

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, November 12, 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 May 14, 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 2024-07: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, at 1002 W. Forest Avenue by Thomas Serio.
- 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, November 12, 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.

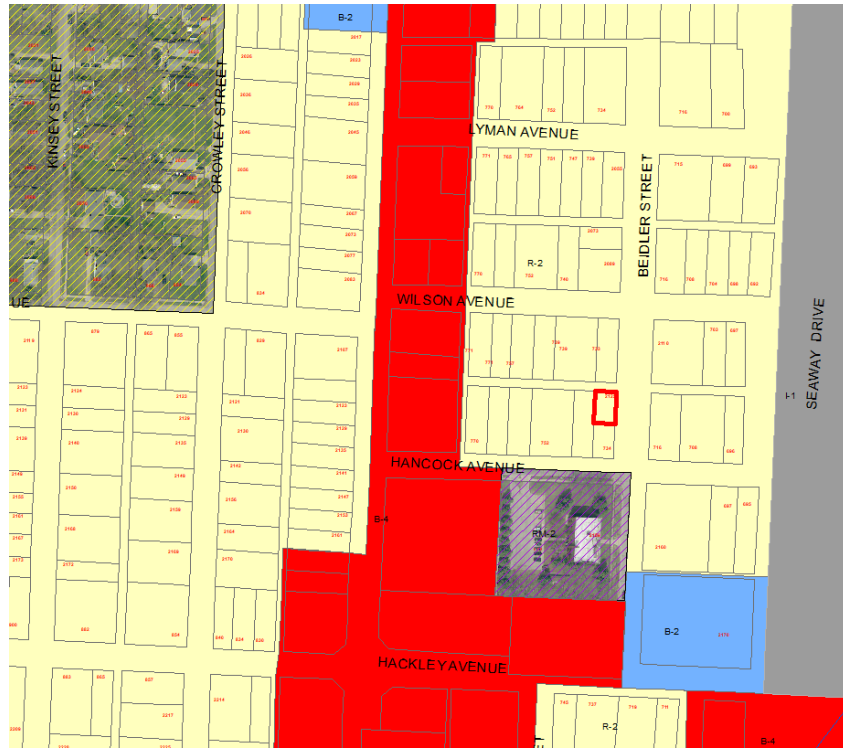
SUMMARY

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 not received any public comments.

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 2024-07: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, at 1002 W. Forest Avenue by Thomas Serio.

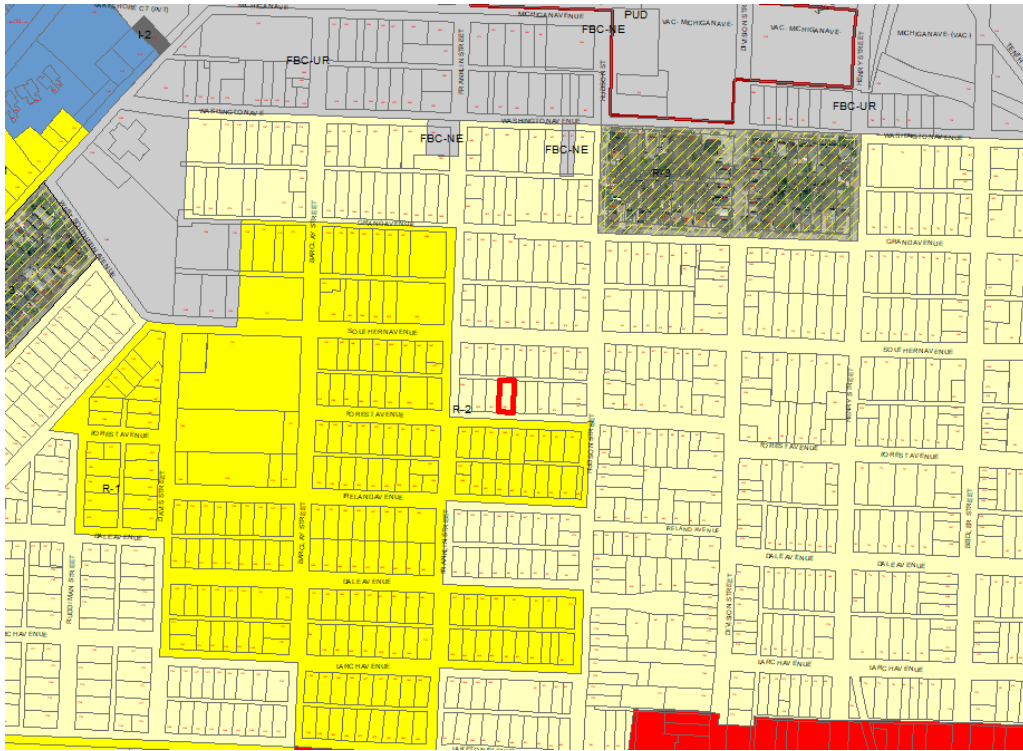
SUMMARY

1. The property is zoned R-2, Medium Density Single-Family Residential. The building is considered non-conforming because it does not meet the minimum rear lot setback requirement of 15 feet. The house is setback nearly 100 feet from the front property line.
2. The applicant would like to add off-street parking spaces, but there is no room for parking in the rear. The applicant is proposing a 24'x 24' concrete parking pad in the front yard. Please see the enclosed site plan.
3. The lot measures 6,405 sf. The zoning ordinance allows up to 15% (960 sf) of the lot to be paved. The proposed parking pad measures 576 sf. The parking pad could provide up to three parking spaces.
4. Section 2316.1 of the zoning ordinance states: "Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in any front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways."
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.

1002 W Forest Ave



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?

HOME IS AT BACK OF LOT W/ NO SIDE OR BACK
SPACE FOR DRIVEWAY

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

PARKING OFF STREET

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?

ORDINANCE CURRENTLY DOESN'T ACCOMMODATE A
SITE PLAN LIKE THIS HOME

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

ACCESSIBILITY TO HOME, & PARKING IN 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, OTHER HOMES HAVE VARYING STYLES
AND LOCATIONS OF DRIVEWAYS ON THIS BLOCK

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

YES, ORDINANCE SHOULD BE AMENDED TO
ACCOMMODATE EXISTING PROPERTIES

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 24' x 24' paved parking pad in the front yard at 1002 W. Forest Avenue be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.