

**ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES**

April 21, 2021

A special electronic meeting of the Grand Haven Zoning Board of Appeals was called to order by Chair Jerry Klukos at 7:02 p.m. via Zoom. Chair Klukos stated that the meeting was being held electronically due to the coronavirus pandemic. On roll call, the following members were:

Present: Kerry Bridges, Kevin McLaughlin, Field Reichardt, Melanie Riekels, Chair Jerry Klukos.

Absent: Eric Brenberger, Amy Kozanecki

Each board member stated their location (City and State) for the record. All members in attendance were located in Grand Haven, MI with the exception of Kevin McLaughlin, who was in Ormond Beach, FL.

Also present was Jennifer Howland, Community Development Manager and Ashley Latsch, Assistant to the City Manager.

Call to Audience – First Opportunity

No comments

Approval of Minutes

A few corrections were made by Klukos and Reichardt. Motion by Reichardt, seconded by Riekels, to approve the March 17, 2021 minutes passed unanimously by roll call vote.

Case 21-03: A request by Richard Clark for one variance related to a proposed building addition at 1400 Woodlawn Avenue (parcel #70-03-28-279-001): a variance from Sec. 40-404.02.C to allow for a corner front yard setback of 7 feet where 20 feet is the district minimum.

Howland provided an overview of the request.

Richard Clark explained the limitations of the property for improvements that would conform to the zoning ordinance.

Klukos asked if the driveway on Hopkins was a legal use of the right-of-way and if a new construction home on the subject property would require access directly onto Woodlawn Ave. Howland stated that the existing driveway has been in place for years and would be considered legally nonconforming. She also confirmed that a new construction home would be provided a curb cut directly onto Woodlawn Ave. Reichardt asked if the neighbor to the west has a carport behind the building. Clark said yes. Reichardt asked for more information on the power pole. Clark said the power pole is in the southwest corner of the property and guide wires extend along the west side of his property. It limits potential improvement in that area.

Riekels asked if Clark was planning to landscape the area where the driveway is now. Clark said yes, he would restore it to lawn and they would no longer use it for vehicle access. The neighbor to the west would continue to use the Hopkins right-of-way for access.

Chair Klukos opened the public hearing for the case.

Public Comments:

Howland referenced three letters that had been received and were sent to the board members in advance of the meeting. All are in support of granting the variance.

Motion by Riekels, seconded by McLaughlin, to close the public hearing was carried unanimously by roll call vote.

The board considered the seven basic conditions.

- A. Reichardt stated it is not against the intent of the ordinance. Riekels said it meets it because there is no alternative and is an improvement to the property. McLaughlin agreed. Bridges stated if the Hopkins right-of-way was improved in the future, it doesn't seem they would be able to develop it as a grid design so the condition is met. Klukos stated it would be an improvement to the property and is not contrary to public interest or intent and purpose of the ordinance. Motion by Reichardt, seconded by McLaughlin, to approve Basic Condition A **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- B. McLaughlin said it's a single-family home and meets condition B. All members agreed. Motion by Riekels, seconded by Bridges, to approve Basic Condition B **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- C. Bridges said it would not have an adverse effect on neighboring properties, and that some neighbors submitted letters in support of the request. He'd still maintain the front setback from the north. McLaughlin agreed. Reichardt said it improves the property. Riekels said there would be no adverse effect on properties. Klukos agreed. Motion by Reichardt, seconded by McLaughlin, to approve Basic Condition C **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- D. Bridges stated that the garage will be in line with house, and that there would be no decrease in setback from current. All other members agreed. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition D **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- E. Riekels said it's not self-created because the house is situated on the property, and the proposed garage would be an improvement. Bridges said she agreed and the proposed garage would provide off-street parking as well. McLaughlin stated that the applicant had also asked the City Council to vacate the right-of-way, so he has done all he could. Reichardt and Klukos agreed. Motion by Riekels, seconded by Bridges, to approve Basic Condition E **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

F. Reichardt said there is no reasonable alternative location on the property. McLaughlin agreed and stated that it would be good to discourage the use of the Hopkins right-of-way for access. Bridges said the applicant provided an analysis of other alternatives and reasons why other locations wouldn't be efficient. Riekels agreed. Klukos said it was the best fit for the property to do it as proposed. Motion by Reichardt, seconded by Riekels, to approve Basic Condition F **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

G. Bridges said it's the minimum request because it would follow the line of the existing house. McLaughlin agreed and stated that the proposal will provide two off-street spaces that aren't there today. Reichardt, Riekels, and Klukos agreed. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition G **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

Motion by Reichardt, seconded by McLaughlin, to **APPROVE** the requested variance, **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none. The variance was approved.

