

CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
ZONING BOARD OF APPEALS
REGULAR MEETING AGENDA
April 22, 2026

Notice and agenda of a regular Zoning Board of Appeals Meeting at 7:00 p.m. to be held in the City Hall Council Chambers, 519 Washington Ave. Zoning Board of Appeals members unable to attend the meeting are requested to contact the Planning Department at 616-935-3276 prior to the meeting.

1. MEETING CALLED TO ORDER

2. ROLL CALL: Tyler Berg, Vice-Chair Paul Shibley, Richard Norton, Kerry Bridges, Amy Kozanecki, Brendan Pool, Chair Mark Hills

3. APPROVAL OF MINUTES – December 17, 2025

4. APPROVAL OF AGENDA

5. CALL TO AUDIENCE – ONE OF TWO OPPORTUNITIES

6. PUBLIC HEARINGS

A. **Case 26-01:** A request by Kendall Malstrom for a variance related to a new home at 912 S. Harbor Dr. (parcel #70-03-29-103-005), a variance from Sec. 40-406.02.D to allow a flat roof line at or above 22 ft. from grade where the minimum roof line pitch at or above 22 ft. from grade shall be no less than 4:12 in the DR - Dune Residential District.

B. **Case 26-02:** A request by Ryan Lacks for a variance related to a new home at 6 Windrift Dr. (parcel #70-03-29-153-007), a variance from Sec. 40-406.02.D to allow a building height of 34 ft. 10 in. where the maximum building height in the DR – Dune Residential District is 30 ft.

C. **Case 26-03:** A request by Jennifer and Todd VandenBrand for a variance related to a deck addition at 101 Prospect St. (parcel #70-03-29-152-013): a variance from Sec. 40-306.05.A.1 to allow an open, unenclosed and uncovered deck to encroach a distance of more than 50 percent into the required front yard setback. The applicant is requesting an encroachment into the required front yard of 13.5 ft. The maximum encroachment of an open, unenclosed and uncovered deck into the required front yard setback in the DR – Dune Residential District is 10 ft.

7. NEW BUSINESS

8. CITY PLANNER REPORT

9. CALL TO AUDIENCE – SECOND OPPORTUNITY

10. ADJOURNMENT

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

December 17, 2025

A regular meeting of the Grand Haven Zoning Board of Appeals was called to order by Vice Chair Shibley at 7:00 p.m. in the Grand Haven Council Chambers. On roll call, the following members were:

Present: Kerry Bridges, Amy Kozanecki, Richard Norton, Tyler Berg, Brendan Pool,
Vice- Chair Paul Shibley

Absent: Chair Mark Hills

Also present: Brian Urquhart, City Planner

Approval of Minutes

Motion by Norton, seconded by Bridges, to approve the October 15, 2025 minutes as corrected. Passed unanimously with a voice vote.

Approval of Agenda

Motion by Kozanecki, seconded by Berg, to approve the agenda as printed. Passed unanimously with a voice vote.

Call to the Audience – None

Case 25-04: A request by Chris Barrett and Julie Vaneenenaam for a variance related to an addition to the home at 123 Howard Ave. (parcel #70-03-20-455-013), a variance from Sec. 40-408.02.C to allow a rear yard setback of 8 ft. where the minimum rear yard setback in the S – Southside District is 20 ft.

Urquhart introduced the case. The applicant wishes to install a 18 ft. x 30 ft. garage addition to the east of their home. Prior to owning the home, the applicant said there was a detached garage in that location. Because the garage is attached, it will need to meet the required setbacks in the Southside District, which is 20 ft. for a rear. The proposed addition would create an 8 ft. rear yard setback just north of the garage.

He said because of the shape of the lot, the rear yard setback location varies. The key term in the definition of rear lot line, which is opposite the front yard. Therefore, the opposite lot line from the front lot line, varies in depth from 132 ft. to 66 ft. This creates practical difficulty in applying the strict letter of the ordinance.

Urquhart said the City did not receive any correspondence.

Vice Chair Shibley opened the public hearing at 7:08pm.

The applicant did not have any additional comments.

Berg asked about the detached garage to the north at 313 N. 2nd St. and the setbacks. Urquhart responded that a detached garage that is 20 ft. in height or less, can be located as close as 3 ft. from any side or rear lot line. Kozanecki asked the applicant if they would construct a detached garage. The applicants said they would like to have the option to build the proposed garage. Urquhart confirmed the ZBA is being asked to consider the request before them. The applicant may choose not to act on the variance, if approved.

Motion by Kozanecki, seconded by Berg, to close the public hearing. Voice vote. All ayes. Public hearing closed at 7:16pm.

The board considered the seven basic conditions.

- A. All members agreed allowing the 8 ft. rear yard setback along this portion of the lot line would not be contrary to the public interest. Motion by Bridges, seconded by Berg, to approve Basic Condition A. Condition A **passed** unanimously roll call vote.
- B. All members agreed the garage addition would not create a use that is not permitted in the Southside District. Motion by Norton, seconded by Pool, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed the garage addition would not create adverse conditions on properties in the immediate vicinity. Motion by Pool, seconded by Norton, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. All members agreed the property was unique with the lot shape and was not common. Motion by Bridges, seconded by Pool, to approve Basic Condition D. Condition D **passed** unanimously on roll call vote.
- E. All members agreed the condition or situation of the property was not a result of the applicant and the lot was platted with unusual dimensions. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members there is no other reasonable location for the garage addition to be placed. Motion by Norton, seconded by Shibley, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed that the 8 ft. rear yard setback request is the minimum necessary to make possible the reasonable use of the garage addition. Motion by Bridges, seconded by Koazencki, to approve Basic Condition G. Condition G **passed** unanimously on roll call vote.

Motion by Kozanecki, seconded by Berg, to approve a variance for a garage addition to the home at 123 Howard Ave. (parcel #70-03-20-455-013), a variance from Sec. 40-408.02.C to allow a rear yard setback of 8 ft. where the minimum rear yard setback in the S – Southside District is 20 ft. based on the fact basic conditions A through G were met.

Yeas: Bridges, Berg, Pool, Norton, Shibley, Kozanecki. Nays: None. The variance was **APPROVED** on a 6-0 vote.

Case 24-08 update: Revisiting the condition of approval for the variance approved on November 20, 2024 by Earth's Edge for a variance for a pole sign at 705 S. Beacon Blvd. (parcel #70-03-28-156-002), to allow a pole sign to be located within the public street right-of-way where the minimum front yard setback for a pole sign in this location is 25 ft.

Urquhart introduced the case. He said the applicant was able to determine through correspondence with MDOT, the sign could not be located and placed within the MDOT right-of-way. The original understanding during the November 20, 2024 meeting, was MDOT appeared to agree to the location, only to rescind the decision. Therefore, the motion to approve the variance during the November 20, 2024 meeting would need to be amended based on the new finding MDOT owns the property, and not just an easement.

Earlier this year, MDOT confirmed they own fee simple title to the land in front of Earth's Edge. On most occasions, MDOT will not permit signs within the right-of-way. Upon discovery of these findings, the sign was redesigned to move the pole structure outside of the MDOT right-of-way and have the sign message cabinet overhanging above the right-of-way. In other words, the pole sign was moved slightly closer to the Earth's Edge, and no pole would be placed in MDOT right-of-way.

Following the redesign of the sign, the applicant submitted an updated sign permit. Staff informed the applicant that written approval from MDOT was required before the sign permit could be issued. All other requirements for a changeable copy pole sign in the Commercial District were met. However, MDOT would not commit to providing written approval to allow the sign to overhang into the right-of-way.

Urquhart added this is not a public hearing, just an amendment to the request. The public hearing was already held in November 2024.

Marc Fredrickson, of Muskegon MDOT Office, spoke on behalf of the department, that fee simple right-of-way provides many complications. It's very difficult to amend the land. He did say it would be unlikely the state would use this land for transportation services. Fredrickson added that this sign is not a public nuisance or violation, although against the law. It is compatible with other signs nearby.

Kozanecki asked how this sign can remain if it's against the law. Fredrickson responded that fee right-of-way allows for an agreement with the City. The Billboard Act would come into play, which is difficult to navigate. MDOT is trying to reach an answer of yes for this case.

Shibley asked for clarification that MDOT's official position is the sign can remain in the proposed location, but the applicant and property owner are assuming any and all risks. Fredrickson and Jack Vos, of Universal Sign, agreed.

Fredrickson added that other entities could want the sign down, including overhead and underground utilities.

Berg asked how likely this is to come up again. How far does the sign encroach into the ROW? Urquhart said the sign would encroach up to 10 ft. into the right-of-way. He also added that most parcels that front Beacon Blvd. have an existing building that meets the required setback of 50 ft. (west side) and 80 ft. (east side) therefore it would be unlikely a pole sign would encroach into the right-of-way. This case is a unique situation.

Norton wanted to ensure the city would not be subject to any challenges if the amendment was approved. Urquhart responded that the findings of fact listed in the suggested motion provide ample evidence the city would not assume or be liable for any risk.

Motion by Kozanecki, seconded by Berg, AMEND the approval for ZBA Case 24-08 for a pole sign at 705 S. Beacon Blvd. (parcel #70-03-28-156-002), a variance from Sec. 40-705 to allow a pole sign to be located within the public street right-of-way where the minimum front yard setback for a pole sign in the C – Commercial District is 25 ft., with no condition of approval based on the ground of newly discovered evidence the location of the sign is within MDOT owned land, with the following finding of fact:

1. A mutual understanding exists between the property owner, the applicant and the Michigan Department of Transportation, based on the facts and findings presented at the December 17, 2025th City of Grand Haven Zoning Board of Appeals meeting, that all risks and liability for the sign to be placed in the proposed location within the MDOT right-of-way, will not result in the City being held responsible for any and all ramifications of this decision.

Yeas: Bridges, Pool, Norton, Kozanecki, Berg, Shibley. Nays: None. The request to amend the variance was **APPROVED** on a 6-0 vote.

2026 Meeting Dates – The ZBA agreed to the proposed meeting dates for 2026. All meeting dates are the 3rd Wednesday of the month, except for April, which is scheduled for April 22.

City Planner Report – Planner Urquhart provided a training opportunity for ZBA members put on via MSU Extension. He also thanked the members for their time on the ZBA, and appreciated their commitment to the City.

Call to the Audience – Second Opportunity

None

Adjournment:

Motion by Pool, seconded by Norton, to adjourn. Unanimously approved by voice vote. Meeting adjourned at 8:05 pm.

Brian Urquhart, City Planner

STAFF REPORT

TO: Grand Haven Zoning Board of Appeals
FROM: Brian Urquhart, City Planner
MEETING DATE: April 22, 2026
CASE: 26-01
ADDRESS: 912 S. Harbor Dr.

Proposal

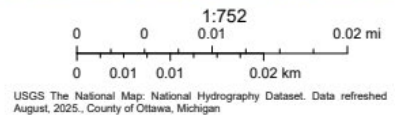
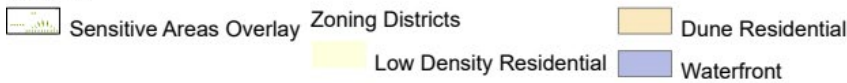
Kendall Malstrom submitted a variance application for a new home at 912 S. Harbor Dr. (parcel #70-03-29-103-005). The variance is related to the request for a flat roof on the new home. The required minimum roof line pitch at or above 22 feet from grade shall be no less than 4:12 in the DR – Dune Residential District per Sec. 40-406.02.D.

Background

Kendall Malstrom recently received EGLE approval for the demolition of the house, deck, garage and driveway at his property at 912 S. Harbor Dr. The new home includes 1,864 sq. ft. of living space, 672 sq. ft. attached 2-stall garage, improved rear access driveway, retaining walls, ADA ramp and tunnel. The average roof height calculates to a roof height of 24 ft. 9 in.



3/12/2026



Zoning

The primary reason behind the flat roof request is to provide an elevator shaft to access the roof, allowing the owner to enjoy their property. According to the applicant, it would be unpractical to require a roof pitch of 4:12 at or above 22 feet from grade and limit the construction of an elevator shaft, limiting the ability of the property owner to enjoy all floors of the home. Other home improvements include ADA ramp to the garage, ADA sidewalk, and decking.

1.0 Zoning of Subject Parcel

The property is located in the DR – Dune Residential District

2.0 General Location

Center of the lot

3.0 Existing Land Use on the Parcel

Single-family residential

4.0 Adjacent Area Land Uses

North: Residential

South: Residential

East: Mulligan’s Hollow woodland

West: Grand Haven State Park

5.0 Zoning on Adjacent Parcels

North: DR

South: DR

East: LDR

West: WF



Existing home (rear view)

6.0 Findings of Fact and Staff Analysis

The applicant has provided responses to the Basic Conditions for the requested variance.

1. **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 the Ordinance.* **Comment:** The purpose and intent of requiring a minimum roof pitch 4:12 in the Dune Residential District is to protect viewsheds of upgradient properties. Sec. 40-406.02.D also requires gable ends of roofs to face westerly towards Lake Michigan, maintaining as much viewshed as practical.
 - 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.* **Comment:** The proposed flat roof at 912 S. Harbor would not create a use that is not permitted by right or by special land use in the DR District.
 - 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.* **Comment:** Directly to the west is Grand Haven State Park, and directly to the east is city owned woodland property. The flat roof and subsequent stair tower would not inhibit any viewshed of neighboring properties.
 - d. *The conditions or situation of the property or its intended use is not so general or recurrent in nature as to make reasonably practicable a general regulation for the condition or situation.* **Comment:** Within the DR district, many parcels are surrounded by upgradient properties, in which the value of the lot is fortified within its location and viewshed. 912 S. Harbor is one of six parcels that front S. Harbor Dr. but do not have a home behind them. In addition, the City owns Mulligan's Hollow the east, validating it is very unlikely new homes will be constructed upgradient of this property.
 - e. *Any exceptional or extraordinary circumstances applying to the property in question are not self-created.* **Comment:** Like many properties in DR District, there is significant slope, vegetation, topography, soil retention, and tremendous value in the viewshed. The applicant did not create the slope, EGLE requirements, and sensitive area overlay restrictions. According to the tax records, the home was built in 1920, decades before homes could be designed to comply with federal accessibility standards providing opportunities for homeowners to reside in their home as they age. The applicant is attempting to remodel the home into a practical location to enjoy through design of ADA compliance. The desire to enjoy this living arrangement at 912 S. Harbor property could be considered not an act of self-creation.
 - 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.* **Comment:** The request for a flat roof would be permitted if the average roof height was measured at the front wall, as applied to all other zoning districts in the City. Contrastingly in the DR district, building height is determined by considering the grade from each side of 4 sides of a rectangle containing the building footprint to the highest point of the roof, as defined in Sec. 40-306.08.B.2. The front wall, rear wall, and north wall average a building

height of 21 ft. 11 ½ inches. The south wall measures 33 ft. 8 ¾ in. height. Applying the formula for all 4 sides of the rectangle, building height averages 24 ft. 9 in. The home is largely using the same front yard setback, considering the restrictions from EGLE and the sensitive area overlay, the building placement is placed on sloped property, creating variations in calculating median elevation grade points. It could be considered there is no reasonable alternative location for the home.

- g. *The requested variance is the minimum variance that will make possible the reasonable use of the improvement.* **Comment:** Reducing the roof pitch from 4:12 to flat roof is the minimum variance necessary to make use of the improvement. Allowing a roof pitch between 1:12 and 4:12 would be impractical towards maintaining accessibility.

7.0 Correspondence

As of the date of this memo, the City has not received any correspondence relating to this request.

8.0 Other considerations

The ZBA may find it beneficial to inquire about the primary use of the property. A short-term rental certificate has been in place since 2015, thus constituting a lawful nonconforming use. Should improvements be made to benefit the homeowner and mobility challenges, the variance application appears practical. If the improvements are intended to circumvent the rules under the semblance of ADA compliance and provide luxury accommodation for short-term guests, it could create an unfair advantage for the applicant. Approving the variance may establish a precedent for future home improvements in Dune Residential with flat roofs at or above 22 ft. from grade.

9.0 Sample Motions

Note: A concurring vote of 4 members of the Zoning Board of Appeals is required approve a non-use variance.

Motion to **APPROVE** ZBA Case **26-01**: A request by Kendall Malstrom for a variance related to a new home at 912 S. Harbor Dr. (parcel #70-03-29-103-005), a variance from Sec. 40-406.02.D to allow a flat roof line at or above 22 ft. from grade where the minimum roof line pitch at or above 22 ft. from grade shall be no less than 4:12 in the DR - Dune Residential District. The variance is granted based on the following finding(s) of fact:

1. *Insert ZBA finding(s) of fact.*

Motion to **DENY** ZBA Case **26-01**: A request by Kendall Malstrom for a variance related to a new home at 912 S. Harbor Dr. (parcel #70-03-29-103-005), a variance from Sec. 40-406.02.D to allow a flat roof line at or above 22 ft. from grade where the minimum roof line pitch at or above 22 ft. from grade shall be no less than 4:12 in the DR - Dune Residential District. The denial is based on the following finding(s) of fact:

1. *Insert ZBA finding(s) of fact.*

Motion to **POSTPONE** ZBA Case 26-01, until the following information can be submitted for review:

1. *Insert ZBA recommendation(s).*

Attachments:

- A. ZBA application dated February 17, 2026 (3 pages)
- B. Project narrative (1 page)
- C. Site Plan and building plans (10 pages)
- D. EGLE Permit

ZONING BOARD OF APPEALS APPLICATION

Community Development Department, City of Grand Haven

519 Washington Avenue, Grand Haven, MI 49417

Phone: (616) 935-3276 Website: www.grandhaven.org

1. Project Information

To the Zoning Board of Appeals;

I (we) Kendall Moberg of 912 Harbor Dr
(Applicant Name) (Street Number)
Grand Haven MI 49417
(City) (State & Zip Code)

Applicant Phone Number: 616-437-1167 Applicant Fax Number: N/A

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance Appeal Interpretation Change of Nonconforming Use

Address/location of property: 912 Harbor Dr

Parcel #: 70-03-29-103-005 Zoning District: June Residential

2. Required Attachments

- 5 copies of site plan
- 5 copies of the application
- 5 copies of written response demonstrating how the request meets the 7 Basic Conditions
- Required fee (\$350 or \$450* if construction has begun)

3. Description of Case (fill out only the items that apply to your case)

A. Description of the property

- Size of lot .229 acres
- Area of lot 9987 sq ft
- Is lot a corner or interior lot Interior

B. Description of existing structures:

- Number of buildings now on premises 2
- Size of each building now on premises 926 sq ft, 350 sq ft
- Use of existing buildings on premises Residence, Garage

C. Description of proposed structures:

- Height of proposed structure 21' 11 1/2" - Average Height 24' 9"
- Dimensions of proposed building or addition 88x32
- Area of proposed building 1864 sq ft
- Percentage of lot coverage of building or addition 34.4%



D. Yard setbacks after completion of building or addition:

- 1) Front yard (measured from lot line) 20ft
- 2) Side yard (measured from lot line) 9ft / 3ft
- 3) Rear yard (measured from lot line) 10ft

E. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

F. Article and Section number of Zoning Ordinance that is being appealed:

G. Clearly state your request: Section 40-406.02 Rooflines
To eliminate the Required 4/12 pitch above 22ft in height
down to a flat Roof.

4. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** described below can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

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

- 1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- 6) 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.
- 7) The requested variance is the minimum variance that will make possible the reasonable use of the improvement.

Section 40-113.08 (B)(3) states the following (*See Section for additional Rules*):

- 1. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City Land Use Permit within one (1)



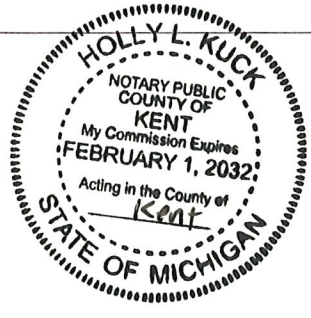
year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the issuance of the Land Use Permit, unless an extension of time has been granted by the Zoning Board of Appeals. The Zoning Administrator may grant one six (6) month extension of construction. After expiration of a six (6) month extension, all extension shall be granted by the Zoning Board of Appeals.

2. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid.

Signature of Owner: *Kendal Malstrom* Date: 2-12-2026

Print Name: Kendal Malstrom

Subscribed and sworn before me on this 12 day of February, 2026
My Commission expires on: February 1, 2032
Holly L. Kuck
Notary Public



Holly L. Kuck



912 S Harbor Drive

Zoning Board of Appeals
City of Grand Haven, Michigan

For March 18th, 2026

Filing Deadline of February 18th, 2026

The variance request is for relief from the zoning ordinances requirement that all roofs have a minimum of 4/12 pitch at or above 22'. See Sec. 40-406.02D "Building Standards"

7 Basic Conditions Response

1. Public Interest and Intent of the Zoning Ordinance
 - a. The home is in keeping with the intent of the Zoning Ordinance and does not adversely affect the interest of the public.
 - b. The requested flat roof on the stair tower, which is required to be 4/12 pitched by the zoning ordinance, lessens the opacity of the structures silhouette from the road and from the neighbors. Which is of a definite benefit to the public
2. Does not affect the type of use for this structure.
3. Keeping the stair tower roof flat keeps with the overall aesthetic of the structure and lessens the structures overall silhouette from the neighboring homes.
4. The property is part of the City of Grand Haven's Sensitive Areas (SA) overlay district due to grade, dunes, steep slopes etc., which makes this variance request not commonplace, and therefore not likely to affect neighboring single family neighborhoods.
5. The steep slopes of the property and terrain challenges would equally affect any structure that could be placed on the lot and therefor isn't self-created.
6. There is no reasonable location on the parcel to put the structure that wouldn't adversely affect the structures height and therefor place the stair tower roof at a higher elevation.
 - a. Great care was given when placing and locating this structure on the property.
 - b. The flat roofs of the overall design were used to intentionally shrink the structures overall silhouette from the road and from neighboring properties.
 - c. Pitching the roof would only increase the structures opacity from the road.
7. The ceiling heights for the stair tower are at a reasonable height, the roof structure is at a minimum depth to meet insulation requirements, and the roof was made flat to match the rest of the structure's aesthetic.



VISBEEN
architects
3351 CLAYSTONE ST. SE
STE. G22
GRAND RAPIDS, MI 49546
© VISBEEN ARCHITECTS, INC.

PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs
DRAFTING:
Staff

SEAL:

BUILDER:

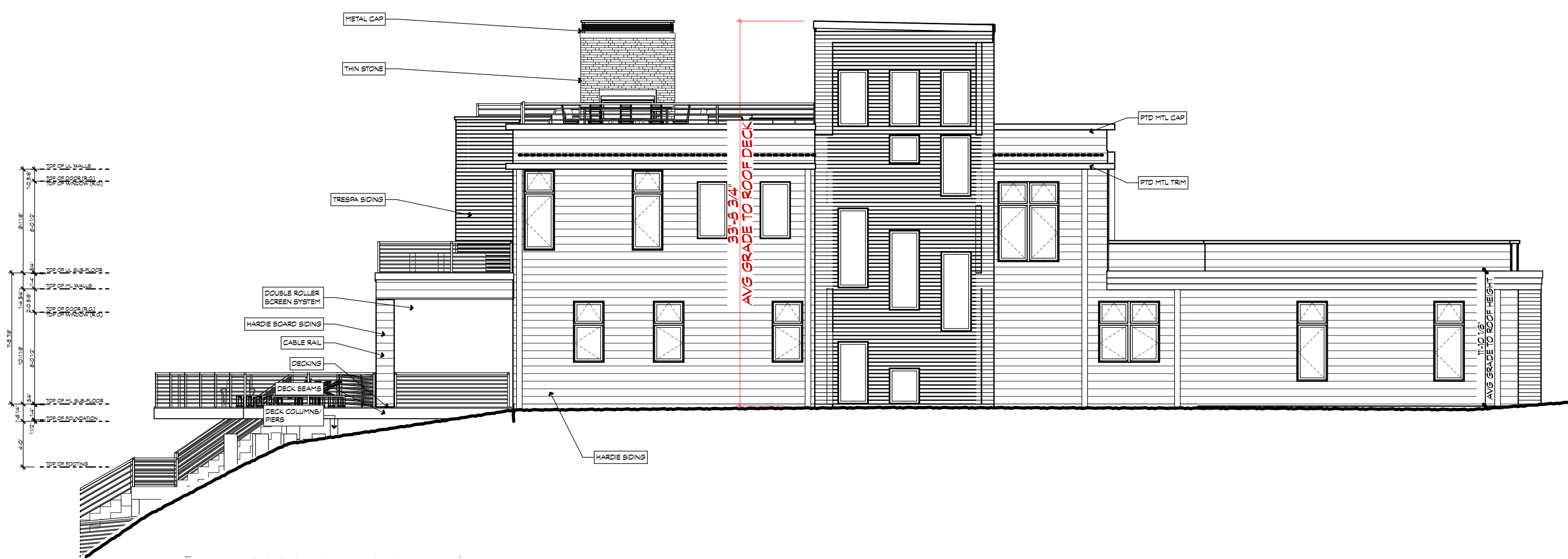
**MALSTROM
RESIDENCE**
912 Harbor Ave
Grand Haven, Michigan

DATE	DESCRIPTION
2/2/26	DESIGN COMPLETION

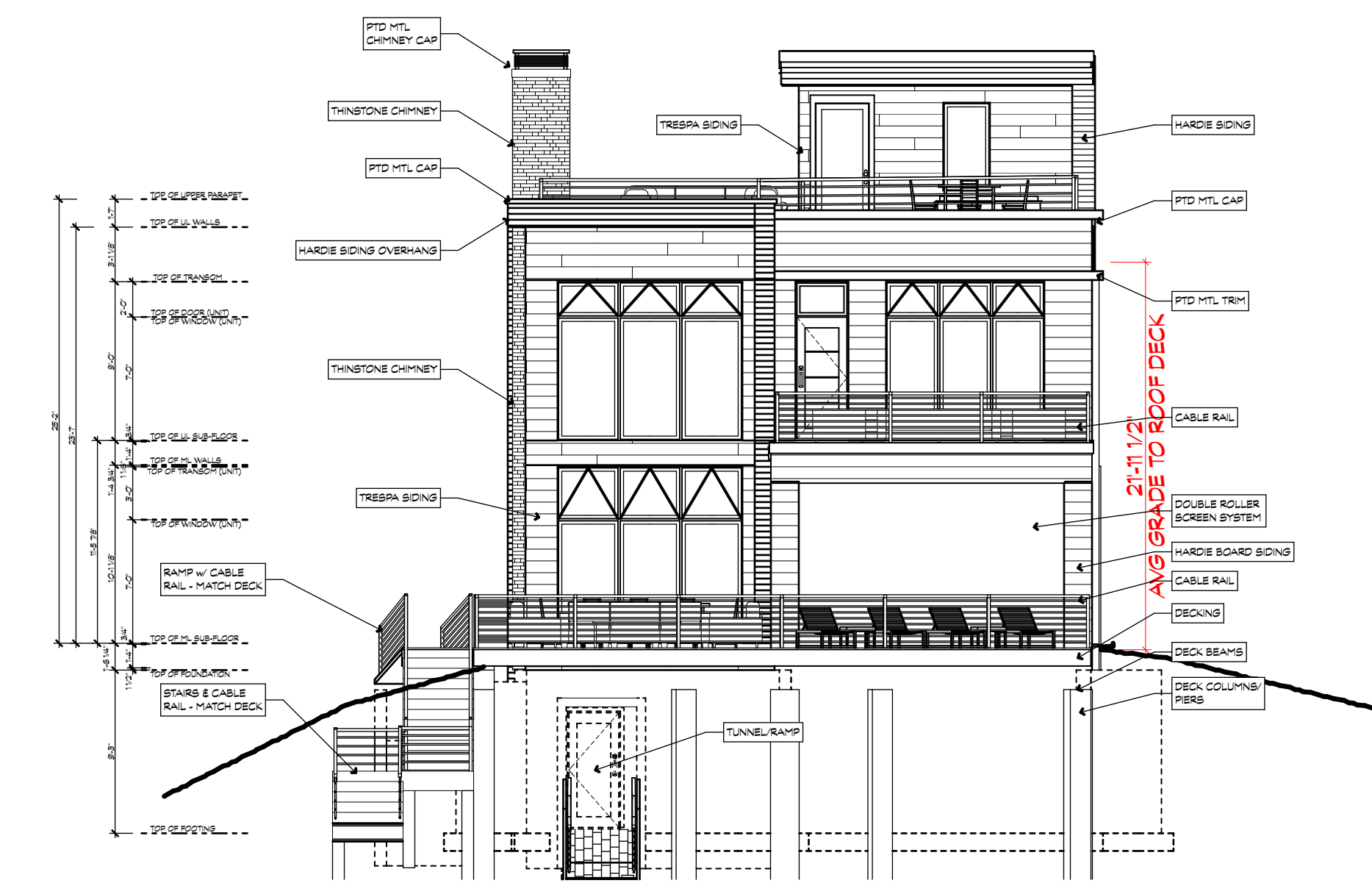
NOT FOR
CONSTRUCTION

SHEET TITLE
**ELEVATION
S**

SHEET NO.
A1.6

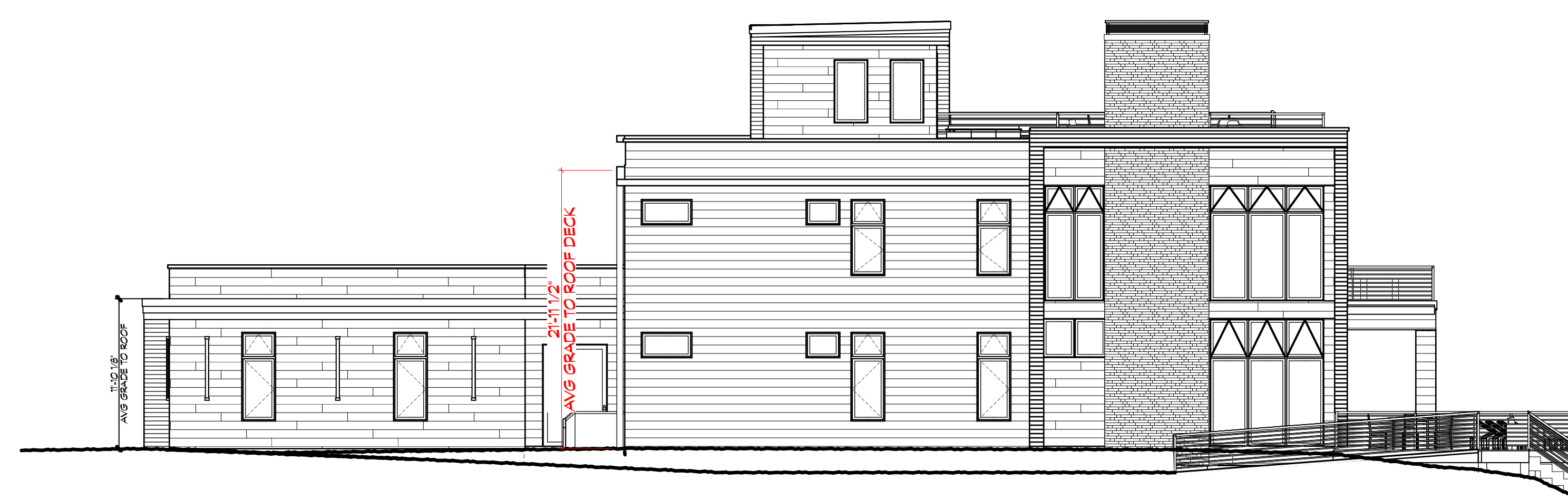


1 RIGHT ELEVATION
SCALE: 1/8" = 1'-0"
0 4 8 16

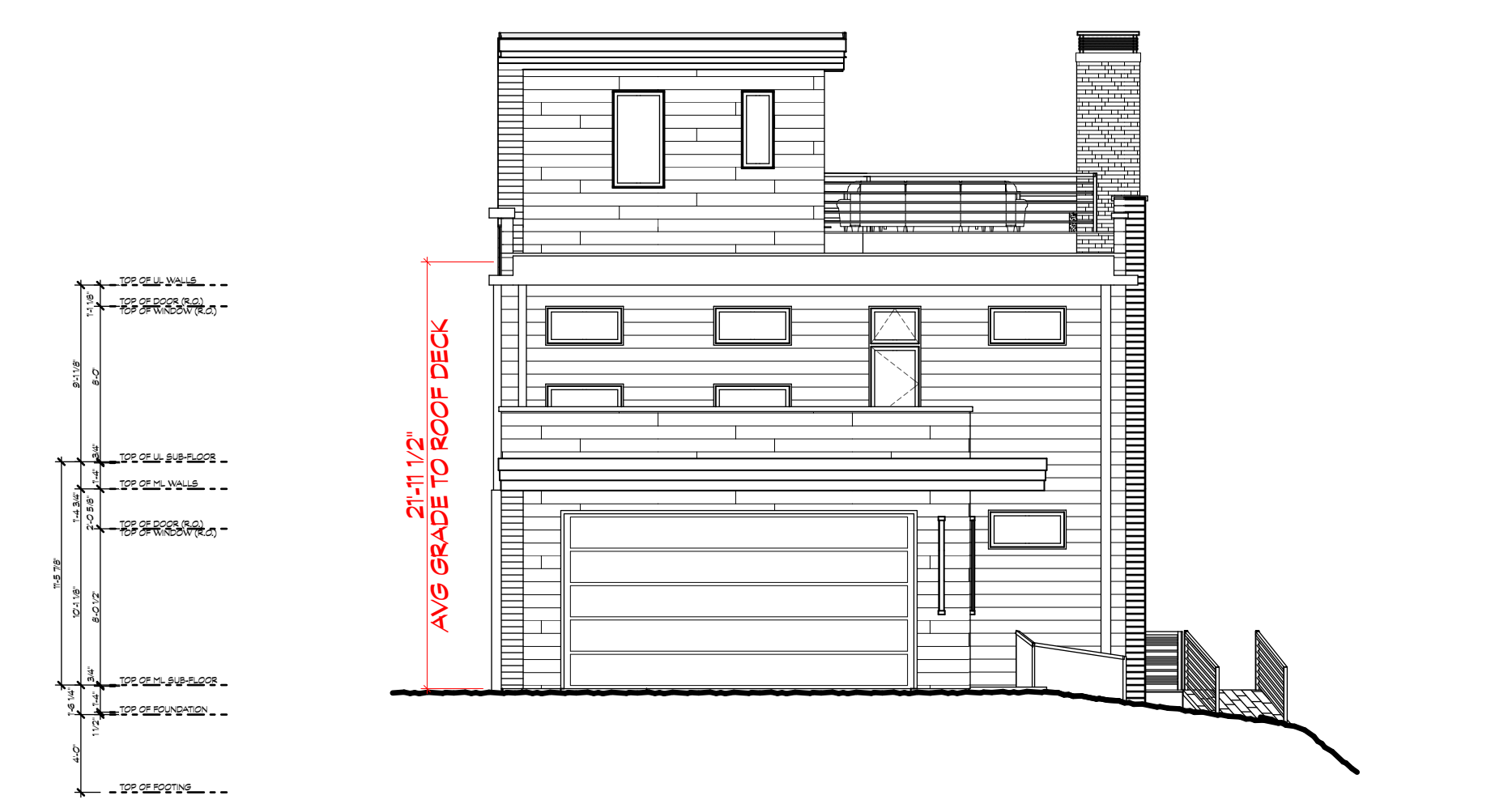


1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"
0 4 8 16

Average Grade to Roof on 3 sides is 21'-11 1/2" (21.96')
Average Grade on fourth side is 33'-9" (33.75')
Average height of Building is therefore (21.96*3 + 33.75)/4 = 24.9 FT



1 LEFT ELEVATION
SCALE: 1/8" = 1'-0"
0 4 8 16



1 REAR ELEVATION
SCALE: 1/8" = 1'-0"
0 4 8 16



NOTICE OF AUTHORIZATION

Permit Number: WRP047133 v. 1

Date Issued: November 14, 2025

Site Name: 70-912 South Harbor Drive-Grand Haven: 96-OT-0144-C

Expiration Date: November 14, 2030

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

Part 353, Sand Dunes Protection and Management.

Authorized activity:

Demolition of the existing house, deck, garage, and driveway. Construct 1442 square feet new driveway, 1853 square feet new home, 672 square feet new garage on the east side of the home. Install 50 linear feet retaining wall along the north side of the driveway, 470 square feet ADA sidewalk and ramp on the north side of the home, 70 linear feet retaining wall on the north side of the accessibility measure and install of four window wells totaling 130 square feet. Reorient the previously permitted 697 square feet deck to align with the new home. Install 105 square feet entry with steps on the east side of the home. Construct 216 square feet two-story deck on the west side of the home, 430 square feet new garage on the west side of the home. Install 239 square feet concrete west of the west garage and 150 square feet accessibility measure (ADA compliant tunnel) from the upper level of the west garage to the lower level of the home. Relocate 116 linear feet of existing utilities all within the Critical Dune Area. All work shall be completed in accordance with the attached plans and the following permit conditions.

To be conducted at property located in: Ottawa County, Waterbody: Lake Michigan
Section 30, Town 08N, Range 16W, City of Grand Haven

Permittee:
Kendal Malstrom
5750 Chanterelle Drive
Belmont, MI 49306

Abigail Richmond
Grand Rapids District Office
Water Resources Division
616-260-7328

*This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.*
Please refer to the above permit number with any questions or concerns.



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PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs

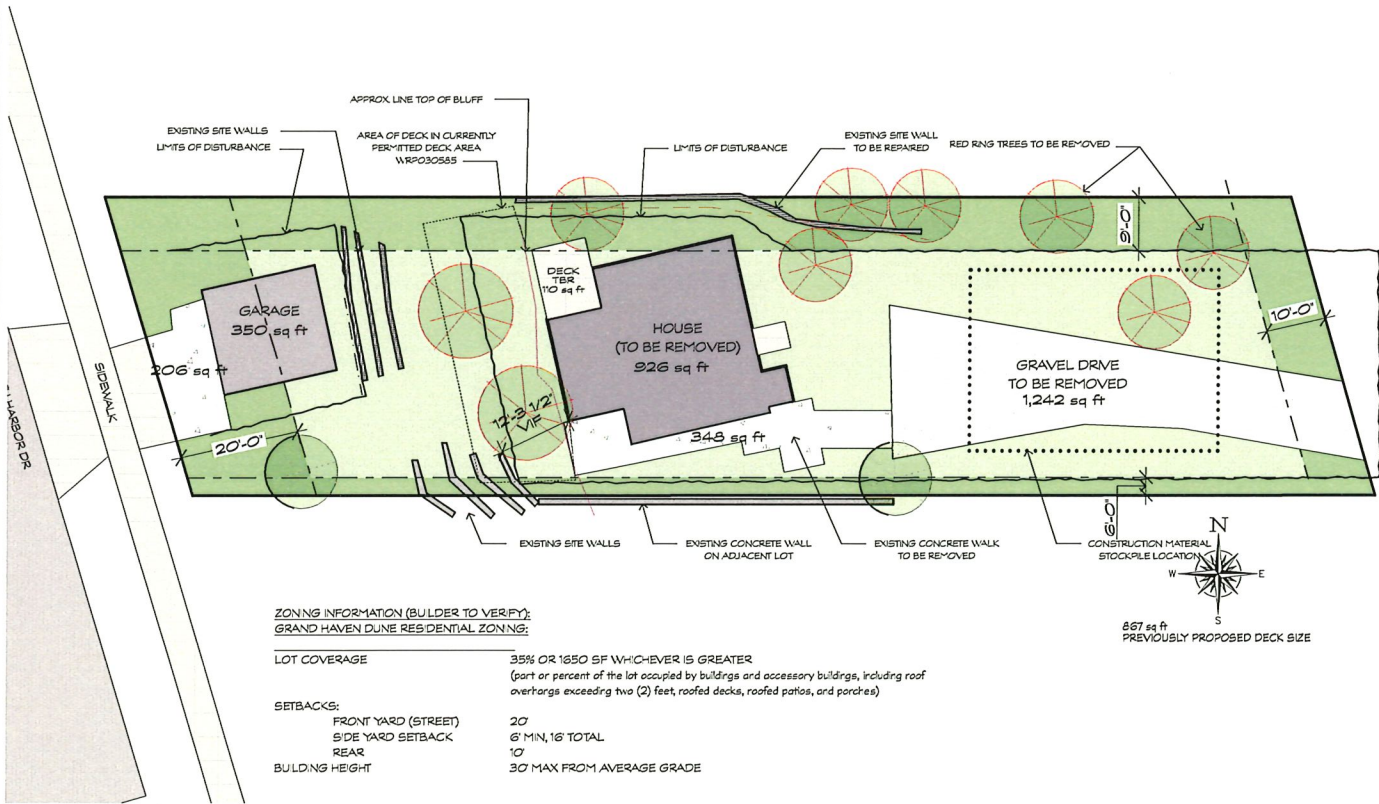
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**SURVEY &
TREE MAP**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:
ZBA.1





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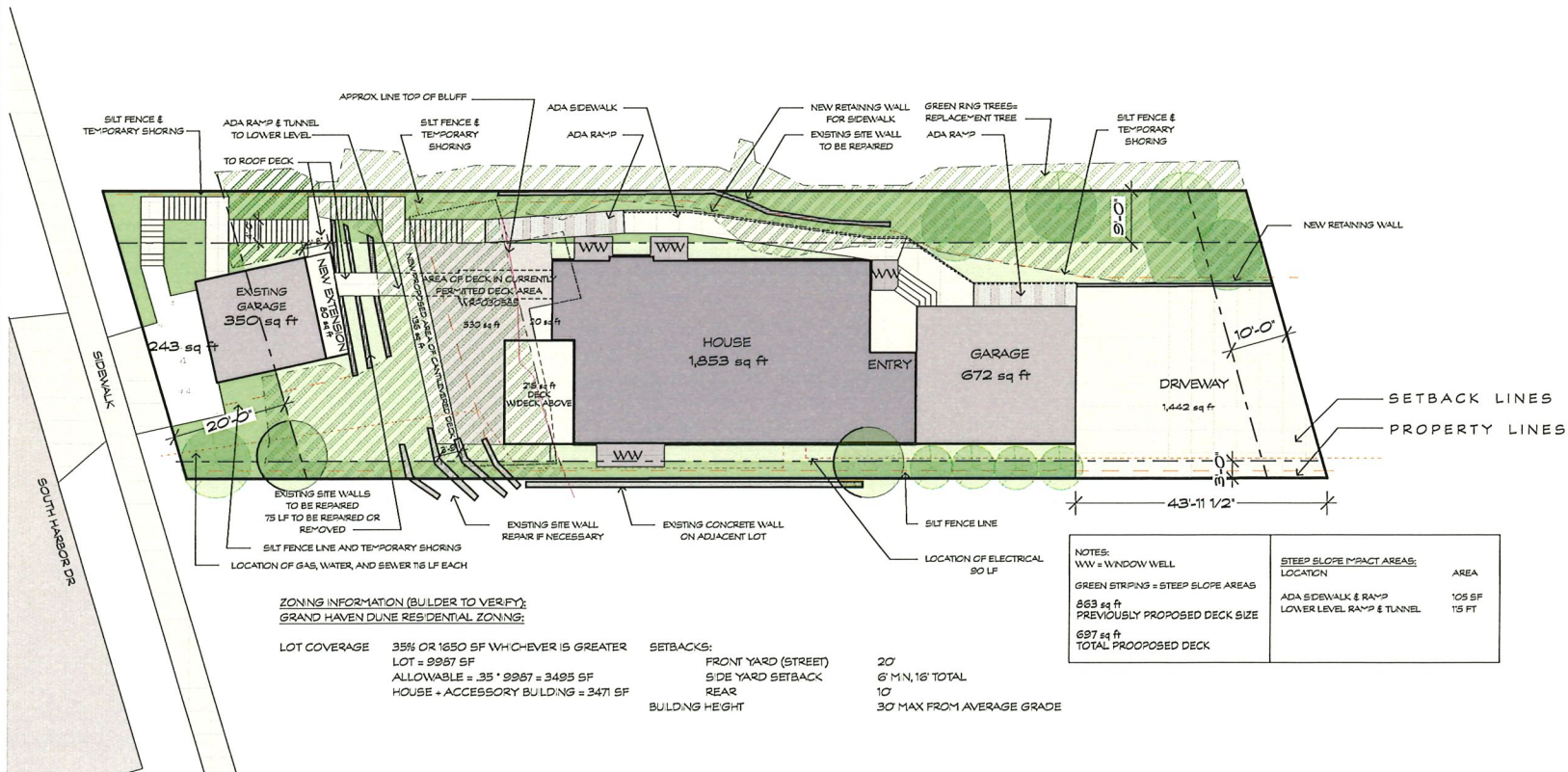
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**PROPOSED
SITE PLAN**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:
ZBA.2



1 PROPOSED SITE PLAN - For Reference Only

1" = 30'



