

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, **October 10, 2017**
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 September 12, 2017.
- III. **PUBLIC HEARINGS**
 - A. Hearing; Case 2017-05: Request for a variance from Section 404 of the zoning ordinance to allow a home to be constructed on a parcel that is less than 6,000 sq ft in size at 1723 Edgewater St, by Melanie B Thorton.
 - B. Hearing; Case 2017-06: Request for a variance from Section 2331 of the zoning ordinance to allow a six foot tall fence in a back yard at 1970 Terrace St, by Cynthia Jados.
- IV. New Business
- V. Old Business
- VI. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
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
REGULAR MEETING
MINUTES

September 12, 2017

Chairman R. Hilt called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, E. Fordham, S. Warmington, W. German, B. Larson

MEMBERS ABSENT: T. Halterman, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: R. Norden, 1545 Edgewater; M. Johnson, 2258 Worden; L. Lindstrom, 1535 Edgewater; R. Knop, 3212 Windward; N. Bodman, 1603 Nelson

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of March 14, 2017 be approved was made by S. Warmington, supported by B. Larson and unanimously approved.

PUBLIC HEARING

The first two cases were heard out of order, with Case 2017-04 being heard first.

Hearing; Case 2017-04: Request for a variance from Section 404 of the zoning ordinance to allow an addition to the home with a rear lot setback of 19 feet at 1545 Edgewater St, by Randall S Norden. M. Franzak presented the staff report. The property owner would like to build a two-story addition to the rear of the principal structure. The proposed addition would leave a 19-foot rear setback instead of the required 30-foot minimum rear setback. The current home is set back about 50 feet from the front property line, where only a 15-foot front setback is required. It appears that there are other options to place an addition to the home. A copy of the applicant's answers to the variance review standards was provided to board members. Notification letters were sent out to properties within 300 feet of this property. Staff received a comment from the neighbors at 3205 Brighton Ave who were in favor of the request. R. Schmidt of 3205 Brighton wrote in support of the project, as did L. Johnson of 3204 Windward Dr. D. Schirmann of 3213 Windward Dr. wrote a letter opposing the request to due drainage and air flow issues, as well as the negative effect on her parents' house which was directly adjacent to the subject property.

R. Norden provided background on the property. He had met with a designer and builder, and believed that this is the best way to add the addition. The house was set back from the road a ways, but putting an addition on the front would obstruct the neighbors' views. E. Fordham asked if the proposed addition would be 12 feet. R. Norden affirmed, stating it would go 12 feet straight back, with the same roof line as the current building. If the addition was approved, they would get rid of the shed on the property and use the lower floor for storage and put a bedroom above it. There was a steel retaining wall behind the house, and that would remain in place and unaffected by the addition. R. Hilt asked for additional information on how the addition would

be a detriment to the neighboring properties. M. Franzak stated that the large hill rising behind the properties in this area limited the air flow in the back yards. It would also reduce the privacy of the neighbor's back yard, as the 2nd floor of the addition would look directly over their back yard. R. Hilt stated that this was a unique area due to the dunes, terrain, and lakefront. W. German asked if M. Franzak recalled any similar cases from this area, and if he agreed with the objections regarding air flow and privacy. M. Franzak stated that he could not recall any similar cases offhand, and after visiting the property, he did agree with the airflow and privacy issues. E. Fordham asked if the lot was buildable by today's standards. M. Franzak stated that it was; it was currently a legal, conforming lot. S. Warmington asked if M. Franzak had gone into the back yards of any of the properties. M. Franzak stated that he had.

M. Johnson was the builder hired by the homeowner. He stated that the proposed addition would have the least amount of impact on the neighboring properties. L. Lindstrom lived next door to the subject property and objected to the request. She stated that the houses were very close together and the proposed addition would take away any privacy they had in their fenced back yard, since it would be in full view from the 2nd story of the neighboring house, and it would also further limit air flow, which had already caused mold problems. She also believed it would cause environmental issues by further limiting drainage on the lot, which was already extensively covered with concrete. M. Franzak stated that he had observed damage to a fence caused by water runoff. L. Lindstrom also believed that their property value would be negatively affected, as the addition would further box in her property, making it appear smaller and confined. She stated that the property owners could put an addition on the front of the house and still meet the ordinance requirements. S. Warmington asked her if an addition on the front would block her view. L. Lindstrom stated that it would not, due to the angle of the street, and she did not object to a front addition. R. Knop stated that he objected to the request due to air flow and density issues in the area.