Case 21-04: A request by Chris Lisowicz for two variances related to a proposed building addition at North Shore Marina located at 18275 Berwyck Street (parcel #70-03-20-300-011): a variance from Sec. 40-416.02.C to allow for a side yard setback of 10 feet where 20 feet is the district minimum, and 2) a variance from Sec. 40-416.02.C to allow for a rear yard setback of 10 feet where 25 feet is the district minimum.

Al Licowicz of North Shore Marina, 18275 Berwyck St., provided an overview of the project. Howland reviewed the staff report and asked the applicant to explain why the proposed size was necessary. The applicant explained that the existing detached building is 10 feet from the side and rear property lines. The new building would be constructed in its place and also provide the same 10-foot setbacks.

Klukos asked why they can't follow the required 20-foot setback. Andrew Rossell from Milanowski & Englert, 403 Oak St, Spring Lake, was the civil engineer for the project. He said that about half of the building was demolished due to a collapse in the roof, which is not reflected in the aerial imagery. The reason they are requesting to push the building further south is due to an access easement in the middle of the property to the musical fountain, and the fire marshal is requiring 56 feet between buildings on the property. In that 56-foot wide area, there are two water mains, electric line, and gas main, plus the musical fountain access easement. They would like to go closer to the northeast and meet the setback requirements, but for reasons stated, they cannot.

McLaughlin asked why the applicant can't make the building smaller. Licowicz stated that the size of the proposed building is the minimum size to make the project economically viable. They would be demolishing an old storage building. They originally wanted 30,000 sq. ft. but the proposed 28,190 sq. ft. is as good as they can do. The extra 10 feet of setback would reduce the building to 24,000 sq. ft. which is not worth constructing.

Riekels asked for clarification on the location of the musical fountain access road. Licowicz stated that it will remain along the northwest wall of the new building and the 56 feet provides collapse zones for both buildings. This is the only access to the musical fountain.

Chair Klukos opened the public hearing for the case.

Public Comments: Howland referenced a letter that the board members received in advance of the meeting from the City of Ferrysburg on behalf of the dune preserve. Licowicz confirmed they are in agreement with dune preserve concerns. These will be handled during Planning Commission site plan review.

Motion by Bridges, seconded by Riekels, to close the public hearing was carried unanimously by roll call vote.

Riekels asked if boat cradles be stored in the 10-foot setback area. Licowicz stated that once the building is constructed, there will be no outside storage. The area will be used for storm water management and will be landscaped with dune grass.

The board considered the seven basic conditions.

- A. McLaughlin said because the adjacent property is a dune preserve, setbacks aren't an issue. Bridges said the area will be improved in keeping with the public interest. Klukos said if you were a hiker, you wouldn't know they were 10 feet away. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition A **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- B. Klukos asked Howland for explanation. Howland said the ZBA is not granting a use which is not permitted by granting the variances; it is allowable. Board members had no issues. Motion by Reichardt, seconded by McLaughlin, to approve Basic Condition B **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- C. Riekels said the proposal would not create a substantial adverse effect. Bridges said that the use of the 10-foot area is an improvement and hikers would not notice where they were in relation to the property line. Klukos said that the dune land is not likely to change. Motion by Riekels, seconded by Bridges, to approve Basic Condition C **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- D. Bridges stated that the proposed building matches the setbacks of the existing building to be demolished, so there is no concern. Klukos said it is a boat storage facility so there aren't too many times when this would be a point of interest. Motion by Bridges, seconded by Riekels, to approve Basic Condition D **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- E. Riekels said the applicant has not created the circumstances. Klukos said it is unique that utilities and access to the musical fountain are on the property. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition E **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

F. Reichardt sees no alternative location. Bridges said they looked into a smaller size and it's not economically feasible. With a required 56-foot separation from other buildings, there is no alternative location. Motion by Reichardt, seconded by Bridges, to approve Basic Condition F **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

G. Bridges referenced the statements made by the applicant regarding the economic impact of a smaller building; it's the minimum request. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition G **passed** on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

Motion by Reichardt, seconded by McLaughlin, to **APPROVE** the requested variance, **passed**; on the following roll call vote: Ayes: Bridges, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.

Klukos reiterated that dune preserve items would be addressed by the Planning Commission.

Call to the Audience – Second Opportunity

No comments.

Adjournment:

Motion by McLaughlin, seconded by Riekels, to adjourn was unanimously approved by roll call vote. The meeting adjourned at 8:17 p.m.



Jennifer Howland, Community Development Manager