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PROJECT MANAGEMENT:
Michael Gibbs

PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

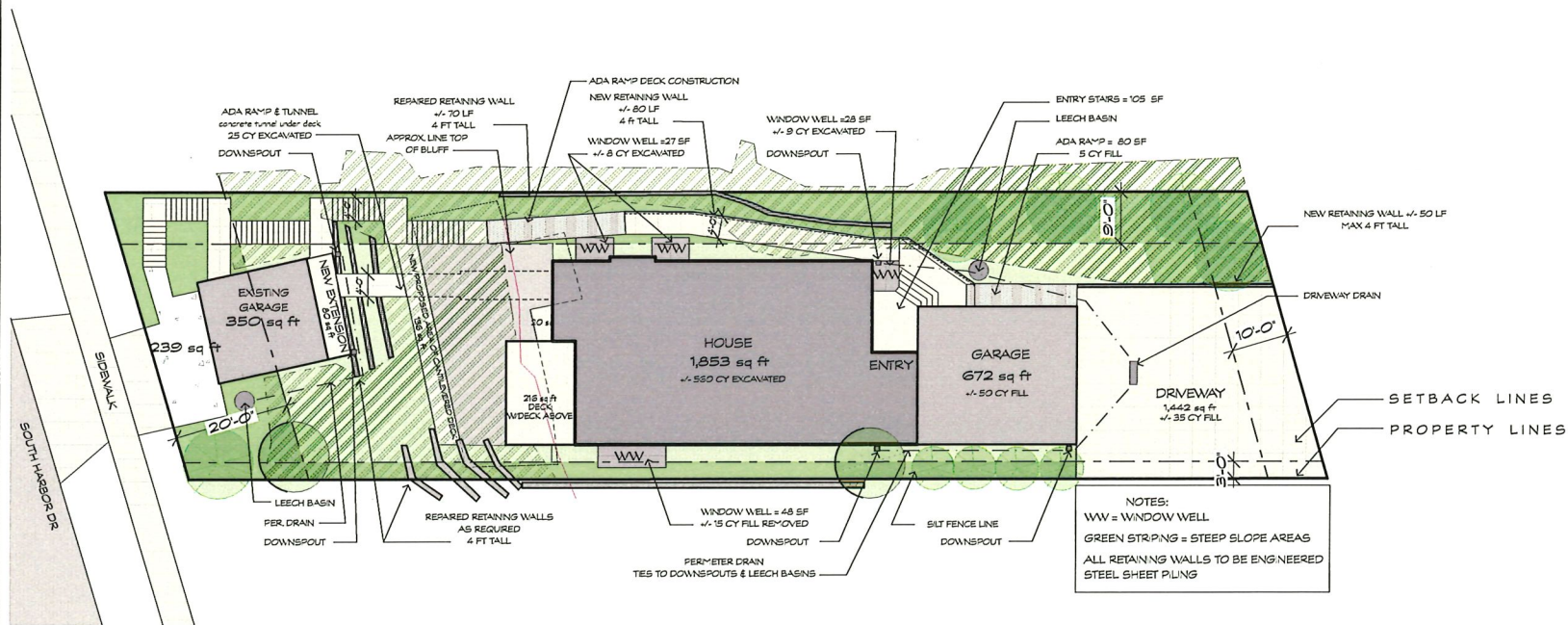
SHEET TITLE:
**PROPOSED
SITE PLAN**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:

ZBA.3



1 PROPOSED SITE PLAN Additional Information - For Reference Only 1" = 30'



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PROJECT MANAGEMENT:
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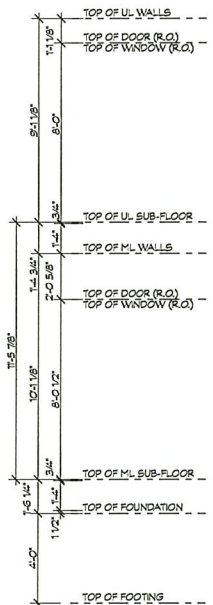
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**REAR
ELEVATION**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:
ZBA.4



21'-11 1/2"
AVG GRADE TO ROOF DECK

1

REAR ELEVATION

1/8" = 1'-0"



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PROJECT MANAGEMENT:
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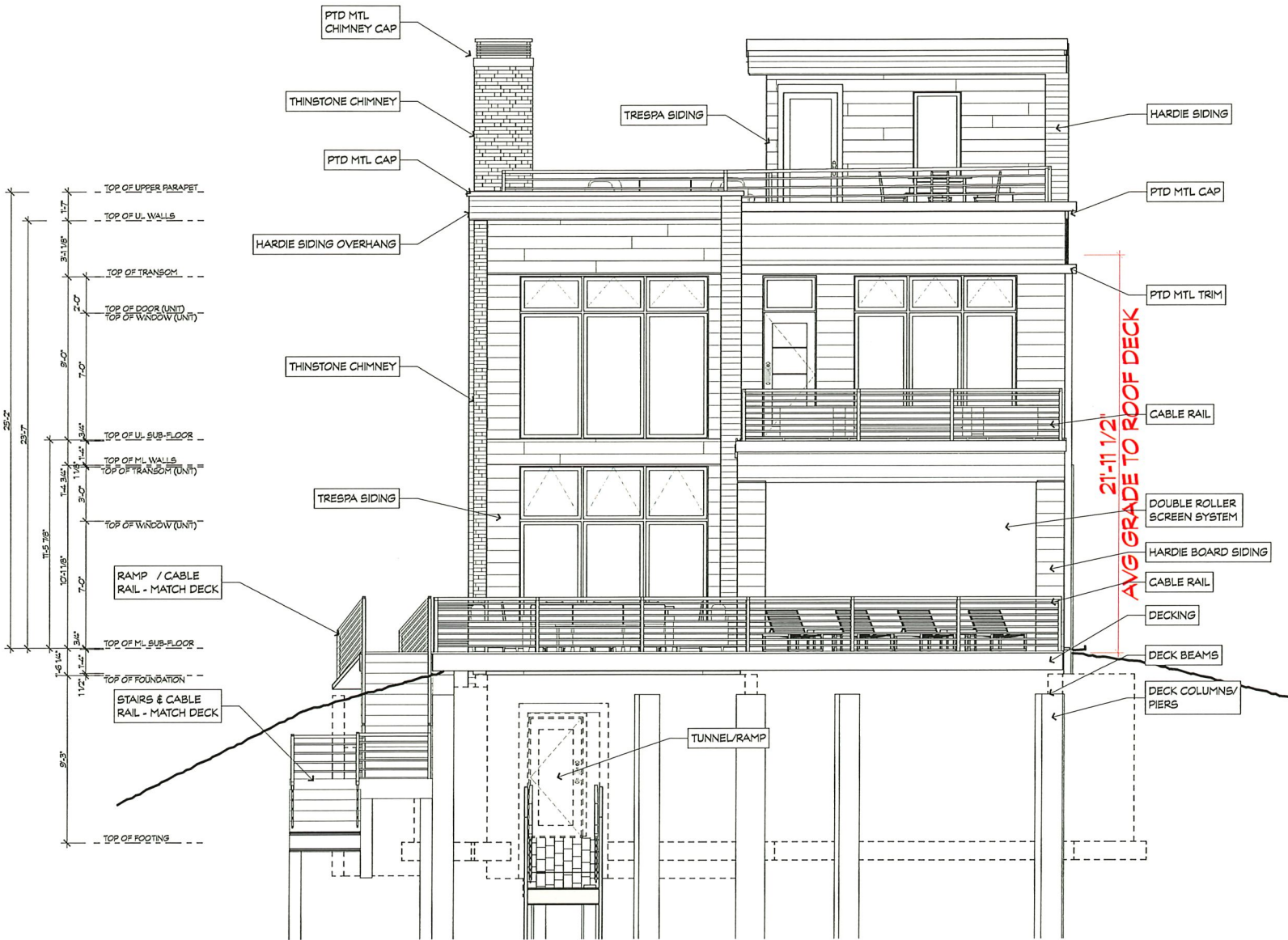
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
STREET ELEVATION

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:
ZBA.5



1 STREET ELEVATION 1/8" = 1'-0"



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PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs

PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**LEFT
ELEVATION**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:
ZBA.7



1 LEFT ELEVATION 1/16" = 1'-0"



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PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs

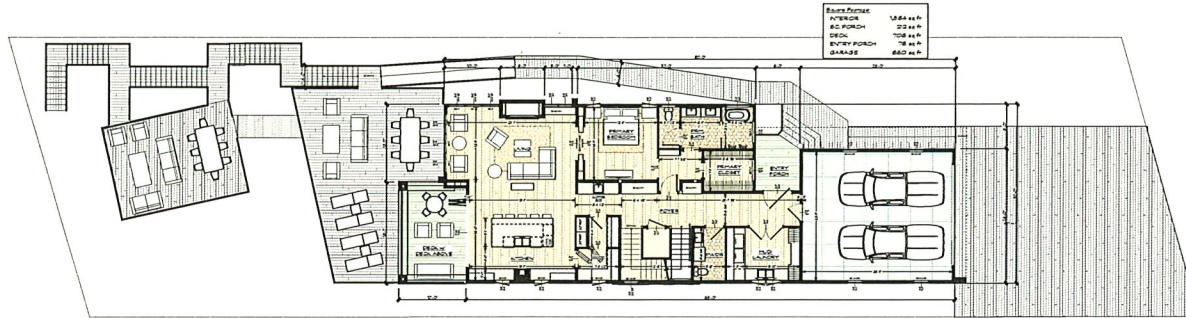
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**MAIN LEVEL
FLOOR PLAN**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

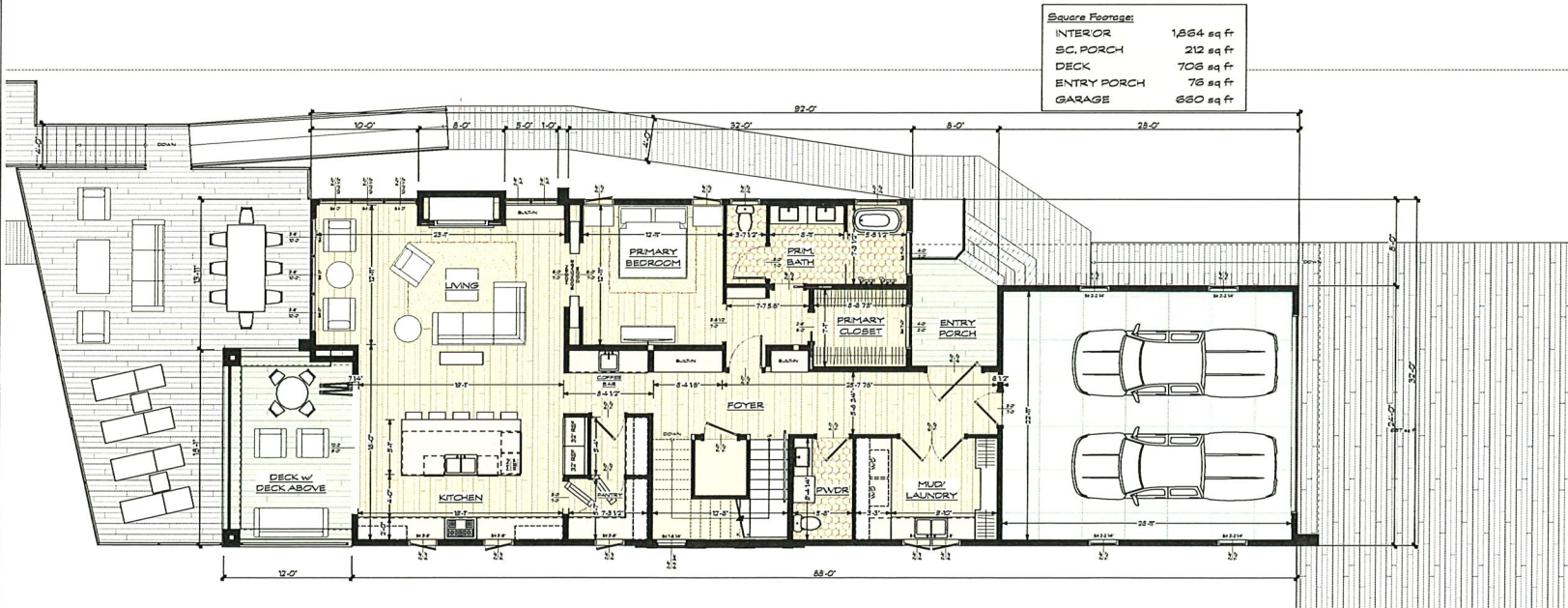
SHEET NO.:
ZBA.8



1

OVERALL MAIN LEVEL

1/32" = 1'-0"



1

MAIN LEVEL DESIGN PLAN

1/16" = 1'-0"



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PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs

PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

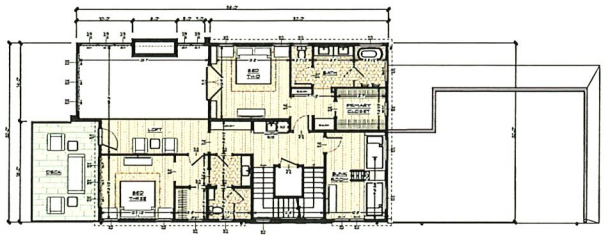
SHEET TITLE:
**UPPER LEVEL
FLOOR PLAN**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

SHEET NO.:
ZBA.9

Square Footage:
INTERIOR 1,277 sq ft
DECK 216 sq ft

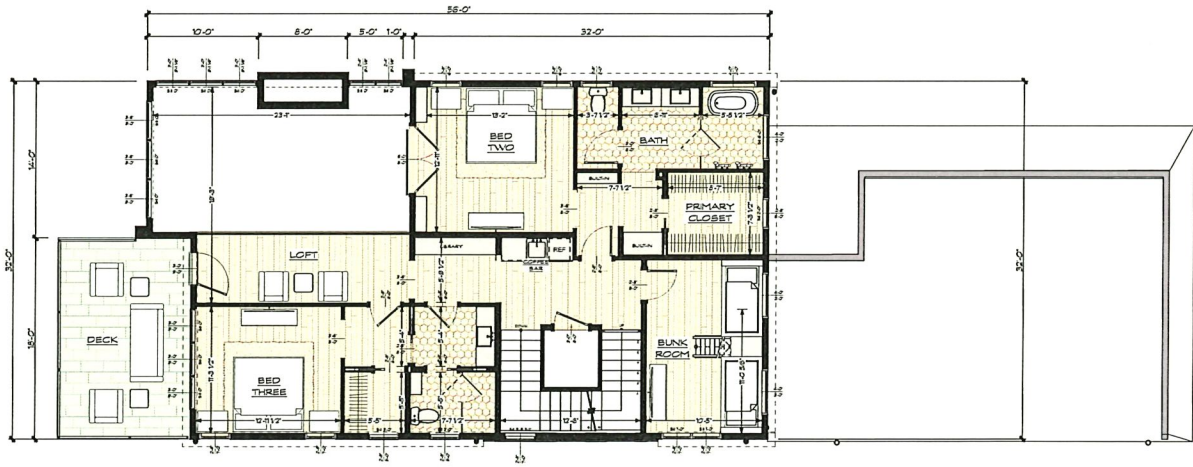


1

OVERALL UPPER LEVEL

1/32" = 1'-0"

Square Footage:
INTERIOR 1,277 sq ft
DECK 216 sq ft



1

MAIN LEVEL DESIGN PLAN

1/16" = 1'-0"



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PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs

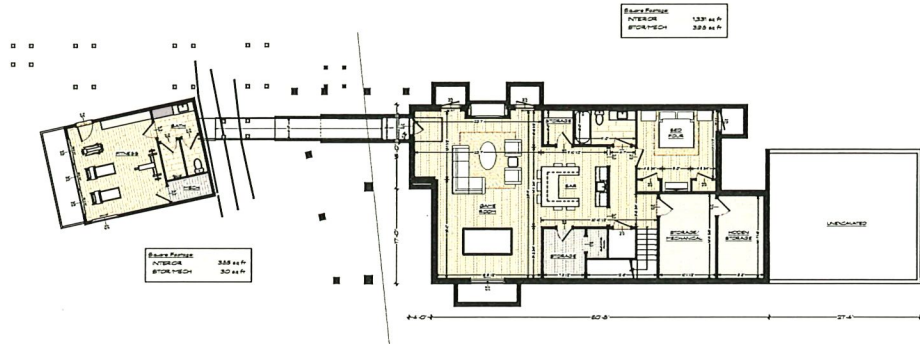
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**LOWER LEVEL
FLOOR PLAN**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

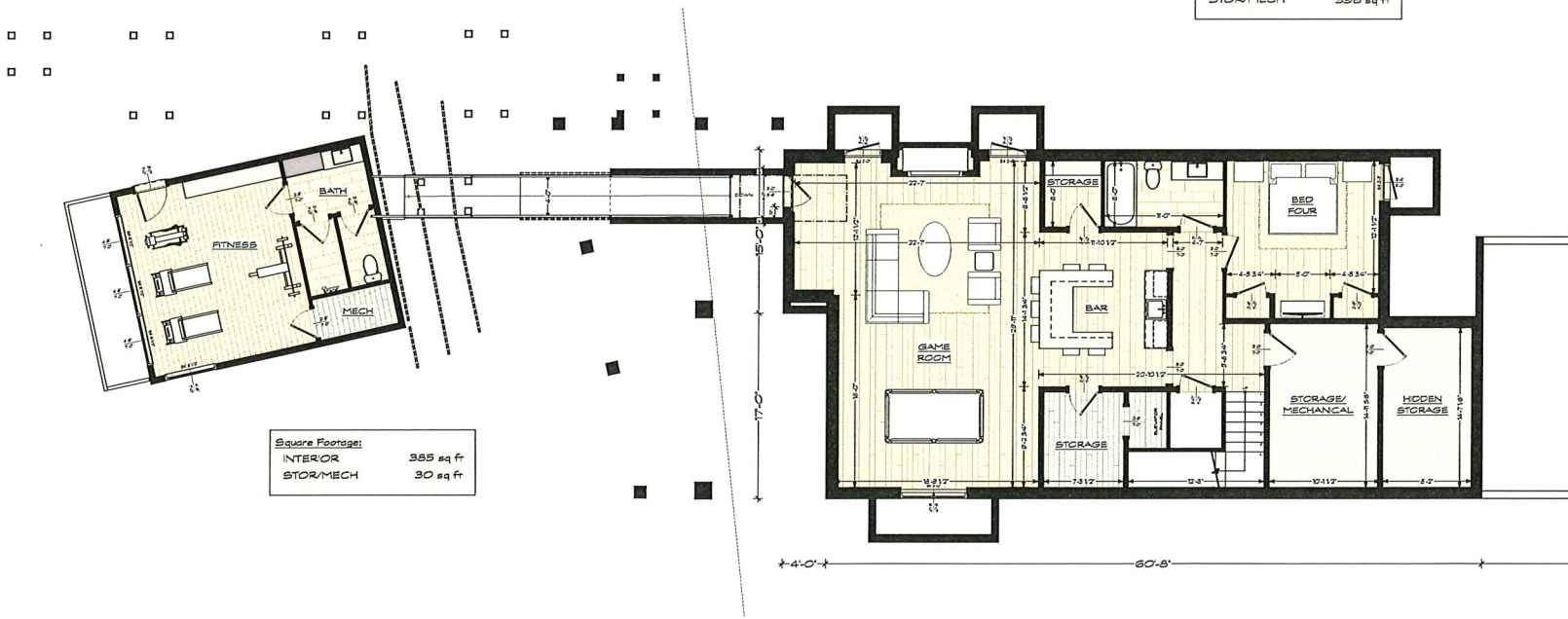
SHEET NO.:
ZBA.10



1

OVERALL LOWER LEVEL

1/32" = 1'-0"



1

LOWER LEVEL DESIGN PLAN

1/16" = 1'-0"



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PROJECT No.:
24.2.04

PROJECT MANAGEMENT:
Michael Gibbs

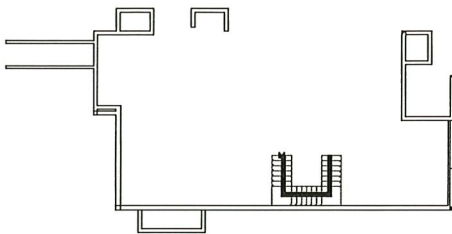
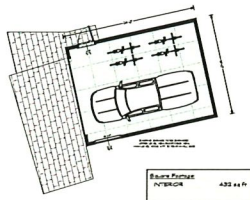
PROJECT:
**912 S Harbor Dr
Residence
Grand Haven, Michigan**

SHEET TITLE:
**LOWER LEVEL
FLOOR PLAN**

DATE:
2/16/26

ISSUE DESCRIPTION:
ZBA

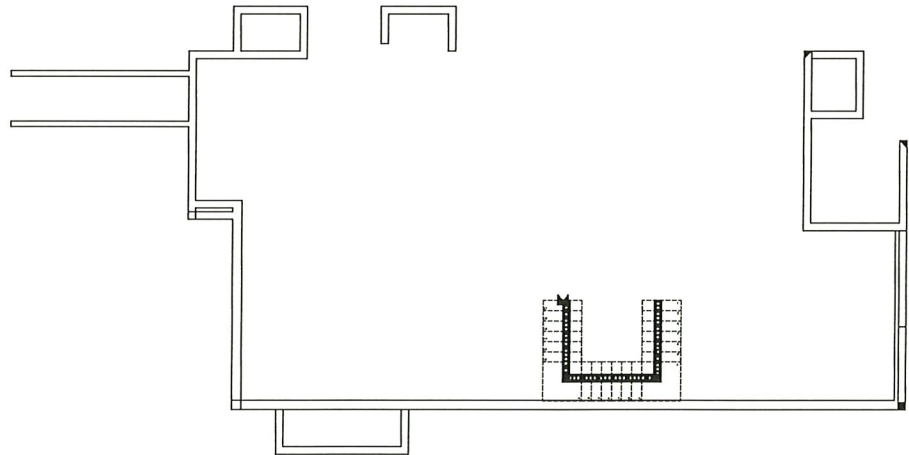
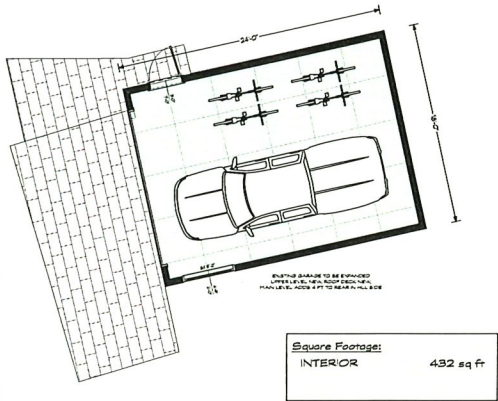
SHEET NO.:
ZBA.11



1

OVERALL GARAGE LEVEL

1/32" = 1'-0"



1

GARAGE LEVEL DESIGN PLAN

1/16" = 1'-0"

-STAFF REPORT

TO: Grand Haven Zoning Board of Appeals
FROM: Brian Urquhart, City Planner
MEETING DATE: April 22, 2026
CASE: 26-02
ADDRESS: 6 Windrift Dr.

