

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES



April 22, 2026

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, Brendan Pool, Vice- Chair Paul Shibley

Absent: Chair Mark Hills, Tyler Berg

Also present: Brian Urquhart, City Planner

Approval of Minutes

Motion by Bridges, seconded by Norton, to approve the December 17, 2025 minutes as written. Passed unanimously with a voice vote.

Approval of Agenda

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

Call to the Audience – None

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.

Urquhart introduced the case. The applicant is demolishing all structure on the property to construct a new home, garage, and driveway. The applicant has received EGLE approval, special land use approval from the Planning Commission and is now requesting a variance for the flat roof.

Urquhart stated the intent behind a 4:12 to 12:12 roof pitch for roof lines at or above 22 ft. from grade in the DR district is primarily to protect viewsheds of Lake Michigan for upgradient properties. He added the applicant is seeking a flat roof to take advantage of the roof elevator shaft. According to the applicant, the elevator will provide much needed access throughout the property, including to the third level.

Urquhart said the City did not receive any correspondence regarding this case.

Vice Chair Shibley opened the public hearing at 7:02pm.

Jeff Visbeen of Visbeen Architects represented the property owner. He stated the roof pitch request would maintain the architectural integrity of the home. By requiring a pitched roof, the architectural elements would be compromised. Visbeen added the elevator shaft request is included in the overhaul of the home to provide accessibility for the property owner as the owner ages.

Kozanecki asked if the elevator shaft goes to the roof. Visbeen responded it does.

Judith Hooper, 11 Grandview Ave., asked what the overall height is. Urquhart responded that based on the calculations for building height in the DR district, the height is 30 ft.

William VanHoff, 3 Grandview Ave, stated the home is a newer type of building and should be allowed.

Motion by Kozanecki, seconded by Norton, to close the public hearing. Voice vote. All ayes. Public hearing closed at 7:17pm.

The board considered the seven basic conditions.

- A. Most members agreed the intent of the roof pitch requirement for roofs above 22 ft. from grade in the DR district is to protect viewsheds. They agreed 912 S. Harbor does not apply directly to this situation, and the flat roof will not compromise the viewshed. Kozanecki did not agree. She stated the applicant can construct a flat roof but maintain the height below 22 ft. Motion by Norton, seconded by Shibley, to approve Basic Condition A. Yeas: Bridges, Shibley, Norton, Pool. Nays: Kozanecki. Condition A **passed**.4-1.
- B. All members agreed the home would not create a use that is not permitted in the Dune Residential District. Motion by Bridges, seconded by Shibley, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed the flat roof would not create adverse conditions on properties in the immediate vicinity. All adjacent homes are to the north and south, and there are no homes to the east, or upgradient of the property, thus not causing a viewshed barrier. Motion by Norton, seconded by Pool, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. All members agreed the property was unique based on the fact no homes were behind 912 S. Harbor, and thus not affected by the flat roof at that height. Motion by Pool, seconded by Bridges, 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. The applicant did not create the parcel lines, nor request to amend the ordinance to regulate roof pitch. Motion by Norton, seconded by Shibley, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members agreed there was no reasonable alternative for the location of the roof pitch. The applicant wishes to maintain the height of the current second story and

add above a flat roof with an elevator shaft. Motion by Norton, seconded by Bridges, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.

- G. Most members discussed the unique condition of the property and minimal interference of viewshed a flat roof had. Requiring a 1:12 or 2:12 roof wouldn't be practical. Kozanecki did not agree, saying the applicant has every right to build a flat room, but not at the current height. Motion by Norton, seconded by Pool, to approve Basic Condition G. Yeas: Bridges, Norton, Shibley, Pool. Nays: Kozanecki. Condition G **passed** on a 4-1 vote.

Motion by Bridges, seconded by Shibley, to approve 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 based on the fact basic conditions A through G were met.

Yeas: Bridges, Pool, Norton, Shibley, Kozanecki. Nays: Kozanecki. The variance was **APPROVED** on a 4-1 vote.

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.

Urquhart introduced the case. He said the applicant has owned the property at 6 Windrift for many years. The property was damaged and a demolition permit was issued to tear down the entire structure. The site was vacant since 2013. The request was for a 34 ft. 10. In home in the DR district which is restricted to 30 ft. Urquhart said the lot was unique in the fact it is very level. Most parcels in the DR district are sloped and within the dune landscape.

Urquhart said because of the flat parcel, the applicant could not take advantage of the definition of building height in the DR district, which considers all four walls and takes the average. If the property contained a slope, it could meet the height requirements of 30 ft. due to the increase in the median grade. The median grade remained at a base level lower than most properties.

John Becker, representing the applicant, presented the case. The presentation included photographs of existing properties in the area that blocked viewsheds, which was a major criticism of neighbors.

Curtis Bac, of J Visser Design, added the site is unique, and the flat lot is critical to the need for a hardship for the height variance. The EGLE permit would not permit the building to set back into the critical dune part of the property which may yield a taller median grade.

Vice Chair Shibley opened the public hearing at 7:35 pm.

Jacquie Lyon, 108 Prospect St., opposed the variance.

Lisa Kaderabek, 10 Memory Lane, opposed the variance.

Karla Good, 16 Memory Lane, opposed to variance.

