

**CITY OF MUSKEGON**  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**

DATE OF MEETING: Tuesday, May 14, 2024  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: City Hall Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of Minutes of the Special Meeting of March 26, 2024.
- III. Public Hearings
  - A. Hearing, Case 2024-04: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area (circle drive) in the front yard, and from Section 404 to exceed the maximum pavement coverage of 10%, allowed at 1712 Edgewater Drive by Isabel Blake-Evans.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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Ann Marie Meisch, MMC  
City Clerk  
933 Terrace Street  
Muskegon, MI 49440  
231-724-6705  
[clerk@shorelinecity.com](mailto:clerk@shorelinecity.com)

CITY OF MUSKEGON  
**ZONING BOARD OF APPEALS**  
REGULAR MEETING MINUTES  
**March 26, 2024**

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

MEMBERS PRESENT: J. Witmer, V. Taylor, J. Montgomery-Keast, R. King, M. Gallavin, D. Crockett, W. German (arrived at 4:04 p.m.)  
MEMBERS ABSENT: D. Crockett  
STAFF PRESENT: M. Franzak, S. Pulos, S. Romine  
OTHERS PRESENT: None.

**APPROVAL OF MINUTES**

A motion that the minutes of the meeting of February 13, 2024, be approved was made by J. Montgomery-Keast, supported by R. King, and unanimously approved.

**NEW BUSINESS:**

None.

**PUBLIC HEARINGS**

Hearing; Case 2024-03: Request for a variance from Section 404 of the zoning ordinance to allow a new house to be constructed that will deviate from the height limit requirements of two (2) stories and 35 feet, at 3534 Wilcox Avenue.

**SUMMARY**

1. The property was issued a variance for a smaller rear setback at the February 13 Zoning Board of Appeals meeting. At the time, it was not known that the height of the building would need a variance.
2. A new house is proposed on the parcel. The house would be located at the top of the dune. The slope of the dune is preventing most of the property from being utilized, causing the need to build more vertically.
3. The zoning ordinance states that the house may only be up to two stories and 35 feet tall. The proposed house only measures 36'3" tall, even though it is technically three stories. Please see the enclosed copy of the building elevations depicting the height of the house.
4. An easement will be created to allow for a new driveway that will be located on several adjacent properties (all under the same ownership as of now).
5. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

**PUBLIC COMMENTS**

1. Denise Montambo – Stated that she has no issue with the Variance being approved.
2. Bruce Meyer – Stated that they were worried about stabilization.

3. Marsha Lipps – Stated that they were concerned with the driveway drainage and snow removal in the winter.

### **MOTION TO CLOSE PUBLIC HEARING**

A motion to close the public hearing was made by J. Montgomery-Keast, supported by W. German, and unanimously approved.

### **VARIANCE REVIEW STANDARDS**

Questions to consider when reviewing a variance request:

- a. Are there 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 classes 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**

A motion was made by J. Montgomery-Keast, supported by V. Taylor, that the request for a variance from Section 404 of the zoning ordinance to allow a new house to be constructed with three stories up to 36'3" high at 3534 Wilcox Ave be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.

### **ROLL CALL VOTE**

J. Witmer: Yes

V. Taylor: Yes

J. Montgomery-Keast: No

R. King: No

M. Gallavin: Yes

W. German: Yes

### **MOTION PASSES**

### **OLD BUSINESS**

None

### **OTHER**

None

### **ADJOURN**

There being no further business, the meeting was adjourned at 4:47 p.m.

**CITY OF MUSKEGON**  
**ZONING BOARD OF APPEALS**  
**STAFF REPORT**

Tuesday, May 14, 2024

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Hearing, Case 2024-04: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area (circle drive) in the front yard, and from Section 404 to exceed the maximum pavement coverage of 10%, allowed at 1712 Edgewater Drive by Isabel Blake-Evans.