Proposal

Ryan Lacks submitted a variance application for a new home at 6 Windrift Dr. (parcel #70-03-29-153-007). The variance is related to the request for a building height of the new home. The maximum building height in the DR – Dune Residential is 30 ft. The applicant is requesting a building height of 34 ft. 10 in.

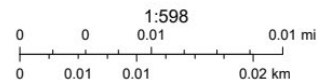
Background

In 2013, a demolition permit was issued for the existing home at 6 Windrift. In 2016, the Planning Commission required site improvement following the demolition. Earlier this year, the city approached a new home building, and inquired about setbacks, lot coverage, and building height. The parcel is a through lot, with front yard setbacks off Prospect Street and Windrift Drive. There are 6 ft. and 10 ft. side, and 10 ft. rear yard setbacks.



3/12/2026

 Sensitive Areas Overlay  Zoning Districts
 Dune Residential



USGS The National Map: National Hydrography Dataset. Data refreshed August, 2025. County of Ottawa, Michigan

Zoning

The proposed home is 1554 sq. ft, a lot coverage of 32%, satisfies all building setbacks, roof pitch, and lot coverage requirements. The proposed building height is 34 ft. 10 in., exceeding the maximum 30 ft. in the Dune Residential District. The building envelope is quite flat compared to many parcels in the DR district, with the official City of Grand Haven Topographical Map identifying contour lines from 598 to 600. The minimal change in grade is applied in the calculation of building height in the DR district per Sec. 40.406.08, which takes the median grade of a 4-sided rectangle around the building. The applicant determined due to unique flatness of the parcel, a variance against the building height was warranted.

1.0 Zoning of Subject Parcel

The property is located in the DR – Dune Residential District

2.0 General Location

Entire lot

3.0 Existing Land Use on the Parcel

Vacant

4.0 Adjacent Area Land Uses

North: Residential

South: Residential

East: Residential

West: Residential

5.0 Zoning on Adjacent Parcels

North: DR

South: DR

East: DR

West: DR

6.0 Findings of Fact and Staff Analysis

The applicant has provided responses to the Basic Conditions for the requested variance.

1. **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 the Ordinance.* **Comment:** The purpose and intent of requiring a 30 ft. maximum height in the DR district to prevent obstructing viewsheds of upgradient properties. The intent applies to the general slope and topographical variation commonly found within the DR district. A building height of 34 ft. 10 in. this location could align with the intent of the ordinance.
 - 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.* **Comment:** The proposed building height of 34 ft. 10 in. would not create a use that is not permitted by right or by special land use in the DR District.
 - 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.* **Comment:** A building height of 34 ft. 10 in. could create an adverse effect on neighboring properties with respect to viewshed. However, in comparison to a vacant lot, and a permitted

height of 30 ft., any new development could cause concern for property owners in the immediate vicinity with respect to view shed. Staff encourages ZBA members to visit the site and look west, standing on the east lot line near Prospect Street. This perspective provides a visual of the proposed building height should the variance be approved.

- d. *The conditions or situation of the property or its intended use is not so general or recurrent in nature as to make reasonably practicable a general regulation for the condition or situation.* Comment: Within the DR district, many parcels are surrounding by upgradient properties, in which the value of the lot is found within the location and viewshed. 6 Windrift is one of approximately 15 parcels in the DR district with very minimal grade change within the 5-mile hill area. The condition of the parcel could be considered not so general or recurring in DR.
- e. *Any exceptional or extraordinary circumstances applying to the property in question are not self-created.* Comment: The topographical circumstance of the property has always been the case. The applicant did not create the grade and complied with the required actions of the city following demolition. No fill was brought in.
- 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.* Comment: The building location meets the required setbacks which places the home on the flattest part of the parcel. There is no reasonable alternative location for the home to be placed. In addition, the applicant provided an unofficial measurement of 2 Windrift, just west of the parcel constructed in 1998, at a building height of 37 ft. There is no record of variance for this property regarding building height.
- g. *The requested variance is the minimum variance that will make possible the reasonable use of the improvement.* Comment: A 4 ft. 10 in. increase from the maximum height is approximately a 16% increase from the maximum of 30 ft. it could be argued the applicant could reduce the height to lower level, but the reasonable use of the improvement may consider the view obstruction of 2 Windrift directly to the west.

7.0 Correspondence

As of the date of this memo, the City has received 13 emails relating to this request, all opposed to the variance.

8.0 Sample Motions

Note: A concurring vote of 4 members of the Zoning Board of Appeals is required to approve a non-use variance.

Motion to **APPROVE Case 26-02:** A request by Ryan Lacks for a variance related to a new home at 6 Windrift Dr. (parcel #70-03-29-153-007), a variance from Sec. 40-406.02.D to allow a building height of 34 ft. 10 in. where the maximum building height in the DR – Dune Residential District is 30 ft. The variance is granted based on the following finding(s) of fact:

1. *Insert ZBA finding(s) of fact.*

Motion to **DENY Case 26-02:** A request by Ryan Lacks for a variance related to a new home at 6 Windrift Dr. (parcel #70-03-29-153-007), a variance from Sec. 40-406.02.D to allow a building height of 34 ft. 10 in. where the maximum building height in the DR – Dune Residential District is 30 ft. The denial is based on the following finding(s) of fact:

1. *Insert ZBA finding(s) of fact.*

Motion to **POSTPONE** ZBA Case 26-02, until the following information can be submitted for review:

1. *Insert ZBA recommendation(s).*

Attachments:

- A. ZBA application dated February 17, 2026 (3 pages)
- B. DR District checklist from applicant
- C. Site Plan and building plans
- D. 2 Windrift building height measurement
- E. Correspondence

ZONING BOARD OF APPEALS APPLICATION

Community Development Department, City of Grand Haven

519 Washington Avenue, Grand Haven, MI 49417

Phone: (616) 935-3276 Website: www.grandhaven.org

1. Project Information

To the Zoning Board of Appeals;

I (we) Ryan R. Lacks of 901 San Lucia Drive SE
(Applicant Name) (Street Number)

Grand Rapids MI, 49506
(City) (State & Zip Code)

Applicant Phone Number: 616-450-4867 Applicant Fax Number: _____

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance () Appeal () Interpretation () Change of Nonconforming Use ()

Address/location of property: 6 Windrift Drive

Parcel #: 70-03-29-153-007 Zoning District: DR - Dune Residential

2. Required Attachments

- 5 copies of site plan
- 5 copies of the application
- 5 copies of written response demonstrating how the request meets the 7 Basic Conditions
- Required fee (\$350 or \$450* if construction has begun)

3. Description of Case (fill out only the items that apply to your case)

A. Description of the property

- 1) Size of lot 64.27' x 82.09'
- 2) Area of lot 4730 Square Feet
- 3) Is lot a corner or interior lot Yes, corner of Windrift and Prospect

B. Description of existing structures:

- 1) Number of buildings now on premises Vacant
- 2) Size of each building now on premises _____
- 3) Use of existing buildings on premises _____

C. Description of proposed structures:

- 1) Height of proposed structure 34' 10"
- 2) Dimensions of proposed building or addition Irregular shaped, 40' x 48'
- 3) Area of proposed building 1554 Square Feet
- 4) Percentage of lot coverage of building or addition 32.8%



D. Yard setbacks after completion of building or addition:

- 1) Front yard (measured from lot line) 16' on Windrift and 20' on Prospect
- 2) Side yard (measured from lot line) 6' on the west and 10' on east
- 3) Rear yard (measured from lot line) 10'

E. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

F. Article and Section number of Zoning Ordinance that is being appealed:

G. Clearly state your request: We hereby petition the Zoning Board of Appeals of the City of Grand Haven, for a variance on the height requirement listed in Section 40-406.02.D of 30'. Our request is a height of 35'. Existing natural circumstances on the property are the variables behind this request.

4. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** described below can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

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

- 1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- 6) 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.
- 7) The requested variance is the minimum variance that will make possible the reasonable use of the improvement.

Section 40-113.08 (B)(3) states the following (*See Section for additional Rules*):

1. Each variance granted under the provisions of this Ordinance shall become null and void unless:
The construction authorized by such variance has received a City Land Use Permit within one (1)



year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the issuance of the Land Use Permit, unless an extension of time has been granted by the Zoning Board of Appeals. The Zoning Administrator may grant one six (6) month extension of construction. After expiration of a six (6) month extension, all extension shall be granted by the Zoning Board of Appeals.

2. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid.

Signature of Owner: _____ Date: 2/16/2026

Print Name: Ryan R. Lacks

Subscribed and sworn before me on this _____ day of _____, 2026

My Commission expires on: _____

Notary Public



Sec. 40-406. DR. Dune Residential.

Sec. 40-406.01. Intent.

This district is comprised of the Highland Park, Five Mile Hill, and the Edwards areas. The DR, Dune Residential district is characterized by steep topographical slopes, sandy soils, and a variety of single-family architectural styles. The greatest natural resources within the district's neighborhoods are the views of Lake Michigan, sensitive sand dunes and woodland areas. The intent of this district is to preserve the character of the neighborhoods and resources of the dunes for the enjoyment of residents and visitors alike. Development in this district should be scaled primarily for relatively densely-formed single-family neighborhoods with some multi-unit facilities carefully sited to be consistent in look and performance with a single-family area. Because this district is near the lakeshore and has historically had significant concentrations of vacation homes and other tourist-related uses, short-term rental uses (which are commercial or quasi-commercial in nature) are permitted in some circumstances. In particular, short-term rental uses are permitted only with special use approval, based on standards designed to protect the residential character of the neighborhoods.

New development and improvements or renovations in this district shall be consistent with the current character of the respective communities as well as respectful to the views historically enjoyed by property owners. Due to the small size and irregular shape of many lots in the Dune Residential district, building siting standards are intended to take advantage of limited space through flexible building envelopes, while protecting sensitive dune areas and view corridor sight lines, as reasonable and to the extent possible.

Protecting dunes and views of Lake Michigan without sacrificing the integrity of the neighborhood will be more important than rigid site design standards, such as deep setbacks, building height or style requirements. Nevertheless, new development and improvements shall be generally consistent with and in keeping with the current character of the community.

Sec. 40-406.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- ✓ • Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. Special land uses.

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510

- Cemetery, subject to section 40-514
- Dwelling, accessory, subject to section 40-525
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use. Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- SSMWET, subject to article IX
- STMWET, subject to article IX

Satisfied -- 32.8% (1,554 / 4,730)
includes covered porch/deck and
roof overhangs exceeding 2 ft (n/a)

C. Site and building placement standards.

Minimum lot area:	10,500 square feet +/-4,730 sf (nonconforming)
✓ Minimum lot width:	66 feet Satisfied -- 73.5 ft
✓ Maximum lot coverage:	Greater of 35% or 1,650 square feet including all accessory buildings (see D. building form standards for building footprint standards)
Minimum setbacks:	
→ Front:	20 feet +/-16 ft average front setback (40.306.6) -- NEED SURVEY OF WIND RIFT HOUSES
✓ Corner front:	20 feet Satisfied -- second front yard off Prospect
✓ Side:	6 feet minimum for one side and 16 feet total of two sides Satisfied
✓ Rear/waterfront:	10 feet, subject to Critical Dune requirements Satisfied
See D. building form standards for elevated setback requirements.	
Building placement priority, buildings shall be sited to:	
First: Protect Critical Dunes per MDEQ requirements, per section 40-422.	
Second: Mitigate impact on view corridors for upgradient improved property.	
Third: Preserve a reasonable setback from roads.	
Fourth: Establish a comfortable separation between existing buildings.	

D. Building form standards.

Building footprint:	For the purposes of this section 40-406, building footprint shall be a rectangle enclosing all foundation walls and any cantilevered building faces together with any attached accessory buildings, but excluding decks and patios.
→ Maximum building height:	30 feet from median natural grade for each side of the building footprint, pursuant to section 40-306.08.B.2. NOT Satisfied -- highest point of roof +/-35 ft
Rooflines:	Rooflines with the lowest elevation at or above 22 feet above the median natural grade for the most proximate side of the building footprint, shall be pitched at slopes of not less than 4:12. Where important viewsheds exist and for viewsheds of any upgradient improved properties, gable ends of roofs shall face generally westerly toward Lake Michigan and dormers on northerly or southerly roof faces and skylights that project above the predominate roof deck by more than 6 inches shall not be located at an elevation greater than 25 feet above the median natural grade for the most proximate side of the building footprint. Satisfied -- main roof faces westerly at 6:12 -- one secondary roof faces north/south with lowest elev. at 29 ft -- one secondary roof is flat with lowest elev. at 28.5 ft above grade
✓ Elevated setbacks:	To mitigate impact on viewsheds for improved up-gradient properties, where one or more of the sides of the building footprint lies on or within 10 feet of the northerly or southerly lot line, such setback dimensions shall be increased by 5 feet at and above an

Satisfied / N/A -- south building wall inboard of 10 ft setback

	elevation 22 feet greater than the median natural grade for that side of the building footprint.
✓ Decks:	An attached or detached deck may project into the required front yard by not more than 5 feet provided all building placement priority standards of section 40-406.02.C. are met.
✓ Min. first floor area	570 square feet for principal building and excluding garages, but not more than maximum lot coverage.

Satisfied -- req.
front setback = 20 ft
average = 16 ft
front deck projects
1 ft into av. setback

Satisfied -- 988 sf

E. Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.

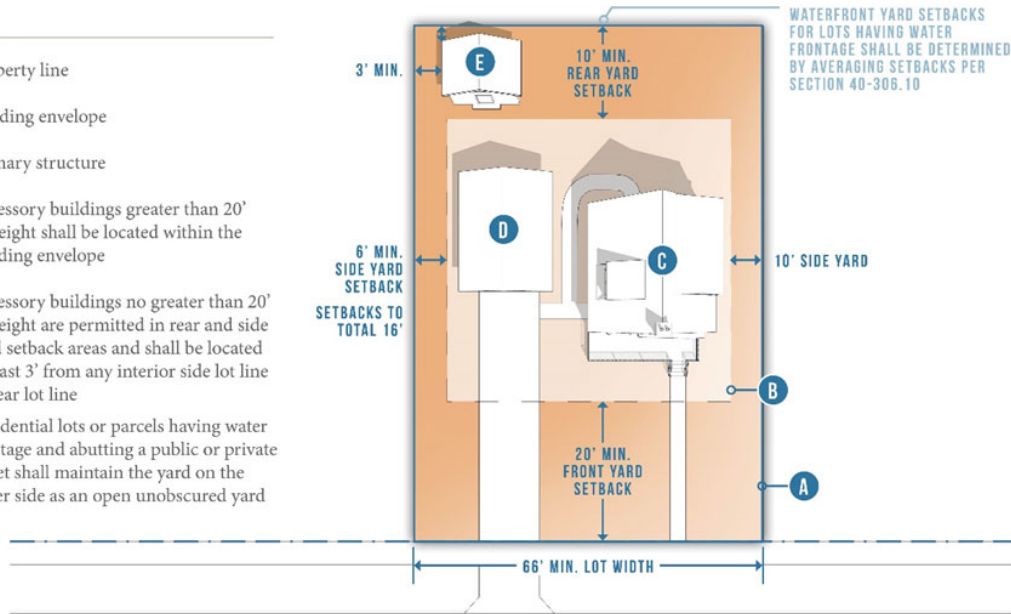
DR. DUNE RESIDENTIAL SITE & BUILDING PLACEMENT

FIGURE 4-5

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
- (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line

Residential lots or parcels having water frontage and abutting a public or private street shall maintain the yard on the water side as an open unobscured yard



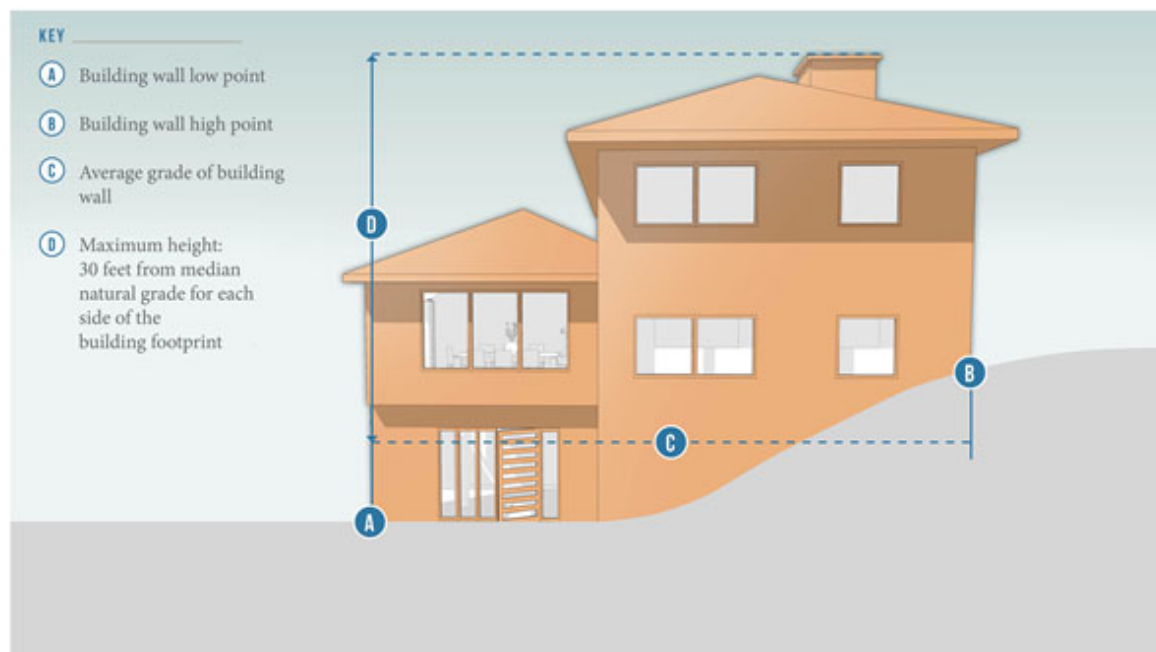
DR. DUNE RESIDENTIAL BUILDING FORM STANDARDS

FIGURE 4-6



DR. DUNE RESIDENTIAL MAXIMUM BUILDING HEIGHT

FIGURE 4-7

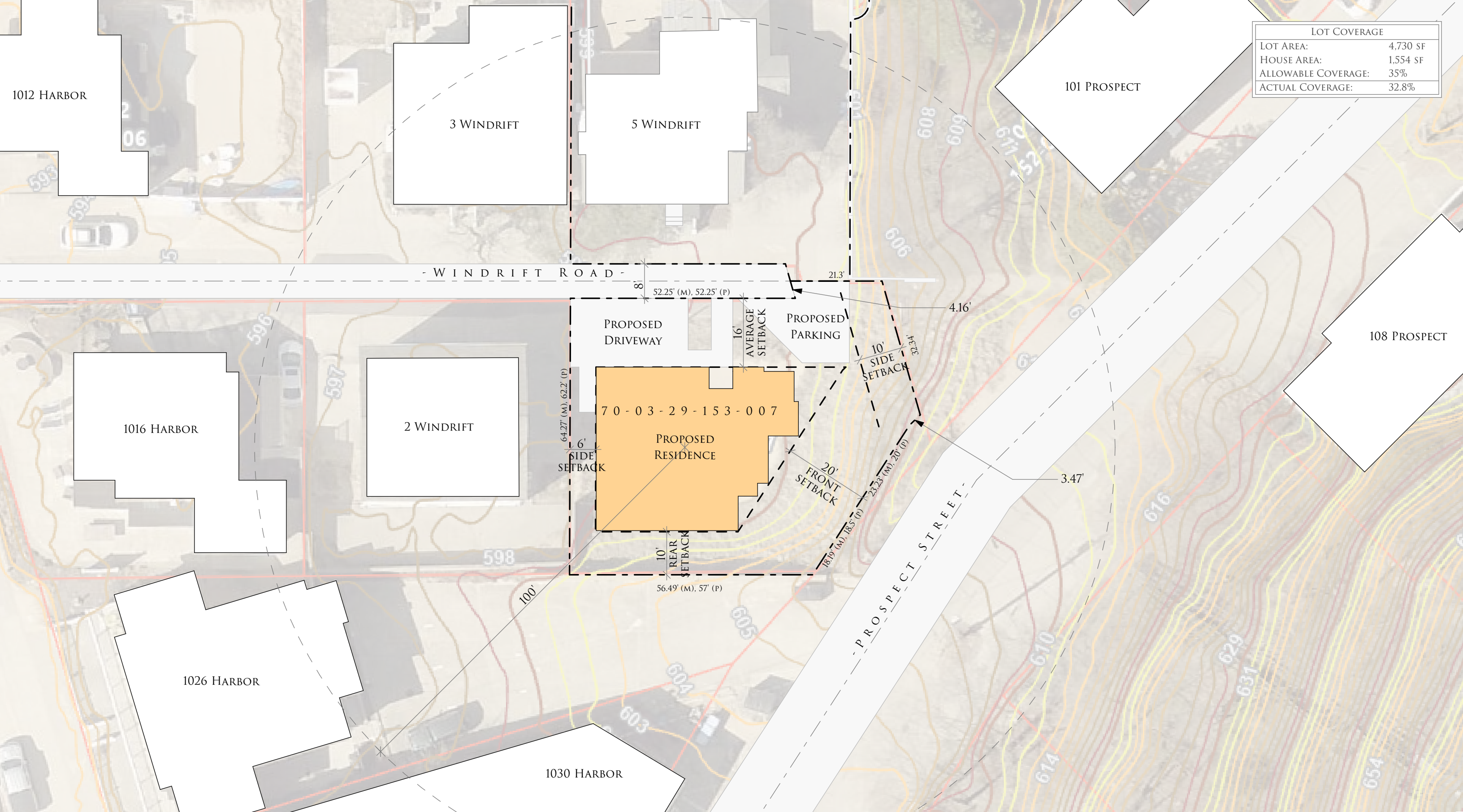


(Ord. No. 2021-02, § 1(Exh. A), 1-4-21)

(Supp. No. 16)

