

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

February 16, 2022

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, Amy Kozanecki, Ryan Galligan, Mark Hills, Marshall Lystra, Chair Jerry Klukos.

Absent: Tyler Berg

Also present was Jennifer Howland, Community Development Manager.

Approval of Minutes

Motion by Kozanecki, seconded by Bridges, to approve the December 15, 2021 minutes passed unanimously by voice vote.

Call to the Audience – No comments

Case 22-01: A request by Nicholas Abid for one variance related to a raised patio (already constructed) at 3 Windrift Drive (parcel #70-03-29-152-007): a variance from Sec. 40-406.02.C to allow for the patio to be 15 inches from the rear property line where a minimum 5.5-foot setback is required.

Howland provided an overview of the case. Applicant Nick Abid, 3331 Founders Club Drive, Sarasota, FL apologized for being noncompliant. It was due to a lack of communication with his builder and subcontractor. The approved plan complied but they deviated from it during construction. The small, high quality patio fits in well with the house. It has received great reviews from neighbors to the north and east; they support the structure as it currently exists. The property has been in the family since 1956. The former at-grade patio and railroad tie flower bed were installed by family members a long time ago. The patio and timbers deteriorated over time; the new patio/flower bed structure is very close to the dimensions of the original cement slab patio. The elevated design allows the applicant's mother to access the patio without steps, and she can sit on the planter ledge to tend to her flowers. The 15-inch variance represents the built-in flower bed structure. The O'Brien and Lacks families wrote letters in support of the variance, which were submitted with the application. The patio doesn't affect anyone's views. The O'Brien's patio to the immediate north comes right to the property line but there is still a walkway between properties for access. The house, although recently completely renovated, retains its original footprint.

Howland confirmed for Kozanecki that the grass pavers do not violate setbacks because the pavers are 7 inches or less above finished grade.

Mr. Abid informed Lystra that the property line is a few inches north of the at-grade pavers and that the neighbor's privacy fence is on the property line.

Mr. Abid explained that the Lacks family's letter of support referenced, in part, the at-grade pavers that extend onto their property to the east. Mr. Abid put pavers between his house and their property to clean up the walkway between the two homes. That feature is not part of the variance request.

Bridges asked Howland to provide an explanation of how the patio was constructed in this way. Howland stated that the applicant did not call for the inspection of the zoning permit for the patio. Howland was proactively inspecting open zoning permits and discovered the encroachment, and then notified Mr. Abid.

Klukos asked Howland if she has the impression this was knowingly done. Howland said no, and that zoning requirements aren't always well understood by homeowners and then site modifications are made after a permit is issued.

Chair Klukos opened the public hearing for the case. Howland said there was no correspondence. No one from the audience commented.

Motion by Hills, seconded by Kozanecki, to close the public hearing was carried unanimously by voice vote.

The board considered the seven basic conditions.

- A. All members agreed this condition was met. Motion by Hills, seconded by Kozanecki, to approve Basic Condition A **passed** unanimously on roll call vote.
- B. All members agreed that a single-family dwelling is a use permitted by right. Motion by Hills, seconded by Lystra, to approve Basic Condition B **passed** unanimously on roll call vote.
- C. Galligan stated that it meets this condition because neighboring houses have shallow backyards and built-out patios; there is no substantial adverse effect. All agreed. Motion by Hills, seconded by Bridges, to approve Basic Condition C **passed** unanimously on roll call vote.
- D. Bridges stated this condition is met because these are small lots with little space and all properties seem to have similar features. Motion by Hills, seconded by Kozanecki, to approve Basic Condition D **passed** unanimously on roll call vote.
- E. Lystra stated that he doesn't think that there are exceptional circumstances that are self-created. Hills noted that the property itself is causing the issue. Klukos believes it is self-created because the patio is already in place, but he would not withhold support because of that reason. Motion by Bridges, seconded by Kozanecki, to approve Basic Condition E **passed** unanimously on roll call vote.
- F. Galligan said the property has a 5.5-foot setback off the rear property line. Kozanecki said that based on the size of the lot, there is no reasonable alternative. Lystra said that it is easy to say that they could make the patio smaller, but in this case that is not reasonable given the size of the lot. Motion by Kozanecki, seconded by Lystra, to approve Basic Condition F **passed** unanimously on roll call vote.

G. Kozanecki thinks it is met. Bridges stated that they would have to cut off the built-in flower box section to comply; she said it is the minimum variance and it is also already constructed. Hills struggles with this one especially after construction. The building inspector should look at this as well during his inspections. If the dimensions of the patio were reduced by 15 inches, the patio would still allow for use. Therefore, this condition is not met. Klukos agreed with Hills; you could eliminate the flower box and still have a usable patio. Motion by Galligan, seconded by Bridges, to approve Basic Condition G **passed** on the following roll call vote: Ayes: Bridges, Lystra, Kozanecki, Galligan. Nays: Hills, Klukos.

Motion by Kozanecki, seconded by Galligan, to **APPROVE** the requested variance because it met all seven basic conditions, **passed** unanimously on roll call vote. The variance was **approved**.

Case 22-02: A request by Shaun and Christine Casey for one variance related to a proposed building addition at 612 Ohio Avenue (parcel #70-03-28-351-023): a variance from Sec. 40-403.02.C to allow for a lot coverage of 31.5 percent where 30 percent is the district maximum.