A motion to close the public hearing was made by S. Warmington, supported by W. German and unanimously approved.

M. Franzak stated that the applicant must show a hardship caused by the ordinance in order for a variance to be approved. S. Warmington stated that he originally did not see any problem with the request, but had not been aware of the other issues mentioned by the neighbors.

Board members discussed the review standards. A motion that the variance request to allow an addition to the home with a rear lot setback of 19 feet at 1545 Edgewater St be denied, based on fact that the request does not meet the following review standards: a) That 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 (many properties in the area are similar); b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity (they are able to build an addition elsewhere on the property and still conform to the Zoning Ordinance); c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest (granting the request could be detrimental to neighboring properties as discussed); d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner; e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner (there are other options to add on to the house, although they may be more expensive); and f) That the

requested variance is the minimum action required to eliminate the difficulty (it is not; there are other options available), was made by S. Warmington, supported by B. Larson and approved, with R. Hilt, E. Fordham, S. Warmington, and W. German voting aye, and B. Larson voting nay.

Hearing; Case 2017-03: Request for a variance from Section 404 of the zoning ordinance to allow an addition to the home with a rear lot setback less than 30 feet at 1603 Nelson St. by Nils E Bodman. M. Franzak presented the staff report. This is an L-shaped parcel on a corner lot. The property owner would like to build a new garage addition between the house and detached garage on the property, which would connect the two structures, making the detached garage into an attached garage. The current detached garage sits 3'6" from the rear lot line, which meets the setback requirements for accessory structure setbacks. However, connecting it to the house would make it part of the principal structure, which would then require a 30-foot rear setback. The odd shape of the lot prevents this addition from meeting the zoning ordinance requirements for a 30-foot rear yard setback. A site plan showing the proposed garage placement was provided. Notification letters were sent to properties within 300 feet of this property. K. Felske, 1688 Beach St, submitted written concerns about this being a rental property; enlarging it would allow for larger groups of renters and more disruption to the neighbors. She was opposed to the request if it added additional living space.

M. Franzak explained that the current structures would remain in place and the rear setback itself would not change. However, the rear setback *requirement* would change, as the currently detached garage would become an attached garage. N. Bodman stated that he purchased the property 4 years ago and had been renting it out while living in and fixing up another house. He now planned to live in this house and rent out the other. He stated that during winter months, there was a lot of wind and blowing snow by the lake. The reasons for this request to attach the garage to the house were to minimize exposure to the weather and add more storage space. He stated that the proposed location was the only place to add on where no demolition would be required. S. Warmington asked Mr. Bodman if he intended the property to be owner-occupied and no longer a rental. N. Bodman stated that was correct. R. Hilt asked why such a large addition to the garage was needed. N. Bodman stated that he had several vehicles as well as woodworking tools that he wished to store. W. German asked Mr. Bodman if he had spoken to any neighbors about his plans. N. Bodman stated that he had spoken to the two adjacent neighbors and they had not expressed an objection.

A motion to close the public hearing was made by S. Warmington, supported by B. Larson and unanimously approved.

Board members discussed the review standards. The following findings of fact were offered: a) That 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) That such dimensional variance is 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) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest (a garage addition should not be a detriment to neighboring properties); d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner (a garage addition does not make the property more profitable for the owner), and f) That the requested variance is the minimum

action required to eliminate the difficulty.

A motion that the variance request to allow a building addition with a 3'6" rear setback (only applying to the portion of the property extending 30 feet north from Ohio St) at 1603 Nelson St be approved, based on the review standards found in Section 2502 of the Zoning Ordinance, was made by S. Warmington, supported by B. Larson and unanimously approved, with R. Hilt, E. Fordham, S. Warmington, W. German, and B. Larson voting aye:

OLD BUSINESS

None

OTHER

None.

There being no further business, the meeting was adjourned at 4:44 p.m.

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
STAFF REPORT

October 10, 2017

Hearing; Case 2017-05: Request for a variance from Section 404 of the zoning ordinance to allow a home to be constructed on a parcel that is less than 6,000 sq ft in size at 1723 Edgewater St, by Melanie B Thorton.

