

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

July 21, 2021

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, Field Reichardt, Marshall Lystra, Chair Jerry Klukos.

Absent: Mark Hills

Also present was Jennifer Howland, Community Development Manager.

Call to Audience – First Opportunity

Approval of Minutes

Motion by Kozanecki, seconded by Bridges, to approve the May 19, 2021 minutes passed unanimously by voice vote.

Case 21-07: A request by Dennis Dryer of Dryer Architectural Group on behalf of property owner David Kratt for one variance related to a mudroom/garage addition at 503 Fulton Ave (parcel #70-03-21-307-002): a variance from Sec. 40-410.02.C to allow for a lot coverage of 38 percent (currently 30.4 percent) where 35 percent is the district maximum.

Steve Signor of Dryer Architectural Group, 220 ½ Washington Ave, provided an overview of the requested variance and proposed project. Within the proposed mudroom, an internal stairway is proposed to give tenants internal access to the upstairs unit. The owner feels it would be a safety improvement to his tenants. The stairs are designed to meet the minimum building code requirements, so they cannot be reduced in footprint. The garage was originally proposed at 24x12 but they reduced the design to demonstrate they are asking for the minimum request necessary. They also evaluated lots within a two block radius from the subject property, to illustrate that there are other lots in the immediate area that exceed the maximum lot coverage.

Kozanecki asked for clarification on the location of the existing shed relative to the proposed attached garage. The shed and garage are the same distance from the east property line.

Reichardt pointed out that the existing curb cut off of 5th Street doesn't line up with the proposed driveway. Howland confirmed that this does not require a variance. Signor stated that the proposed changes in the northwest corner of the site are not part of the variance request.

Klukos asked about the minimum lot size for the OT District. Signor stated that 4,350 sq. ft. is the minimum lot size. The subject property is 4,951 sq. ft. in size. Signor said that the 149 sq. ft. overage represents the footprint of the mudroom. They want to construct the internal stairway and later relocate the western external stairway. Signor confirmed that the external stairway would remain if the internal stairway wasn't approved.

Dave Kratt, 503 Fulton Ave, stated that the internal staircase provides direct access to the upper tenant's bedroom so it will not be the public entrance to the unit. The external staircase will remain, providing two access points to the upper unit.

Chair Klukos opened the public hearing for the case.

Public Comments:

Howland referenced two written comments received prior to the hearing: Frederick McNew (500 Fulton Ave) and from Joel Toppen (219 N 5th St), who are both in favor of granting the request.

Reichardt asked about the proximity of the property to the railroad tracks. Signor stated that Lot 12 (the subject property) originally included the parcel to the north, which is adjacent to the railroad tracks, but that the subject property is now not adjacent to the railroad tracks.

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

The board considered the seven basic conditions.

- A. Bridges stated that it will not create an overdevelopment or make it feel crowded. Klukos said it was contrary to the intent and purpose of the ordinance, which is to establish a uniform standard to protect the neighborhood against overdevelopment. As small as this request may be, it is still requesting to over-build in the neighborhood. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition A **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan. Nays: Klukos. The motion carried.
- B. Kozanecki stated that a two-unit dwelling is permitted in the district. All members agreed. Motion by Reichardt, seconded by Kozanecki, to approve Basic Condition B **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan, Klukos. Nays: none.
- C. Reichardt doesn't think it would have a substantial negative impact on the neighborhood. Galligan said a garage would reduce the use of the outdoor space for storage, which would help the neighborhood look better. Bridges stated that the garage is the same setback as the shed to the east so it doesn't impact the neighbor. Motion by Bridges, seconded by Kozanecki, to approve Basic Condition C **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan, Klukos. Nays: none.
- D. Bridges said that it does seem general to expand the property past the allowable lot coverage, but it is unique that it is for a two unit dwelling; the improvements provide a secure access for the tenant and provides storage space. Galligan said the lot is very near the minimum lot size. They would be building an internal stairway, so it is

met. Klukos said it can be recurrent in nature because a lot of people ask for a variance on lot coverage. Cases are judged individually but this item would be recurrent in nature. Motion by Reichardt, seconded by Lystra, to approve Basic Condition D **passed/fail** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan. Nays: Klukos.