Judith Hooper, 11 Grandview Lane, opposed the variance. She also expressed concern over the photographs obtained by Becker, citing trespassing to capture such images.

Urquhart said over a dozen public comments were received regarding the case, mostly against the request.

Motion by Shibley, seconded by Norton, to close the public hearing. Voice vote. All ayes.

Public hearing closed at 8:07pm.

The board considered the seven basic conditions.

- A. All members agreed the building height maximum in the DR district was clearly designed to maintain viewsheds for upgradient properties, thus limiting the height to 30 ft., instead of 35 ft. in all other zoning districts. The intent of the ordinance would not be met. Motion by Pool, seconded by Kozanecki, to approve Basic Condition A. Condition A **failed** unanimously on a roll call vote.
- B. All members agreed the home would not create a use that is not permitted in the Dune Residential District. Motion by Bridges, seconded by Norton, to approve Basic Condition B. Condition B **passed** unanimously on roll call vote.
- C. All members agreed the variance to allow a 34 ft. 10 in. at 6 Windrift would create an adverse condition on neighboring properties. Shibley cited all the letters received. Motion by Norton, seconded by Kozanecki, to approve Basic Condition C. Condition C **failed** unanimously on roll call vote.
- D. All members agreed the property at 6 Windrift was not unique and the 30 ft. maximum building height is straightforward and the property owner can construct a home that satisfies building height requirements. Motion by Pool, seconded by Bridges, to approve Basic Condition D. Condition D **failed** unanimously on roll call vote.
- E. All members agreed the condition or situation of the property was a result of the applicant. The applicant selected a building height that was greater than what is permitted on a vacant lot. Motion by Norton, seconded by Shibley, to approve Basic Condition E. Condition E **failed** unanimously on roll call vote.
- F. All members agreed there was no reasonable alternative for the location building footprint. The setbacks, lot coverage, parking requirements, and driveway standards were met. Motion by Bridges, seconded by Pool, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed the variance of allowing a 34 ft. 10 in. building, or a 16% increase, was not the minimum variance necessary. Motion by Norton, seconded by

Pool, to approve Basic Condition G. Condition G **failed** unanimously on a roll call vote.

Motion by Pool, seconded by Norton, 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. based on the fact conditions a, c, d, e, and g were not met.

Yeas: Bridges, Pool, Norton, Kozanecki, Shibley. Nays: None. The variance was **DENIED** on a 5-0 vote.

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.

Urquhart introduced the case. He said the applicant is seeking to build a deck with an entrance to the front door. The deck would encroach beyond the required maximum half-front yard setback of 10 ft. in the Dune Residential district. The required front yard setback in the DR district is 20 ft., and the home had a setback of 13 ft. A deck can encroach into the required front yard setback up to 50%, provided the deck is uncovered, open, and unenclosed. Urquhart said the ordinance was strict in the required front yard setback can be encroached upon, not the existing front yard setback.

Adrienne Peterson of Peterson Environmental, presented the case on behalf of the property owner. Peterson cited the reasons for granting the encroachment of the deck 13.5 ft , including the following: the majority of the deck is within the side yard, building code is met with the deck and stairs constructed to provide access out the front door, and the deck will not create any adverse conditions on neighboring properties.

Vice Chair Shibley opened the public hearing at 8:25 pm.

Jacquie Lyons, 108 Prospect, spoke in support of the variance.

Motion by Kozanecki, seconded by Pool, to close the public hearing. Voice vote. All ayes. Public hearing closed at 8:35pm.

The board considered the seven basic conditions.

- A. All members agreed the deck encroachment beyond 50% of the required front yard setback in the DR district did not contradict the intent or spirit of the ordinance.

Motion by Pool, seconded by Bridges, to approve Basic Condition A. Condition A **passed** unanimously on roll call vote.

- B. All members agreed the deck addition would not create a use that is not permitted in the Dune Residential 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 deck encroachment into the required front yard setback would not create any substantial adverse effect on properties in the adjacent vicinity. Motion by Bridges, seconded by Norton, to approve Basic Condition C. Condition C **passed** unanimously on roll call vote.
- D. All members agreed the condition was unique due to the smaller existing front yard setback of the home to Prospect Ave. Motion by Norton, 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. The home existed with the door location prior to the variance request. To provide for a reasonable deck location with a compliant entrance, encroaching into the required front yard setback would be necessary. Motion by Norton, seconded by Pool, to approve Basic Condition E. Condition E **passed** unanimously on roll call vote.
- F. All members agreed there was no reasonable alternative for the location of the deck into the required front yard setback. Motion by Bridges, seconded by Pool, to approve Basic Condition F. Condition F **passed** unanimously on roll call vote.
- G. All members agreed the encroachment of 3.5 ft. into the required front yard setback was the minimum necessary to make possible the deck improvement. Motion by Pool, seconded by Norton, to approve Basic Condition G. Condition G **passed** unanimously on a roll call vote.

Motion by Kozanecki, seconded by Norton, 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 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. based on the fact basic conditions A through G were met.

Yeas: Bridges, Pool, Norton, Kozanecki, Shibley. Nays: None. The variance was **APPROVED** on a 5-0 vote.

City Planner Report – Planner Urquhart stated the next meeting the ZBA would hear a request from Dick's Towing after their building burned down entirely in February.

Call to the Audience – Second Opportunity

None