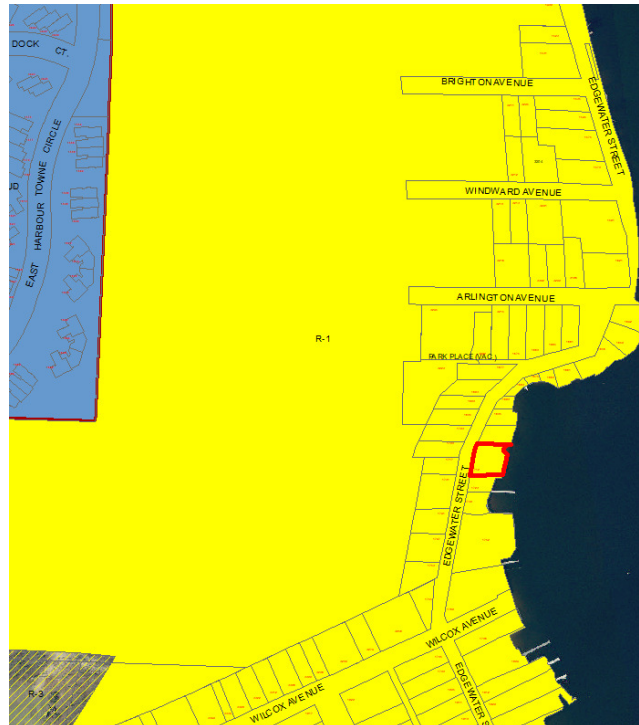
**SUMMARY**

1. Please note that this project has already been completed and the application has been submitted after the fact. The property owner has installed a circle drive in front of the house without a permit. Circle drives are prohibited and the lot is over the pavement allotment.
2. The property is zoned R-1, Low Density Single Family Residential. Lots with this zoning designation are allowed to cover up to 10% of their property with pavement.
3. This lot measures 9,525 sf, which would allow up to 952 sf of pavement. The amount of pavement that existed on site before the circle drive addition was 1,250 sf. It appears additional pavement was added for a rear yard patio in addition to the circle drive. The applicant could not provide the amount of pavement that was used for the circle drive, however, staff has estimated it another 450-500 sf.
4. Section 2316 of the zoning ordinance states “Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in any front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways.” This area is also required to be landscaped per Section 2333 of the zoning ordinance.
5. Notice was sent to everyone within 300 feet of the property. Please see the attached letters in response to the public hearing.

**1712 Edgewater Dr**



## Zoning Map



**Aerial Map (before additional driveway was installed)**



## **Answers Provided to Variance Questionnaire**

### **CITY OF MUSKEGON PLANNING AND ZONING APPLICATION**

#### **1. Why should your property be unique compared to others in the neighborhood?**

Edgewater Street is a very narrow street without any sidewalks which presents many pedestrian and parking challenges. This in itself is unique compared to other areas of Bluffton and the city. My driveway is elevated due to flooding concerns unique to Edgewater. The additional circular driveway not only addresses parking difficulties but provides a safer, easier entryway to my house for my aging family and friends.

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

I would appreciate the ability to address my parking issues as my neighbors have. Many of them have circular driveways or enlarged driveways.

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

No, it will not affect the character of the area, just the opposite. It will help with the parking area on a narrow street.

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

I now understand that I was required to apply for a permit prior to installing the circular drive. For that I apologize and, of course, will pay any and all fees. In terms of the difficulty with the current ordinance, it prevents me from addressing, in an attractive and safe manner, my parking issues.

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

Yes, a variance would not only solve the parking problems previously discussed but would allow me to keep the circular driveway, already installed, and move forward with the landscaping thereby enhancing the neighborhood.

#### **6. Could you get by with less of a variance from the ordinance requirements.**

No, as this variance request has nothing to do with dimensions or numbers, which could be adjusted as some sort of a compromise but rather if the existing driveway can be allowed.

