

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, October 11, 2022
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes of the Regular Meeting of June 14, 2022.
- III. Public Hearings
 - A. Hearing; Case 2022-05: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard at 1038 Ada Ave by Ma Del Carmen Ramirez.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Marie Cummings, City Clerk
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705

TTY/TDD: Dial 7-1-1 and request that a representative dial 231-724-6705

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
STAFF REPORT

Tuesday, October 11, 2022

Hearing; Case 2022-05: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard at 1038 Ada Ave by Ma Del Carmen Ramirez.

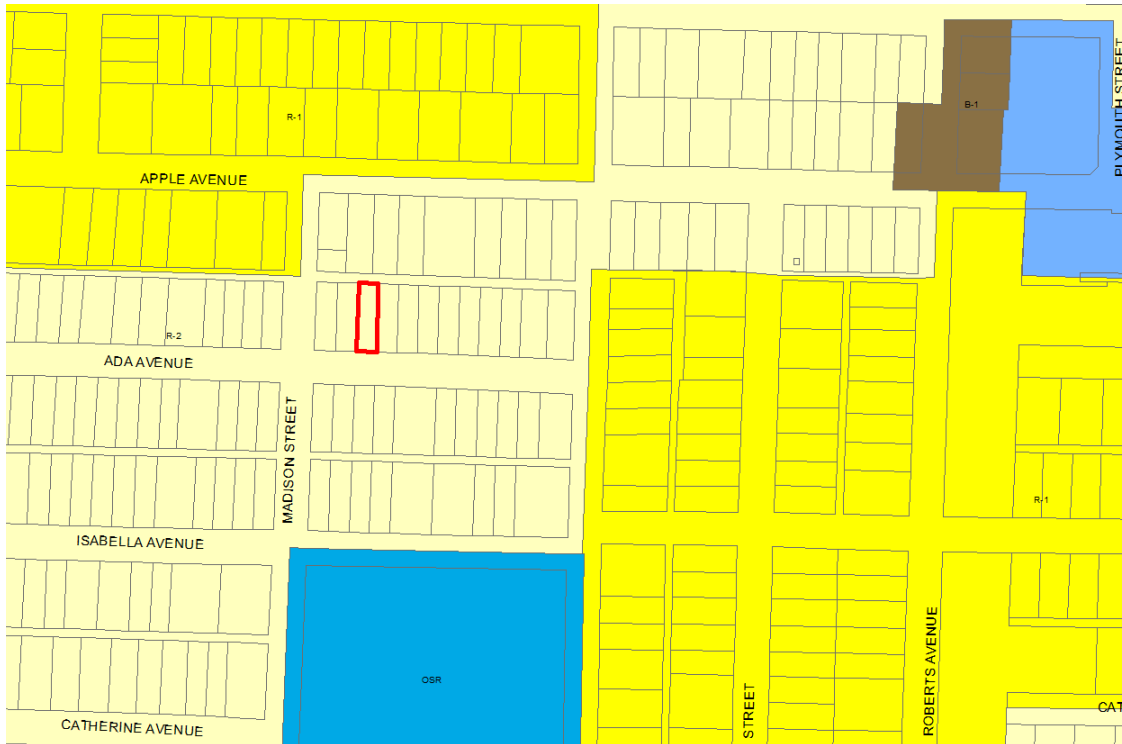
SUMMARY

1. The property is zoned R-2, Medium Density Single Family Residential.
2. The lot measures 5,280 sqft and contains a house and a detached garage.
3. The applicant applied for a permit to pave the two-track that lead to the garage and to pour a concrete patio in the back yard. The permit was approved.
4. In addition to the approved work that was completed, the applicant also paved an extra parking space just to the west of the existing two-track. This addition was not approved and cannot be because section 2416 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 the direct access drive parkin of automobiles on paved, established driveways.”
5. Please see the enclosed answers to the questions of page 2 of the Planning & Zoning application. In order to be granted the variance, the applicant must demonstrate that there is a hardship with the property. It appears that the applicant cannot identify the hardship that exists on the property. When asked why their property is unique compared to others in the neighborhood, they responded “an extra parking spot for the winter time.”
6. All properties within 300 feet of the applicant were notified, at time of this writing staff had not received any comments from the public.

1038 Ada Ave



Zoning Map



Aerial Map



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?

An extra parking spot for the winter time.

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

They can park in the backyard.

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

No, because more cars can park on the street.

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

My son received a parking ticket for parking his car on the grass.

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

An extra parking space.

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?

Yes.

A complete description of zoning variances can be found in Article XXV of the City of Muskegon Zoning Ordinance

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:

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 at 1038 Ada Ave be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.