

AGENDA

EAST GRAND RAPIDS ZONING BOARD OF APPEALS September 24, 2025 - 5:30 PM Community Center – Commission Chambers

YouTube Livestream available at the following link (viewers are unable to comment via the livestream):
<https://bit.ly/2xXILvn>

1. Call to Order
2. Roll Call
3. Approval of Minutes: July 23, 2025 Meeting
4. Public Comment on Non-Agenda Items
5. Training Brush-Up Session
6. Other ZBA Business
7. Next Regular ZBA Meeting: November 26, 2025 (pending agenda items)
8. Adjournment

PROCEEDINGS OF THE ZONING BOARD OF APPEALS
CITY OF EAST GRAND RAPIDS

-

July 23, 2025
East Grand Rapids Community Center – Commission Chambers

1. CALL TO ORDER

Andrew Howard called the meeting to order at 5:30 PM including pledge of Allegiance.

2. ROLL CALL

Roll call was taken by Zoning Administrator Jay Gianotti.

Present: Andrew Howard, George Davis, David Jackson, Matt Feyen, Joe Rizqallah, Scott Dienes

Absent: Jonathan Paasch, Brad Hunter

Also Present: Zoning Administrator Jay Gianotti, City Attorney John Huff and City Manager, Shea Charles

3. APPROVAL OF MINUTES

A motion was made by George Davis and supported by Andrew Howard to approve the minutes as written

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment was given.

5. New ZBA members:

Janet Dietsch was introduced. She is still in the onboarding process

6. ELECTION OF OFFICERS

Chairman: A motion was made by George Davis and supported by Scott Dienes to nominate

Chairman Andrew Howard. No other nominations were given.

Yeas: Howard, Davis, Jackson, Feyen, Rizqallah and Dienes - 7

Nays: 0

Vice-Chairman: A motion was made by Joe Rizqallah and supported by Matt Feyen to nominate David Jackson. No other nominations were given.

Yeas: Howard, Davis, Jackson, Feyen, Rizqallah and Dienes - 7

Nays: 0

Secretary: A motion was made by Joe Rizqallah and supported by Matt Feyen to nominate Jonathan Paasch. No other nominations were given.

Yeas: Howard, Davis, Jackson, Feyen, Rizqallah and Dienes - 7

Nays: 0

6. PUBLIC HEARING – CASE #2025-05

- Applicant: Mike Brosnan
- Location: 2727 Reeds Lake Blvd.

- Request: Chapter 50, Section 5.28B – To build a new home with a front yard setback of 51.2’ where 58.2’ is required.

Zoning Administrator Jay Gianotti opened the public hearing. The intent is to demolish this house and build a new house on this property. The two main issues that the applicant has requested the variance related to is related to the shape of the lot also the topography of the lot. Based on the setback requirements, they would be encroaching or infringing on some of the stronger slopes. The proposed footprint of the house is 13% larger than the existing house.

- Dienes: Questioned the setback in the front yard and where the encroachment is located:
Gianotti: Compared 51.2' with 58.2' encroachment variance request.
- Dienes: So the request is not for 7’ on the Reeds Lake frontage.
Gianotti: The request would be a 7’ encroachment into the required front yard.
- Dienes: What is the significance of being a corner lot
Gianotti: The East side there is a much larger setback required from the street.
- Davis: Assuming setbacks were explained to the builder.
Gianotti: Had discussions with contractor about process in which a surveyor was hired for exact measurements
- Dienes: What is the minimum structure size for a single family home?
Gianotti: There is no minimum

At this point Chairman Howard invited the owner or the owner’s representative to present: Mike Brosnan with Colonial Builders speaking on behalf of Kristen and Dan Lorenz. They bought 2727 Reeds Lake Blvd. 2 years ago, they have a young family and intend to build a new house and make a forever home. Dan is a retired Army Veteran with full disability so having an open floor plan with an accessible home is very important. Topics discussed were as follows: Minimum Structure size and Zoning Requirements; Original build envelope based on incorrect survey data; Site topography causing constraints; Elevation Concerns; Current design reflects needs of client; Whether variance is justified and East side setback.

