

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

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January 22, 2025
East Grand Rapids Community Center – Commission Chambers

1. CALL TO ORDER

Chairman Davis called the meeting to order at 5:30 PM.

2. ROLL CALL

Roll call was taken by Deputy City Manager Doug LaFave.

Present: George Davis, Matt Feyen, Andrew Howard, David Jackson, Jonathan Paasch, and Robert Zylstra

Absent: Brad Hunter and Joe Rizqallah

Also Present: Deputy City Manager Doug LaFave, Zoning Administrator Jay Gianotti, City Attorney John Huff, and City Planner Paul LeBlanc of PLB Planning

3. APPROVAL OF MINUTES – May 22, 2024

A motion was made by Mr. Howard and supported by Mr. Feyen to approve the minutes as written.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zylstra - 6

Nays: -0-

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment was given.

5. ELECTION OF OFFICERS

Chairman: A motion was made by Mr. Davis and supported by Mr. Paasch to nominate Mr. Howard. No other nominations were given.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zylstra - 6

Nays: -0-

Vice-chairman: A motion was made by Mr. Feyen and supported by Mr. Paasch to nominate Mr. Jackson. No other nominations were given.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zylstra - 6

Nays: -0-

Secretary: A motion was made by Mr. Davis and supported by Mr. Jackson to nominate Mr. Paasch. No other nominations were given.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zylstra - 6

Nays: -0-

Newly elected Chairman Howard led the remainder of the meeting.

6. PUBLIC HEARING – CASE #2025-01

- Applicant: Alexandra Robertson
- Location: 1608 Sherman
- Request: Variance to Chapter 50, Section 5.70A (Accessory Buildings & Structures)
 - To construct a detached carport with a 5' encroachment into the street side yard where no such encroachment is permitted.

Chairman Howard opened the public hearing. Zoning Administrator Jay Gianotti reviewed the request and standards of review. He did clarify that after the agenda materials were published, it was determined that the neighboring house had a larger setback than the applicant's house and that would establish the limits of where an accessory building could be constructed. However, this would not materially change the need for a variance to build the proposed carport. He then asked the ZBA members for questions. They are listed below with staff responses following.

- Feyen: There appeared to previously be a swimming pool in the southwest part of this lot; is that still there?
 - There is no longer a swimming pool in the rear yard.
- Davis: How much difference is there between the street side yard of the applicants home and the front yard of the neighboring house (611 Gladstone)?
 - The City estimates a 2' difference between the two. No survey drawings of the neighboring house was found to help verify this.
 - In addition, the covered front porch of the applicant's home technically has a nonconforming street side yard setback.
- Paasch: Could the neighboring house enclose their covered front porch without needing a variance?
 - Doing so would reestablish the front yard of the neighboring home to the front of the enclosed porch instead of the existing wall of the house. The City was not sure if this hypothetical new front yard would be conforming or not for the neighbor.
- Howard: The front yard of the neighboring home is already established as it currently sits.
- Davis: If the applicant built a carport that didn't cover the entire pad, where could it be built?
 - They could build a structure that didn't extend closer to the street than the neighboring house as that house has the larger setback from the street.
- Feyen: If a structure were to be built farther west, would that create a lot coverage issue?
 - Not necessarily, although there is a requirement that no more than 25% of the rear yard area can be covered by accessory buildings. The current request was determined to meet all relevant lot coverage requirements.
- Howard: If pervious materials were used, would that affect the building coverage?
 - No, because the structure would still have a roof atop it.
- Feyen: Would the open porch on the applicant's house remain?
 - Yes.

Chairman Howard asked the applicant, Alexandra Robertson, to give her presentation. She noted the original plan was to build a detached garage. She noted the carport would align with their covered porch and would be just big enough to house two cars. She noted they wanted to build the carport in the proposed location to preserve the limited rear yard area they have. She showed multiple views of the area to illustrate where the carport would be built.

ZBA members had the following questions. They are listed below with the responses following.

- Howard: Would the proposed carport meet the other required setback requirements?
 - Gianotti: Yes, for accessory buildings.
- Feyen: Was an attached garage considered at any point?
 - Doing an attached garage would require removing the fence and existing deck. An attached garage might also require a larger variance than what is being currently requested.

Chairman Howard asked if all members had visited the site. All reported that they had.

Chairman Howard opened public comment. No comments were received. Closed public comment.

