

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES

September 13, 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, V. Taylor

MEMBERS ABSENT: W. German, J. Whitmer, M. Ribesky, R. King

STAFF PRESENT: M. Franzak, S. Pulos

OTHERS PRESENT:

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of June 14, 2022, be approved was made by W. Bowman, supported by T. Puffer, and unanimously approved.

PUBLIC HEARINGS

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.

MOTION TO CLOSE PUBLIC HEARING

No motion was made.

PUBLIC COMMENT

Thomas Kresnak of 3406 Fulton, spoke to state that he received a letter from Stephen Fisher, City Code Compliance Inspector that references gravel/concrete at the property and stated that it didn't address the original request of the applicant. The letter stated that he had 1055 ft² of concrete on the lot. The applicant stated that the only concrete is the walkway towards the house. Jill Montgomery-Keast clarified that the letter states that the applicant has 1225 ft² of gravel and not concrete. The applicant acknowledged that he understood. He said that in years past, he commuted from CA to MI and didn't deal with snow removal. Now that he and his wife are dealing with snow removal, they understood that it is easier to maintain and manage snow removal with a solid concrete surface. He stated that he patterned his project after his neighbors. Thomas then stated that he did not want to extend the size of his existing parking surface, but only to turn the gravel areas into concrete.

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 board acknowledged that if the applicant did not want to increase the size, he did not need to ask for a Variance. Mike Franzak, confirmed that the applicant was within the City's ordinance if he just replaced gravel with concrete without changing size, and that he is complying. No motion was made.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:31 p.m.