

**CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
October 11, 2022**

Chairman W. Bowman called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: W. Bowman, T. Puffer, J. Montgomery-Keast, W. German (arrived at 4:14pm), J. Whitmer, R. King.

MEMBERS ABSENT: M. Ribesky, V. Taylor

STAFF PRESENT: M. Franzak, S. Pulos

OTHERS PRESENT:

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 13, 2022, be approved was made by J. Montgomery-Keast, supported by J. Whitmer, and unanimously approved.

PUBLIC HEARINGS

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 ft² 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.

MOTION TO CLOSE PUBLIC HEARING

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

PUBLIC COMMENT

Dolores, 3510 Skeels; Interpreter for applicants:

She stated that the applicants' friends are not in agreement, there is no parking near their home, all the other neighborhoods are full of trash, mattresses, etc., and that the applicants don't feel that this is fair that they can't have their parking space. She stated that they paid \$1500 to have the work done and to have the neighborhood look better.

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

J. Montgomery-Keast moved, seconded by R. King, 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 denied based on the review standards in Section 2502 of the Zoning Ordinance.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:30 p.m.