BACKGROUND

1. The property owner would like to demo the existing home and build new. However, the existing lot does not meet the minimum lot size of 6,000 sf. The lot only measures 4,994 sf. It does meet the minimum road frontage requirement of 50 feet, as it has 51.5 feet of road frontage.
2. The property is zoned R-1, Single Family Low Density Residential District. Please see the table on the following page for the development requirements for this district.
3. The current home does not meet the minimum side setback requirements of six feet. This variance is only for a waiver of the minimum lot size and nothing else. A new home would have to be built to meet all of the setback requirements.
4. Notification letters were sent out to properties within 300 feet of this property. At the time of this writing, staff has received the following comments: Sherri Balaskovitz of 1683 Edgewater St is not in favor of the request. Staff has talked to a couple other neighbors in the area and the main concern is that the new home could potentially be two stories and block water views. Tom Blake, owner of 3222 Park Place, 1677 Edgewater and 1702 Edgewater called to say that he is in favor of the request.
5. Please see the enclosed answers to the variance request questionnaire.

1723 Edgewater St



SECTION 404: AREA AND BULK REQUIREMENTS

	R-1	R-2	R-3
Minimum Lot Size	6,000 sf	4,000 sf	3,000 sf
Minimum Lot Width	50 ft	40 ft	30 ft
Maximum Lot Coverage	Buildings: 50% Pavement: 10%	Buildings: 60% Pavement: 15%	Buildings: 70% Pavement: 20%
Height Limit*	2 stories or 35 feet**	2 stories or 35 feet**	2 stories or 35 feet**
Front Setbacks***	Expressway/Arterial Street: 30 ft Collector/Major Street: 25 ft Minor Street: 15 feet	Expressway/Arterial Street: 30 ft Collector/Major Street: 25 ft Minor Street: 10 feet	Expressway/Arterial Street: 30 ft Collector/Major Street: 25 ft Minor Street: 10 feet
Rear Setback	30 ft	20 ft ^	15 ft ^
Side Setbacks#:	1 story: 6 2 story: 8	1 story: 6 2 story: 7	1 story: 5 2 story: 5

Aerial Map



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:

The following motion is offered for consideration:

I move that the variance request to allow a home to be constructed on a parcel that is less than 6,000 sq ft in size at 1723 Edgewater St be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance, [with the conditions that...*(if there are any conditions)*]

Planning Commission*	Zoning Board of Appeals* (2-page application)
☐ Amendment to Ordinance (\$500)	☒ Variance (\$200 Residential/ \$400 Commercial/Industrial)
☐ Rezoning (\$500)	☐ Ordinance Interpretation (\$200 Res./ \$400 Com./Ind.)
☐ Special Use Permit (\$500)	☐ Zoning Appeal (\$200 Residential or \$400 Com./Ind.)
☐ PUD - Preliminary (\$500)	☐ Special Meeting (\$400 additional)
☐ PUD - Final (\$500)	Site Plan Review*
☐ PUD - Amendment (\$500)	☐ Staff Review - Minor (\$200)
☐ Vacation - Alley or Street (\$500)**	☐ Staff Review - Major (\$400)
☐ Special Meeting (\$500 additional)	☐ Planning Comm. Review (\$500)

*Application fees are non-refundable

**Alley/Street vacations require 90 days advance notice

Address/Location of Subject Property: 1723 Edgewater Street

Parcel # of Subject Property: 24-270-000-9991-01

Current Zoning & Use of Subject Property: R-1 & Single Family Residential

Applicant Information:

Name: Kelly Kuiper

Organization: Nederveld

Address: 217 Grandville Ave SW, Suite 302

City/State/Zip: Grand Rapids, MI 49503

Phone: (616) 575-5190

Alt. Phone: _____

Fax: _____

E-mail: kkuiper@nederveld.com

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: Kelly Kuiper

Date: 09/20/2017

I hereby grant permission for members of the City of Muskegon (Planning Commission / Zoning Board of Appeals / City Commission / Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: Melanie B. Thornton

Date: 9.20.2017

Applicant is the: ☐ Owner ☐ Lessee ☐ Contractor/Architect ☒ Other: Project Manager

(Surveying/Engineering Firm)

If the applicant is not the owner of the property, complete the following:

Owner's Name: Melanie Thornton

Address: 295 Rugby Cove Road

City/State/Zip: Arnold, MD 21012

Phone: _____

Signature: _____

Proposed Use: Single Family Residential

Proposed Zoning: No change (R-1)

Explanation of Request: The request for a dimensional variance for the lot area is necessary due to the demolition of the existing structure, in order to build a new residential structure, since the lot is non-conforming in its overall lot area.

