

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

December 21, 2022

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 Amy Kozanecki, Tyler Berg, Marshall Lystra, Chair Jerry Klukos.

Absent: Mark Hills, Ryan Galligan

Also present was Brian Urquhart, City Planner

Approval of Minutes

Motion by Kozanecki, seconded by Bridges, to approve the July 20, 2022 minutes. Passed unanimous with a voice vote.

Call to the Audience – No comments

Case 22-04: A request by 300 Washington LLC for one variance at 300 Washington Ave. (parcel #70-03-20-437-010): a variance from Sec. 40-301.02.B.2 to allow for a detached garage in the CB located 1-foot from the side lot line where a 3-foot setback is required.

Chair Klukos opened the public hearing for the case at 7:03pm

Urquhart provided an overview of the case. Representing the applicant, David TenCate said the parking lot adjustment would benefit the site, and they could be right install a detached garage that is greater than 20 feet right on the lot line. TenCate noted this would be not harmonious with neighboring properties. The Planning Commission approved the site plan for additional residential condos on the second story and construction of a third-story at the August meeting. Having an enclosed parking space for each unit ensures the parking availability the condominium owners.

Berg asked about the parking structure location if the height was greater than 20 feet. Urquhart responded that according to the ordinance, a detached accessory building that is greater than 20 feet in height in the CB District, would need to satisfy the required setbacks for the principal building. Urquhart noted that is an unusual requirement for the CB District because the standard setbacks for a principal building in most other districts are larger.

Kozanecki ask if there are other condominiums in the CB district that have detached garages. TenCate responded there are no other condos in the district that have detached garages. The existing Franklin Flats just south of the property have attached garages.

Lystra inquired about condition F. Urquhart clarified that if the parking lot design would remain the same, and the variance for a 1-foot setback for the detached garage is denied, the applicant could move the structure back 2 feet but would encroach into the minimum maneuvering lane width of 22 feet for a two-way parking with 90-degree angle spaces. This would require a variance in itself from Sec. 40-605.01.D.

Klukos asked Urquhart if he polled the Planning Commission to why this ordinance was made for the Central Business District. Urquhart said he did not inquire with any members of the Planning Commission, and likely the most recent zoning ordinance amendments did not factor this unusual circumstance into consideration. Urquhart suggested the Planning Commission could review and amend the ordinance to comply with the intent.

Kozanecki asked about the number of parking spaces, and if there would be enough. TenCate responded there is just enough. Urquhart clarified that based on the site plan review, 38 spaces would be required, which there are enough parking spaces.

Jim Hagen of 400 Lake Dr. was against the variance request and is afraid of setting precedence. Mr. Hagen reiterated this building would encroach too close to the neighboring property at the Post Office, and may prohibit future development there. The city would need to live with this decision for the next 50 years.

Motion by Kozanecki, seconded by Lystra, to close the public hearing was carried unanimously by voice vote. Closed at 7:23pm.

The board considered the seven basic conditions.

- A. Members largely were in favor of this condition. Klukos said this variance is against the purpose and intent of the ordinance. Klukos said the ordinance is only a year and a half old, and should be adhered to. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition Yeas: Kozanecki, Lystra, Berg, Bridges. Nays: Klukos. Condition A **passed**.
- B. All members agreed a detached accessory building is permitted by right in the CB-Central Business District. Motion by Bridges, seconded by Kozanecki, 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. Kozanecki added the improvement is already existing with the parking lot 1-foot off the lot line, and the garage would not create a further burden. Motion by Lystra, seconded by Bridges, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. Klukos said the variance is general and can be. Motion by Kozanecki, seconded by Lystra, to approve Basic Condition D. Yeas: Kozanecki, Lystra, Bridges, Berg. Nays: Klukos. Condition D **passed**.
- E. The members largely agreed the exceptional conditions were not self-created. Klukos said due to the size of the lot, the variance is self-created because there is enough room for the required parking. TenCate inquired on the intent of condition E, and if the ZBA is focusing on self-created vs. the exemption or extraordinary circumstance. TenCate was confused by this condition. Motion by Kozanecki, seconded by Lystra, to approve Basic Condition E. Yeas: Kozanecki, Lystra, Berg, Bridges. Nays: Klukos. Condition E **passed**.

- F. Members agreed there is no reasonable alternative location for the garage on the property. Another variance for a maneuvering lane in the parking lot would be required if the garage is required to be constructed 3-feet from the side lot line. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. Klukos said this a 66% variance and is too much. A reasonable use already exists for parking on the property. Motion by Kozanecki, seconded by Lystra, to approve Basic Condition G. Ayes: Bridges, Lystra, Kozanecki. Nays: Klukos. Condition G **passed**.

Motion by Kozanecki, seconded by Lystra, to **APPROVE** ZBA Case 22-04 for a variance to allow 1-foot setback from the side lot line for a detached garage at 300 Washington Ave. (parcel #70-03-20-437-010) because the variance met all seven basic conditions. Yeas: Kozanecki, Lystra, Berg, Bridges. Nays: Klukos. The variance was **approved**.

Staff Report

Urquhart said there would likely not be a meeting in January. Urquhart also reminded the ZBA of the meeting dates for 2023.

Call to the Audience – Second Opportunity

No comments.

Adjournment:

Motion by Kozanecki, seconded by Lystra, to adjourn was unanimously approved by voice vote. The meeting adjourned at 7:47 p.m.


Brian Urquhart, City Planner

