

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

May 15, 2024



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, Amy Kozanecki, Brendan Pool, Tyler Berg

Absent: None

Also present: Brian Urquhart, City Planner

Approval of Minutes

Motion by Bridges, seconded by Kozanecki, to approve the March 27, 2024 minutes as written. Passed unanimously with a voice vote.

Approval of Agenda

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

Call to the Audience – None

Case 24-03: A request by Shape Corporation for a variance for a ground sign at 1900 Hayes St. (parcel #70-03-03-205-012), a variance from Sec. 40-705 to allow a ground sign to be located within the public street right-of-way where the minimum front yard setback for a ground sign in the I – Industrial District is 12.5 ft.

Chair Hills opened the public hearing at 7:03pm

Urquhart introduced the case. He said the applicant would like to install a ground sign within the public street right-of-way off 1900 Hayes St. The right-of-way widens from 66 ft. to 100 ft. in front of the 1900 Hayes St. parcel. Urquhart said he inquired with the Dept. of Public Works and Board of Light and Power of why there may be an increase to the width, but there was no affirmative answer. Urquhart noted both the DPW and BLP would not have an issue with the sign placement should the variance be granted.

Urquhart said he discussed the option of vacating a portion of Hayes St. right-of-way to correct the issue, however that process appeared to be unnecessary and burdensome. Urquhart added an encroachment permit would be needed following a variance approval to allow the sign within the right-of-way.

Mike Dykstra of Dykstra Landscaping, spoke towards the project. His company has been commissioned to complete the landscape work for the facilities, in addition to sign installation. He confirmed the sign would be in line from the roadway with other signs which have been installed at the Shape Corporation properties this past year.

Motion by Kozanecki, seconded by Bridges, to close the public hearing was carried unanimously by voice vote. Public hearing closed at 7:13pm.

Urquhart said the City received one email in support of the variance.

The board considered the seven basic conditions.

- A. All members agreed sign in the right-of-way would not be in contradiction of the public interest or spirit or intent of the ordinance. Motion by Bridges, seconded by Berg, to approve Basic Condition A. Condition A **passed** unanimously on roll call vote.
- B. All members agreed a ground sign is permitted in the Industrial District. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed a sign installed in the right-of-way would not cause a detrimental effect on neighboring properties. Motion by Pool, seconded by Bridges, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. All members agreed the conditions of the property are unique, with the right-of-way widening from 83 ft. to 100 ft. is not general or reoccurring. Typical street right-of-way is 66 ft. Motion by Bridges, seconded by Pool, to approve Basic Condition D. Condition D **passed** unanimously on roll call vote.
- E. All members agreed the right-of-way width of 100 ft. was not caused by the applicant. The city was platted decades ago, and the right-of-way was established for the Industrial district. Motion by Kozanecki, seconded by Pool, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members agreed the proposed location of the ground sign is appropriate. The wooded area and location from the street provides visibility of the sign from the roadway ensures public safety. Motion by Bridges, seconded by Kozanecki, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed the proposed location of the sign is enough distance off the road within the front yard to be the minimum amount necessary for a reasonable location of the sign. Motion by Pool, seconded by Bridges, to approve Basic Condition G. Condition G **passed** unanimously on roll call vote.

Motion by Kozanecki, seconded by Bridges, to approve a variance for a ground sign at 1900 Hayes St. (parcel #70-03-03-205-012), a variance from Sec. 40-705 to allow a ground sign to be located within the public street right-of-way where the minimum front yard setback for a ground sign in the I – Industrial District is 12.5 ft. based on the fact all basic conditions A through G are met and with the following condition:

1. *Applicant must obtain approval for an Encroachment Permit for the ground sign from the City.*

Yeas: Hills, Bridges, Kozanecki, Pool, Berg. Nays: None. The variance was **APPROVED** on a 5-0 vote.

Case 24-04: A request by Donna Schmidt for a variance related to an addition to the home at 520 Elliott St. (parcel #70-03-21-308-006), a variance from Sec. 40-410.02.C to allow a side yard setback of 4 ft. where the minimum side yard setback in the OT – Old Town District is 6 ft.