- Feyen: Questions about levels and elevations regarding client’s disability
Brosnan: Sloping of the garage will provide water control and still limit in terms of the amount of elevation inside the home.
- Davis: If correct information would have been provided initially how would this be different:
Brosnan: He cannot answer this because they like their design and are not willing to give up anything in the design, this is their forever home.
- Feyen: Struggling with the fact that client is refusing modifications to meet ordinance
Brosnan: If people continue to push back with setbacks, we will eventually end up with tiny houses. Please continue to consider the topography, lot shape, etc.

Chairman Howard asked for board member discussion.

Chairman Howard: practical difficulty non-existent to comply with the ordinance. Being a new build, it is buildable to be within the requirements and we have to meet all five.

Mr. Jackson: seconds what Chairman Howard says with the exception of the minimum necessary

Mr. Feyen: Struggling with it, it seems like it wouldn't take much to get this to comply. Sometimes when I go to print things, they don't all fit on one page. If I mess with my print settings, instead of two or three pages, I can make it 97% and it fits on one page. And I'm kind of wondering if it seems to be there might be a solution like that here. I did look at the topography, and that's definitely a challenge, as is the shape. But given the teardown situation, I do think there is the ability to meet the ordinance requirements without a special variance. I really don't see a practical difficulty.

Mr. Rizqallah: I'm in agreement with my partners. A smaller home can fit with this available lot.

Mr. Dienes: There's nothing that's been said that I disagree with. It seems to me that a smaller home can fit with this available one. The more rational thing to seek would have been a side yard pushing the house back; they get a side yard to honor the front, which then honors the average of the home's setback from the road which is the aesthetic that we're trying.

Mr. Davis: I don't have too much to add to what everyone else has said, but the key thing to me is that this is a teardown. Unfortunately, there was a mistake made, but for that, you might have designed a house that meets all the standards without a variance and this is not meeting the standards.

Chairman Howard asks for motion to vote

Mr. Rizqallah motioned to deny request because the request does not meet all applicable standards, Mr. Davis 2nd the motion.

Yays: Howard, Davis, Jackson, Feyen, Rizqallah and Dienes - 7

Neas: 0

Request is denied

9. OTHER ZBA BUSINESS: No other business to discuss.

10. ADJOURNMENT

A motion was made by Chairman Howard to adjourn the meeting, and supported by Mr. Rizqallah.

Yeas: Howard, Davis, Jackson, Feyen, Rizqallah and Dienes - 7

Nays: 0

Meeting adjourned

Respectfully submitted,

Tracey Alwood
Office Administrator DPW

Video of meeting also available at: [July 23, 2025 Zoning Board of Appeals Meeting](#)



CITY OF
EAST GRAND RAPIDS

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JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

MEMORANDUM

TO: East Grand Rapids Zoning Board of Appeals
FROM: Jay Gianotti, Zoning Administrator
DATE: September 19, 2025

RE: **ZBA Training Brush-Up Session**

Action Requested:

That the ZBA holds a training review session to review the roles, duties, and review standards of this commission.

Background:

Tonight's meeting is intended to serve as a training refresher for both new and experienced ZBA members. With no public hearings on the agenda, this session will provide an opportunity for all ZBA members to review their duties and responsibilities, as well as ask questions on the standards of review and other matters before the ZBA. In addition, a series of case studies will be presented to give the ZBA additional experience in hearing variance requests. This session will be facilitated by City Planning Consultant Paul LeBlanc, AICP. A hard copy of the presentation is attached to these materials for reference and to follow along during the session*.

* Please note that, due to animations that are programmed into the presentation, some of the materials in these slides may not be visible in this attachment.

City of East Grand Rapids, Michigan



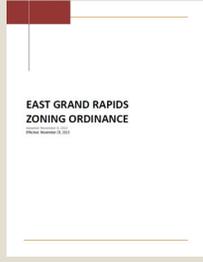
Zoning Board of Appeals

Refresher

September 24, 2025



What is Zoning?



