

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, April 12, 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 2022-02: Request for a variance from Section 404 of the zoning ordinance to allow a principal structure addition with a reduced side setback of only 2.5 feet on the west side of the property at 3692 Simpson Ave.
- 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, April 12, 2022

Hearing; Case 2022-02: Request for a variance from Section 404 of the zoning ordinance to allow a principal structure addition with a reduced side setback of only 2.5 feet on the west side of the property at 3692 Simpson Ave.

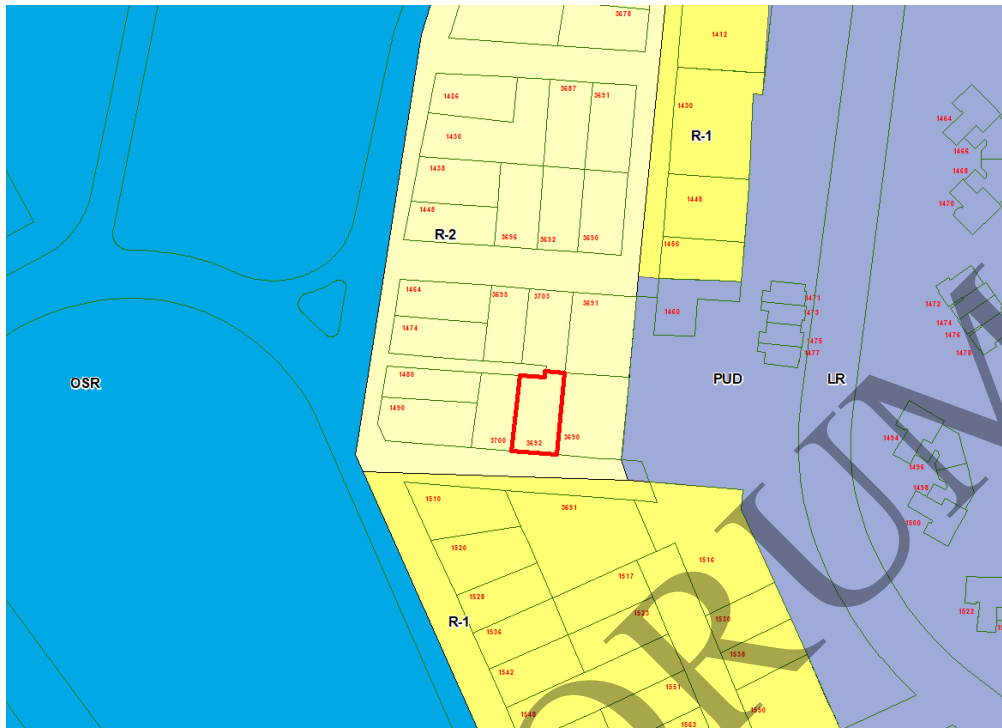
SUMMARY

1. The property is zoned R-1, Low Density Single Family.
2. The property has a house and a detached garage on site. The house currently meets all of the required setbacks. The garage is considered legally non-conforming because it does not meet the required three-foot side setback on the west side of the property. It is placed about 2.5 feet off of the property line.
3. The applicant is requesting to demo the existing one-story house and build a new two-story house. They would like to keep the existing garage and attach it to the new house.
4. Once a garage is attached to a house, it is considered part of the house and is required to meet the setback requirements of a principal structure, which is six feet. The side setback on the west side of the property would only be 2.5 feet.
5. Please see the enclosed responses to page two of the application.
6. 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.