If application is for a Special Use Permit or Planning Commission Site Plan Review, please attach sixteen (16) copies of a complete site plan. If application is for a Planned Unit Development, please attach nineteen (19) copies of a complete site plan. If application is for a Staff Site Plan Review, please attach six (6) copies of a complete site plan.

TO BE COMPLETED BY CITY:

Date Received: 9-20-17 Received by: DK

Paid by: Cash ☐ Credit ☐ Check ☒ check number: 69127

Meeting date (if applicable): 10-10-17 ZBA ☒ PC ☐

RECEIVED
SEP 20 2017
CITY OF MUSKEGON
PLANNING DEPT

ZONING VARIANCE REQUEST
1723 Edgewater Street

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 6,000 sq. feet

A dimensional variance of 1,006 square feet from the required 6,000 square feet is being requested to allow 1723 Edgewater Street to be utilized as a lot of 4,994 square feet.

- 1. Why are there exceptional or extraordinary circumstances 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.**

The majority of properties within the Edgewater Subdivision (as recorded with the State of Michigan) have been "grandfathered" in due to their status as a lot of record per the City of Muskegon Zoning Ordinance definition. However, the parcels just north of Wilcox along Edgewater Street and along the lake, including the subject parcel, 1723 Edgewater Street, have been in existence for several decades, but do not qualify under the strict definition of "lot of record." This situation is an extraordinary circumstance that does not apply to other nearby lots or lots within the R-1 district throughout the City.

- 2. Why is a 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.**

The requested variance is necessary for the preservation of a property right possessed by other properties in the same zoning district since the property, through a series of unknown and historical events, does not meet the minimum lot area requirement of the R-1 district. Therefore, without the variance of 1,006 square feet, the property cannot even be utilized with a permitted use in the R-1 zoning district. Other lots which meet the strict "lot of record" definition enjoy the typical property rights of the R-1 zoning district. The subject parcel, 1723 Edgewater Street, has the ability to meet all other R-1 standards with the exception of lot area.

- 3. How will the authorizing of a variance not be of substantial detriment to adjacent property and not materially impair the purposes of the City's zoning ordinance or the public interest.**

The proposed variance will not be of substantial detriment to adjacent property and not materially impair the purposes of the City's zoning ordinance since there is no tangible change to the property's existing configuration, specifically the existing lot area, or the existing configuration of adjacent properties.

In fact, the authorizing of the requested variance will allow the existing structure to be demolished in favor of a new residential structure that will meet the required setback dimensions making the property even more conforming than currently exists.

- 4. Explain why the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner.**

The difficulty of the non-conforming lot area has not been created by the current or previous owner of 1723 Edgewater Street, but through a series of unknown and historical reconfigurations of the lots specifically along Edgewater Street, north of Wilcox. The City of Muskegon's Zoning Ordinance takes care to provide protections to legal, non-conforming lots of record. However, despite the subject parcel being in existence for many years in its exact configuration, and the City and County acknowledging its configuration in its records (tax description, etc), it does not meet the strict definition of "lot of record" per the City of Muskegon Zoning Ordinance and therefore, cannot be utilized for a by-right use in the R-1 zoning district without the requested variance.

- 5. The alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.**

The requested variance is not founded upon the opportunity to make the property more profitable or to reduce expense to the owner. The requested variance will simply allow the property to be lawfully utilized with a permitted use in the R-1 zoning district. Additionally, the existing structure will be demolished and a new home meeting current standards will be constructed. These items are costing money to the property owner, not creating a profit opportunity.

- 6. Is the requested variance the minimum action required to eliminate the difficulty.**

The requested variance is not only the minimum action required, but the only available action to eliminate the difficulty in order to utilize the property for a by-right use. The zoning district requires 6,000 square feet for the lot area, however, through a series of unknown and historical actions, the property is only 4,994 square feet in area. Therefore, the requested variance will allow the property to be lawfully utilized with a permitted use in the R-1 zoning district.

Hearing; Case 2017-06: Request for a variance from Section 2331 of the zoning ordinance to allow a six-foot tall fence in a front yard at 1970 Terrace St, by Cynthia Jados.

BACKGROUND

1. The property owner would like to install a six-foot tall privacy fence behind her home. However, this property is placed between two streets, so it technically has two front yards and no back yard. Six-foot tall fences are not allowed in front yards.
2. The property has frontage on Terrace St and Smith St. The three properties to the north also have frontage on both streets. Smith street dead ends behind 1970 Terrace St.
3. Notification letters were sent out to properties within 300 feet of this property. At the time of this writing, staff had received one message from a neighbor who was opposed to the request, stating that the fence was being put up to avoid leashing their dog.
4. Please see the enclosed answers to the variance request questionnaire.

