

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, December 10, 2024
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: City Hall Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes of the Regular Meeting of November 12, 2024.
- III. Public Hearings
 - A. Hearing, Case 2024-06: Request for variances from Section 404 of the Zoning Ordinance to construct a new home on a 2,500-square-foot lot, with a rear setback of 7 feet, at 2125 Beidler Street.
 - B. Hearing, Case 2024-08: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, and from Section 404 to exceed the maximum pavement coverage of 15% allowed, at 2035 Letart Avenue.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS
OF THE CITY OF MUSKEGON AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit: www.shorelinecity.com

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC
City Clerk
933 Terrace Street
Muskegon, MI 49440
231-724-6705
clerk@shorelinecity.com

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
STAFF REPORT

Tuesday, December 10, 2024

Hearing, Case 2024-06: Request for variances from Section 404 of the Zoning Ordinance to construct a new home on a 2,500-square-foot lot, with a rear setback of 7 feet, at 2125 Beidler Street.

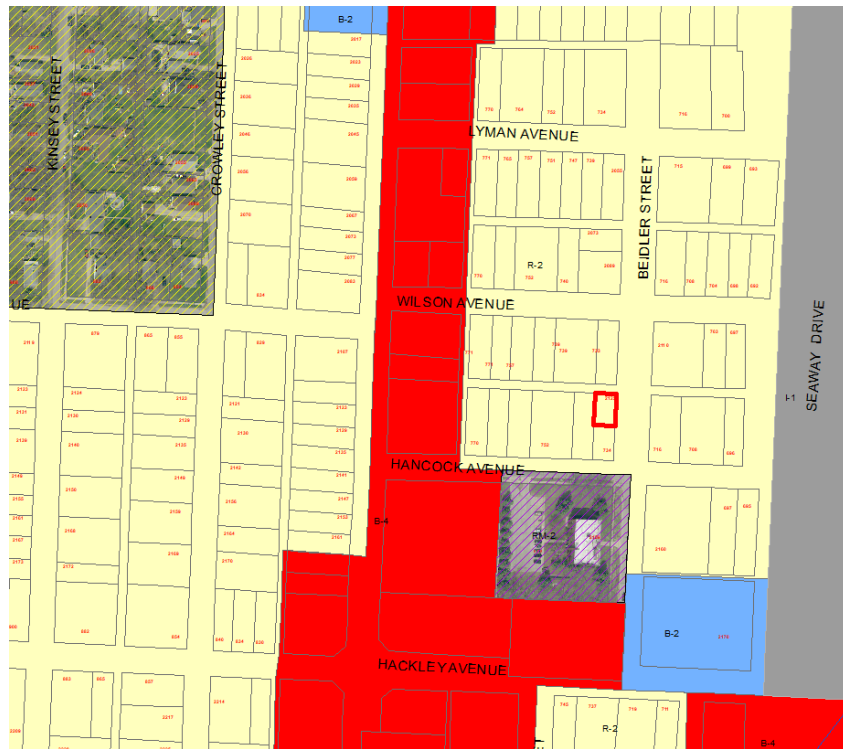
SUMMARY

1. The property is zoned R-2, Medium Density Single-Family Residential. The lot is considered non-conforming because it does not meet the minimum lot size requirement of 4,000 sf. The lot measures 2,500 sf (62.5'x 40'). The house is considered non-conforming because it does not meet the minimum setback requirement of 15 feet. The lot is described as the north half of lot 13, Block 5.
2. The applicant would like to demo the existing house on site and rebuild. Please see the enclosed site plan. The plan would need a variance from the minimum lot size requirement and the rear setback requirement. The minimum rear lot setback requirement is 15 feet, this plan proposes a 7-foot rear setback. All other setbacks and zoning requirements would be met.
3. Please see the responses to the zoning questionnaire on the following pages.
4. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff had received one comment from the public. Please see the enclosed email.