Correspondence received: None

Chairman Howard asked for board member discussion.

Mr. Paasch summarized the standards of review, stressing that all standards need to be met to grant a variance. While he stated that he felt the request met standards #2-5, he did not believe it met standard #1. While acknowledging there was limited rear yard space on this lot, this was not an exceptional circumstance here.

Mr. Jackson, Mr. Davis, Mr. Feyen, and Mr. Zylstra agreed with Mr. Paasch. Mr. Feyen and Mr. Zylstra noted they did not feel standards #2 & 3 were met.

Chairman Howard noted that a smaller carport that still provided partial coverage could be built and satisfy the zoning ordinance.

A motion was made by Mr. Davis and supported by Mr. Zylstra to deny the request to construct a detached carport with a 5' encroachment into the street side yard where no such encroachment is permitted because it does not meet all of the standards of review.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zylstra - 6

Nays: -0-

7. PUBLIC HEARING – CASE #2025-02

- Applicant: Lucy and David Frey
- Location: 945 Plymouth
- Request: Variance to Chapter 50, Section 5.28A (Rear Yard Setback)
 - To construct a garage addition with a rear yard setback of 20'-6" where 25' is permitted.

Chairman Howard opened the public hearing. Zoning Administrator Jay Gianotti reviewed the request and standards of review. He noted that the applicants were previously granted a variance for a similar request in 2020; the amount of relief requested in 2020 was greater than the current request. He then asked the ZBA members for questions. They are listed below with staff responses following.

- Feyen: Asked to clarify the timeline where variance approvals needed to be acted upon.
- Paasch: Are there any glaring inconsistencies between the current request and previous approval?
 - The standards of review are different now compared to 2020. The provided materials list what the previous standards were.
 - The overall concept is similar from 2020 to now; the relief requested now is less than what was approved in 2020.
- Davis: Are there other options for expanding the home or adding additional parking spaces?
 - Yes; the solution the applicants are providing now would require a variance.

Chairman Howard asked the applicant, David (Tripp) Frey, to give his presentation. He noted that their proposed addition and garage arrangement would be in better character with the surrounding neighborhood. He stated that their variance request for a similar plan was approved in 2020. He further suggests that their proposed garage reflects the size needed for modern vehicles, that his current garage is exceptionally narrow, and that a detached garage would be the same size as the attached garage they are proposing.

ZBA members had the following questions. They are listed below with the responses following.

- Zylstra: Why didn't the applicant act on the 2020 approval?
 - In 2020, there were concerns about material cost and seeking different contractor options.
- Howard: Was the applicant aware that the previous variance approval could expire?

- Yes.

Chairman Howard asked if all members had visited the site. All reported that they had either visited the site or drove by it.

Chairman Howard opened public comment. No comments were received. Closed public comment.

Correspondence received: None

Chairman Howard asked for board member discussion.

Chairman Howard felt conflicted on whether standard #3 was met. Nevertheless, he did not feel the other standards were met.

Mr. Zylstra asked if any of the setback standards changed from 2020 to now. Zoning Administrator Gianotti said they did not.

Mr. Paasch felt that the request should not have been approved in 2020 because it didn't meet the previous standards. However, he also wondered whether any deference to the 2020 approval should be allowed here. Otherwise, he felt the current request would not meet the standards of review.

Mr. Jackson noted that the applicants were aware that the 2020 approval could expire if not acted upon and they would have to restart the process if they didn't act on it before it expired.

Mr. Feyen and Mr. Zylstra questioned how to treat the 2020 approval and if that set any precedent with the current request. However, they ultimately felt that the current request should be viewed with fresh eyes and that the current standards of review were not met.

Mr. Paasch asked if the 2020 variance approval established any precedent. Attorney Huff responded it did not, noting that the standards of review have changed since 2020 and those changes were approved by the City Commission after they relinquished ZBA duties.

Chairman Howard asked if a detached garage could be built at the same size as the proposed attached garage. Zoning Administrator Gianotti responded that it would depend on how many attached garage spaces would remain: the more attached garage spaces there were, the smaller an accessory building would be allowed.

Mr. Davis felt that an addition or detached garage could still be built without requiring a variance. He also felt that the 2020 approval was no longer relevant and that the current ZBA is the ruling body for such requests.

