

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
May 14, 2024

Chairman J. Witmer called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: J. Witmer, V. Taylor, R. King, M. Gallavin, and D. Crockett
MEMBERS ABSENT: J. Montgomery-Keast, W. German
STAFF PRESENT: M. Franzak, S. Romine
OTHERS PRESENT: None.

APPROVAL OF MINUTES

A motion that the minutes of the special meeting of March 26, 2024, be approved was made by R. King, supported by V. Taylor, and unanimously approved.

NEW BUSINESS:

None.

PUBLIC HEARINGS

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.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by M. Gallavin, supported by J. Witmer, 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 R. King, supported by M. Gallavin, 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 denied based on the review standards in Section 2502 of the Zoning Ordinance.

ROLL CALL VOTE

J. Witmer: Yes

V. Taylor: Yes

D. Crockett: Yes

R. King: No

M. Gallavin: Yes

MOTION PASSES

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:34 p.m.