

ZONING BOARD OF APPEALS  
CITY OF GRAND HAVEN  
MEETING MINUTES

August 15, 2018



The regular meeting of the Grand Haven Zoning Board of Appeals was called to order at 7:00 p.m. in Grand Haven City Hall Council Chambers, 519 Washington, Grand Haven, Michigan. On a call of the roll, the following persons were:

Present: Ryan Cummins, Bill Hohmeyer, Jerry Klukos, Amy Kozanecki, Field Reichardt, Melanie Riekels, Chair Mischelle Julien.

Absent: None.

Also present were Jennifer Howland, Community Development Manager, and MaryAnn Poel, Administrative Assistant.

Chair Julien welcomed new members Amy Kozanecki and Field Reichardt.

Motion by Hohmeyer, seconded by Cummins, to approve the October 18, 2017 meeting minutes was unanimously approved.

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**Case 18-01: A request by Jeffrey and Susan Bakker, 1407 Taylor Avenue, Grand Haven, MI 49417 for the property at 1407 Taylor Avenue, Grand Haven, MI 49417 (parcel #70-03-28-279-007 for one (1) variance to the Grand Haven Zoning Ordinance, related to a proposed building addition that would connect the house to the existing detached garage:**

- 1. A variance from Section 40-404.01.C, minimum side yard setback in the Moderate Density Residential District. The requested variance is to allow for a 3.3 foot side yard setback where a minimum six (6) foot side yard setback is required.**

Howland explained the owner would like to construct a carport connection between the existing house and the existing detached garage. The detached garage currently met the 3 foot setback requirements for an accessory building, but connecting the detached garage turned it into part of the principal dwelling. Required setbacks would then change from a minimum 3 foot side yard setback (as an accessory building) to a minimum 6 foot side yard setback (as part of the principal building). The garage was currently 3.3 feet from the east (side) property line. Also the minimum required separation between a principal building and an accessory building was 6 feet. To avoid the need for this variance, the applicant would have to keep the carport at least 6 feet from the garage. Just to be clear that would mean that the garage could be legally converted into living space and the carport could also be enclosed as living space if this variance was granted because the entire structure would be considered a single-family dwelling. She pointed out that unless the approval was conditioned otherwise, the house could be expanded to be as close as 3.3 feet to the east side property line. It was even possible that a second story could be legally constructed on top of the current garage area since it would become part of the principle structure.

Chair Julien opened the public hearing for the case.

Jeff Bakker, owner of 1407 Taylor but currently living in an apartment on Park Avenue, stated he was trying to take two box like buildings and make them look better together. He stated the car port would remain open and unenclosed.

**Public Comment:**

None

**Correspondence:**

None

Riekels asked Bakker if there was a reason he felt he had to connect the two buildings.

Bakker replied it was a design vision they wanted. He stated it didn't need to be connected and they could redesign it, but they wanted to maintain the look of the main building which they had been told used to be a school long ago.

Riekels asked Howland what the required setback was between the car port and the existing garage and Howland replied a 6 foot separation was required.

Cummins asked how this request was not contrary to the intent of the ordinance and Bakker stated it was just really the architectural design they wanted for the building.

Cummins stated the Board also had to determine if a request was general in nature and asked Bakker how this was different than other cases. Bakker stated he understood that if his request was granted that others might be able to do it as well. He stated if they had to alter their plan they would.

Motion by Hohmeyer, seconded by Klukos, to close the public portion of the case was carried by voice vote.

**Basic Conditions: The Board shall find that a variance request meets all of the following conditions:**

**A. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.**

Hohmeyer stated he didn't feel the addition of another story over the garage was a very likely scenario. He felt the request met the intent.

Cummins stated it was not contrary to public interest but it was contrary to the intent of the ordinance. The setback for a principal structure was clear so this was not met.

Klukos stated it was contrary and it could set a precedence for another applicant. The intent was to maintain a uniform distance from side yards that everyone had to comply with. If this was being built new today, the principal structure would not be allowed to be that close to the property line. He stated this criteria was not met.

Riekels agreed with both Cummins and Klukos and felt this was not met.

Reichardt stated the setback was already there and what was being presented was an improvement to the neighborhood. He didn't see the issue with adding some open space to this property.

Chair Julien reminded the Board that they would be addressing all the criteria but only one at a time. So right now they were only discussing the merits of criteria A.