Created: 2025-03-25 09:58:43 [EST]

LOT COVERAGE	
LOT AREA:	4,730 SF
HOUSE AREA:	1,554 SF
ALLOWABLE COVERAGE:	35%
ACTUAL COVERAGE:	32.8%

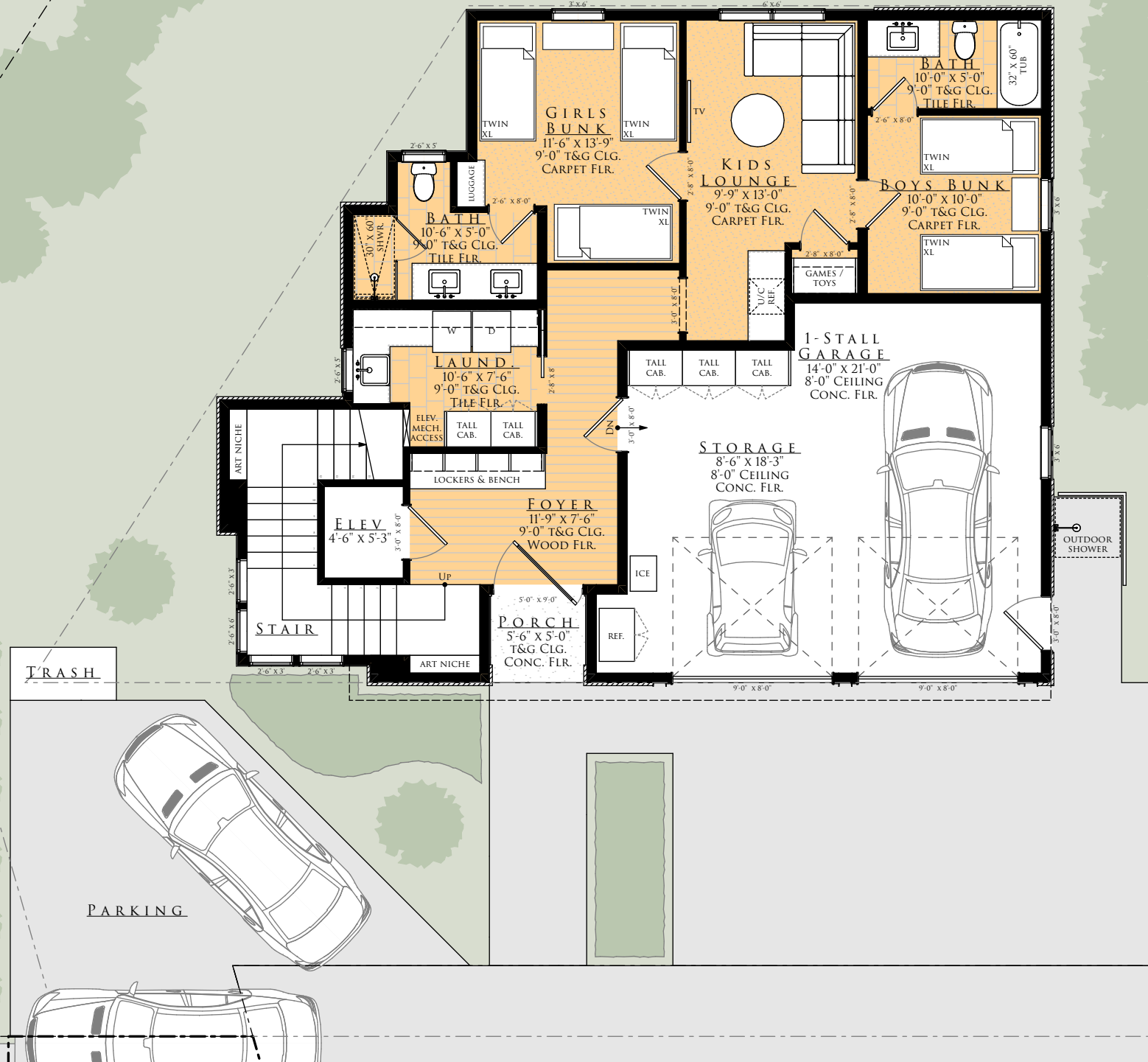


6 WINDRIFT RESIDENCE

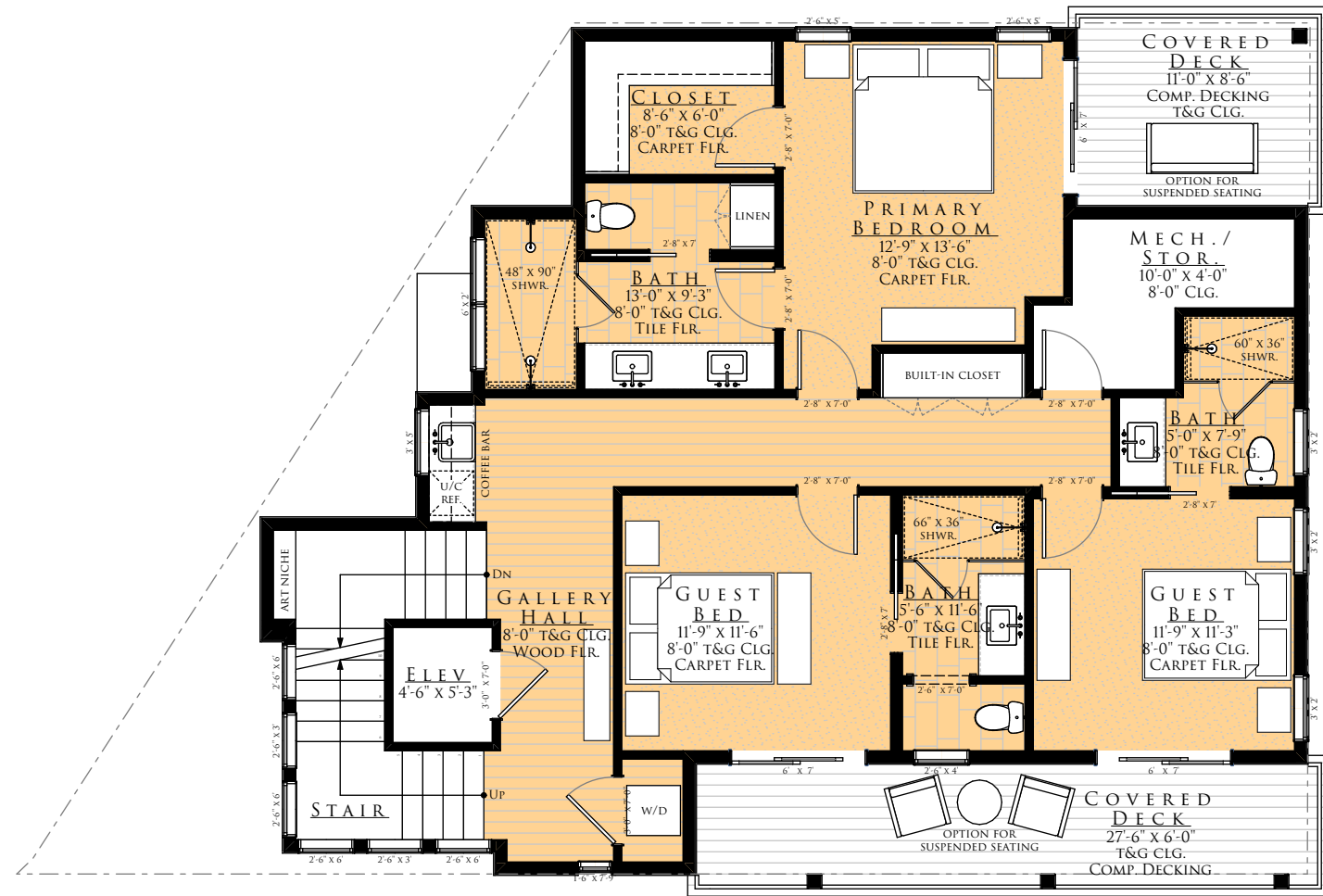
SITE PLAN
SCALE: 1" = 20'-0"



FINISHED SQUARE FOOTAGE	
FIRST FLOOR:	988 SF
SECOND FLOOR:	1,098 SF
THIRD FLOOR:	780 SF
TOTAL:	2,866 SF



FINISHED SQUARE FOOTAGE	
FIRST FLOOR:	988 SF
SECOND FLOOR:	1,098 SF
THIRD FLOOR:	780 SF
TOTAL:	2,866 SF

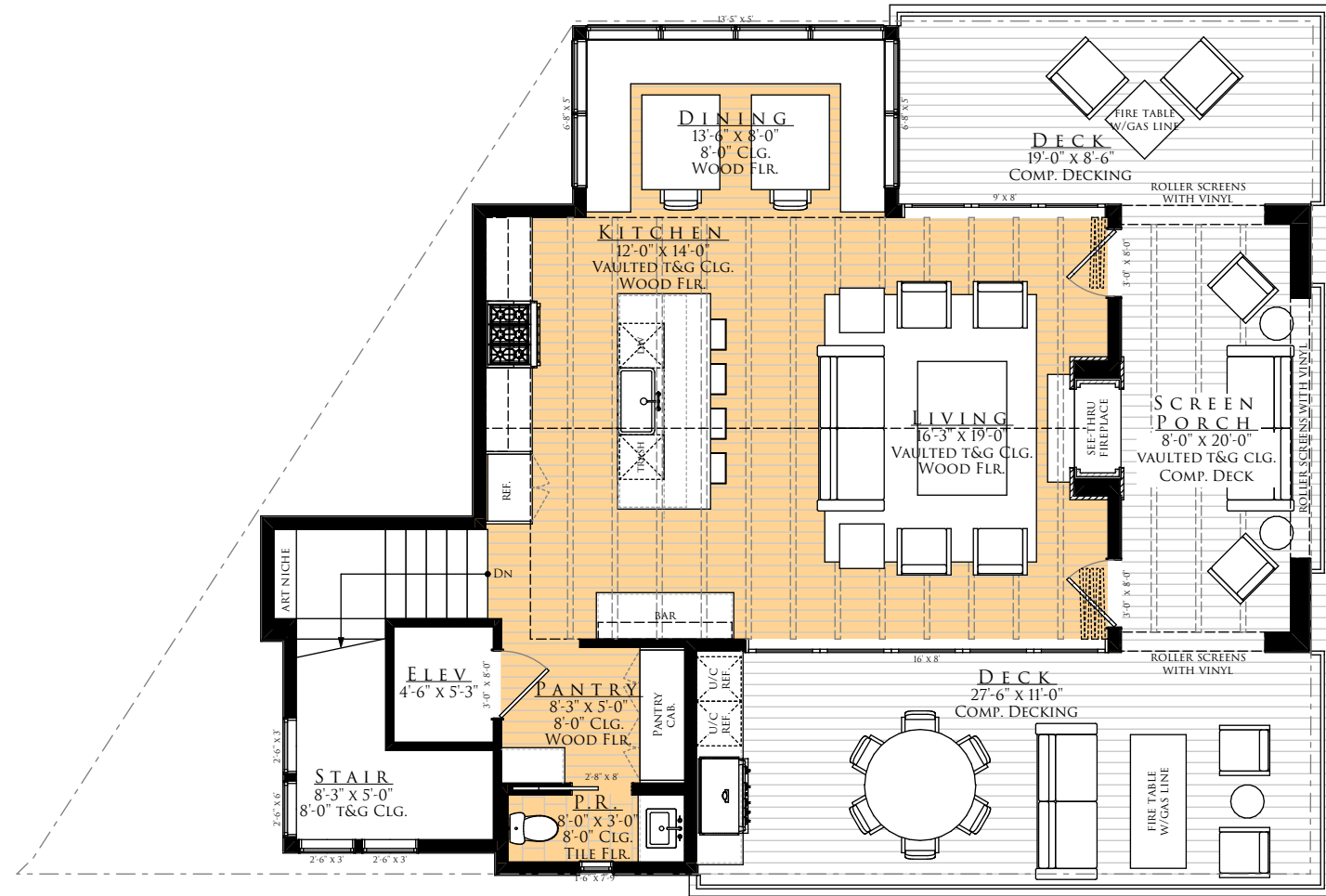


LACKS RESIDENCE

ON
WINDRIFT ROAD
SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"



FINISHED SQUARE FOOTAGE	
FIRST FLOOR:	988 SF
SECOND FLOOR:	1,098 SF
THIRD FLOOR:	780 SF
TOTAL:	2,866 SF



L A C K S R E S I D E N C E

ON
WINDRIFT ROAD

THIRD FLOOR PLAN
SCALE: 1/8"=1'-0"



NORTH ELEVATION

LACKS RESIDENCE

ON
WINDRIFT ROAD

EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION

LACKS RESIDENCE

ON
WINDRIFT ROAD

EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION

L A C K S R E S I D E N C E

— ON —
W I N D R I F T R O A D

EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"



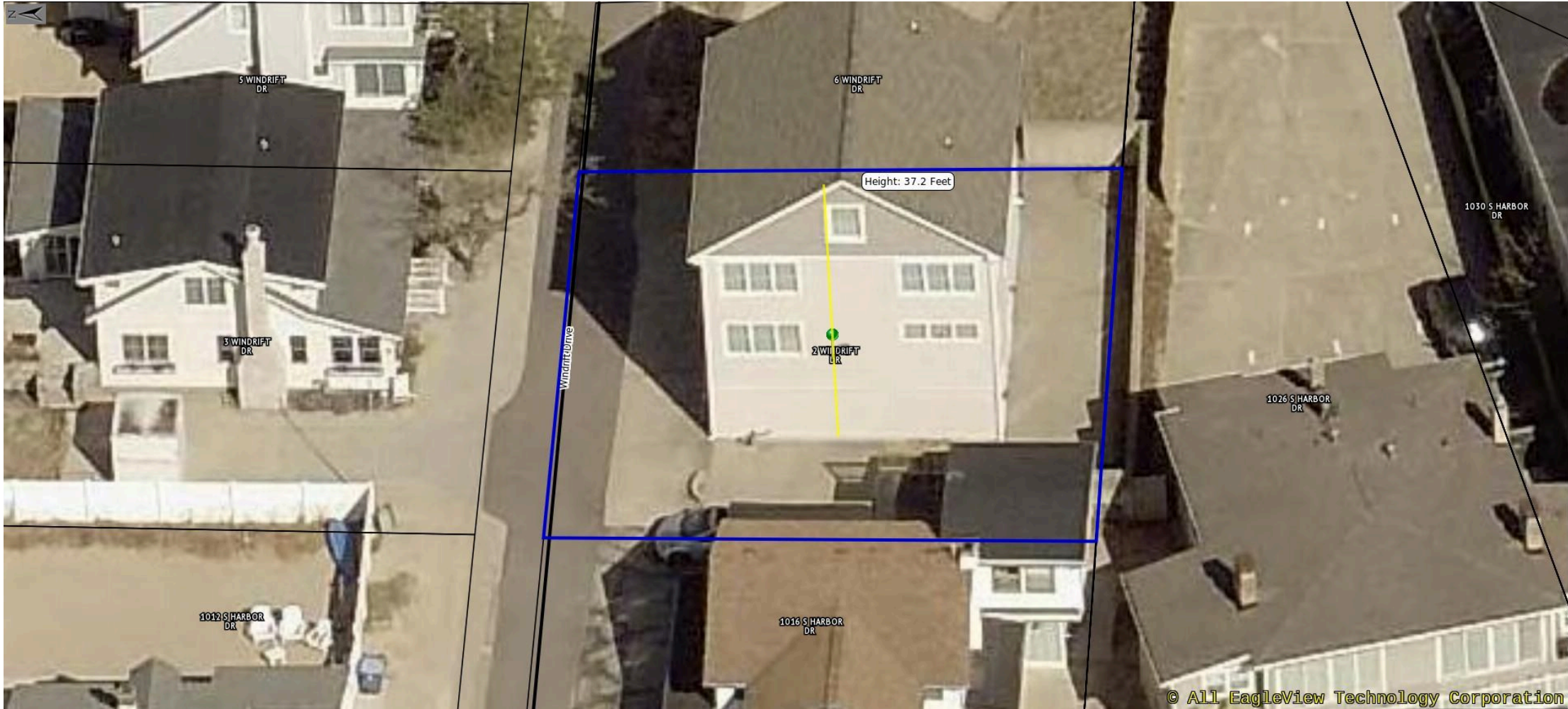
EAST ELEVATION

L A C K S R E S I D E N C E

— ON —
W I N D R I F T R O A D

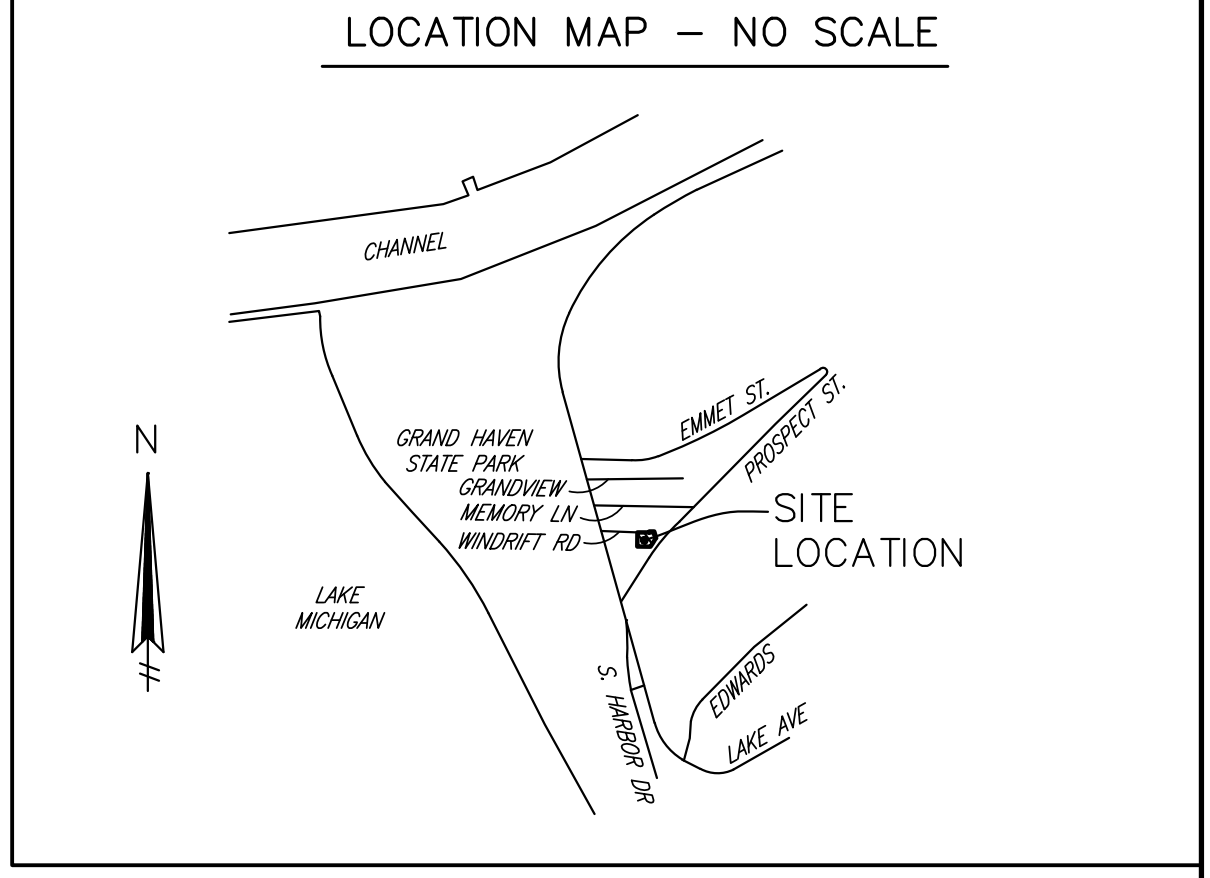
EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"

2 Windrift building height



04/08/2024

BOUNDARY & TOPOGRAPHIC SURVEY

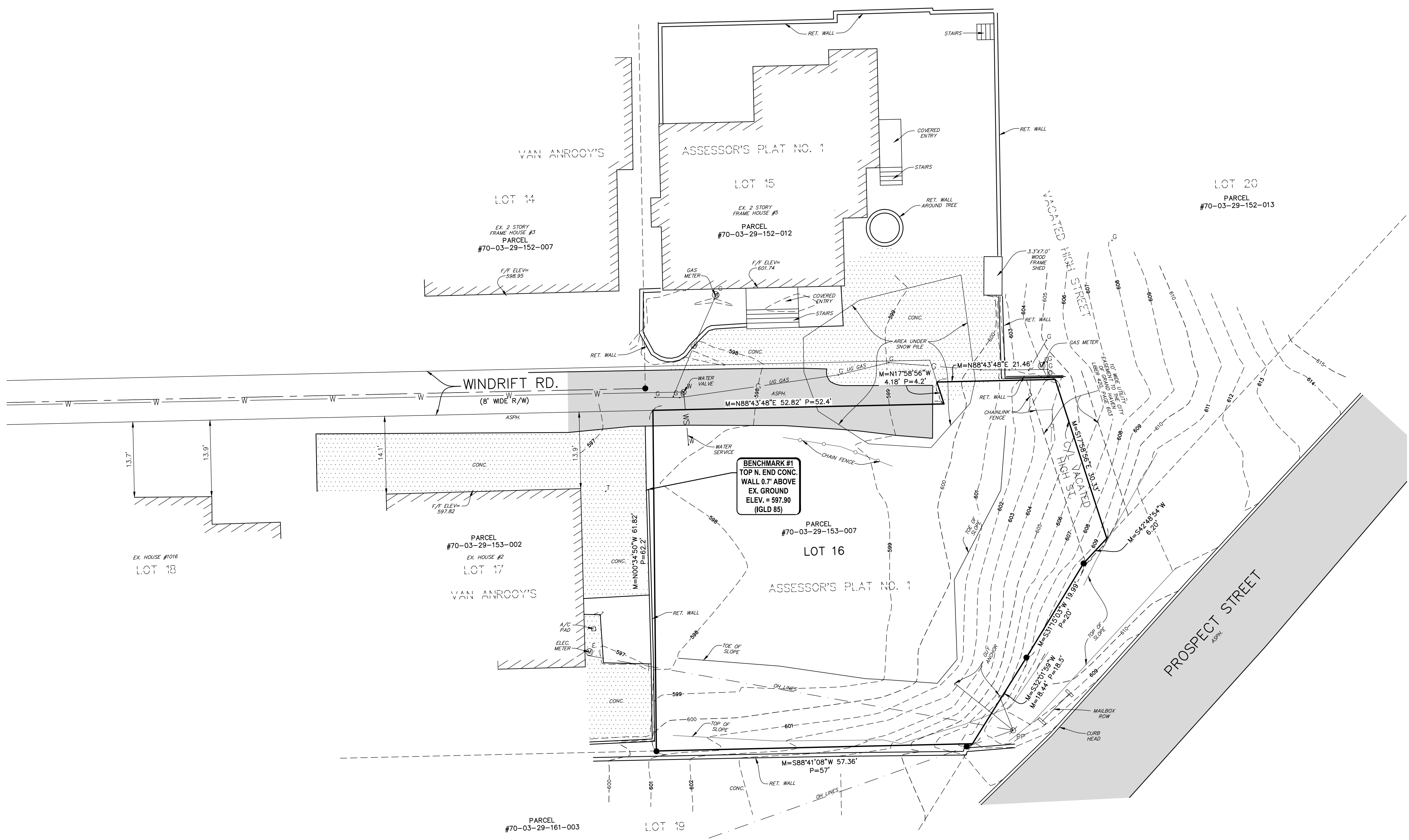


DESCRIPTION OF PROPERTY

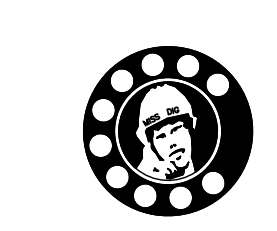
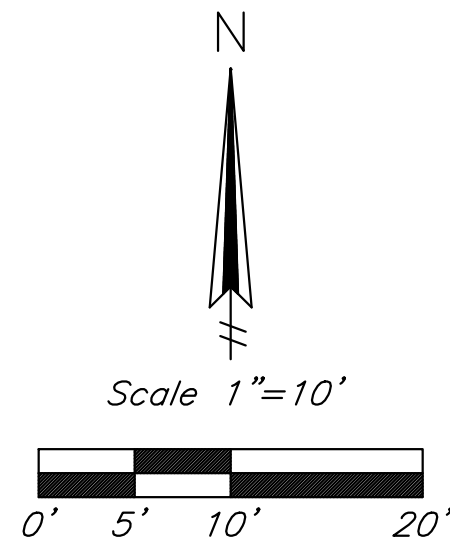
PARCEL NO. #70-03-29-153-007
 LAND SITUATED IN SECTION 29, TOWN 8 NORTH, RANGE 16 WEST, CITY OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN AND DESCRIBED AS FOLLOWS: LOT 16 AND THE WEST 1/2 OF VACATED HIGH STREET ADJOINING ON THE EAST LYING SOUTH OF THE CENTERLINE OF WINDRIFT DRIVE ADJOINING ON THE NORTH & NORTH OF PROSPECT STREET, VAN ANROOYS ASSESSOR'S PLAT NO. 1.

