

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

June 21, 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, Vice Chair Mark Hills, Tyler Jackson, Chair Jerry Klukos.

Absent: Tyler Berg, Ryan Galligan, Marshal Lystra

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

Approval of Minutes

Motion by Hills, seconded by Bridges, to approve the April 19, 2023 minutes as written. Passed unanimously with a voice vote.

Call to the Audience – No comments

Case 23-03: A request for a variance at 18275 Berwyck (parcel #70-03-20-300-01) to allow a building height of 45 feet where 35 feet is the maximum height for a marina in the Waterfront District.

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

Urquhart provided an overview of the case. In 2021, the ZBA approved a setback variance for a 10 ft. side and rear yard setback at 18275 Berwyck. In March 2022, the ZBA granted a 1-year extension of the side yard setback variance. The building height current is at 40 feet, and the site plan approved by the Planning Commission in 2022 would allow the continuation of the nonconforming height based on Sec. 40-111.04.C. In October 2022, the applicant received a building permit for the building addition.

Urquhart stated the increase in building height for the marina would allow for larger vessels to be stored in the warehouse. Urquhart said that boat storage is a lawful accessory use in the Waterfront District. Urquhart said that other standards for the building addition such as building material, roof slope, and lot coverage would be subject to either Planning Commission or administrative review.

Applicant Chris Losowicz, 18275 Berwyck, said the primary reason for the variance is the increase the entrance door height from 29 feet to 34 feet to accommodate taller boats. Jackson asked Lisowicz where people are bringing their boats from. Lisowicz responded that many of the boats are coming from Milwaukee, Chicago, and Indiana.

Mike Bouman of Pioneer Construction, restated that larger boats created the need for the additional building height. More slip owners are purchasing larger boats.

Bridges said she has no objectives to this request. She asked if any people from Captain Cove Condos contacted the city. Urquhart responded they did not.

Klukos asked where to boats go when they can't be stored. Lisowicz responded they go off site. Klukos inquired if this variance was granted, wouldn't that give North Shore Marina an unfair advantage over other Marinas.

Jackson added that denying the variance would hinder the economic vitality of the business.

Hills had a comment about the site plan and asked if door height the only item that matters. Lisowicz responded that he needs a building height at 45 feet. The square footage of the building is satisfactory.

Jackson asked about the building height requirements in the Waterfront District. Urquhart said the primary reason for building height restrictions is to limit obstruction of view sheds. However, in this case, there is no negative impact on view shed because the adjacent land is a dune.

Motion by Hills, seconded by Bridges, to close the public hearing was carried unanimously by voice vote. Closed at 7:35pm.

Klukos asked Urquhart about any written correspondence. Urquhart said the city has not received any correspondence from the public.

The board considered the seven basic conditions.

- A. Bridges, Hills, and Jackson felt this condition was met. Klukos did not agree, and said there is a uniform standard for Marina building heights. Motion by Bridges, seconded by Jackson, to approve Basic Condition A. Yeas: Jackson, Bridges, Hills. Nays: Klukos. Condition A **passed** on 3-1 roll call vote.
- B. All members agreed a boat storage in a Marina is a permitted accessory use in the Waterfront District. Motion by Bridges, seconded by Hills, 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. Motion by Hills, seconded by Bridges, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. Bridges, Hills, Jackson felt this condition was met. Klukos stated this is not met, because granting a building height of 45 feet for a marina gives an unfair advantage and will set precedent. Motion by Hills, seconded by Jackson, to approve Basic Condition D. Yeas: Bridges, Jackson, Hills. Nays: Klukos. Condition D **passed** 3-1 on a roll call vote.
- E. All members agreed the variance request is not self-created. Motion by Hills, seconded by Bridges, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members agreed that this condition does not apply and is satisfied. Motion by Bridges, seconded by Hills, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.

- G. Bridges, Hills and Jackson felt this condition was met. Klukos said this is a 12.5% increase from the current building height, and the standard for granting the minimum variance possible is not met. Motion by Hills, seconded by Bridges, to approve Basic Condition G. Yeas: Bridges, Jackson, Hills. Nays: Klukos. Condition G **passed** on a 3-1 roll call vote.

Motion by Hills, seconded by Bridges, to **APPROVE** ZBA Case 23-03, a request to allow a building height of 45 feet for a marina at 18275 Berwyck St. (parcel #70-03-20-300-001) because the variance satisfied all conditions of approval. Yeas: Hills, Bridges, Jackson. Nays: Klukos. The variance was **DENIED** on a 3-1 vote.

Urquhart said although the members present voted 3-1 in favor of the request, the applicant needs to receive a concurring vote of a majority of all 7 members of the Zoning Board of Appeals. The applicant needs 4 votes to approve the motion for the variance.

Urquhart said according to the ordinance, all decisions by the ZBA are final. The applicant has the option to appeal to Circuit Court, or return with newly discovered evidence to apply for a rehearing of the application.

Staff Report

Urquhart said there would be a meeting in July to elect officers.

Call to the Audience – Second Opportunity

Bob Monetza, 945 Washington Ave. reminded the ZBA their role is not to change to building height in the Waterfront District for Marinas. Monetza stated the Planning Commission should be the board to discuss building height, and to work with the staff liaison to coordinate that process.

Adjournment:

Motion by Hills, seconded by Bridges, to adjourn. Unanimously approved by voice vote. Meeting adjourned at 7:55 p.m.


Brian Urquhart, City Planner