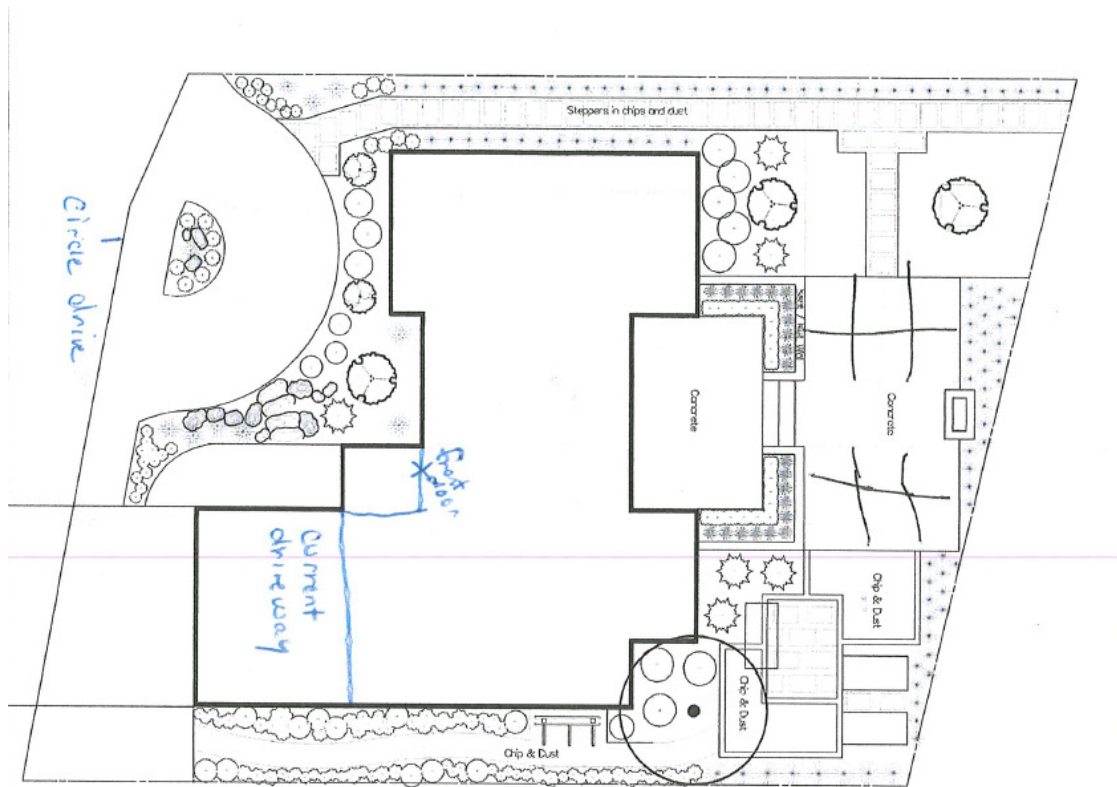
#### **7. Will this variance alter the essential character of the area.**

No, I don't feel the character of the area will be affected, just the opposite. It will help with the parking issues on a narrow street.

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

Yes, which is why I am requesting a variance.

**Copy of denied plans (Plans were submitted after installation of circle drive).**



### **Recent Similar Cases**

The ZBA denied Case 2022-05 at 1038 Ada after the front yard was paved without a permit.

The ZBA approved 2023-04 at 1564 Hoyt St. The applicant requested front yard parking because the house was built near the rear lot line and a drive was not possible in the rear.

## Driveways along Edgewater St



Other questions to consider: Is there something unique about 1712 Edgewater Dr that should allow an exception to the 10% pavement allotment or the circle drive restriction? Will a variance set a precedent to allow other properties to pave their front yards over the allotted amount? Should the zoning ordinance be amended to allow circle drives and more pavement without landscaping requirements? Would that cause more properties, including short term rentals, to request pavement for 7-8 cars?

## **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?

## **DELIBERATION:**

The following motion is offered for consideration:

I move that the request for a variance from Section 2316 of the zoning ordinance to allow a parking area (circle drive) in the front yard, and from Section 404 to exceed the maximum pavement coverage of 10%, allowed at 1712 Edgewater Drive be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.

May 3, 2024

City of Muskegon  
Planning Department  
Zoning Board of Appeals Meeting  
Case # 2024-04  
933 Terrace Street, Rm 202  
Muskegon, MI 49440

**RE: 1712 Edgewater Street (Case # ZBA 2024-04)**

I am in favor of this request for variance.