EAST GRAND RAPIDS
ZONING ORDINANCE
Revised November 3, 2021



Overview –Balancing Interests

The zoning process is intended to balance the principle of individual **property rights** with the protection of the **public interest**






Zoning Checks & Balances

Planning Commission	City Commission	Board of Appeals
<ul style="list-style-type: none"> Recommends Master Plan Recommends Zoning Ordinance Conducts development reviews 	<ul style="list-style-type: none"> Adopts Master Plan Adopts Zoning Ordinance Final say on some development reviews 	<ul style="list-style-type: none"> Can vary from Ordinance requirements Interprets Zoning Ordinance Hears Appeals on certain Zoning decisions
Administrative	Legislative	Quasi-Judicial

ZBA Authority

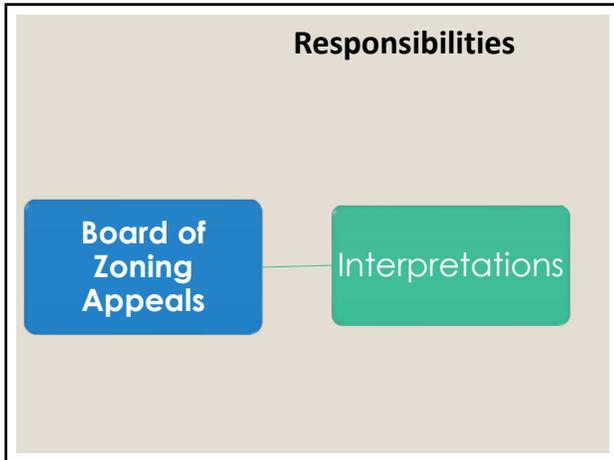
Michigan Zoning Enabling Act (MZEA)

- Identifies:
 - Duties and Responsibilities of the ZBA
 - Membership
 - Voting Requirement
- Related law – Planning Enabling Act
www.legislature.mi.gov

Zoning Board of Appeals

- Primary function is to uphold the zoning ordinance requirements, except in unusual circumstances related to conditions of the property
- It is NOT the ZBA's job to help applicants find a way around the ordinance because of cost or inconvenience or because of circumstances of an individual property owner



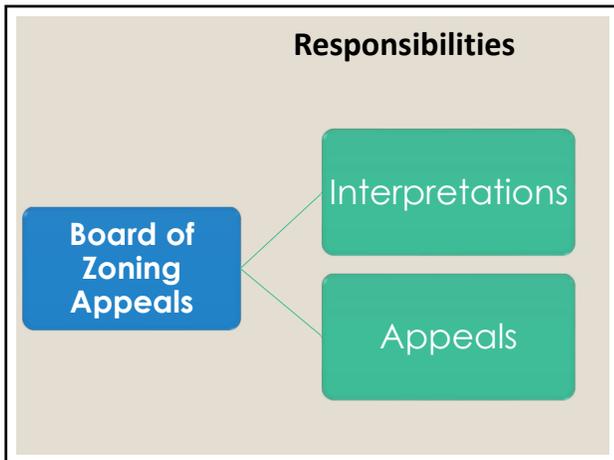


Interpretations: Zoning Map and Text

- Map interpretation authorized by MZEA
- Zoning Ordinance provides some guide
 - Use common sense
 - Interpret narrowly
- Text interpretation by zoning
 - Decision of ZBA

Section 5.21. District Boundaries Interpreted
Where the boundaries of a zoning district, as shown on the official zoning map, are uncertain the following rules shall apply:

- A. Where boundaries approximately follow streets, alleys or highways, their centerlines or those lines extended shall constitute the zoning district boundaries.
- B. Where boundaries approximately follow lot lines, they shall be construed as following those lot lines.
- C. Where boundaries approximately follow city limits lines, they shall be construed as following those lines.
- D. Where boundaries are approximately parallel to the centerline of a street or highway, they shall be construed as being parallel to the centerline and at the distance from the centerline as indicated on the official zoning map. If a distance is not given, the location on the map shall be determined by using a scale.
- E. Where boundaries follow the shoreline of a stream, lake, or other body of water, they shall be construed to follow that shoreline. In the event the shoreline changes, the boundaries shall be construed as moving with the shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, drainage ditches or other bodies of water shall be construed to follow those centerlines.
- F. Where the application of these rules leaves a reasonable doubt as to the boundaries between two districts, the Zoning Board of Appeals shall interpret the boundary location.
- G. If a parcel or lot is divided by a zoning district boundary, the entire parcel or lot shall be subject to the requirements of the district encompassing the larger area within the parcel or lot.



