

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, November 14, 2023
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 August 8, 2023.
- III. Public Hearings
 - A. Hearing; Case 2023-05: Request for a variance from Section 404 of the zoning ordinance to allow a building addition with a reduced side yard (east side yard) setback of 5 feet at 2229 Surfwood Dr.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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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, November 14, 2023

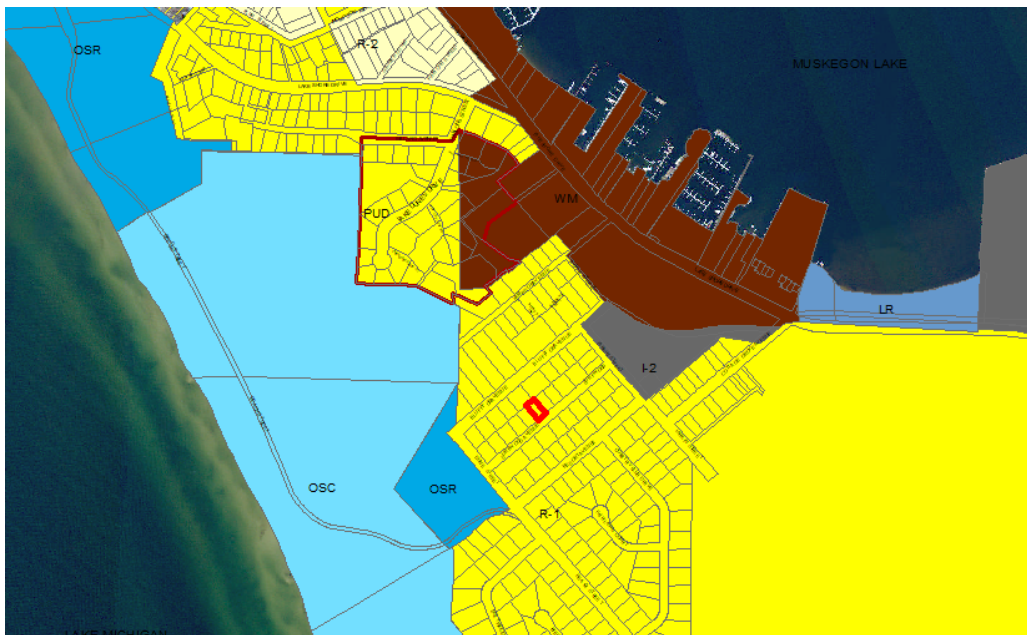
Hearing; Case 2023-05: Request for a variance from Section 404 of the zoning ordinance to allow a building addition with a reduced side yard (east side yard) setback of 5 feet at 2229 Surfwood Dr.

SUMMARY

1. The property is zoned R-1, Low Density, Single Family Residential.
2. The parcel is a combination of lot 25 and lot 26 of the original plat. In total, it measures 6,881 sf (56' x 124'). To be considered a buildable lot, a parcel in this district must have at least 50 feet of road frontage and be at least 6,000 sf. This lot meets both of those requirements.
3. The applicant is proposing a two-story addition to the east side of the house. The ordinance requires that a two-story house in this district be setback at least eight feet from the side property line. The proposed side setback on the east side of this property would be only five feet.
4. It also appears that the west side property line is not currently being met, making this structure legally non-conforming. However, this addition would not increase that non-conformity because the addition will be on the other side of the house.
5. All properties within 300 feet of the applicant were notified, at time of this writing staff had not received any comments from the public.



