

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

November 27, 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, Ryan Galligan, Brendan Pool, Tyler Berg

Absent: Tyler Jackson

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

Approval of Minutes

Motion by Bridges, seconded by Galligan, to approve the October 25, 2023 minutes as written. Passed unanimously with a voice vote.

Approval of Agenda

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

Call to the Audience – None

Case 23-11: A request by the City of Grand Haven for a prospective variance for an existing telecommunications tower at 519 Washington Avenue, on parcel #70-03-21-351-007. Zoning Chapter Section 40-564.B.3.e requires that if a telecommunications tower collapses, it must fall within the boundaries of the property on which it is located. If a portion of the parcel is sold, that requirement may not be met

Urquhart introduced the case. He said the City issued a RFP for the purchase of the Annex Building at 18-20 N. 5th St. After the RFP submittal period, the City received one RFP from Capstone Companies to purchase the property. During the due diligence period, Capstone Companies inquired about the proximity of the wireless telecommunication tower to the Annex Building and the possibility of obtaining a variance as a condition of sale. It was determined the city would apply for a proactive variance.

Urquhart said the tower is approximately 152 ft. tall and if it were to fall, would collapse on the Annex building, a violation of Sec. 40-564.B.3.e.

Urquhart added the sale of the Annex Building is contingent upon a successful variance request and site plan review and approval by the Planning Commission and review by the Historic Conservation District Commission.

Chair Hills opened the public hearing at 7:10pm

Jim Hagen, 400 Lake, was concerned about safety and the variance is against the public interest. He provided articles from MLive cataloging dangerous wind events in Grand Haven. He felt the variance should be denied.

David TenCate, 22 S. Harbor Dr., said the tower is already in violation of the ordinance. He cited the tower survived the wind storm from 1998, therefore is stable. He said the City wants to sell building and variance request is reasonable.

Motion by Bridges, seconded by Pool, to close the public hearing was carried unanimously by voice vote. Public hearing closed at 7:15pm.

Urquhart said the City did not receive any written correspondence.

The board considered the seven basic conditions.

- A. Galligan said the variance is reasonable and is not contrary to the public interest. Bridges felt this condition may not be met. Motion by Bridges, seconded by Galligan, to approve Basic Condition A. Ayes: Galligan, Berg, Pool, Hills. Nays: Bridges. Condition A **passed** on a 4-1 vote.
- B. All members agreed the variance would not establish a use that is not permitted in the Civic Center district. Motion by Galligan, seconded by Pool, 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 substantial detriment to neighboring properties. Motion by Bridges, seconded by Galligan, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote
- D. All members agreed due to the age and location of tower to the Annex Building and the requirements of the ordinance are not so general or recurrent in nature, thus satisfying this condition. Motion by Bridges, seconded by Galligan, to approve Basic Condition D. Condition D **passed** unanimously on roll call vote
- E. All members agreed the extraordinary conditions were not self-created because the tower and the Annex Building existed prior to the ordinance regulations. Motion by Bridges, seconded by Pool, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote
- F. All members agreed there is no alternative location for the tower due to the age of the Annex Building and the limitations of relocating the wireless telecommunications tower. Motion by Pool, seconded by Bridges, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote
- G. All members agreed this would be the minimum amount necessary for the variance to provide reasonable use of the Annex Building. Motion by Galligan, seconded by Bridges, to approve Basic Condition G. Condition G **passed** unanimously on roll call vote

Motion by Galligan, seconded by Bridges, to approve a prospective variance for an existing telecommunications tower at 519 Washington Ave, (parcel #70-03-21-351-00) to allow to fall onto other property in case of a collapse, would fall outside of the property boundaries based on the fact all conditions were met. Yeas: Hills, Bridges, Galligan, Pool, Berg. Nays: None. The variance was **APPROVED** on a 5-0 vote.

Case 23-12: A request by True North Energy LLC for a variance for an addition to the existing building at 10 N. Beacon Blvd. (parcel #70-03-21-378-033) a variance from Sec. 40-414.02.C to allow a rear yard setback of 4 ft. 6 in., where the minimum rear yard setback is 10 ft. in the C – Commercial District.

Urquhart introduced the case. He said the property currently has a nonconforming rear setback to the east lot line with a distance of 6.5 feet. The applicant is requesting to add an additional 464 sq. ft. onto the rear of the building. The building wall would align with the existing wall, but since there is a slight angle of the property line, the rear setback would be reduced slightly by 2 ft., finishing with a total setback of 4.5 ft.

Chair Hills opened the public hearing at 7:28pm

Rick Turner representing True North, said the company is looking to upgrade most of their stores. The addition is small and will be serve as additional storage space.

Hills asked if the applicant would consider installing a screening of some kind, such as landscaping or fencing, creating a barrier from the neighboring property. Turner said they would consider installing a fence, however, it is not required between the Commercial and the Neighborhood Mixed-Use districts. Urquhart noted screening could be addressed during site plan review.

Turner said they are working with the BLP on electrical transformer issues and possible relocation of above ground wires.

Motion by Galligan, seconded by Berg, to close the public hearing was carried unanimously by a voice vote. Public hearing closed at 7:33pm.

The board considered the seven basic conditions.

- A. All members agreed the variance is not contrary to the public interest. Motion by Pool, seconded by Bridges, to approve Basic Condition A. Condition A **passed** unanimously on a roll call vote.
- B. All members agreed no use would be created that is not permitted in the commercial district. Motion by Bridges, seconded by Pool, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed the addition is located far enough away from any structure, and would not cause substantial detriment to the neighboring properties. Members complimented the addition and the site improvements would be a positive for the

location. Motion by Bridges, seconded by Pool, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.

- D. All members agreed this request is not so general or recurrent in nature based on the relation of the rear lot line and the building orientation. Motion by Pool, 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 because the building was constructed on a slight angle and is not directly parallel with the rear lot line, which caused the reduction to the rear setback. Motion by Bridges, seconded by Pool, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members agreed the 464 sq. ft. addition is the most practical location of the improvements. There is very little lot coverage increase. Due to the parcel shape, it would not eliminate the need for a variance. Motion by Pool, seconded by Bridges, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed the reduction of the setback from 6.5 ft. to 4.5 ft. is the minimum amount necessary to make reasonable use of the addition. Members added a substantial portion of the addition will remain within the 10 ft. rear yard setback. Motion by Bridges, seconded by Pool, to approve Basic Condition G. Condition G **passed** unanimously on roll call vote.

Motion by Pool, seconded by Galligan, to **APPROVE** ZBA Case 23-12, a variance related to an addition to an existing building at 10 N. Beacon Blvd. (parcel #70-03-21-378-033): a variance from Sec. 40-414.02.C to allow a rear yard setback of 4 ft. 6 in., where 10 ft. in the minimum in the C – commercial District. Yeas: Hills, Bridges, Galligan, Pool. Berg. Nays: None. The variance was **APPROVED** on a 5-0 vote.

Call to the Audience – Second Opportunity

None

Adjournment:

Motion by Berg, seconded by Pool, to adjourn. Unanimously approved by voice vote. Meeting adjourned at 7:45 p.m.


Brian Urquhart, City Planner