Appeals of Administrative Decisions

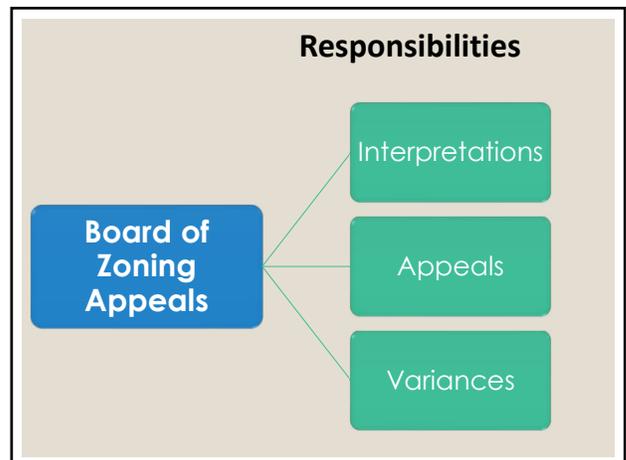
- Decision on administrative action
 - Site Plan Review
 - Conditions
 - Zoning Administrator Decisions
- Decision has already been made
- Action limited to whether decision was properly made
- Based only on information previously presented
- Cannot change special land use or PUD decisions *(Not provided in the ordinance, as required by MZEA)*

Appeals of Administrative Decisions

Decision must be based on record that the administrative action:

- Was arbitrary or capricious
- Based on an erroneous finding of material fact
- Constituted an abuse of discretion
- Was based on erroneous interpretation of the zoning ordinance or zoning law

If ZBA finds the action was wrong, they may apply a corrective solution



Variations: Definition and Proof

Use	C-1	Additional Requirements
Accessory use directly ancillary to the primary use and accessory structures are not permitted.	P	
Accessory outdoor customer service includes such as delivery of products to customer's vehicles, service call vans, etc.	P	Section 5.78(C)
Accessory outdoor storage (including temporary storage)	P	Section 5.78(C)
Accessory outdoor storage	S	Section 5.78(C)
Accessory outdoor storage	S	Section 5.78(D)
Motorcycles (or their use)	P	
Motorcycles, including contact service and carry out, excluding drive-through service and maintenance shop.	P	
Tools, trailers, ice cream shops or candy shops	P	
At galleries	P	
Public facilities (government buildings, public schools, public gardens, public libraries, etc.)	S	

Use

- Allow use not otherwise listed in District
- Proof of

Requirements/District	R-1	R-2	R-3
Minimum area (sq. ft.)	12,000	7,200	5,000
Distance from street line in which minimum area must be met (ft.)	100	100	100
Minimum lot width (ft.)	100	72	50
Front	30	25	25
Total	24	18	14
Least side	10	7	7
Adjoining a street	24	20	12
Rear	25	25	25
Waterfront setbacks and buffers	See Section 5.28(D)		
Maximum building height	35	35	35
Maximum lot coverage (%)	25	25	25
Maximum lot coverage (%)	35	40	40
Pavement and buildings	40	45	45

Intent of Variations

- Variance procedure needed because not all properties have same physical character



Variance Decisions

- By law, decision must be based on **standards** in the zoning ordinance
- Variance should be the **exception**, not the rule – ZBA not there to disregard ordinance requirements
- If variance meets **all** standards, it **must be approved**
- If variance does not meet **all** standards, it **must be denied**
- Granting unwarranted variations shifts zoning policy away from PC and CC

Dimensional Variance Standards

Section 5.103 C states: "A variance from the provisions or requirements of this chapter shall be **authorized only upon an affirmative finding** by the board, based upon competent material and substantial evidence on the whole record, that the following criteria are satisfied:

- Special conditions or circumstances** exist which are **peculiar to the land, structure or building** involved and which are **not generally applicable to other** lands, structures or buildings in the same district.
- The special conditions or circumstances do **not result from the actions of the owner or prior owner**.