SURVEYOR'S NOTE:

1.) IMPROVEMENTS AND ELEVATIONS ARE APPROXIMATE UNDER SNOW PILE AREA.



26-0165 ALTA SURVEY.DWG PLOTTED: 2-17-2026



**3 WORKING DAYS
(72 HOURS)
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
OR
811**



Brian A. Ford
 Brian A. Ford Professional Surveyor No. 4001047199

This survey was made from the legal description shown above. The description should be compared with the Abstract File or Title Insurance Policy for accuracy, easements and exceptions.

LEGEND
 ■ SET CON. MON
 ■ FOUND CONC. MON
 ○ SET CAPPED IRON
 ● SET MAG NAIL
 ● FOUND IRON
 * SET CUT "X"
 P PLATED
 M MEASURED
 D DESCRIBED
 CALC. CALCULATED

**ABONMARCHE
MILANOWSKI & ENGLERT**

11 North 6th Street - Grand Haven, MI 49417
 Phone: 616-847-4070 Fax: 616-847-6626

**TOPOGRAPHIC & BOUNDARY SURVEY FOR:
SQUARE-B, LLC C/O: JOHN BECKER**

SECTION 29, TOWN 8 NORTH, RANGE 18 WEST,
CITY OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN

DATE FEBRUARY 17, 2026	DRAWN BY TV
SHEET 1 of 1	JOB NO. 17152 (26-0165)

From: [j.w](#)
To: [Brian Urquhart](#)
Subject: Public Hearing Case 26-02 Lacks
Date: Sunday, March 15, 2026 10:14:09 AM

To Whom it May Concern:

I am writing my opinion on Case 26-02 Ryan Lacks requesting a variance to the maximum building height in the Dune Residential District of 30 feet.

I will start by saying that I am opposed to this variation as requested by Mr. Lacks. The entire basis of this rule is to protect viewsheds for fellow neighbors in the Dune Residential District. It is possible that in this location, viewsheds might not be blocked, but I am guessing a structure greater than 30 feet would block the views of the houses on Prospect, behind this proposed structure.

We built in 2010 a few streets over in the Dune Residential District, and had to make sacrifices in our desired plans due to the regulations to protect the views for our neighbors. Inconsistent application of these rules is not only unfair to residents that have already had to comply with such regulations at the expense of their original plans, but sets a precedence that we do not want going forward. If this is approved, who is to say that next time it will not be requested for 36 or 38 feet? The request by Mr. Lacks is nearly 5 feet over the regulations. If Mr. Lacks wishes to build in the Dune Residential District, he must comply with the regulations, just as others before him had been required to build within the guidelines within this District.

Regards,

Dr. Jonathan R. Winters
11 Grandview Ave

From: [Tom Schneider](#)
To: [Brian Urquhart](#)
Subject: ZBA Comment
Date: Thursday, March 5, 2026 2:39:54 PM

Dear Zoning Board of Appeals Members and Brian Urquhart,

The purpose of this email is to provide input on Case 26-02: a request for a building height variance for construction of a new home at 6 Windrift Dr (parcel #70-03-29-153-007).

We are opposed to granting the request.

- The Dune Residential District was set up, in part, to protect sight lines for other residences in the district. An additional 5 feet (a 16% increase above code) of height will impact sight lines for the residences above the proposed structure.
- It is hard to believe there is a bonafide hardship created by requiring the building to comply with the existing code.
- This request is for new construction so therefore modifications could easily be made prior to construction commencing.
- Creating exceptions to the existing code will result in a precedent that will be used in future building projects.

Thank you,
Tom and Ann Schneider
116 Prospect
Grand Haven

To: Bryan Urquhart

From: Cathy Hansen, Barbara Gratta

Date: 4/13/26

Subject: Case 26-02 Public Hearing

As property owners of 6 Grandview Ave., we are not in favor with the proposed height of the new home being built at 6 Windrift Dr. Our family has owned several cottages on Grandview since the early 1920's when most of the district was dunes and families were buying parcels to build their cottages on. My great-grandparents were one of those families followed by my grandparents and my great-aunt building their cottages. My partner and I purchased my great-aunt's cottage in 2018.

While privacy is lacking due to the density of the Dune Residential District the view of the lake is what people are generally seeking and hoping for. Without seeing the plans for the new home, it appears that their request to go 4' above the maximum building height conveys they are looking for the view which in turn will block our view of the lake from Grandview. This new home is replacing an older cottage which had a building height within the 30' maximum which was torn down.

We strongly oppose the requested variance to complete the building plans which they are seeking an appeal on and that a precedent not be set with changing the city's current maximum building height in the DR district.

Thank you.

Cathy Hansen

Barbara Gratta

From: [Joan Carmody](#)
To: [Brian Urquhart](#)
Subject: Case 26-02 6 Windrift Drive
Date: Friday, March 13, 2026 12:29:22 PM

I am in opposition to a variance allowing a 4 foot 10 inch increase to the maximum height of 30 feet causing obstructions to the views of the surrounding properties . In addition blocking views of those affected could cause a drop in their property values.

Joan Carmody

From: [Chris Gilmartin](#)
To: [Brian Urquhart](#)
Subject: Public Comment in Opposition – ZBA Case 26-02 (6 Windrift Drive Height Variance)
Date: Saturday, March 21, 2026 8:40:08 AM
Attachments: [Image.png](#)
[Image.png](#)

Dear Members of the Zoning Board of Appeals,

I am writing to respectfully express my opposition to the requested height variance for the proposed home at 6 Windrift Drive.

The request seeks to increase the allowable building height in the Dune Residential district from 30 feet to approximately 34 feet 10 inches. The height limitation in this district exists for clear reasons: to protect view corridors, preserve neighborhood character, and ensure that development remains consistent with the scale of surrounding homes. Those purposes are explicitly reflected in the ordinance governing the district.

My concern is not with the construction of a new home on this property, but rather with granting a variance where the required legal standards do not appear to be met.

First, the variance standard requires that a hardship arise from unique characteristics of the property and that the hardship not be self-created. In this case, the size, shape, and location of the lot are longstanding and well known. They were not newly discovered conditions, nor are they unique circumstances that prevent reasonable use of the property. A compliant home can clearly be built on the parcel without exceeding the established height limit. The request therefore appears to stem from a design preference rather than a true hardship related to the land itself.

Second, the ordinance already anticipates development on constrained parcels in this district. Many lots in the Dune Residential area are small, irregular, or located on corners. If those common conditions were sufficient to justify height variances, the 30-foot standard would effectively become optional. The ordinance is intended to provide consistent and predictable development standards, and granting exceptions absent a clear hardship risks undermining those standards.

Third, granting the variance would create an uneven application of the rules. When I

constructed my home overlooking this property in 2022, I designed and built it to comply with the existing ordinance and did not seek a variance. Like many homeowners in the area, we made design decisions to remain within the adopted limits. Allowing a height variance in this situation would reward non-compliance and place those who followed the rules at a disadvantage.

Finally, height in this district has a direct relationship to view corridors and neighborhood scale. The ordinance specifically recognizes the importance of protecting views and maintaining the character of the area. Approving additional height where it is not strictly necessary would erode that protection and establish a precedent that could lead to additional requests in the future.

For these reasons, I respectfully ask the Board to uphold the intent of the zoning ordinance and deny the requested variance.

Thank you for your time, your service to the community, and your careful consideration of this matter.

Thanks,

Chris Gilmartin

112 Prospect Street

Grand Haven MI 49417

Thanks,

Chris



Chris Gilmartin

CEO

(630) 243-4285

cgilmartin@leverinteractive.com



3010 Highland Pkwy. Ste 470. Downers Grove, IL 60515

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From: mohrgood@comcast.net
To: [Brian Urquhart](#)
Subject: Public Hearing Meeting 3-18-26
Date: Monday, March 9, 2026 4:39:31 PM

Brian Urquhart
Grand Haven Zoning Board of Appeals
519 Washington Avenue
Grand Haven, MI 49417

Attention Brian,

We are submitting this comment in response to the public hearing notice regarding the variance request by Ryan Lacks for the proposed home at 6 Windrift Dr. The request seeks approval for a building height of 34 ft. 10 in., exceeding the 30-ft. maximum permitted in the DR – Dune Residential District.

As homeowners in the Dune District, we respectfully oppose this variance and request that the Board uphold the established 30-ft. height limitation. The height restriction is an important standard intended to maintain the character, scale, and consistency of the neighborhood as well as to help protect the natural dune environment and neighboring views. We believe it is important that all properties comply with the established building height restrictions.

Many homes in the district that have been rebuilt or expanded have complied with the height requirement. While there may be a few homes that exceeded the limit in the past, those instances should not serve as precedent for additional variances.

For these reasons, we respectfully request that the variance be denied and that the existing height restriction for the Dune Residential District be maintained.

Sincerely,

Gregory J Good

Karla R Good

From: [Gretchen Winters](#)
To: [Brian Urquhart](#)
Subject: Public hearing comments on Case 26-02
Date: Monday, March 9, 2026 5:28:41 PM

Hello Brian,

Thank you for providing notice regarding the request for a variance at 6 Windrift to exceed the maximum building height of 30 feet in our Dune Residential district.

I am NOT in support of a variance.

Firstly, there is not a valid justification, or compelling need, for exception. Section 40-406.01 states the intent of the height maximum is to protect the current character of the community, respect the views (corridors and sightlines) enjoyed by property owners, and preserve the sensitive Dune upon which we live. The height maximums are specified in Section 40-406.02., and detailed in Section 40-306.07.B.2. The rationale for the carefully thought out height maximum of 30 feet are clearly defined and spelled out in the zoning ordinance for our district.

Second, a request for exemption sets a bad precedent. Allowing this exception leaves the 30 foot maximum zoning ordinance vulnerable, and would establish a dangerous trend for future requests, eroding the very purpose for having this zoning ordinance.

Thirdly, it is the responsibility of the zoning board to consistently apply the height ordinance. A number of years ago, we successfully built our family cottage keeping to a height maximum of 30 feet as required by Section 40-406.02. Sacrifices were certainly made on our part to forego desired ceiling heights, more desirable views, etc. to ensure our family cottage was in keeping with the city's zoning ordinance height standard. I fully expect the zoning board to consistently apply their height ordinance and affirm it in this case, as it was in ours.

Fourth, special exception to the height maximum building standard has an outsized impact on the community character and neighborhood views. To highlight this impact, is the example of 2 Windrift, an existing structure directly adjacent to the proposed 6 Windrift. Although the structure at 2 Windrift is a full two streets away from our family cottage, its height, which exceeds the 30 foot maximum, is directly within our view corridor and blocks our sightline to Lake Michigan.

I am unable to attend the upcoming public hearing in person, but I would appreciate my comments being included at the meeting. Please feel free to email, text, or call to discuss further. Thank you for listening to our community and its many needs. Thank you so much for your service to our city. You are appreciated!

Regards,

Gretchen Winters
11 Grandview

[616-450-9385](tel:616-450-9385)

From: [Judith A Hooper](#)
To: [Brian Urquhart](#)
Cc: [Judith A Hooper](#); [Phil Hooper](#)
Subject: Height variance request Critical Dunes Residential Neighborhoods
Date: Saturday, March 14, 2026 3:45:39 PM

March 14, 2026

Brian Urquhart, City Planner

City of Grand Haven
Planning Department
519 Washington Ave., Grand Haven, MI 49417
Ph. 616.935.3276 Email: burquhart@grandhaven.org

Dear Brian,

Thank you for advising of the March 24, 2026 meeting to provide input on the request for a variance at 6 Windrift to exceed the Critical Dunes Residential District maximum building height of 30 feet.

We are absolutely NOT in support of this variance request.

APPROVAL DENIES RESIDENTS RIGHTS

The **2007** thoroughly and carefully written and adopted zoning code Sections 40-406.01, 40-406.02, and 406-306.07.B2* mandate a Critical Dunes Residential District maximum 30 foot building height measured median natural grade i.e., midgrade between lowest and highest lot slope points. **These ordinances were adopted to protect the natural resources and character within the district neighborhoods including resident views of Lake Michigan.** 40-406.01 Intent: "The greatest natural resources within the district's neighborhoods are the **views of Lake Michigan**" and ..."The **intent** of this district is to **preserve the character of the neighborhoods and resources of the dunes** for the enjoyment of residents and visitors alike.

Codes should always supercede variance rationale and requests. Approving the 6 Windrift variance request would presently and/or in the future directly and negatively impact district residents by denying them the rights these code Sections* were written to protect.

APPROVAL SETS PERILOUS PRECEDENT

In **1981** our family moved into a district neighborhood and we have resided on the same drive ever since.

In **1998** a single family residence was built at **2 Windrift** far exceeding 30 feet in height. This structure **effectively blocked Lake Michigan views for dozens of existing Critical Dune residences**, including our own.

<https://link.edgepilot.com/s/402caa4f/FjgVYkRQTUG8DpSd6YhIzw?>

[u=https://www.realtor.com/](https://www.realtor.com/)

In **2007** the City adopted zoning codes Sections* in response to district residents' subsequent **natural resource degradation**, i.e. **elimination of Lake Michigan views** and **decimation of neighborhoods' character and resources of the dunes**.

In **2010** our family built a new residence in the district **adhering to the 30 foot height limit**. In keeping with that restriction we lost interior ceiling heights, a greater view of Lake Michigan, etc. And, we were required to give the City planning commission **proof**, via a mathematical and scaled drawing extending from the **top of Prospect St.** down to the **Lake Michigan shoreline**, that our build would **not impede or obstruct existing residences' Lake Michigan views**.

In **2026** the Critical Dune neighborhoods **continue** with vacant lot infill, i.e., **new builds**, cottage teardowns with **new build** replacements, and existing cottage **remodels**.

Approving this height variance request sets a **perilous precedent**. Without zoning codes Sections* future Critical Dune neighborhood **new build and remodel proposals will demand height variances** thus **eliminating the natural resources of the dunes, especially Lake Michigan views** and the **character of the neighborhoods and resources of the dunes** enjoyed by existing Critical Dune residents.

We, Critical Dune Neighborhood Residents who pay City taxes, have a right to current code Sections* enforcement, continued Critical Dune neighborhood preservation of the **natural resources of the dunes** i.e., **Lake Michigan views** and the **character of the neighborhoods and resources of the dunes** now and in the future.

Respectfully submitted,

Judith and Phil Hooper
11 Grandview Dr.
Grand Haven, MI 49417

From: kathyberkenpas08@charter.net
To: [Brian Urquhart](#)
Subject: Case 26-02 Ryan Lacks request for building height variance
Date: Tuesday, March 10, 2026 11:54:27 AM
Importance: High

Dear Mr. Urquhart and Zoning Board of Appeals,

I do not support the variance request from Ryan Lacks which would allow him to build 4 ft, 10 in higher than the 30 ft maximum building height.

Sec. 40-406.02.D was put into place to protect home owners in the Dune Residential District from losing their sky and in some cases water views.

If this variance is allowed, it only creates precedence for others to request variances.

This is new construction, and building plans can be adjusted to accommodate Mr. Lacks needs.

I also request that the Zoning Boards takes into account the addresses of those in favor of this variance, as it is likely this building height would have no affect on their sight lines.

Thank you,

Kathy Berkenpas
105 Prospect St.
Grand Haven, MI

From: [Lisa Kaderabek](#)
To: [Brian Urquhart](#)
Subject: Comments on Case 26-02--Variance for 6 Windrift Dr.
Date: Sunday, March 8, 2026 12:46:35 PM

Dear Mr. Urquhart:

My husband, Stuart Warner, and I, Lisa Kaderabek, own the home at 10 Memory Lane in Grand Haven. We are writing to object to the proposed 4 feet, 10 inch height variance requested for 6 Windrift Drive. We are three houses away from and above this location.

The intent of the Grand Haven Zoning Ordinance that established the Dune Residential District is to "preserve the character of the neighborhoods...for the enjoyment of residents..." Both the Ordinance and the City's Master Plan provide that new development is to be "consistent with the current character" of the community as well as "respectful to the views historically enjoyed by property owners." Building standards are in place to protect "view corridor sightlines" and the "integrity of the neighborhood."

We are objecting to the proposed variance for the following reasons:

1. A significantly taller than average home at this address is not consistent with the surrounding smaller homes and the current character of the community.
2. Specifically, Windrift is a tiny one lane street. An over-height house would be out of character for this street and it would be noticeably inconsistent with the surrounding homes.
3. The location is in our view corridor sightline and the very large height variance requested would impede the sightline significantly.
4. There is no compelling reason to grant the variance. The property owner will still be able to build a beautiful home more in line with the character of the community without the variance.
5. 30 feet is an already generous baseline since the average 2-story house is 20-25 feet--the Ordinance is not outdated in this regard. Granting exceptions to this reasonable existing rule without a compelling reason will set a precedent and could eventually result in a fundamental change in the character of the community and the integrity of the neighborhood, which is exactly what the Ordinance aims to prevent.

Thank you for your consideration.

Lisa Kaderabek
10 Memory Lane
Grand Haven, MI 49417

From: [Todd VandenBrand](#)
To: [Brian Urquhart](#)
Cc: [Jennifer](#)
Subject: Public Hearing- Case 26-02 -Oppose height variance request at 6 Windrift Drive
Date: Tuesday, March 17, 2026 10:31:19 AM

Attn: Brian Urquhart and the Grand Haven Zoning Board of Appeals:

We are writing to formally express our opposition to the requested height variance for the new home proposed for construction at 6 Windrift Drive(parcel #70-03-29-153-007) in Grand Haven in the Dune Residential District.

The request to exceed the maximum height allowed by current zoning regulations is concerning for several reasons. First, granting such a variance would set a negative precedent for future development in our neighborhood, potentially leading to further disregard for established height limits. Furthermore, the increased height will significantly impact the views and character of the area for the residents located behind the proposed site.

We urge the committee to uphold the existing height restrictions and deny this variance request to preserve the integrity and views of our community.

Sincerely,

Todd and Jennifer VandenBrand
101 Prospect Street
Grand Haven, MI 49417

From: [Terry-O](#)
To: [Brian Urquhart](#)
Cc: [Colleen O'Brien](#)
Subject: Zoning Case 26-02 for 6 Windrift Dr
Date: Saturday, March 7, 2026 2:18:57 PM

Dear Zoning Board of Appeals Members and Mr. Urquhart,

I am writing to oppose the requested height variance for the proposed home at 6 Windrift Dr. We are year-round residence and are very aware of the importance of the view for all the residence that enjoy this area. The zoning rules are vital to preserving this amazing neighborhood and promoting consideration among the residence. A five foot variance will have a material impact on the views of a number of residence. I have done my own construction in the area and, out of consideration of the neighbors, always abided by the zoning rules as a fundamental priority. Allowing this variance will not only impact a number of owners but also set a future precedence that will potentially create friction in the community. It is reasonable for new construction to 100% follow the existing rules.

The zoning standards only work if they are applied consistently.

Sincerely,

Terry & Colleen O'Brien
109 Prospect St
Grand Haven, MI

From: [Emily Dolan Emily Dolan](#)
To: [Brian Urquhart](#)
Cc: [emily.dolan](#)
Subject: Variance increase
Date: Friday, March 13, 2026 12:58:45 PM

Dear Mr. Burquhart,

I am writing you to say that I oppose this variance on the grounds that it will affect property views and thus affect property values. This is unfair to other property owners who may also want an increase. 30 feet is a reasonable height for a house in a low rise area. We need to maintain our small residential neighborhood. Approving this variance will become a slippery slope that paves the way for ongoing increases across the board. Please vote no on this variance.

Thank you.

Sincerely,

Nancy Dolan

STAFF REPORT

TO: Grand Haven Zoning Board of Appeals
FROM: Brian Urquhart, City Planner
MEETING DATE: April 22, 2026
CASE: 26-03
ADDRESS: 101 Prospect St.

