

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, June 14, 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 January 11, 2022.
- III. Public Hearings
 - A. Hearing; Case 2022-03: Request for a variance from Section 2319 of the zoning ordinance to allow 21 apartment units under the size requirement of 650 sf each at 1428 Terrace 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, June 14, 2022

Hearing; Case 2022-03: Request for a variance from Section 2319 of the zoning ordinance to allow 21 apartment units under the size requirement of 650 sf each at 1428 Terrace St.

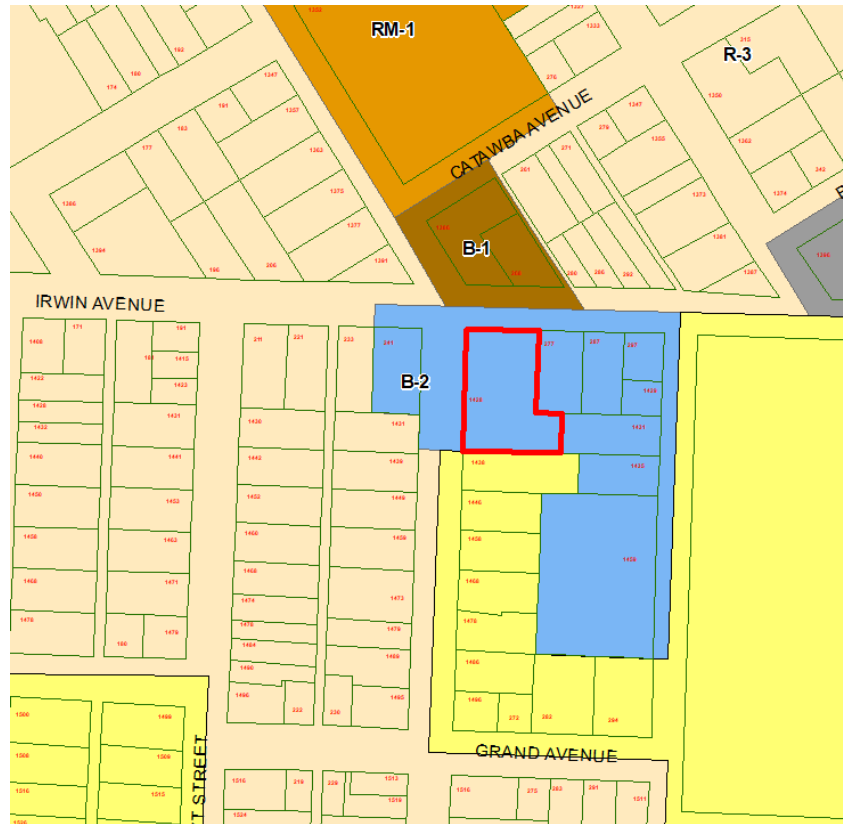
SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business.
2. The lot measures 22,500 sqft and the building measures 7,884 sqft.
3. Residential units are allowed in this zoning district but they must meet the standards of the RM-2 districts.
4. RM-2 districts require buildings to be setback at least 30 feet from the rear property line. The building on this site only has a rear setback of about five feet. Also, multi-family buildings are required to have at least 650 sqft of living space per unit. The applicant is requesting to allow 21 apartments ranging in size from 81-300 sf.
5. The Inspections Department enforced on the property owner earlier this year for operating the rental units without permits or zoning approval. Please see the enclosed letter from the applicant.
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.

1428 Terrace 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?

Our property is unique because we are a non-profit ministry that serves the underserved disabled people who are sick and homeless.

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

Our underserved, mentally ill, physically disabled people do not have the right to have safe, affordable housing like the neighbors enjoy.

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

No. Granting a variance will provide shelter and spiritual support for the neighbors. It will make the neighborhood a safer place.

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

The property is currently properly zoned. However, we must get an approval for room rentals, because the ordinance does not allow room rentals without a special use permit.

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

We are a Non Profit Organization who sometimes run in the red. We make NO money assisting the homeless. The City of Muskegon have a crisis of no affordable housing for the disabled and people on social security. We fill their housing needs.

6. Could you get by with less of a variance from the ordinance requirement(s)?

No. We request to have a full variance to provide the disabled with the same property rights as their neighbors.

7. Will this variance alter the essential character of the area?

No. The property is already zoned business and residential. We're simply requesting an ability to have room rentals for the underserved in the community.