Existing House & Garage at 3692 Simpson Ave

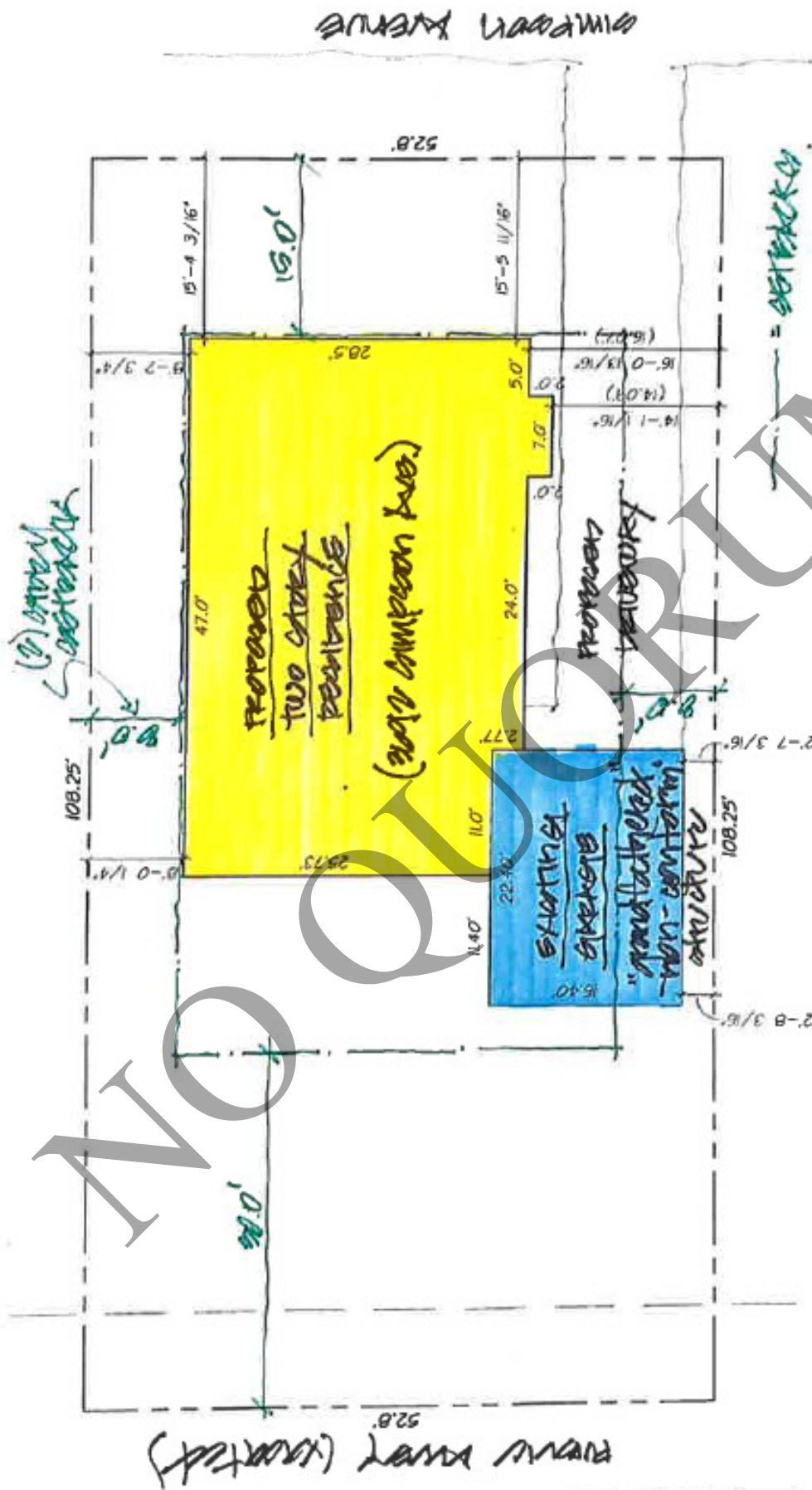


Zoning Map



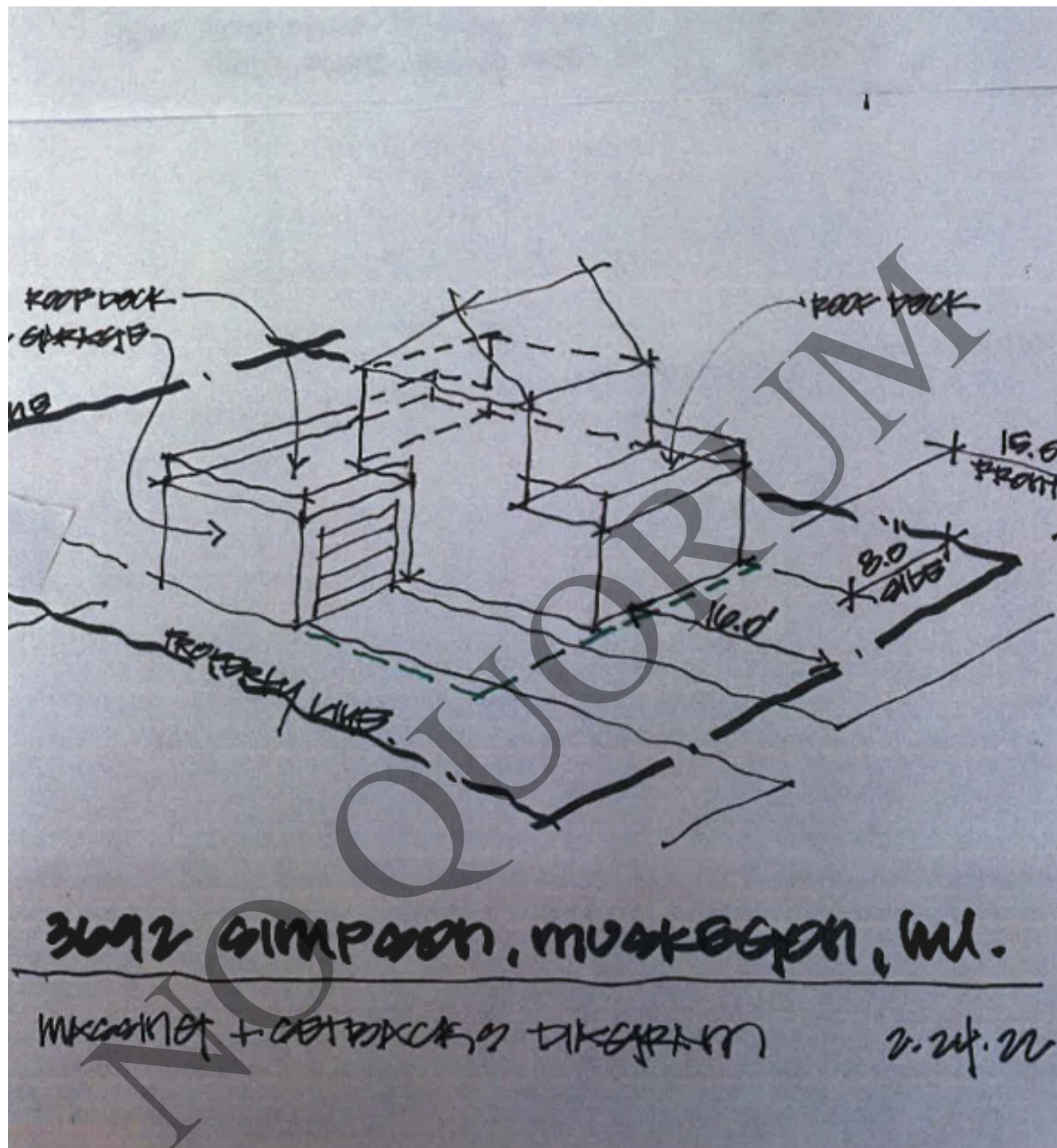
Aerial Map





SITE PLAN
SCALE: 1"=10'-0"

This parcel is located in the City of Muskegon, Muskegon County, State of Michigan, described as follows:
Lot 9, Block 787, Central Land Company Subdivision of part of Block 787, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 84, Muskegon County Records. Also that portion of the South 1/2 of the vacated alley lying adjacent thereto.





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?
It would not be unique. There are a handful of homes down near Pere Marquette and the channel that have non-compliant setbacks. This request would improve our non-compliance by increasing the setback on the west side of the home while keeping the current setback on the east
2. What property rights do your neighbors enjoy that you can't because of the nature of your property?
As noted in #1 there are homes with attached garages in our vicinity that do not meet current zoning setback requirements. Either they received variances or were constructed prior to current rules. As aging adults, an attached garage is important for safety (ice/wet fall concern)
3. Will granting a variance to you negatively affect your neighbors or the public?
no... Our current footprint would remain on the east side and the setback on the west would increase to a full 8 feet. Further, owners of vacant property on the east side of home plan to build. Our design would increase setback on west side to 8 feet benefiting that neighbor
4. Who or what is the cause of the difficulty with the current ordinance?
Existing garage sits 2.7 feet from property line to the east. Under current zoning rules, if that structure gets attached to the home on this property, I believe it must be at least 6 feet from the property line. This would pose practical difficulties and prevent major reconstruction of home
5. Do you have reasons, other than financial gain, for asking for the variance?
Practical difficulty of tearing down good/solid existing garage structure and moving home footprint that would, among other things, require cutting down large beautiful backyard tree.
6. Could you get by with less of a variance from the ordinance requirement(s)?
No -- the practical difficulties noted above will likely necessitate the canceling of planned reconstruction of existing home.
7. Will this variance alter the essential character of the area?
No -- it does nothing to change the current east side setback and will enable a modest 1,700 sf two-story structure. Our current home is a one story 950 sf structure. Each of the other four homes on our street are two-story structures with similar-sized lots, aligning us more with current character
8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?
Our current garage setback is just under the allowable setback distance from our property line. Under current zoning rules, that setback increases under an "attached garage" scenario.

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

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 following motion is offered for consideration:

I move that that the request for a variance from Section 404 of the zoning ordinance to allow a principal structure addition with a reduced side setback of only 2.5 feet on the west side of the property at 3692 Simpson Ave be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.