Applicant Shaun Casey, 612 Ohio Ave, Grand Haven, MI provided an overview of his request. The proposed addition represents the owner's plan to prepare the house for future accessibility needs as they age in place and to accommodate their grandson who lives with them. The addition will allow the relocation of some necessary rooms from the basement level to the main level. Dryer Architectural Group is assisting the applicant with a design that will provide the necessary wider hallways and turning movements in each room. The addition would include a bedroom, bathroom, laundry, and sitting area. The final design is pending the decision of the requested variance. Their intention is to stay compliant with the theme of the house as a mid-century modern design.

Kozanecki asked about the topography of the property. Mr. Casey stated that the addition would come off the west wall where the yard dips. The addition would have a lower level, which would be used for storage.

Bridges inquired if it is a blank floor plan, how did they come up with the proposed size? Casey said it would have walkways and pathways for ADA compliance (wider hallways and circulation in rooms). It is just over the maximum lot coverage and noted that the lot is nonconforming in lot area.

Hills asked for a floor plan; Casey said there is only a sketch plan, which he doesn't have with him.

Klukos noted that the lot is smaller than a typical lot in the neighborhood and asked Howland if the nature of it being a corner lot factored into that issue. Howland said that corner lots typically request setback variances, not lot coverage variances. She noted that their original design would have required a front yard setback variance, but they moved it south to avoid that. She provided a map of the neighborhood which highlighted other lots that were under 8,700 sq. ft.

Chair Klukos opened the public hearing for the case. Howland said there was no correspondence. No one from the audience commented.

Motion by Hills, seconded by Kozanecki, to close the public hearing was carried unanimously by voice vote.

The board considered the seven basic conditions.

- A. All members agreed the condition was met. Motion by Kozanecki, seconded by Hills, to approve Basic Condition A **passed** unanimously on roll call vote.
- B. All members agreed this condition was met because a single-family dwelling is a use permitted by right. Motion by Hills, seconded by Kozanecki, to approve Basic Condition B **passed** unanimously on roll call vote.
- C. Bridges noted that the required setbacks from neighbors were provided so there would be no adverse effect on neighbors. All members agreed. Motion by Bridges, seconded by Hills, to approve Basic Condition C **passed** unanimously on roll call vote.
- D. Klukos stated that of the lot met the district minimum lot area, a variance would not be necessary. All members agreed. Motion by Hills, seconded by Kozanecki, to approve Basic Condition D **passed** unanimously on roll call vote.
- E. Klukos stated that the lot is smaller than the district minimum, and that is not self-created. All members agreed. Motion by Hills, seconded by Bridges, to approve Basic Condition E **passed** unanimously on roll call vote.
- F. Lystra noted that there are alternative locations on the property but it wouldn't reduce the lot coverage. Hills noted that the request is not a function of the location on the lot. All members agreed. Motion by Hills, seconded by Kozanecki, to approve Basic Condition F **passed** unanimously on roll call vote.
- G. Hills said that he struggles with this condition because there is no floor plan to justify the minimum variance. Galligan noted that the desire to age in place is reasonable and that the proposed addition is not large. Bridges said that it is hard to determine without a floor plan but noted that if the lot were conforming in size, a variance wouldn't be necessary. She appreciated that the setback requirements are met and that ADA considerations are a factor but it is hard to say. Kozanecki said that the request is not large, but the board members have no floor plan to review and must rely on the applicant's statements of what the addition would be used for. Lystra doesn't know how large a space needs to be to provide accessibility but he has no reason to think the applicant is lying. Klukos said this condition is met if taken at the word of the applicant that ADA compliance necessitates a larger space. Motion by Kozanecki, seconded by Lystra, to approve Basic Condition G **passed** on the following roll call vote: Ayes: Bridges, Lystra, Kozanecki, Galligan, Klukos. Nays: Hills.

Motion by Bridges, seconded by Lystra, to **APPROVE** the requested variance because it met all seven basic conditions, **passed** unanimously on roll call vote. The variance was **approved**.

City Council SWOT Analysis

The City Council asked for feedback on their SWOT analysis of each board and commission. The ZBA prioritized the following items:

STRENGTHS:

Beach, Pier, Boardwalk
Access to natural resources
Walkability
Quality of life
Open and natural greenspace
Unmatched public access to waterfront
Staff expertise
Public entities; museums; library
Philanthropic community mindset

WEAKNESSES:

Lack of regional transportation
Lack of public awareness of city issues
Workforce shortage
Gaining infrastructure

OPPORTUNITIES:

Diesel plant redevelopment
Chinook Pier redevelopment

DEI

Managing change and growth
Citizen engagement; find effective means of pushing information out
Harbor Island
Centertown and East Side ripe for attention
Youth looking for things to do
+Sluka Field (utilize it more)

THREATS

Harbor Island contamination
Density (downtown)
Pension liabilities
Political climate at all levels
Duncan Woods litigation
Rapid development, or overdevelopment
Short Term Rental

Call to the Audience – Second Opportunity

No comments.

Adjournment:

Motion by Hills, seconded by Kozanecki, to adjourn was unanimously approved by voice vote. The meeting adjourned at 8:29 p.m.



Jennifer Howland, Community Development Manager