1970 Terrace St (front yard facing Terrace St.)



Back yard facing Smith St.



Aerial Map



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:

The following motion is offered for consideration:

I move that the variance request to allow a six-foot tall fence in the front yard along Smith St at 1970 Terrace St be (approved/denied), based on the review standards in Section 2502 of the Zoning Ordinance, [with the conditions that...*(if there are any conditions)*]

City of Muskegon Planning & Zoning Application

Planning Commission*	Zoning Board of Appeals* (2-page application)
☐ Amendment to Ordinance (\$500)	☒ Variance (\$200 Residential/ \$400 Commercial/Industrial)
☐ Rezoning (\$500)	☐ Ordinance Interpretation (\$200 Res./ \$400 Com./Ind.)
☐ Special Use Permit (\$500)	☐ Zoning Appeal (\$200 Residential or \$400 Com./Ind.)
☐ PUD - Preliminary (\$500)	☐ Special Meeting (\$400 additional)
☐ PUD - Final (\$500)	
☐ PUD - Amendment (\$500)	Site Plan Review*
☐ Vacation - Alley or Street (\$500)**	☐ Staff Review - Minor (\$200)
☐ Special Meeting (\$500 additional)	☐ Staff Review - Major (\$400)
	☐ Planning Comm. Review (\$500)

*Application fees are non-refundable

**Alley/Street vacations require 90 days advance notice

Address/Location of Subject Property: 1970 TERRACE ST
 Parcel # of Subject Property: 61-24-763-002-0017-00
 Current Zoning & Use of Subject Property: TR-2

Applicant Information:

Name: CYNTHIA JADOS Organization: _____
 Address: 1970 TERRACE ST City/State/Zip: MUSKEGON MI 49442
 Phone: 231 725 9515 Alt. Phone: 231 557 2108 Fax: _____
 E-mail: CJADOS@frontier.com

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: Cynthia Jados Date: 9/19/17

I hereby grant permission for members of the City of Muskegon (Planning Commission / Zoning Board of Appeals / City Commission / Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: Cynthia Jados Date: 9/19/17

Applicant is the: ☒ Owner ☐ Lessee ☐ Contractor/Architect ☐ Other: _____

If the applicant is not the owner of the property, complete the following:

Owner's Name: _____
 Address: _____ City/State/Zip: _____
 Phone: _____ Signature: _____

Proposed Use: _____ Proposed Zoning: _____

Explanation of Request: _____

If application is for a Special Use Permit or Planning Commission Site Plan Review, please attach sixteen (16) copies of a complete site plan. If application is for a Planned Unit Development, please attach nineteen (19) copies of a complete site plan. If application is for a Staff Site Plan Review, please attach six (6) copies of a complete site plan.

TO BE COMPLETED BY CITY:

Date Received: 9/19/17 Received by: dm

Paid by: Cash ☐ Credit ☐ Check ☒ check number: 6991

Meeting date (if applicable): _____ ZBA ☒ PC ☐

4/03

City of Muskegon Planning & Zoning Application

Page 2a – Non-Use Variances

Please provide an answer to the following questions:

1. Why are there "exceptional or extraordinary circumstances 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"? (i.e., **Why is your property unique compared to others in the neighborhood?**)

BACK YARD ON SMITH ST

2. Why is a 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.e., **What property rights do your neighbors enjoy that you can't because of the nature of your property?**)

PRIVACY / CANNOT PUT ANYTHING IN YARD
WITHOUT IT GROWING FEET

3. How will the authorizing of a variance "not be of substantial detriment to adjacent property and not materially impair the purposes of the City's zoning ordinance or the public interest"? (i.e., **Will granting a variance to you negatively affect your neighbors or the public in general?**)

NO

4. Explain why the alleged difficulty is "caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner": (i.e., **Who/what is the cause of the difficulty?**)

THEFT FROM KIDS WALKING BY

5. The alleged difficulty is "not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner" because: (i.e., **Do you have reasons, other than financial gain, for asking for the variance?**)

PRIVACY

6. Is the requested variance "the minimum action required to eliminate the difficulty"? (i.e., **Could you get by with less of a variance from the ordinance requirement(s)?**)

NOT REALLY