according to the ordinance, all decisions by the ZBA are final. Ms. Fricano has the option to appeal to Circuit Court.

Staff Report

Urquhart said there will likely not be a meeting in May, but would like to meet in June to approve meeting minutes.

Call to the Audience – Second Opportunity

Mike Weaver, 637 Lake Ave. stated he was against the ZBA's decision to deny the request. Weaver also requested what options does Ms. Fricano have next. Urquhart responded by the applicant can apply for a building permit that is in compliance with zoning.

Adjournment:

Motion by Lystra, seconded by Bridges, to adjourn. Unanimously approved by voice vote. Meeting adjourned at 8:05 p.m.

Brian Urquhart, City Planner