8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?

No. I don't believe so.

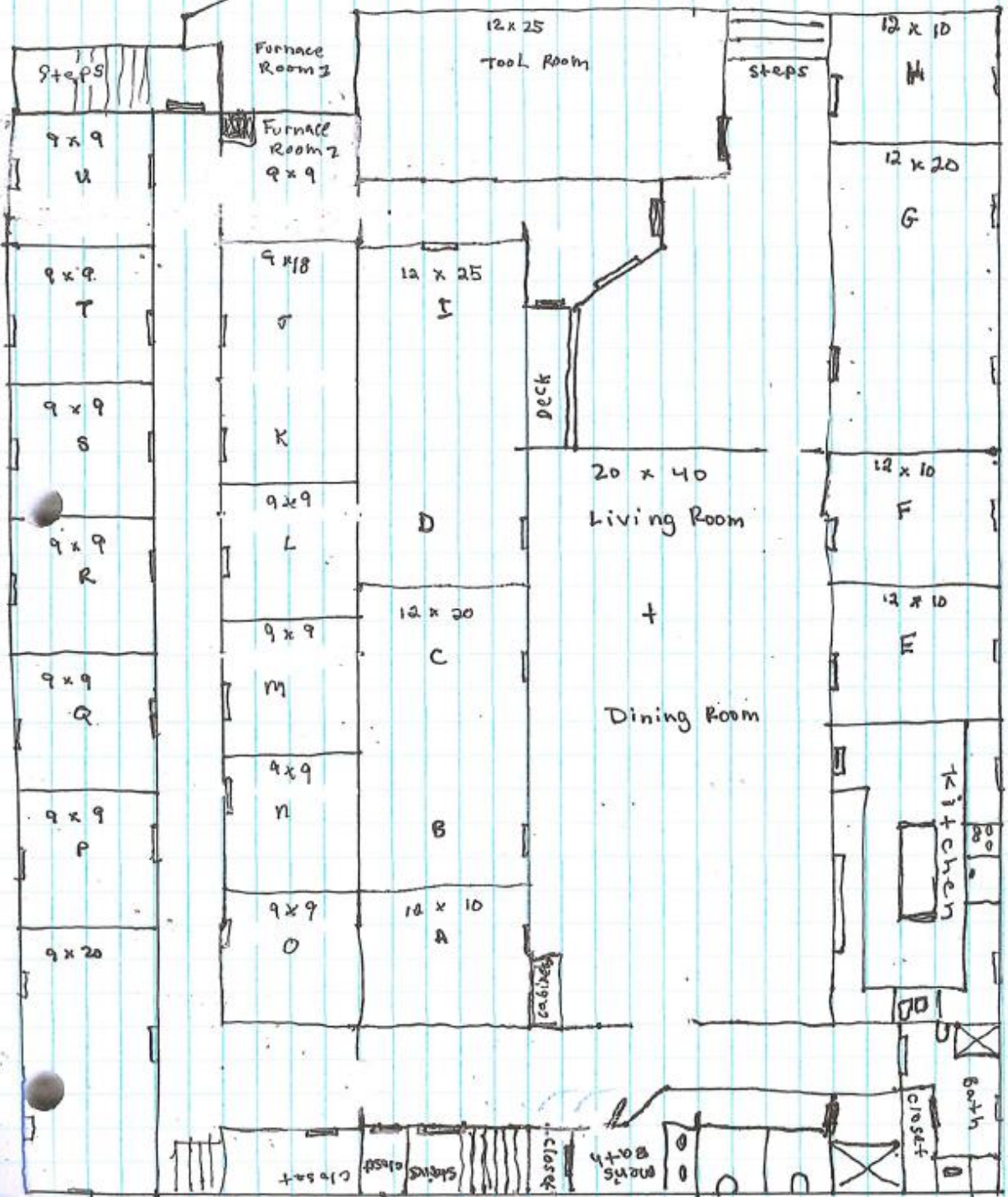
A complete description of zoning variances can be found in Article XXV of the City of Muskegon Zoning Ordinance

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

Open Gates of Grace Ministries

* 1 square equals approximately 2.5 feet



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 2319 of the zoning ordinance to allow 21 apartment units under the size requirement of 650 sf each at 1428 Terrace St be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.