- E. Bridges said it was not self-created. Klukos stated it is self-created; requesting to overbuild by 3% could be avoided. The desire to have the variance does not make it exceptional. It is a self-created problem. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition E **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan. Nays: Klukos.
- F. Reichardt considered the size of the lot. He appreciated the effort made to reduce the request from 38.9% to 38%; there is no alternative location. Galligan said that there is not a different location where the variance would not be necessary. Kozanecki said there is only one side of the house to build a garage; there is no alternative location. Bridges said that they could remove the storage for the yard equipment, but the addition will improve the property. To have a two unit on a small lot is challenging; it's a reasonable request with no reasonable alternative location. Motion by Bridges, seconded by Kozanecki, to approve Basic Condition F **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan, Klukos. Nays: none.
- G. Bridges stated that they made efforts to minimize the lot coverage request. The storage for the yard equipment and secure stairway are reasonable and will improve the area. Kozanecki said it was a safety improvement and noted that it is a corner lot. Galligan stated they are asking for a one-stall garage with a stairway; they aren't asking for anything extra. Klukos agrees with Kozanecki but the property already has a reasonable use because there is a stairway to the upper unit. That being said, Klukos said that it meets this requirement. Motion by Reichardt, seconded by Lystra, to approve Basic Condition G **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan, Klukos. Nays: none.

Motion by Reichardt, seconded by Galligan, to **APPROVE** the requested variance because it met all 7 basic conditions, **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Kozanecki, Lystra, Galligan, Klukos. Nays: none. The variance was approved.

Election of Officers

Reichardt nominated Klukos for Chair, seconded by Kozanecki. The nomination was approved unanimously by voice vote.

Klukos nominated Kozanecki for Vice Chair, seconded by Reichardt. The nomination was approved unanimously by voice vote.

Kozanecki nominated Reichardt for Secretary, seconded by Klukos. The nomination was approved unanimously by voice vote.

Call to the Audience – Second Opportunity

Steve Signor wished to clarify that his narrative for Case 21-07 followed the application format of conditions 1-7. The board members referenced the conditions as A-G.

Klukos asked Howland if she had any updates. Howland informed the board that the City Council approved the Beyond the Pier plan and RFP, as well as a temporary moratorium on some lot splits and two-unit dwellings to allow the Planning Commission to work on amendments to the Zoning Ordinance. Reichardt asked Howland whether other uses could be proposed on the waterfront beyond what the RFP referenced. Howland said the RFP has parameters for uses desired by the community, but it's possible developers might include other ideas.

Bob Monetza, 945 Washington Ave, supported what Howland said. Plans don't have the force of law; they are guidance documents. There is no residential land use included in the vision. The proposals should fit the criteria listed in the RFP; our intent is clear. In response to the mayor's inquiry, Howland said that a project that was a permitted use or special land use would be her preference, but a PD is possible.

Klukos stated that a lot coverage variance request may become recurrent. His observation is that lots have gotten smaller. The Mayor said that by applying the same percentage of lot coverage to all lot sizes, the allowable improvements get more restrictive. The Planning Commission could review lot coverage for smaller lots. Klukos said that he believes that asking for more than allowed becomes recurrent. Monetza said if such requests are submitted and approved more frequently, it should be a legislative action (meaning, the Zoning Ordinance should be amended).

Klukos asked about boats tying off along the waterfront. Mayor Monetza said that City Council recently adopted a fee schedule and a penalty system. They also instituted a means for Public Safety to remove boats if necessary. The legislation is intended to regulate overnight docking, not to prevent a quick stop.

Adjournment:

Motion by Kozanecki, seconded by Bridges, to adjourn was unanimously approved by voice vote. The meeting adjourned at 7:55 p.m.



Jennifer Howland, Community Development Manager