Proposal

Property owner Jennfier and Todd VandenBrand applied for a variance (see attachments A, B, C, D) related to a proposed deck at 101 Prospect St. (parcel #70-03-29-152-013): a variance from Sec. 40-306.05 which limits the distance of a deck or patio into the required front yard by no more than 50%. The required front yard in the Dune Residential District is 20 feet. The applicant is seeking relief for a proposed 10' x 34' and 4' x 9' connected deck with stairs that project into the required front setback. The projection will be about 13.5' in the required 20 ft. front yard setback.

Background

Jennifer and Todd VandenBrand purchased 101 Prospect St. in July 2025. Over the past year, they applied for permits improving the property, including the proposed deck. Upon receiving response from the City regarding the setback requirement for an open, unclosed, and uncovered deck into the required front yard. Jennifer and Todd Vandenberg applied for the necessary EGLE permit and variance application.



Site Location

1.0 Zoning of Subject Parcel

The property is located in the DR – Dune Residential District

2.0 General Location

101 Prospect St., in the front and side yard of the property

3.0 Existing Land Use on the Parcel
Single-family dwelling (short term rental)

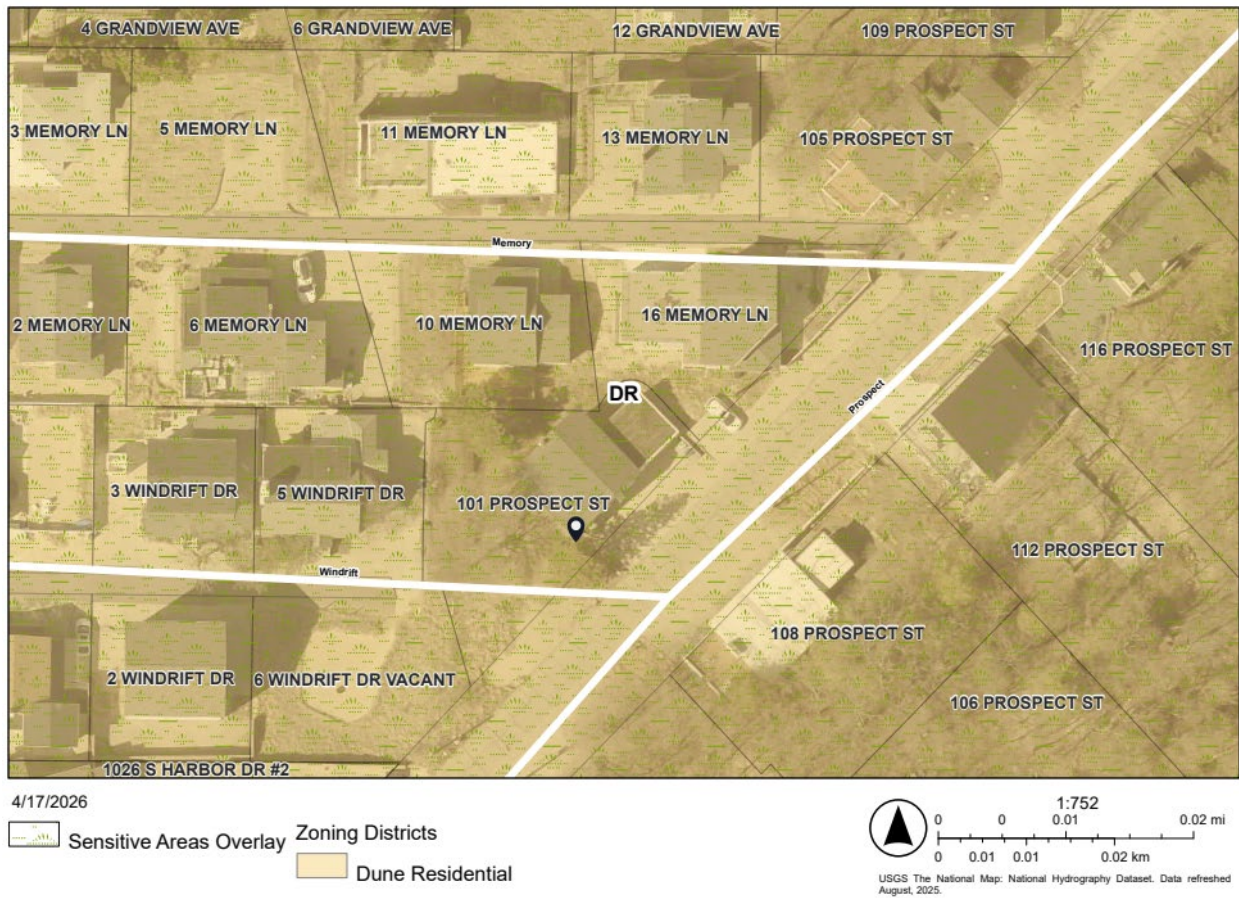
4.0 Adjacent Area Land Uses

North: Residential
South: Residential
East: Residential
West: Vacant

5.0 Zoning on Adjacent Parcels

North: DR
South: DR
East: DR
West: DR

ZBA Case 26-03



6.0 Findings of Fact and Staff Analysis

The applicant has provided responses to the Basic Conditions for the requested variance. Their responses are provided as an attachment to this report.

- 1. 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 the Ordinance.* **Comment:** The intent and purpose of Sec. 40-306.05 is to allow encroachments into the front yard setback and corner front yard setback including open, uncovered, and unenclosed additions beyond the building setback at a reasonable distance, which in this case is 10 feet. The proposal would result in a deck 6.5 feet from the front lot line. However, the existing front yard setback for 101 Prospect and others on the same block can provide relief, by way of front yard setback averaging. Sec. 40-306.05 does not take front yard setback averaging into account, it simply applies the required front yard setback. The existing front yard setback is 10.5 ft. The proposed deck would not extend beyond 50% of the current front yard setback, or 5.25 ft from the front lot line. The intent or purpose of this section appears to be met.
- 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.* **Comment:** The granting of this variance will allow for the use of an open, unenclosed, and uncovered deck into the required front yard setback. There is no use violation based on the proposed deck, just a restriction on the location.
- 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.* **Comment:** Having a deck encroach into the required half front yard setback by 3.5 ft is somewhat understandable considering neighborhood characteristics and age of homes abutting Prospect St. and thus causes no substantial adverse effect upon properties in the neighboring vicinity. In addition, the applicant did receive approval from EGLE for the project.
- d. *The conditions or situation of the property or its intended use is not so general or recurrent in nature as to make reasonably practicable a general regulation for the condition or situation.* **Comment:** 101 Prospect is a nonconforming home with respect to the front yard setback. There are many properties in the DR district the fail to satisfy the front yard setback requirements. Permitting an open, uncovered, and unenclosed deck to encroach beyond the 10 ft. required front yard setback by 3.5 ft. would make practical relief from the property condition.
- e. *Any exceptional or extraordinary circumstances applying to the property in question are not self-created.* **Comment:** 101 Prospect is a conforming lot with respect to lot width but nonconforming with respect to lot size. The minimum lot size is 10,500 sq. ft. and the lot size is approximately 6,534 sq. ft. According to City tax assessing records, the home was built in 1926, likely before zoning established front yard setbacks of 20 ft. in the Dune Residential District. Furthermore, the home was built prior to the common improvement of a deck and patio for a home located near Lake Michigan on a sloping dune.
- 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.* **Comment:** The applicant could decide to relocate the deck from within the required 10 ft. front yard setback and place the entire deck in the side yard, not extending any closer than 10 ft., or one-half, of the required 20 ft. front yard setback. In the contrary, it could be argued the location of 4 ft. x 9 ft. deck in the required front setback is necessary to make practical use of the stairs leading up to the deck.

- g. *The requested variance is the minimum variance that will make possible the reasonable use of the improvement. **Comment:** The open, uncovered, and unenclosed deck encroaches 3.5 ft beyond the required front yard setback. However, the open, uncovered, and unenclosed deck does not extend beyond the one-half of the established front yard setback of 10.5 ft. It can be argued that the request is the minimum variance necessary to make reasonable use of the deck in the proposed location.*

7.0 Correspondence

As of the date of this memo, the City has not received any correspondence regarding this case.

Sample Motions

Note: A concurring vote of 4 members of the Zoning Board of Appeals is required to approve a non-use variance.

Motion to **APPROVE Case 26-03**: A request by Jennifer and Todd VandenBrand for a variance related to a deck addition at 101 Prospect St. (parcel #70-03-29-152-013): a variance from Sec. 40-306.05.A.1 to allow an open, unenclosed and uncovered deck to encroach a distance of more than 50 percent into the required front yard setback. The approval is based on the following:

1. *Insert ZBA finding(s) of fact.*

Motion to **DENY Case 26-03**: A request by Jennifer and Todd VandenBrand for a variance related to a deck addition at 101 Prospect St. (parcel #70-03-29-152-013): a variance from Sec. 40-306.05.A.1 to allow an open, unenclosed and uncovered deck to encroach a distance of more than 50 percent into the required front yard setback. The denial is based on the following finding(s) of fact:

1. *Insert ZBA finding(s) of fact.*

Motion to **POSTPONE ZBA Case 26-03**, until the following information can be submitted for review:

Insert ZBA recommendation(s)

Attachments:

- A. ZBA application dated March 25, 2026
- B. Project narrative
- C. EGLE Permit
- D. Site Plan
- E. Legal description

ZONING BOARD OF APPEALS APPLICATION

Community Development Department, City of Grand Haven

519 Washington Avenue, Grand Haven, MI 49417

Phone: (616) 935-3276 Website: www.grandhaven.org

1. Project Information

To the Zoning Board of Appeals;

I (we) _____ of _____
(Applicant Name) (Street Number)

_____ (City) _____ (State & Zip Code)

Applicant Phone Number: _____ Applicant Fax Number: _____

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FOR A:

Variance () Appeal () Interpretation () Change of Nonconforming Use ()

Address/location of property: _____

Parcel #: _____ Zoning District: _____

2. Required Attachments

- 5 copies of site plan
- 5 copies of the application
- 5 copies of written response demonstrating how the request meets the 7 Basic Conditions
- Required fee (\$350 or \$450* if construction has begun)

3. Description of Case *(fill out only the items that apply to your case)*

A. Description of the property

- 1) Size of lot _____
- 2) Area of lot _____
- 3) Is lot a corner or interior lot _____

B. Description of existing structures:

- 1) Number of buildings now on premises _____
- 2) Size of each building now on premises _____
- 3) Use of existing buildings on premises _____

C. Description of proposed structures:

- 1) Height of proposed structure _____
- 2) Dimensions of proposed building or addition _____
- 3) Area of proposed building _____
- 4) Percentage of lot coverage of building or addition _____



D. Yard setbacks after completion of building or addition:

- 1) Front yard (measured from lot line) _____
- 2) Side yard (measured from lot line) _____
- 3) Rear yard (measured from lot line) _____

E. A sketch depicting the above information shall accompany this application. The sketch shall be on a sheet of paper 8 1/2" x 11" in size.

F. Article and Section number of Zoning Ordinance that is being appealed:

G. Clearly state your request: _____

4. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** described below can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

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

- 1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- 6) 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.
- 7) The requested variance is the minimum variance that will make possible the reasonable use of the improvement.

Section 40-113.08 (B)(3) states the following (*See Section for additional Rules*):

1. Each variance granted under the provisions of this Ordinance shall become null and void unless:
The construction authorized by such variance has received a City Land Use Permit within one (1)



year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the issuance of the Land Use Permit, unless an extension of time has been granted by the Zoning Board of Appeals. The Zoning Administrator may grant one six (6) month extension of construction. After expiration of a six (6) month extension, all extension shall be granted by the Zoning Board of Appeals.

- 2. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid.

Signature of Owner: Todd VanderBrand Date: 3/24/26
Jennifer VanderBrand

Print Name: Jennifer & Todd VanderBrand

Subscribed and sworn before me on this 24th day of March, 2026

My Commission expires on: 11/04/2030

TASIA HINOJOSA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF KENT
My Commission Expires November 04, 2030
Acting in the County of Kent

Tasia Hinojosa
Notary Public



Zoning Board of Appeals Application – Variance Request

101 Prospect Street, City of Grand Haven, Ottawa County, Michigan

Basic Conditions

The VandenBrands are proposing to construct a 376 square foot deck with stairs along the side and front of the existing house, as well as convert an existing 9 square foot concrete patio area to an elevated deck in order to improve and expand their existing recreational outdoor space. A variance is requested to reduce the front yard setback from 20 feet to 6.5 feet for the proposed structures on the front of the house. The proposed structures will not project any further into the front yard setback than the existing western entry stairs and eastern entry patio, which will be removed and replaced by the proposed structures. Without a variance, the deck would only be 20 feet long on the side of the house, and the deteriorating concrete entry stairs/patio could not be replaced.

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

The Zoning Ordinance states the following in Sec. 40-101 – Purpose and Intent:

“To provide for the needs of recreation, residence, commerce, and industry in future growth”

The requested variance is not contrary to the public interest or to the intent and purpose of this ordinance. The purpose of requesting this front yard setback variance is to allow the placement of a 376 square foot deck and stairs, and the conversion of an existing 9 square foot patio to a deck as amenities in the front yard of an existing single-family residential home that is registered for short term rental use. Due to the confines of the property size, shape, and location of the existing structures not in compliance with required setbacks, the proposed structures will project into the required front yard setback by 13.5 feet, for a final front yard setback of 6.5 feet. The proposed decks and stairs will not be a hinderance, detraction, or obstruction to the public, as they will be in line with the existing structures on the property.

The property owners intend to use the 376 SF decks and stairs as recreational outdoor space to enjoy views of Lake Michigan. The stairs and the converted deck will also serve as entry points to the existing home and proposed deck, improving upon the existing concrete structures that have been shifting and deteriorating over time. Other natural areas on the property will be preserved and improved with plantings for this project. The size of the proposed decks and stairs were determined to be the smallest footprint feasible while still meeting the property owner’s needs and project goals.

- 2. 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.**

No special land use permit is required for the decks and stairs, as they will be used for entry to the existing house and as outdoor recreation areas. The house is a single-family residence that is registered for short term rental use. This use is permitted by right within the Dune Residential zoning district.

3. 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.

The requested variance will not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which this property is located. The structures are proposed directly adjacent to the existing house and are roughly in the center of the lot. They will be 6.5 feet from the front property line and will not project any further into the front yard setback than existing structures. The existing western entry stairs will be removed and replaced with the proposed 376 SF deck and stairs. The existing 9 SF eastern entry patio will be replaced with a deck. Native plantings are proposed onsite to improve the habitat and diversity in the area. These plantings will also partially shield the deck from the road. Construction disturbance will be minimal, with much of the work being conducted by hand. No work will take place in the right-of-way and the views of neighboring properties will not be impaired. The proposed structures will further the enjoyment of their outdoor space, and will improve entry to the house.

4. 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.

The property has unusual site conditions due to the irregular parcel shape and small lot size of 0.15 acres. These conditions make this a unique situation regarding the placement of a deck in the front yard. It is technically along the side of the house, but because of the house's own projection into the front yard, the proposed 376 SF deck and stairs also project into the front yard. Additionally, the existing 9 SF patio proposed to be converted to deck is already located in the front yard with a setback of 6.5'. This situation is not recurrent enough to make reasonably practicable a general regulation for the situation.

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

The exceptional or extraordinary circumstances applying to this property are not self-created. As stated, 101 Prospect Street is a unique lot in its shape and size. Without variances, adhering to the required zoning setbacks only leaves a 0.06 acre triangle-shaped buildable area. It would be difficult to construct a reasonably sized single-family house with outdoor recreational areas within those limitations. Any additions or modifications to the existing house, such as the proposed structures, would require a variance of some kind from the City of Grand Haven due to the setbacks.

6. 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.

The front yard adjacent to Prospect Street contains the driveway and front entry to the home. Aligning the decks and stairs entirely along this side of the house is not a feasible option as it would project even further into the front yard and into the road right-of-way, as well as interfere with entry to the house and garage. Locating the decks and stairs along the back of the house is

not a feasible option as it would have to be greatly reduced in size to avoid crossing property lines, and it would also require a setback variance. The same is true for locating it on the northeast side of the house. The concrete entry stairs and concrete patio along the front of the house cannot be relocated since they provide entry to the existing house. If they are replaced, it has to be in the same location.

The placement of the deck along the west side of the house is the only feasible location for a deck due to the location of the house on the property. The deck will provide views of Lake Michigan, outdoor recreational space, utilize the existing open space on the property, replace existing deteriorating concrete stairs, and provide an entry point to the deck from the front of the house rather than needing to walk around to the western side. Since the deck is proposed to wrap around to the front of the house and replace the existing western entry stairs, it can be accessed from the front and provide an entry point into the house. The existing patio that will be converted to deck also serves as main entry to the house and cannot be relocated.

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

This requested variance was designed to be the minimum variance that will make possible the reasonable use of improvement. The decks and stairs will not project any further into the setback than the existing structures with a front yard setback of 6.5'. If the 20 foot front yard setback was adhered to, the deck on the side of the house would only be 20 feet long, the deteriorating concrete entry stairs and patio in the front yard could not be replaced and converted to deck, and the only way to access the proposed deck would be to walk around the side of the house to the side stairs.



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT**

Issued To:

**Jennifer VandenBrand
6137 Chamonix Ct SE
Grand Rapids, MI 49546-6429**

**Permit No: WRP048144 v.1
Submission No.: HQG-PBQX-FSE3D
Site Name: 70-101 Prospect Street-Grand Haven
Issued: March 5, 2026
Revised:
Expires: March 5, 2031**

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

Part 353, Sand Dunes Protection and Management

EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Remove existing patio, walkway, and stairs. Install 225 square foot concrete patio and 72 square foot stairs, 340 square foot wooden cantilever deck, 36 square foot wooden deck. Stabilize and revegetate site. All work shall be completed in accordance with the attached plans and the terms and conditions of this permit.

**Waterbody Affected: Lake Michigan
Property Location: Ottawa County, City of Grand Haven,
Town/Range/Section 08N/16W/29,
Property Tax No. 70-03-29-152-013**

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.

- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit <https://www.michigan.gov/egle/about/organization/water-resources/soil-erosion/sesc-overview> and select "Soil Erosion and Sedimentation Control Agencies".
 2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
 3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.

4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
5. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
7. Notification shall be provided to EGLE 72 hours prior to commencing construction, vegetation removal, or grading activity. Contact: Abigail Richmond at RichmondA3@Michigan.gov; or Grand Rapids District Office, 350 Ottawa Ave NW, Unit 10, Grand Rapids, MI 49503
8. Altering the crest and the area lakeward of the crest by placing retaining walls or other regulated structures, removing soil or vegetation, lowering or raising the elevation of the crest, placing materials or soils lakeward of the crest on the lakeward facing bluff is not permitted.
9. The construction of porches, decks, landscaping (with the exception of planting native dune vegetation), on-grade walkways, on-grade stairways, and retaining walls including the placement of boulders, are considered uses, and not permitted unless specified in the authorized activities of the permit and depicted on the approved plans.
10. All earth moving and contour changes must occur within 10 feet of the permitted use.
11. Vegetation changes are not authorized more than 10 feet outside of the permitted use. All disturbed areas shall be re-vegetated with native dune species and stabilized with temporary measures before or upon commencement of the permitted use and maintained until permanent measures are in place. The removal and reestablishment of vegetation must be in accordance with the submitted vegetation assurance.
12. All revegetation shall be completed with native dune species only. Non-native or ornamental species are not allowed.
13. The permitted use and development shall provide for disposal of storm water without serious soil erosion and without sedimentation to any waterbody or wetland.
14. The transport of building materials/excavated sand and access to and from the site shall be via the existing or permitted driveway or temporary construction access. A separate temporary driveway or access road is not permitted for construction activities.
15. The temporary construction access as depicted on the attached plans shall not involve a contour change or vegetation removal that increases erosion or decreases stability, shall be maintained in stable condition, and temporary stabilization measures shall be installed before or upon completion of project.
16. The re-stabilization and replanting of the temporary construction access shall follow the submitted stabilization and planting plan. Vegetation shall be monitored for a minimum of two growing seasons to ensure the vegetation is fully established in the disturbed area and that no invasive species become established in the disturbed area.
17. All slopes steeper than one-on-three (33%) must not be disturbed. Impacting the dunes is not authorized outside of the permitted use including activities such as driving machinery on slopes steeper than one-on-three (33%), or storing (permanently or temporarily) machinery, soil, materials, equipment, or removed vegetation, on any slopes steeper than one-on-four (25%).

18. Excess excavated clean sand must be deposited in a critical dune area on the beach above the ordinary high-water mark (OHWM) of 580.5 feet IGLD85, or on-site in areas with slopes less than one-on-three (33%) which do not contain woody vegetation or as noted on the site plan. Machinery is not permitted to be driven down the lakeward facing bluff, on slopes steeper than one-on-three (33%) or in the water of the lake for the purpose of depositing the excess sand. Sand shall not be left in piles. The sand shall be leveled out immediately and planted with native dune vegetation. Where mature trees are present, sand shall not be placed greater than 2 inches deep. Where shrubs are present, sand shall not be placed greater 3 inches deep. In areas of open sand or dune grass, sand shall not be placed greater than 18 inches deep. The sand shall be delivered to the beach by hand or by temporary chutes.
19. All excess woody debris, concrete, building materials, or other types of soil must be deposited off site, outside of the critical dune area.
20. All man-made debris that has been compromised by erosion and is threatening to be discarded below the Ordinary High Water Mark of a Great Lake, such as stairways, decks, catch basins, septic systems, pool foundations, buildings, sheds, pipes, and concrete, must be removed and deposited in an upland location outside of the critical dune area.
21. If it is not feasible to dispose of excess excavated sand or soil on-site, then it must be deposited off-site, outside of a floodplain, lake, river, stream, or wetland, and stabilized with temporary measures until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
22. The use of pervious materials or pervious pavement is required for all driveways, parking areas, patios, walkways, and other hardened surfaces. The pervious materials should be maintained to remain functional.
23. Stairway(s)/walkway(s) must be constructed elevated above grade, on a hand dug post foundation, a maximum of five (5) feet in width and shall not have a roof or walls.
24. The tree pest, hemlock woolly adelgid (HWA), is known to infest hemlock and tiger-tail spruce trees in this county. The Michigan Department of Agriculture and Rural Development (MDARD) has issued a quarantine on the movement of all branches, boughs, any tree part bearing twigs and needles and un-composted, chipped/shredded/ground parts that include twigs and needles. Issuance of this permit does not obviate the need to obtain approval to move hemlock and tiger-tail spruce parts off the project site prior to commencement of construction activity as stated in the quarantine effective on September 10, 2020, by authority of Public Act 72 of 1945, as amended, for Allegan, Ottawa, Muskegon, Oceana and Mason counties. Contact Robert Miller, MDARD Invasive Species Prevention and Response Specialist, MillerR35@Michigan.gov or 517-614-0454. For more information about HWA visit the HWA webpage at Michigan.gov/Invasives
25. Oak wilt, a non-native tree killing fungus, is known to infect oak trees in this county. Damage to the trees from construction, such as cut or broken branches, during the growing season may result in the tree becoming infected and dying shortly thereafter. If possible, do not cut or trim oak trees during the growing season, especially April 15 through July 15. Open cuts on damaged trees should be immediately painted with pruning sealer or tree paint. Contact the local Cooperative Invasive Species Management Area (CISMA) staff for more information, info@MichiganInvasives.org or www.MichiganInvasives.org

26. Beech Bark Disease, a tree killing fungus disease spread by insects, is known to occur in this county. To limit the spread of beech bark disease do not move beech tree firewood or other beech wood materials onto or off of the property. Learn to identify and report beech bark disease infestations at: <https://www.michigan.gov/invasives/id-report/disease/beechn-bark-disease>. For more information, contact your local Cooperative Invasive Species Management Area (CISMA) staff at michiganinvasives.org or info@michiganinvasives.org.

