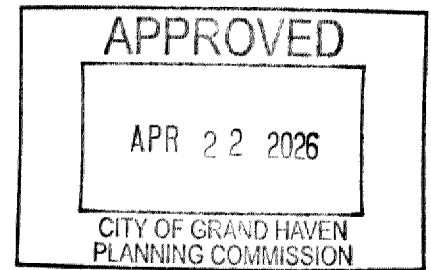


ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

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 on 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 Kozanecki, 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