Dimensional Variance Standards

- Authorizing a variance will **not be of substantial detriment to the neighboring property** and will **not be contrary to the spirit and purpose of this chapter**.
- A **nonconforming use** of property or neighboring lands, structures or buildings shall **not, in itself, be considered grounds** for granting a variance.
- A dimensional variance, if granted, shall be the **minimum necessary variance** in order to grant relief from the practical difficulty alleged by the applicant.

Special Conditions or Circumstances

An **exceptional** circumstance or condition exists on the subject site...

"Where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure...literal enforcement of the requirements of this chapter would involve practical difficulties "

Keyword: "Exceptional"

Other Considerations

- How is this property different from others in same district or neighborhood?
- Is this situation likely to be encountered often?
- If not granted, would owner still be able to do things other similarly situated owners can do, but maybe not in the same way?
- If granted, would variance compromise the intended purposes of the regulation?
- If granted, the number and extent of variances should be minimum necessary to grant relief
- Each case should be considered on its own merits (**not precedent**)

Of every 10 dimensional variance requests...8 should be denied

Rule of Thumb



Think About:

- The hundreds of property owners who DID comply with the Ordinance.
- The hours of effort spent in drafting the Ordinance.
- The effectiveness of your Ordinance if it's commonly known all you need to do is ask for a variance and it will be granted.
- The ability of the City to enforce its Ordinances if variances are readily granted.

Of every 10 dimensional variance requests...8 should be denied

Rule of Thumb



- Since its creation in 2022, the ZBA has received **16 variance applications**
- **3 requests** have been **approved**
- That's approximately **19%** or about **2 of 10**

Use Variance Standards

Sec. 103 D: A use variance request shall be subject to the following requirements and criteria :

- Applicant's **property cannot be used** for the purposes permitted in the zoning district;
- Applicant's plight is due to **unique circumstances peculiar to his property** and not to general neighborhood conditions;

Use Variance Standards

- Applicant's suggested **use would not alter the essential character** of the area;
- Applicant's problem **has not been self-created**;
- **Unavailability of administrative relief** which may afford reasonable use of applicant's property.

Use Variance Alternatives

- **Rezoning** - Is property properly zoned?
- **Conditional zoning** - Essentially replaces use variance.
- **Text Change** - Can other uses be added that are more appropriate? Can the requested use be added?

"Your use variance is denied!"

The Paragon Rule

Rezoning denied by the legislative body cannot be litigated until all administrative remedies are exhausted

The administrative remedy for a rezoning denial is an application for a USE VARIANCE through the Zoning Board of Appeals.



Paragon Properties Company v. City of Novi, 1996

Procedures

- Majority must be present to conduct business
- Only those at the public hearing can vote on the request, even if postponed
- Alternate stays with the case until decision is made
- PC or CC rep. can't participate or vote on same matter decided at PC/CC meeting

Voting Requirements

- Interpretation, Appeal, and Dimensional Variances require a majority vote of the membership – 4 votes
- Use Variances require a 2/3 majority vote – 5 votes
- If 4 out of 7 ZBA members are present:

- How many must vote to approve a setback variance?
- Can they approve a use variance?



Making Effective Decisions

To ensure consistent and effective decisions, the ZBA should . . .

- Require **complete** applications, plans, and information

Require Complete Information

- Require complete application, not bits & pieces
- Delay review until application is complete
- Full information helps eliminate misunderstandings and establishes complete record



Making Effective Decisions

To ensure consistent and effective decisions, the ZBA should . . .

- Require **complete** applications, plans, and information
- Conduct **Site Visits**

Site Visits

- Yes, it's OK to visit the site
 - Do not enter the property unless you know you have permission from the owner
 - Include permission statement on application form
- Avoid *ex parte* contacts
 - Ask material questions of fact, but do not give your opinion or ask for the owner's opinion
- Go alone, not with another ZBA member
- Know what to look for
 - Focus on the standards!