A motion was made by Mr. Davis and supported by Mr. Feyen to deny the request to construct a garage addition with a rear yard setback of 20'-6" where 25' is permitted because it does not meet all of the standards of review.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zyslstra - 6

Nays: -0-

8. PUBLIC HEARING – CASE #2025-03

- Applicant: Brett Grill
- Location: 1629 Lake
- Request: Variance to Chapter 50, Section 5.70A (Accessory Buildings & Structures)
 - To construct a house addition resulting in 28.7% of the rear yard area being covered by accessory buildings where 25% of the rear yard area is the maximum coverage permitted.

Chairman Howard opened the public hearing. Zoning Administrator Jay Gianotti reviewed the request and standards of review. He noted two different interpretations for the rear yard area with the proposed addition:

- Option A – using a line parallel to the rear lot line extending to the nearest corner of the house, based on the zoning ordinance definition.
- Option B – using the proposed wall of the house to establish the rear yard area.

Zoning Administrator Gianotti asked the ZBA members for questions. They are listed below with staff responses following.

- Howard: For the triangle that was created between the rear wall of the home and where the City would establish the rear yard, what yard would that be considered to be?
 - Normally, that would be considered part of the side yard.
- Zylstra: Does ZBA have discretion to consider Option B as the rear yard?
 - Yes, if the ZBA felt it would meet the standards of review. In particular, this could include whether this was a practical difficulty/exceptional circumstance, and if it still met the spirit of the zoning ordinance.
 - Option A is generally how the City would establish the rear yard area. With the shape of this lot, this would be a rare instance where the two interpretations would have different results.
- Feyen: How would the “full width of the lot” be measured?
 - For the rear yard, it would be based on what the rear lot line length is.
- Davis: Noted that the zoning ordinance language “by the book” generally considered rectangular or more regular lots, and in a unique situation like this, it can produce a result that may not make sense.

Chairman Howard asked the applicant, Brett Grill, along with his wife Nicole to give his presentation. He noted that they are attempting to preserve the character of the original house and neighborhood. He feels his property lines appeared gerrymandered and is seeking to follow a more accurate interpretation of the rear yard area. While noting there is a possible building addition envelope that would be compliant parallel to the rear lot line, that wouldn’t respect the historical character of the home.

ZBA members had no questions for the applicant.

Planning Consultant LeBlanc suggested that the triangle created by the normal application of the rear yard definition and side yard definition created a type of “no man’s land” that doesn’t fit neatly into any yard designation.

Chairman Howard asked if all members had visited the site. Mr. Paasch expressed he lived near the site and had seen the site. Mr. Feyen noted that he owned property in close proximity to the applicant, but did not feel that represented a conflict of interest.

Chairman Howard opened public comment. No comments were received. Closed public comment.

Correspondence received:

- Ryan Dykstra (1625 Lake) – Supported the request

Chairman Howard asked for board member discussion.

Mr. Paasch felt that the shape of the lot was a unique situation and that all of the standards of review were met.

Chairman Howard noted the reasons for the limits of accessory building area in rear yards. However, after reviewing further, he felt that marking the rear yard as parallel to the house in this instance mitigated any concerns with those limits.

Mr. Jackson expresses some concern regarding if the addition was the minimum necessary, but also acknowledged that the “no man’s land” triangle was reasonable to be considered as part of the rear yard. He also noted that including that triangle area would create a compliant rear yard area for the existing accessory building.

Mr. Feyen noted that this was a prime example of the zoning ordinance not being able to address all possible circumstances in the City and the applicant’s request was reasonable and in the spirit of the ordinance. Mr. Davis and Mr. Zylstra agreed.

A motion was made by Mr. Paasch and supported by Mr. Davis to approve the request to construct a house addition resulting in 28.7% of the rear yard area being covered by accessory buildings where 25% of the rear yard area is the maximum coverage permitted because it meets all of the standards of review.

Yeas: Davis, Feyen, Howard, Jackson, Paasch, and Zylstra - 6

Nays: -0-

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

10. NEXT REGULAR ZBA MEETING: March 26, 2025 (pending agenda items)

11. ADJOURNMENT

Chairman Howard adjourned the meeting at 6:53 PM.

Respectfully submitted,

Jay Gianotti, AICP
Zoning Administrator

Video of meeting also available at: <https://www.youtube.com/watch?v=iEUcWTrTdZA>