

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

September 6, 2023

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

Present: Vice-Chair Kerry Bridges, Chair Mark Hills, Tyler Berg, Ryan Galligan, Tyler Jackson, Brendan Pool

Absent: None

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

Approval of Minutes

Motion by Bridges, seconded by Galligan, to approve the July 19, 2023 minutes as written. Passed unanimously with a voice vote.

Approval of Agenda

Motion by Galligan, seconded by Bridges, to approve the agenda as written. Passed unanimously with a voice vote.

Call to the Audience – Maria Boersema, City Clerk, provided information regarding the Open Meetings Act, and other rules for boards and commissions.

Case 23-06: A request for a variance at 536 Oakes Ave. (parcel #70-03-29-429-007) to allow a driveway extension in front of the home where the driveway extension must be located closer to the side lot line.

Chair Hills opened the public hearing for the case at 7:05pm

Urquhart introduced the case. He said the ordinance allows for a driveway extension on single-family lots, however they must be located closer to the side lot line, not in front of the home. The rationale behind the restrictions is to limit the 50% of the front yard to be paved for vehicle parking.

Kim Kekele, attorney for the applicant, spoke on hardship placed on the property due to the location of the existing drive to the neighboring property. She said there is no way for the applicant to open the door because of the location of the retaining wall.

Urquhart also added the applicant provided numerous examples of driveway extensions located in front of homes in the MDR district. Urquhart said that these may have been approved under a previous administration, legal nonconforming, or possibly unlawful.

Motion by Galligan, seconded by Bridges, to close the public hearing was carried unanimously by voice vote. Closed at 7:11pm.

Hills asked Urquhart about any written correspondence. Urquhart said the city received none.

The board considered the seven basic conditions.

- A. All members agreed that a driveway extension in the front of the home is not contrary to the public interest and intent of the ordinance. Motion by Bridges, seconded by Galligan, to approve Basic Condition A. Condition A **passed** unanimously on a roll call vote.
- B. All members agreed a driveway extension to a driveway extension is a permitted use in the MDR District. Motion by Bridges, seconded by Galligan, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed the approval of the driveway extension would not cause adverse effect on neighboring properties. Motion by Bridges, seconded by Pool, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. All members agreed the driveway extension is unique under the language of the current ordinance. Motion by Bridges, seconded by Berg, to approve Basic Condition D. Condition D **passed** unanimously on roll call vote.
- E. All members agreed the variance request is not self-created. Motion by Bridges, seconded by Berg, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members agreed there is no reasonable alternative location for the location of the driveway extension in the front yard and does not exceed the 50% maximum for paved surfaces. Motion by Bridges, seconded by Berg, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed the 9' x 20' driveway extension is the minimum variance necessary to allow relief to the property. Motion by Galligan, seconded by Jackson, to approve Basic Condition G. Condition G **passed** unanimously on roll call vote.

Motion by Galligan, seconded by Bridges, to **APPROVE** ZBA Case 23-06, a request to a driveway extension to be located in the front yard in front of the home at 536 Oakes Ave. (parcel #70-03-29-429-007) satisfied all conditions of approval. Yeas: Hills, Bridges, Berg, Galligan, Jackson, Pool. Nays: None. The variance was **APPROVED**.

Case 23-07: A request for a variance at 330 Franklin Ave. (parcel #70-03-20-476-029) to allow a rear yard setback of 14 feet 3 inches where 20 feet is required in the Southside District.

Chair Hills opened the public hearing for the case at 7:27pm

Urquhart introduced the case. He said the rear yard setback in the Southside District is 20 feet. The applicant is seeking to add onto the existing rear deck approximately another 6 feet, reducing the rear yard setback to 14 ft. 3 in. The area beneath the lower deck would be cleared to provide more parking space for the second unit.

Urquhart also added if the variance is approved, the special land use for short term rental would be void if the deck was expanded.

Jeff Gale, 301 2nd St. Ferrysburg, spoke on behalf of the applicant. Jackson asked if this improvement would make the property reasonably usable. Gale responded yes it would.

Motion by Galligan, seconded by Bridges, to close the public hearing was carried unanimously by voice vote. Closed at 7:29pm.

Hills asked Urquhart about any written correspondence. Urquhart said the city received none.

The board considered the seven basic conditions.

- A. Most members agreed the deck addition is not contrary to the public interest and intent of the ordinance. Galligan believed the request is contrary to the requirements for a rear yard setback in the Southside district. Motion by Bridges, seconded by Jackson, to approve Basic Condition A. Yeas: Hills, Bridges, Pool, Berg, Jackson. Nays: Galligan. Condition A **passed**.
- B. All members agreed an addition to a deck is a permitted use in the Southside District. Motion by Bridges, seconded by Berg, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed the approval of the deck addition would not cause adverse effect on neighboring properties. Motion by Galligan, seconded by Pool, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. Most members determined the conditions are not so recurrent or general. Pool and Galligan believed having a deck is common. Motion by Bridges, seconded by Berg, to approve Basic Condition D. Yeas: Hills, Bridges, Jackson, Berg. Nays: Pool, Galligan. Condition D **passed**.
- E. Most members agreed the circumstances on the property were not self-created. Hills and Galligan felt the applicant was approved for a two-unit dwelling, and parking was originally met to satisfy the short term rental. The request to allow for a deck extending beyond the required setback is self-created. Motion by Bridges, seconded by Jackson, to approve Basic Condition E. Yeas: Bridges, Jackson, Pool, Berg. Nays: Galligan, Hills. Condition E **passed**.
- F. Most members agreed there is no alternative location for the deck. Hills and Galligan felt the deck could be modified to stay within the setback requirements of the Southside District. Motion by Bridges, seconded by Berg, to approve Basic Condition F. Yeas: Bridges, Pool, Jackson, Berg. Nays: Hills, Galligan. Condition F **passed**.
- G. The members agreed the 30% reduction to the 20 foot required rear yard setback is a reasonable request for a deck addition. Galligan did not agree, stating the applicant was approved in 2017, why is the applicant now taking action. Motion by Bridges, seconded by Jackson, to approve Basic Condition G. Yeas: Bridges, Hills, Berg, Pool, Jackson. Nays: Galligan. Condition G **passed**.

Motion by Bridges, seconded by Pool, to **APPROVE** ZBA Case 23-07, a request to allow a rear yard setback of 14 ft. 3 in. at 330 Franklin Ave. (parcel #70-03-20-476-029) because the variance satisfied all conditions of approval. Yeas: Pool, Bridges, Jackson, Berg. Nays: Hills, Galligan. The variance was **APPROVED** on 4-2 vote.

Staff Report


Urquhart reminded the ZBA the next meeting is on September 27th.

Call to the Audience – Second Opportunity

None

Adjournment:

Motion by Galligan, seconded by Berg, to adjourn. Unanimously approved by voice vote.
Meeting adjourned at 7:42 p.m.


Brian Urquhart, City Planner