Making Effective Decisions

To ensure consistent and effective decisions, the ZBA should . . .

- Require **complete** applications, plans, and information
- Conduct **Site Visits**
- Conduct orderly **Deliberations**

Deliberation

Rules for Public

- Degree of formality
- Comments through the Chair
- Limit speaking time
- Limit number of times speaking
- Spokesperson



Rules for Decision Makers

- Comments through the Chair
- Deliberate in the open
- Express opinions
- Use ordinance standards for decisions



Once the hearing is closed...keep it closed

Making Effective Decisions

To ensure consistent and effective decisions, the ZBA should . . .

- Require **complete** applications, plans, and information
- Conduct **Site Visits**
- Conduct orderly **Deliberations**
- Abide by **Decision Principles**

Decision Principles

- The Board of Appeals is bound by Ordinance **standards**.
- Property owners have certain property rights, within **limits of the ordinance**.
- Justification for variances must be based on **conditions of the land** -- not circumstances of the owner.
- It is NOT the ZBA's job to help find a way around Ordinance requirements because of **inconvenience**, or to "make the community better."

Making Effective Decisions

To ensure consistent and effective decisions, the ZBA should . . .

- Require **complete** applications, plans, and information
- Conduct **Site Visits**
- Conduct orderly **Deliberations**
- Abide by **Decision Principles**
- Make proper **Motions**
 - Attach appropriate **Conditions**
 - Cite ordinance **Standards**
 - **Document** everything

Motions

- Motion Maker & Supporter
- Request
- Action
- Conditions
- Statement of relationship to standards (Can include previous discussions)
 - Courts require “competent, material, and substantial evidence **on the record**”
 - “If it didn't get written down, it didn't happen!”

Motions must be clear to everyone & in proper form

ZBA Decisions

- Decisions **run with the land**
- Decision **not final until minutes are approved**
- Appeals of a ZBA decision go to **circuit court**
- Court review is **based solely on the record**

Top 10 Reasons **NEVER** to Use

1. No one came to object
2. It's the only size they make
3. The Ordinance is too strict
4. This is what the Ordinance *really* meant
5. We have to give it to them or they'll leave
6. We gave this variance before
7. They already have a building permit
8. We know he'll do a good job
9. Looks good to me / won't hurt anyone
10. It'll make the area better



Conflict of Interest

- ZBA membership is a position of trust
- Public must generally perceive that decisions made are not affected by personal self interest
- A member should recuse her/himself from a case in which they have a conflict of interest
 - Family relation and financial interest are most common/obvious
 - Plenty of gray area outside of these

What to do when there is a Conflict of Interest

- Declare conflict to the Chair
- Abstain from any discussion and decision-making
- Leave the room and not be visible or within listening distance
- Call an alternate
 - Alternate members serve in the case until final decision is made

A Recap...

- Variances are based on **unique** conditions of the **property**.
- Variances are **not** intended to let property owners **avoid compliance** with zoning
- Variance procedure **is** intended to recognize not all properties have same physical character
- Variances granted without justification may **encourage others** to avoid compliance
- Granting unwarranted variances has long-term effect of **shifting policy-making** to the ZBA and away from PC and CC

An Effective Board of Appeals...

- Uses the review **standards** to support its decisions
- Grants variances due to **conditions of land** not those related to an individual
- Upholds the integrity of the Ordinance
- Does not make zoning policy; even when it disagrees with the Ordinance
- Does not substitute its judgment for that of the PC and CC

