

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, September 13, 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 2022-04: Request for a variance from Section 404 of the zoning ordinance to allow more than 10% of the property to be covered by pavement at 3406 Fulton St.
- IV. New Business
- V. Old Business
- VI. Other
- VII. 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
STAFF REPORT

Tuesday, September 13, 2022

Hearing; Case 2022-04: Request for a variance from Section 404 of the zoning ordinance to allow more than 10% of the property to be covered by pavement at 3406 Fulton St.

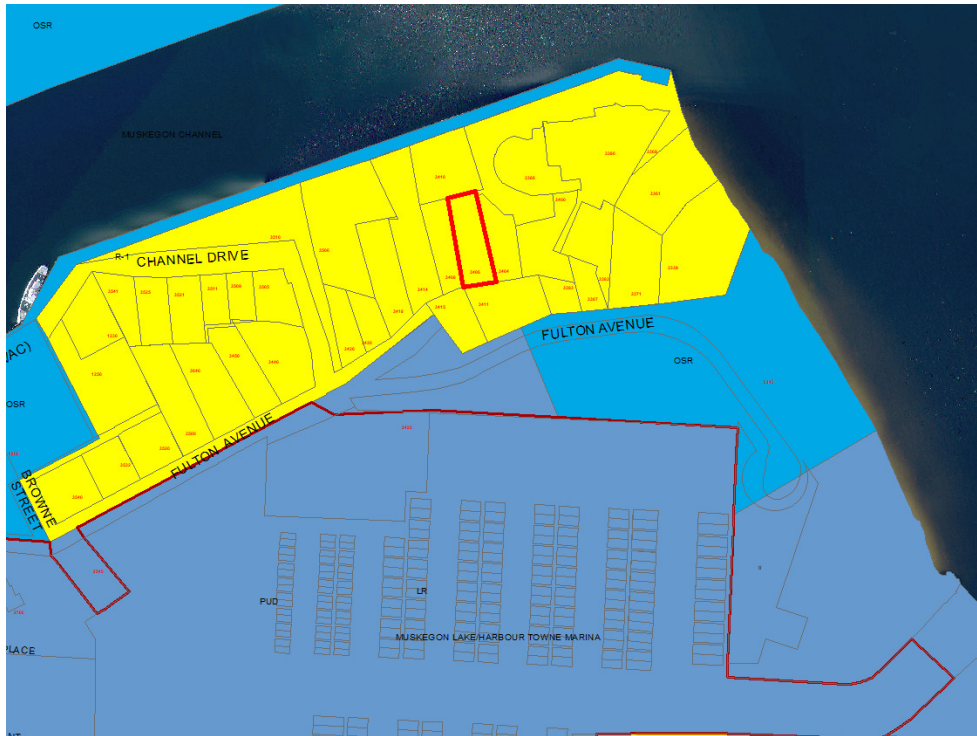
SUMMARY

1. The property is zoned R-1, Low Density Single Family Residential.
2. The lot measures 12,355 sqft. Ten percent of the property can be used for pavement. This lot is allowed up to 1,235 sqft of pavement.
3. The current parking lot on site was made using gravel, which is no longer allowed. This parking lot is considered legally non-conforming (grandfathered) because it was constructed before the ordinance was adopted.
4. The applicant is requesting to pave the existing gravel driveway, but also to extend it to make it larger. The existing gravel driveway measures approximately 1,225 sqft.
5. The proposed paved driveway measures 36' x 57' (2,052 sqft).
6. Please see the enclosed responses to page two of the application.
7. Notice was sent to properties within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

3406 Fulton St



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?

To make it look like neighbors who have concrete & to facilitate snow removal.

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

None

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?

Rule of 10% property coverage R1 zoning

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

No

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
 Visit www.shorelinecity.com for more information

Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed

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 that the request for a variance from Section 404 of the zoning ordinance to allow more than 10% of the property to be covered by pavement at 3406 Fulton St. be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.