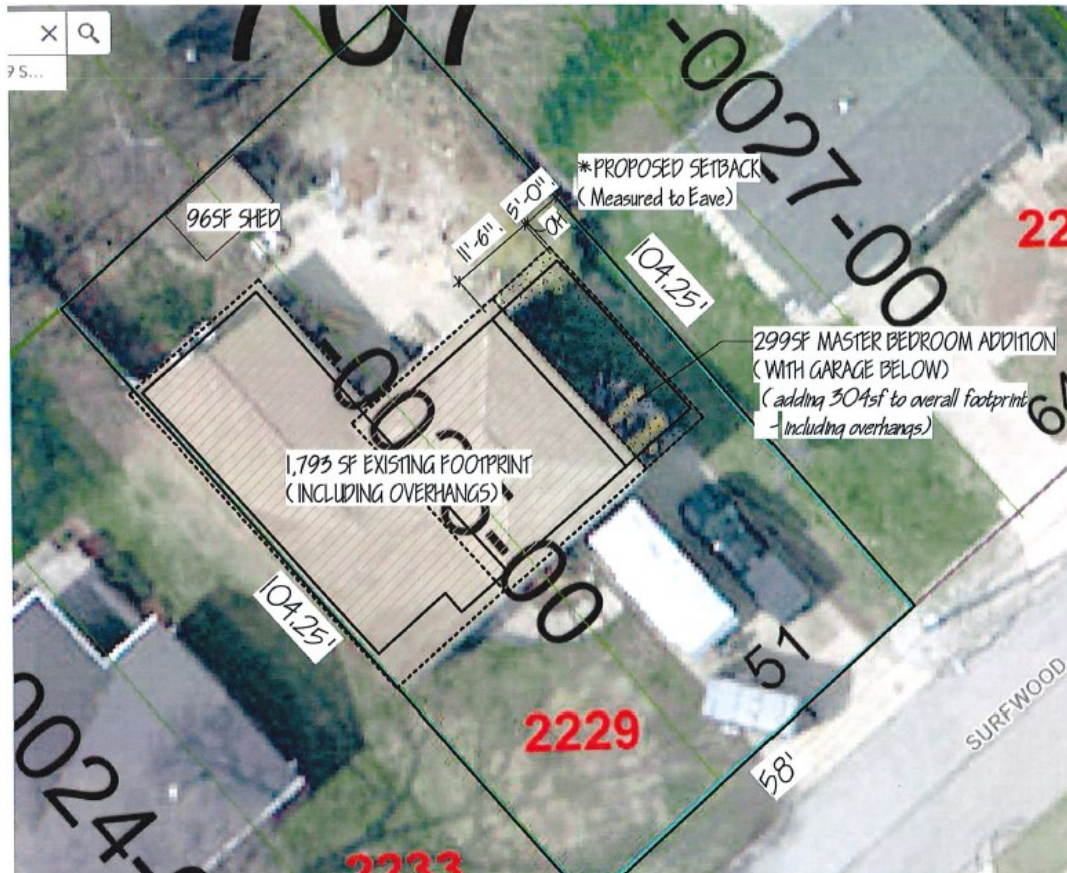
Zoning Map



Aerial Map



Site Plan



REVIEW STANDARDS

Questions to consider when reviewing a variance request:

- 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?
- 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?
- Will the authorizing of such dimensional variance be of substantial detriment to adjacent properties?
- 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?
- Is the alleged difficulty founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner?
- Is the requested variance the minimum action required to eliminate the difficulty?

Answers provided to variance questionnaire

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

This property is unique due to the narrow lot width. There is only one other lot on Surfwood Dr. that is this narrow. All other lots are wider.

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

Most neighbors have more room to expand or add on if necessary.

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

It will not negatively affect our neighbors or the public. Our neighbors on the side we are asking for a variance have provided their verbal and written consent. Please refer to the letter from Melissa and Eric Bomberg.

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

The side setback and configuration of the existing house is causing the difficulty. The only option for adding a bedroom and bathroom is to go east. Going west or north would block the windows of an existing bedroom and have a negative impact on the back yard space.

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

The reason for the variance is to add an additional bedroom and bathroom to allow this house to comfortably house 6 people.

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

No, we cannot. We need the variance to add an adequately sized 4th bedroom and a full bathroom. There are no other possible locations for the addition due to the configuration of the existing house.

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

It will improve the essential character of the house as it will be updated with new siding, windows, front door, garage door, etc.

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

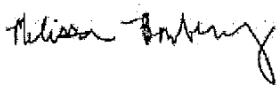
No, this use is allowed.

Letter from adjacent neighbors to the east

Muskegon Staff and Committee Members,

I'm writing in support of our neighbor's (Joe Grelewicz) house project at 2229 Surfwood Dr. We are fine with the proposed house expansion into the typical side yard setback. After talking with Joe, we agree that the practical difficulties of expanding in a different direction are excessive.

Respectfully,



Melissa & Eric Bombery
2221 Surfwood Dr

DETERMINATION:

The following motion is offered for consideration:

I move that the request for a variance from Section 404 of the zoning ordinance to allow a building addition with a reduced east side yard setback of 5 feet at 2229 Surfwood Dr. be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.