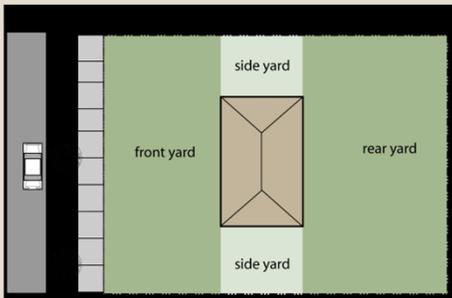
Key Terms

- Lot
 - Corner
 - Through
 - Interior



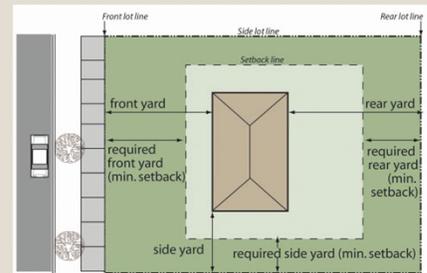
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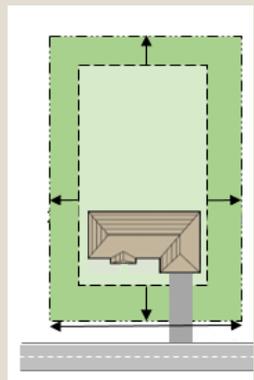
Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks



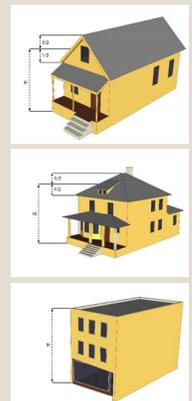
Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks
- Building Envelope



Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks
- Building Envelope
- Height



Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks
- Building Envelope
- Height

▪ Nonconformity

A condition legally established under a prior ordinance or predating zoning that no longer conforms to current regulations.

Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks
- Building Envelope
- Height

▪ Nonconforming Structure

A legally established building that no longer conforms to current regulations related to setbacks, height, lot coverage, etc.

Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks
- Building Envelope
- Height

▪ Nonconforming

- Structure
- Use

A legally established use no longer permitted in the zoning district where it is located (e.g, flower shop in a Residential District).

Key Terms

- Lot
 - Corner
 - Interior
 - Through
- Yards
- Setbacks
- Building Envelope
- Height

▪ Nonconforming

- Structure
- Use
- Lot

A legally established lot that no longer conforms to the minimum area and/or width requirements of the zoning district in which it is located.

Setback Variance Example

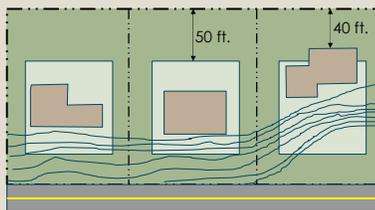
Ordinance:
50 ft. rear setback required

Request:
Construct new home 40 ft. from rear lot line

- Facts:**
1. Significant topo through building envelope
 2. 4,000 sq. ft. footprint
 3. 3 stall attached garage
 4. Comparable to existing homes

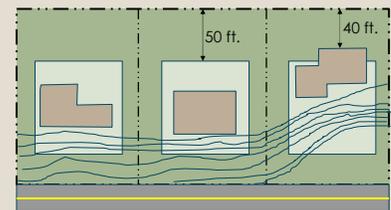
- Standards:**
1. Special conditions of the property
 2. Self created
 3. Not substantially detrimental
 4. Intent & purpose of ordinance
 5. Neighboring nonconformity

Findings:
Decision:



What More Do You Need To Know?

- ?
- ?
- ?
- ?



Accessory Building Variance Example

Ordinance:

14 feet high accessory bldg.

Request:

16 feet high accessory bldg.

Facts:

- 1. Taller bldg. needed for RV storage
- 2. Neighbor has 16 foot bldg. 5ft. from lot line (NC structure)
- 3. Need 16 ft. to allow 10 ft. door
- 4. Not visible from neighbors or street

Standards:

- 1. Special conditions of property
- 2. Self created
- 3. Not substantially detrimental
- 4. Intent & purpose of Ord.
- 5. Neighboring nonconformity

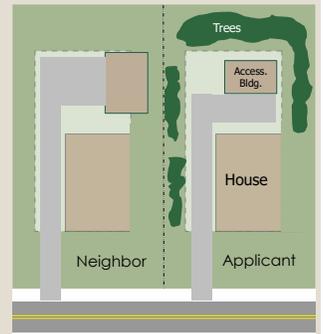
Findings:

Decision:



What More Do You Need To Know?

- ?
- ?
- ?
- ?



Discussion