Edgewater Street has seen an increase in short term rentals over the last few years. This is a problem that the City of Muskegon is currently dealing with. These rentals have increased the parking demand on an already narrow street with limited room for parking. Anytime we can provide additional off-street parking, this is a good thing.

Sincerely,

Thomas Weatherbee  
1747 Edgewater Street  
Muskegon, Michigan 49441

**From:** [mooke92@aol.com](mailto:mooke92@aol.com)  
**To:** [Planning](#); [Sue Mann](#)  
**Subject:** 1712 Edgewater Street (Case #ZBA 2024-04)  
**Date:** Tuesday, May 7, 2024 7:56:32 AM

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Dear Mr. Franzak,

In regards to the notice dated April 29th 2024 Case #ZBA 2024-04 and the request for a variance for a circular drive in the front yard. We wholly support the issuance of a variance for this driveway.

The drive is thoughtfully located and is aesthetically pleasing. The circular drive also provides a very efficient way for guests and visitors to park while visiting without creating unneeded road congestion.

As you are well aware, Edgewater Street is very narrow and street side parking creates a dramatic narrowing of the road, disrupts traffic flow and creates safety issues for residents and their families.

Respectfully

Kevin Moore & Susan Mann  
1695 Edgewater Street

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**From:** [Sherri Balaskovitz](#)  
**To:** [Planning](#)  
**Cc:** [iblakeev@gmail.com](mailto:iblakeev@gmail.com)  
**Subject:** Hearing, Case 2024-04: feedback on this project  
**Date:** Wednesday, May 1, 2024 12:44:21 PM

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Dear Mr. Franzak, all members of the City of Muskegon Zoning Board of Appeals, and the property owner of 1712 Edgewater Street, Muskegon, MI 494441,

I have seen the cemented parking area (circle drive) in the front yard of the 1712 Edgewater Street property. It is my opinion that, although it exceeds Section 404 maximum pavement coverage of 10%, this circle drive gives the home additional parking for family and friends while visiting; and it decongests the narrow street that creates difficulty and even danger for pedestrians and passing cars when cars are parked on the street. I believe the circle drive adds safety to our neighborhood and allows for pedestrians, bicyclers, and cars to have an open view of the street and a lesser chance of any mishap to a person, a lesser chance of a bike or car getting scratched or dented, and a lesser chance of a bike or car causing any such damage because of the circle drive parking area being used instead of cars parking on the street.

Lastly, I am pleased with the circle drive addition added to the front yard being designed in a tasteful manner and well planned out. I can envision the lawn and landscaping around the circle drive and look forward to the completion of the landscaping to this new home in our community.

Thank you for bringing this hearing, case 2024-04 to my attention and asking for my opinion of the Request for a variance from Section 2316 and Section 404.

Please, feel free to contact me if there are any further questions about my feedback concerning Case 2024-04.

Sincerely,

Sherri Balaskovitz, homeowner  
1683 Edgewater Street  
Muskegon, MI 49441  
231-740-3026

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**From:** [Mike Eichenberg](#)  
**To:** [Planning](#); [Mike Franzak](#)  
**Subject:** Re: 1712 Edgewater Street (Case # ZBA 2024-04)  
**Date:** Monday, May 6, 2024 12:49:51 PM

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Regarding the request for a variance to install (keep) the parking area (circle drive) at 1712 Edgewater Street, I feel you should allow this.

Edgewater Street is a narrow street that in the summer time gets very congested. Creating off-street parking benefits all in the neighborhood by getting cars off the street. When cars are parked on the street, they are parking in the travel lane essentially creating a one lane street.

Thank you,  
Mike Eichenberg  
1661 Edgewater Street

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**From:** [Larry Larsen](#)  
**To:** [Planning](#)  
**Subject:** zoning hearing case 2024-04  
**Date:** Wednesday, May 1, 2024 11:28:40 AM

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I approve of the circle driveway at 1712 Edgewater. It helps eliminate parking on Edgewater Street which is a very narrow street to begin with.

Larry Larsen  
3245 Arlington Ave  
Muskegon, MI 49441

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Larry L Larsen  
M 231.726.8485  
H 231.755.6623

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