Motion by Hohmeyer, seconded by Riekels, to approve condition A **failed** on the following roll call vote: Ayes: Reichardt, Hohmeyer. Nays: Cummins, Klukos, Kozanecki, Riekels, Chair Julien.

**B. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.**

Consensus was this was met

Motion by Riekels, seconded by Klukos, to approve condition B passed on the following roll call vote: Ayes: Hohmeyer, Klukos, Cummins, Kozanecki, Reichardt, Riekels, Chair Julien. Nays: None.

**C. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.**

Reichardt made a motion and there was no discussion.

Motion by Reichardt, seconded by Riekels, to approve condition C passed on the following roll call vote: Ayes: Cummins, Hohmeyer, Klukos, Kozanecki, Riekels, Reichardt, Chair Julien. Nays: None.

**D. The conditions or situation of the property or its intended use is not so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.**

Cummins stated this request was general in nature. Many residents would like to attach a principal structure to a detached garage on a 3 foot line so this was not met.

Hohmeyer, Klukos, Kozanecki, Riekels agreed with Cummins.

Reichardt and Chair Julien made no comment.

Motion by Riekels, seconded by Cummins, to approve condition D **failed** on the following roll call vote: Ayes: Reichardt. Nays: Hohmeyer, Kozanecki, Riekels, Cummins, Klukos, Chair Julien.

**E. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.**

Reichardt stated there was no gulley so this was not self-created.

Kozanecki agreed it was not self-created.

Klukos stated it was self-created because the desire to connect the two buildings was creating the need for the variance so this was not met.

Riekels pointed out the applicant stated he could design the home differently so it didn't need a variance so this was not met.

Cummins felt this may have originally been a school with the out building so he didn't feel it was self-created. He felt if the structure was built as a home the garage may have been built closer to the house.

Hohmeyer felt the plan as presented was a self-created situation.

Reichardt made no comment.

Chair Julien felt this this was possibly not originally built as a residential home so she didn't feel the situation was self-created.

Motion by Hohmeyer, seconded by Cummins, to approve condition E **failed** on the following roll call vote: Ayes: Reichardt, Cummins, Chair Julien. Nays: Klukos, Kozanecki, Riekels, Hohmeyer.

**F. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.**

Hohmeyer stated there already was an alternate plan discussed to make the improvement so this was not met.

Cummins, Klukos, Riekels, Kozanecki agreed.

Reichardt and Chair Julien did not comment.

Motion by Cummins, seconded by Riekels, to approve condition F **failed** on the following roll call vote: Ayes: None. Nays: Hohmeyer, Kozanecki, Reichardt, Riekels, Cummins, Klukos, Chair Julien.

**G. The requested variance is the minimum variance that will make possible the reasonable use of the improvement.**

Hohmeyer stated it was not the minimum request since there was an alternative plan.

Cummins felt the request was the minimum so this was met.

Reichardt did not comment.

Kozanecki stated the building was already there so it the minimum and was met.

Klukos and Riekels agreed this was met.

Chair Julien did not comment.

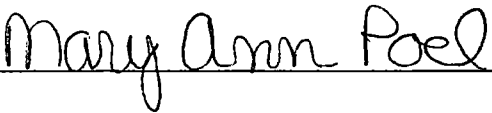
Motion by Cummins, seconded by Klukos, to approve condition G **passed** on the following roll call vote: Ayes: Kozanecki, Reichardt, Riekels, Cummins, Klukos, Chair Julien. Nays: Hohmeyer.

Howland summarized that the case failed Criteria A, D, E & F.

Motion by Klukos, seconded by Hohmeyer, to **deny** the request by Jeffrey and Susan Bakker for 1407 Taylor Avenue (parcel #70-03-28-279-007 for a variance from Section 40-404.01.C, minimum side yard setback, in the Moderate Density Residential District related to a proposed building addition that would connect the house to the existing detached garage to allow for a 3.3 foot side yard setback where a minimum six (6) foot side yard setback is required because it failed criteria A, D, E, & F. The motion to **deny** passed on the following roll call vote: Ayes: Riekels, Reichardt, Kozanecki, Klukos, Cummins, Hohmeyer, Chair Julien. Nays: None

**Adjournment:**

Motion by Hohmeyer, seconded by Klukos, to adjourn was unanimously approved by voice vote. The meeting adjourned at 7:48 p.m.

  
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MaryAnn Poel  
Administrative Assistant  
Community Development Department