Chair Hills opened the public hearing at 7:18pm

Urquhart introduced the case. He said the applicant wants to add onto their property at 520 Elliott, which after the floor plan was drafted, came in the form of an attached garage. Urquhart said the property contains a driveway and a detached accessory building on the property. The initial building permit showed a 2ft. setback. Urquhart spoke with the contractor and they decided to increase the setback from 2 ft. to 4 ft. Urquhart noted the lot width is 66 ft., which is conforming in the OT district. Urquhart said the applicant would maintain the detached accessory building.

Donna Schmidt, 528 Elliott, said their intention was to install a two-stall garage for storage. She noted the two-stall garage would most commonly only have enough room for a vehicle.

Kozanecki and Hills inquired about the existing garage, and if it were to be replaced. Urquhart said they could expand the detached garage to the east, provided all setbacks, lot coverage, and location in the rear yard are met. Schmidt added she would like to mirror what they completed at 528 Elliot.

Motion by Bridges, seconded by Pool, to close the public hearing was carried unanimously by a voice vote. Public hearing closed at 7:28pm.

The board considered the seven basic conditions.

- A. Kozanecki felt the spirit of the ordinance is not met with approval of a 4 ft. side yard setback. Berg felt the intent was met. Bridges said the ordinance for a side yard setback to limit encroachment of building massing near a lot line in the Old Town District. Pool felt it was not met. Motion by Pool, seconded by Kozanecki, to approve Basic Condition A. Yeas: Berg. Nays: Bridges, Pool, Kozanecki, Hills. Condition A **failed** on a 1-4 vote.
- B. All members agreed a garage would not create a use that is not permitted in the Old Town 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 proposed addition would not create a substantial adverse effect on neighboring properties. Motion by Pool, seconded by Berg, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. Bridges felt the condition of the property is not unique, based on the fact the lot is conforming in width. Kozanecki and Berg felt the condition of the property is not so

general or recurrent. Pool and Hills agreed with Bridges. Motion by Bridges, seconded by Berg, to approve Basic Condition D. Yeas: Berg, Kozanecki. Nays: Condition D **failed** 2-3 vote.

- E. All members agreed the variance request was self-created because the lot is conforming the request variance is for an improvement that would be able to meet the side yard setbacks. Motion by Pool, seconded by Bridges, to approve Basic Condition E. Condition E **failed** unanimously on roll call vote.
- F. All members agreed there is an alternative location for the attached garage, and storage is the primary concern for the size of the garage. Kozanecki said the applicant could reconfigure the garage. Motion by Bridges, seconded by Pool, to approve Basic Condition F. Condition F **failed** unanimously on roll call vote.
- G. All members agreed the variance is not the minimum necessary to use the property for a two-stall garage. Motion by Kozanecki, seconded by Berg, to approve Basic Condition G. Condition G **failed** unanimously on roll call vote

Motion by Bridges, seconded by Pool, to DENY a variance related to an addition to the home at 520 Elliott St. (parcel #70-03-21-308-006), a variance from Sec. 40-410.02.C to allow a side yard setback of 4 ft. where the minimum side yard setback in the OT – Old Town District is 6 ft. based on the fact that conditions A, D, E, F, and G are not met.

Roll Call vote: Yeas: Berg, Bridges, Kozanecki, Pool, Hills. Nays. None. The variance was **DENIED** on a 5-0 vote.

City Planner Report

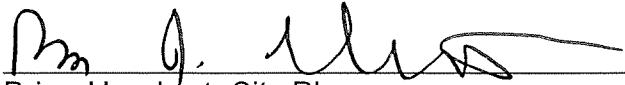
Urquhart reminded ZBA members the June meeting will be held on Wednesday June 26th due to observance of Juneteenth on June 19th.

Call to the Audience – Second Opportunity

None

Adjournment:

Motion by Pool, seconded by Bridges, to adjourn. Unanimously approved by voice vote. Meeting adjourned at 7:42 pm.



Brian Urquhart, City Planner