2125 Beidler St



Zoning Map



Aerial Map



Answers Provided to Variance Questionnaire

City of Muskegon Planning & Zoning Application These questions are ONLY for Zoning Board of Appeals requests

1. Why should your property be unique compared to others in the neighborhood?

the lot is smaller in nature

2. What property rights do your neighbors enjoy that you can't because of the nature of your property?

N/A

3. Will granting a variance to you negatively affect your neighbors or the public?

Yes. improvement of new home, will keep and maintain the all around "neighborhood" free of empty lots

4. Who or what is the cause of the difficulty with the current ordinance?

5. Do you have reasons, other than financial gain, for asking for the variance?

Not other than improvement & possibly sqft of home

6. Could you get by with less of a variance from the ordinance requirement(s)?

Unknown

7. Will this variance alter the essential character of the area?

No, Actually hope it will feel the area is improving

8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?

?

REVIEW STANDARDS

Questions to consider when reviewing a variance request:

- a. Are there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district?
- b. Is the dimensional variance necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity?
- c. Will the authorizing of such dimensional variance be of substantial detriment to adjacent properties?
- d. Is the alleged difficulty caused by the ordinance and not by any person presently having an interest in the property, or by any previous owner?
- e. Is the alleged difficulty founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner?
- f. Is the requested variance the minimum action required to eliminate the difficulty?

DELIBERATION:

The following motion is offered for consideration:

I move that the request for variances from Section 404 of the Zoning Ordinance to construct a new home on a 2,500-square-foot lot, with a rear setback of 7 feet, at 2125 Beidler St be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.

Hearing, Case 2024-08: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, and from Section 404 to exceed the maximum pavement coverage of 15% allowed, at 2035 Letart Avenue.

SUMMARY

1. The property is zoned R-1, Neighborhood Residential. The parking pad has already been installed and the variance request is coming in after the fact.
2. There is a paved parking space in the rear of the property off of the alley, but the position of the shed makes it difficult to add another parking space. The proposed parking space in the front of the house does not meet the ordinance standards because it does not extend at least 18 feet past the front of the house, which makes it considered front yard parking. The side setback of the house is too small to allow for a parking space on the side of the house.
3. The existing parking pad in the rear measures 415 sf. The property measures 5,187 sf, which allows up 1,037 (20% of lot) sf of pavement. The new parking pad in the front measures 287 sf, for a total of 622 sf of pavement. The zoning ordinance was recently amended to allow up to 20% of pavement coverage on a lot, so the variance for the pavement allotment is no longer needed.
4. There is no sidewalk in the front, but if one were to ever be installed, it appears that a car parked on the pad would not hang over the sidewalk.
5. Please see the responses to the zoning questionnaire on the following pages.
6. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff had not received any public comments.

2035 Letart Ave



Zoning Map



Aerial Map



Answers Provided to Variance Questionnaire

06/21

City of Muskegon Planning & Zoning Application These questions are ONLY for Zoning Board of Appeals requests

1. Why should your property be unique compared to others in the neighborhood?

This is the only property that has
no street parking

2. What property rights do your neighbors enjoy that you can't because of the nature of your property?

Parking of the front st.

3. Will granting a variance to you negatively affect your neighbors or the public?

No

4. Who or what is the cause of the difficulty with the current ordinance?

No \$ Parking in front and can't
get out of the alley in the winter

5. Do you have reasons, other than financial gain, for asking for the variance?

yes. Can't get out of the alley in
the winter

6. Could you get by with less of a variance from the ordinance requirement(s)?

No

7. Will this variance alter the essential character of the area?

No

8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?

No

A complete description of zoning variances can be found in Article XXV of the City of Muskegon Zoning Ordinance
Visit www.shorelinecity.com for more information

Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed

REVIEW STANDARDS

Questions to consider when reviewing a variance request:

- g. Are there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district?
- h. Is the dimensional variance necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity?
- i. Will the authorizing of such dimensional variance be of substantial detriment to adjacent properties?
- j. Is the alleged difficulty caused by the ordinance and not by any person presently having an interest in the property, or by any previous owner?
- k. Is the alleged difficulty founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner?
- l. Is the requested variance the minimum action required to eliminate the difficulty?

DELIBERATION:

The following motion is offered for consideration:

I move that the request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.