

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

March 15, 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, Mark Hills, Tyler Jackson, Marshall Lystra, Chair Jerry Klukos.

Absent: Tyler Berg

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

Approval of Minutes

Motion by Jackson, seconded by Lystra, to approve the December 21, 2022 minutes as written. Passed unanimous with a voice vote.

Call to the Audience – No comments

Election of Vice-Chair

Galligan made motion to nominate Mark Hills as Vice-Chair. Seconded by Bridges. All ayes. Motion passed.

Case 23-01: A request by Tom Schneider of 116 Prospect (#70-03-29-154-082) for a variance from Sec. 40-305.06.B.2 for an elevated deck greater than 7 inches above grade within the side yard setback in the Dune Residential District.

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

Urquhart provided an overview of the case. Earlier in 2022, the city approved a building permit for construction of a single-family home at 112 Prospect. The project included the installation of a sheet pile retaining wall, using a vibration hammer. This vibration over the course of several days compromised the existing retaining wall at 116 Prospect to the point that removal of the entire retaining wall and leaving the soil would be the safest and most appropriate correction. Due to soil removal, the elevation from the finished grade to the deck would increase above 7 inches, prompting the need for a variance for an elevated deck in the side yard setback.

Andy Brooks of Callen Engineering specified the original project at 112 Prospect noted auger cast installation of the retaining wall, but the contractor changed the installation to vibratory hammer, which compromised the integrity of the retaining wall. Brooks noted this is a clear indication the variance request is not self-created. Brooks also added the contractor and property owner at 112 Prospect will pay for all repairs at 1116 Prospect, pending variance approval.

Klukos inquired if the deck was functional before the project at 112 Prospect. Brooks responded the project was completed and finalized by the city in 2022.

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

The board considered the seven basic conditions.

- A. All members stated the variance request was clearly not contrary to the public interest and is actually necessary to obtain the public safety. Motion by Bridges, seconded by Hills, to approve Basic Condition A. Condition A **passed** unanimously on a roll call vote.
- B. All members agreed the use of a deck is permitted in the Dune Residential District. Motion by Bridges, seconded by Lystra, 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 and is an improvement of the current condition. Motion by Lystra, seconded by Bridges, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. All members agreed the variance is unique and not general in nature. Motion by Lystra, seconded by Hills, to approve Basic Condition D. Condition D **passed** unanimously on a roll call vote.
- E. All members agreed the condition of the property was not self-created and clear example of a hardship caused by another entity. Motion by Galligan, seconded by Bridges, to approve Basic Condition E. Condition E **passed** unanimously on a roll call vote.
- F. All members agreed there is no reasonable alternative location for the deck, consider it was already approved by the city. Motion by Bridges, seconded by Hills, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed the request for a deck at the current location, with a change of grade below the deck on an existing slope in the DR district, on a critical dune, makes reasonable use of the deck possible. Motion by Hills, seconded by Lystra, to approve Basic Condition G. Condition G **passed** unanimously on roll call vote.

Motion by Lystra, seconded by Jackson, to **APPROVE** ZBA Case 23-01 for a variance to allow an elevated deck above 7 inches from grade to be located within the side yard setback at 116 Prospect (parcel #70-03-29-154-082) because the variance met all seven basic conditions. Yeas: Lystra, Jackson, Galligan, Bridges, Hills, Klukos. Nays: None. The variance was **approved**.

Staff Report

Urquhart said there may be a meeting in April.

Call to the Audience – Second Opportunity

No comments.

Adjournment:

Motion by Hills, seconded by Lystra, to adjourn was unanimously approved by voice vote. The meeting adjourned at 7:30 p.m.



Brian Urquhart, City Planner