Issued By: Abigail Richmond
Abigail Richmond
Grand Rapids District Office
Water Resources Division
616-260-7328

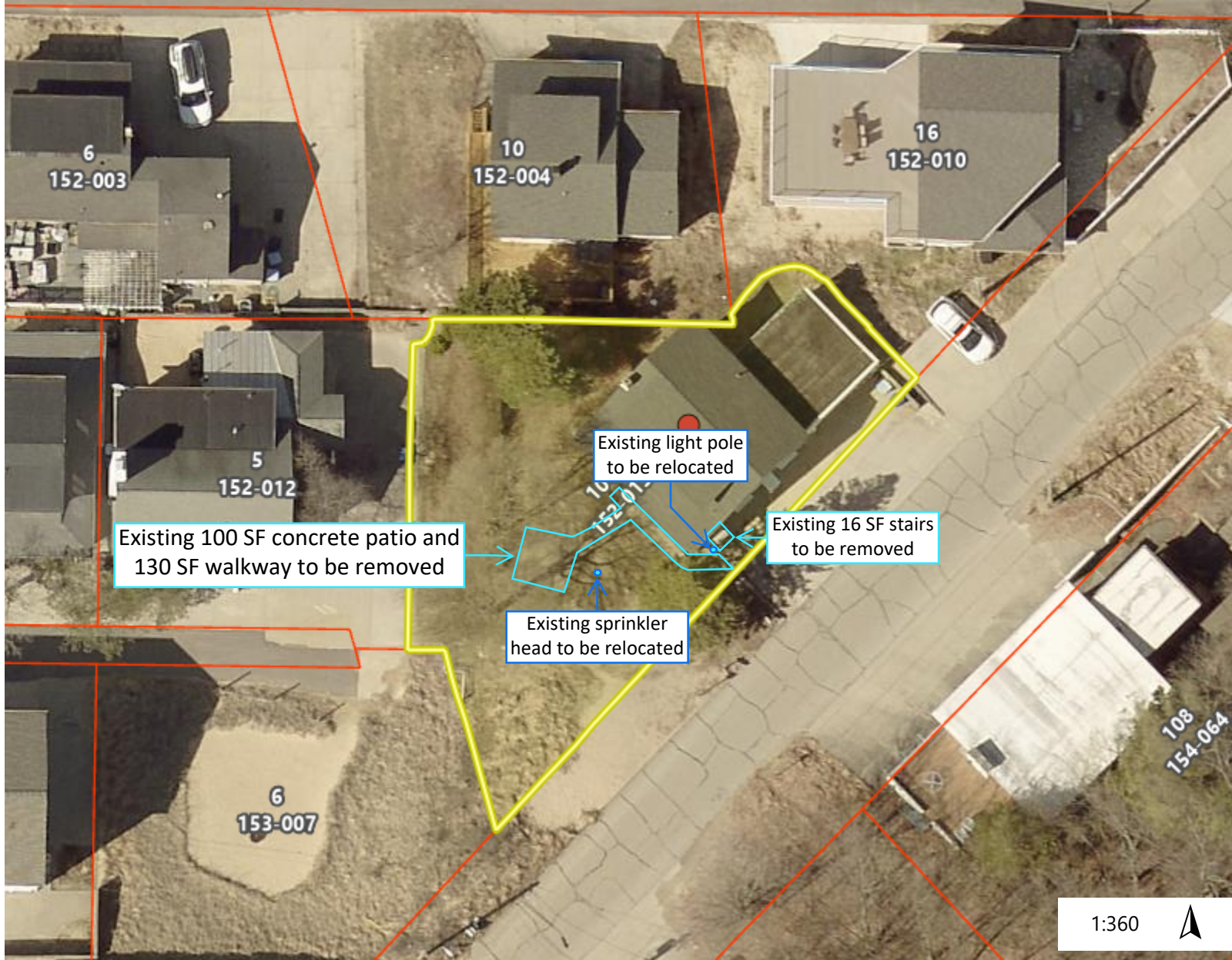
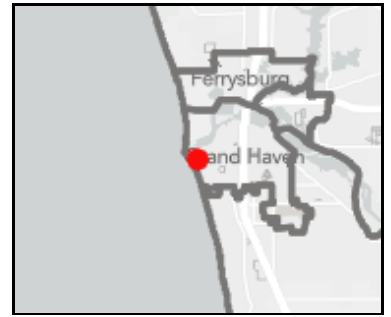
THIS PERMIT MUST BE SIGNED BY THE PERMITTEE TO BE VALID.

I hereby assure that I have read, am familiar with, and agree to adhere to the terms and conditions of this permit.

Signed by:
Jennifer VandenBrand
AFF9F9818D794DF...
Permittee Signature

3/15/2026
Date

cc: City of Grand Haven Clerk
Ottawa County Drain Commissioner
Ottawa County Clerk

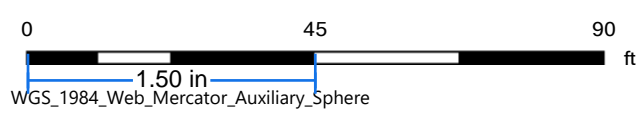


Legend

Parcels
 Parcels

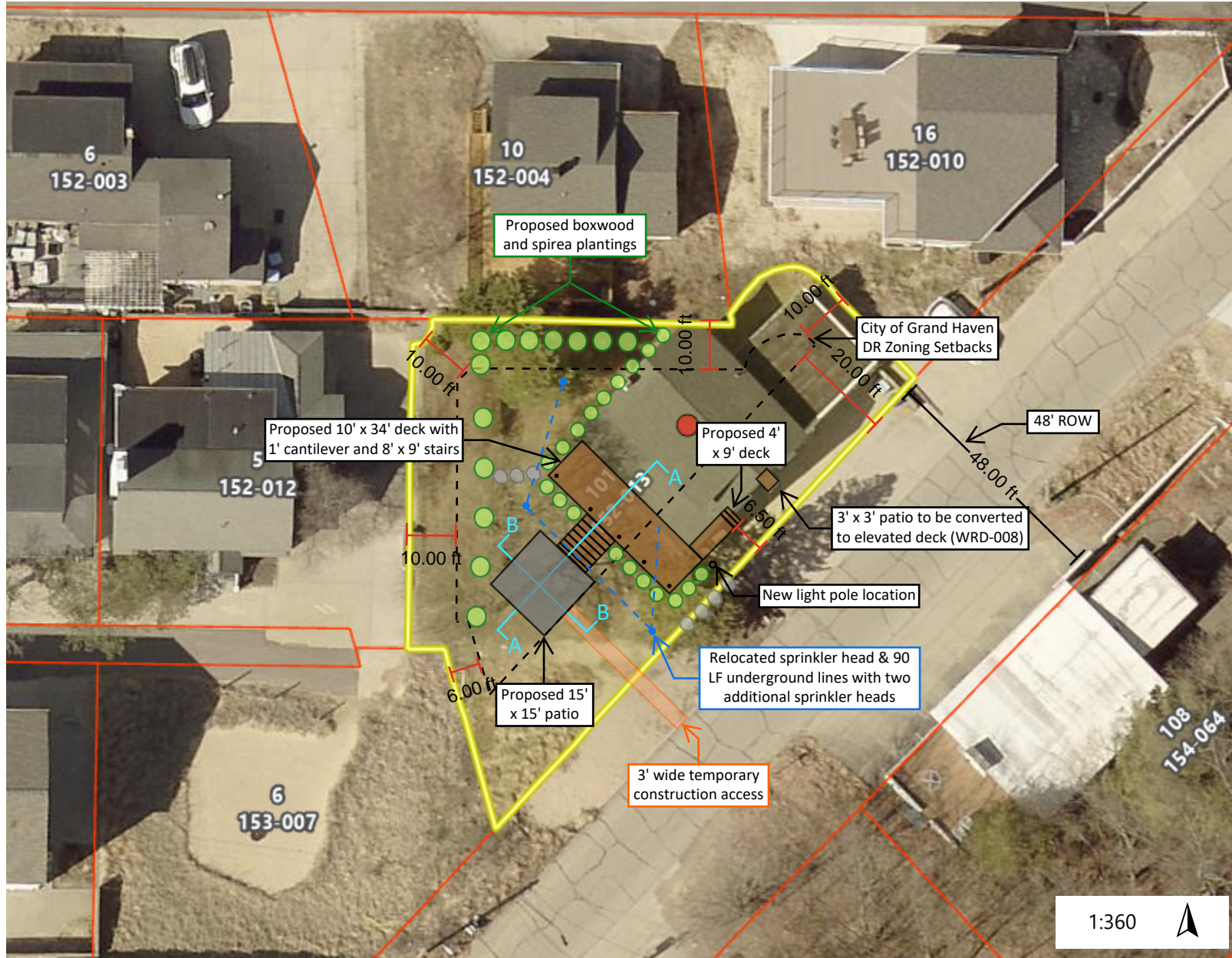
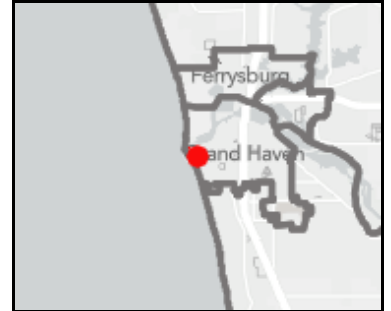
Notes

EGLE
WRP048144 v1.0
Approved



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

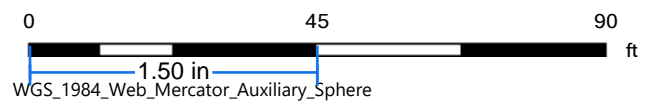


Plant Species to be Used:
Spiraea nipponica (Snowmound Spirea)
Buxus koreana x sempervirens (Green Ice Boxwood)
Pennisetum spp. (Hameln Grass)
Nepeta cataria (Catnip)
Thymus serpyllum (Breckland Thyme)
Allium spp. (Serendipity Allium)
Poa pratensis (Kentucky Blue Grass)
Ammophila breviligulata (Beach grass)

Existing mowed lawn and landscaped areas to be maintained and replanted.

Notes
 Peterson & VandenBerg Environmental is not liable for any activities associated with this drawing.

1:360

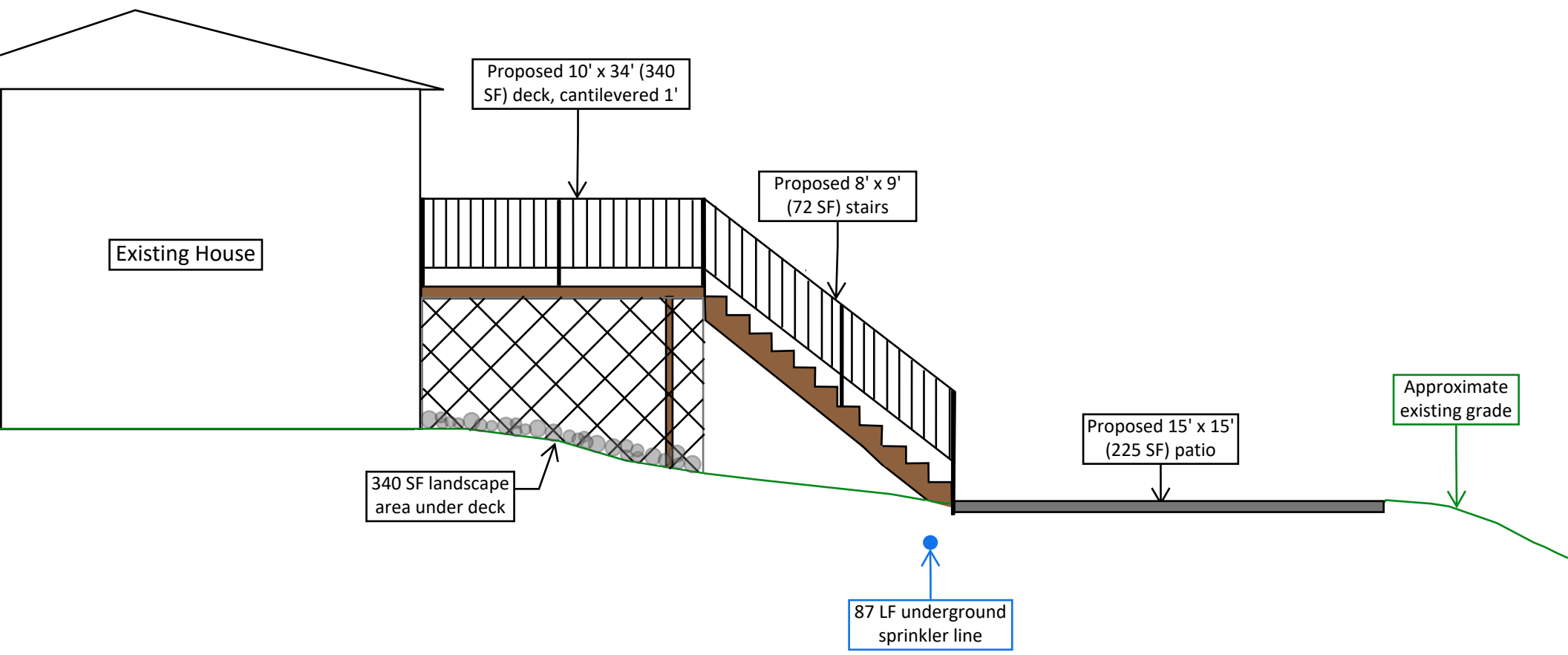


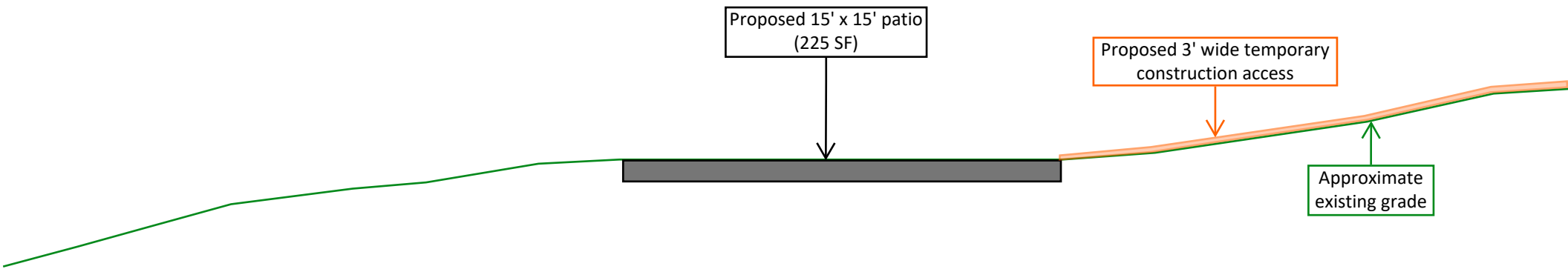
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EGLE
WRP048144 v1.0
Approved

Issued On:03/05/2026
 Expires On:03/05/2031

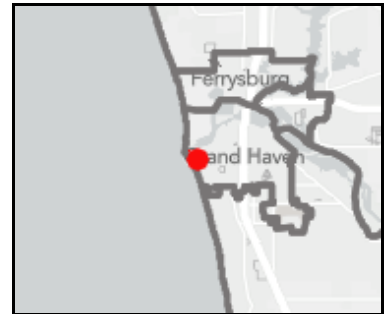
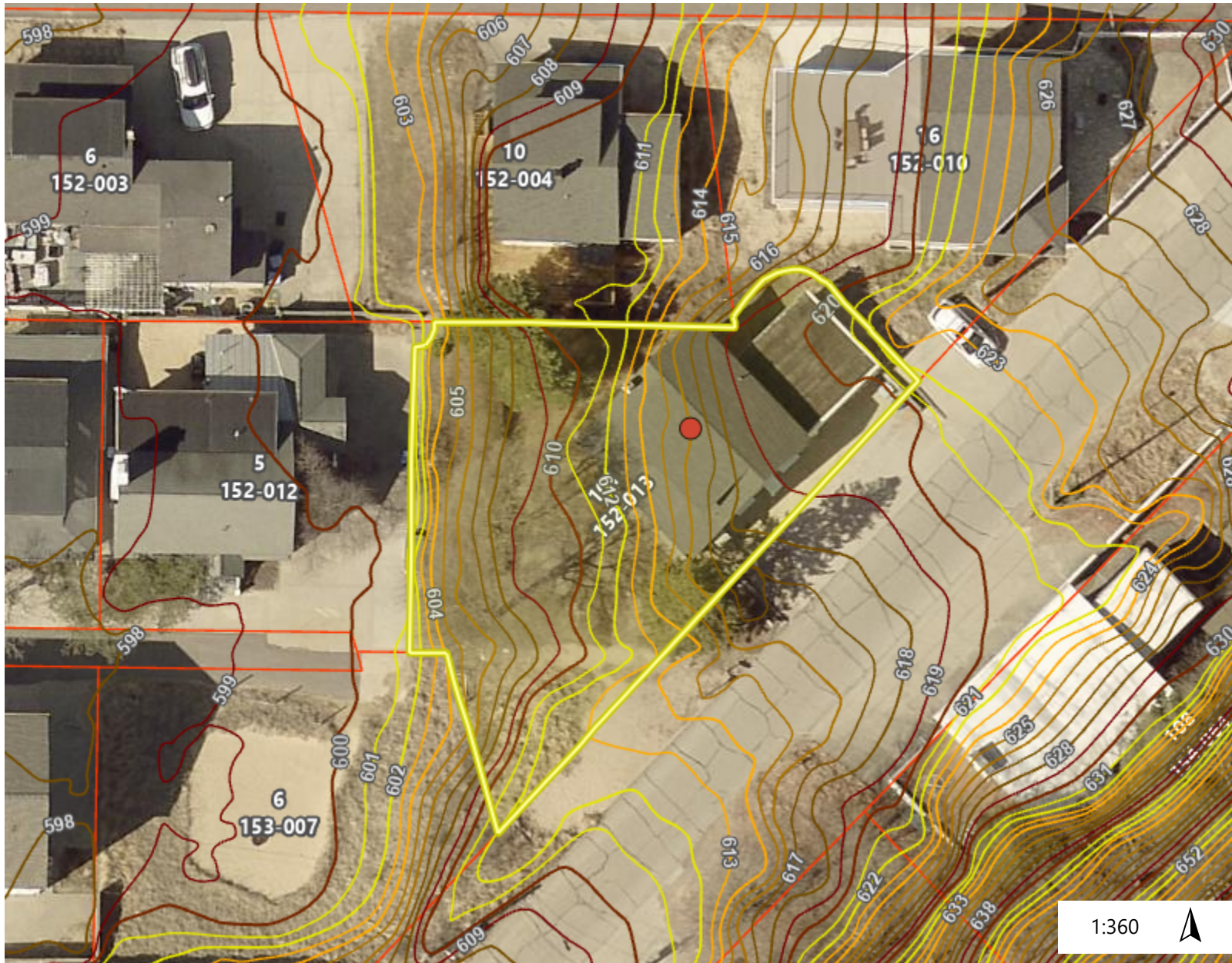




Proposed 15' x 15' patio
(225 SF)

Proposed 3' wide temporary
construction access

Approximate
existing grade



Legend

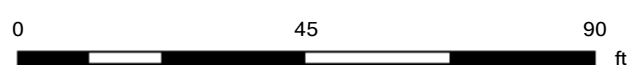
2018 Contours

Ten ft Contours

Two ft Contours

- +2
- +2
- +2
- +2
- +2
- +2
- +2
- +2
- +2

Notes



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1:360

Legal Description

PART OF LOTS 20, 21 & VAC HIGH STREET VAN ANROOY'S ASSR'S PLAT NO.1 DESC AS LOT 20 EXC COM NE COR, TH S 43D W 13.18 FT ALG S'LY LI OF SD LOT, N 47D 31M 50S W 13.06 FT TO N LI OF SD LOT, TH N 87D 27M 58S E 18.64 FT TO BEG, ALSO THAT PART OF LOT 21 COM SW COR, TH N 02D 32M 02S W 2.81 FT ALG W LI OF SD LOT, N 42D 28M 10S E 9.24 FT, NE'LY 12.57 FT ALG AN 8 FT RAD CURVE TO RT (CHD BEARS N 87D 28M 10S E 11.3 FT), S 47D 31M 50S E 13.22 FT TO S LI OF SD LOT, TH S 87D 27M 58S W 27.2 FT TO BEG, ALSO THAT PART OF VAC HIGH STREET COM NW COR OF LOT 20, TH S 15D 56M 54S E 81.5 FT ALG E LI OF VAC HIGH STREET, S 45D 59M 09S W 23.21 FT ALG W'LY EXT OF S LI OF LOT 20, N 15D 56M 54S W 29.55 FT ALG CEN LI OF VAC HIGH STREET, N 89D 59M 59S W 7.48 FT ALG E'LY EXT OF CEN LI OF WINDRIFT DR, N 0D 10M 16S E 60.89 FT ALG CEN LI OF CONCRETE WALL, S 89D 49M 44S E .43 FT ALG SD CEN LI, NE'LY ALG SD CEN LI 6.09 FT ALG A 3.87 FT RAD CURVE TO LEFT (CHD BEARS N 45D 05M 09S E 5.48 FT), N 1.31 FT ALG SD CEN LI, TH S 89D 59M 59S E 5.4 FT ALG W'LY EXT OF N LI OF LOT 20 TO BEG. VAN ANROOY'S ASSR'S PLAT NO. 1 CITY RESOLUTION TO VACATE L.420 P.603 12-3-53