

**CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
November 14, 2023**

Vice-Chairman J. Witmer called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT:	J. Witmer, J. Montgomery-Keast, R. King, M. Gallavin
MEMBERS ABSENT:	W. Bowman, W. German & V. Taylor, excused
STAFF PRESENT:	M. Franzak, S. Pulos
OTHERS PRESENT:	None.

APPROVAL OF MINUTES

A motion that the minutes of the meeting of August 8, 2023, be approved (with the spelling of “Whitmer” corrected to be “Witmer”) was made by J. Montgomery-Keast, supported by R. King, and unanimously approved.

PUBLIC HEARINGS

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.

PUBLIC COMMENTS

None.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by J. Montgomery-Keast, supported by R. King, and unanimously approved.

VARIANCE 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?

DETERMINATION

A motion 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 based on the review standards in Section 2502 of the Zoning Ordinance, was made by J. Montgomery-Keast, supported by R. King, and was unanimously approved.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:10 p.m.