

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES

June 14, 2022

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

MEMBERS PRESENT: W. German, R. King, W. Bowman, T. Puffer, J. Montgomery-Keast, V. Taylor

MEMBERS ABSENT: J. Witmer, Excused

STAFF PRESENT: M. Franzak, D. Born

OTHERS PRESENT:

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of January 11, 2022, be approved was made by Jill Montgomery-Keast, supported by Willie German and unanimously approved.

PUBLIC HEARINGS

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.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by Jill Montgomery-Keast, supported by Virginia Taylor and unanimously approved.

PUBLIC COMMENT

None.

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

Virginia Taylor motioned, seconded by Willie German, 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 based on the review standards in Section 2502 of the Zoning Ordinance.

W. German: Yes

J. Witmer: ABSENT/EXCUSED

R. King: No

W. Bowman: Yes

T. Puffer: Yes

J. Montgomery-Keast: No

V. Taylor: Yes

Motion does pass.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 5:11 p.m.