

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, April 11, 2023
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 Special Meeting of February 28, 2023.
- III. Public Hearings
 - A. Hearing, Case 2023-03: Request for a variance from Section 1103 of the zoning ordinance to allow more than 25% of the parcel to be paved at 1540 W Sherman Blvd., by William Pals.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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OF THE CITY OF MUSKEGON AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit: www.shorelinecity.com

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 with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC
City Clerk
933 Terrace Street
Muskegon, MI 49440
231-724-6705
clerk@shorelinecity.com

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
STAFF REPORT

Tuesday, April 11, 2023

Hearing, Case 2023-03: Request for a variance from Section 1103 of the zoning ordinance to allow more than 25% of the parcel to be paved at 1540 W Sherman Blvd., by William Pals.

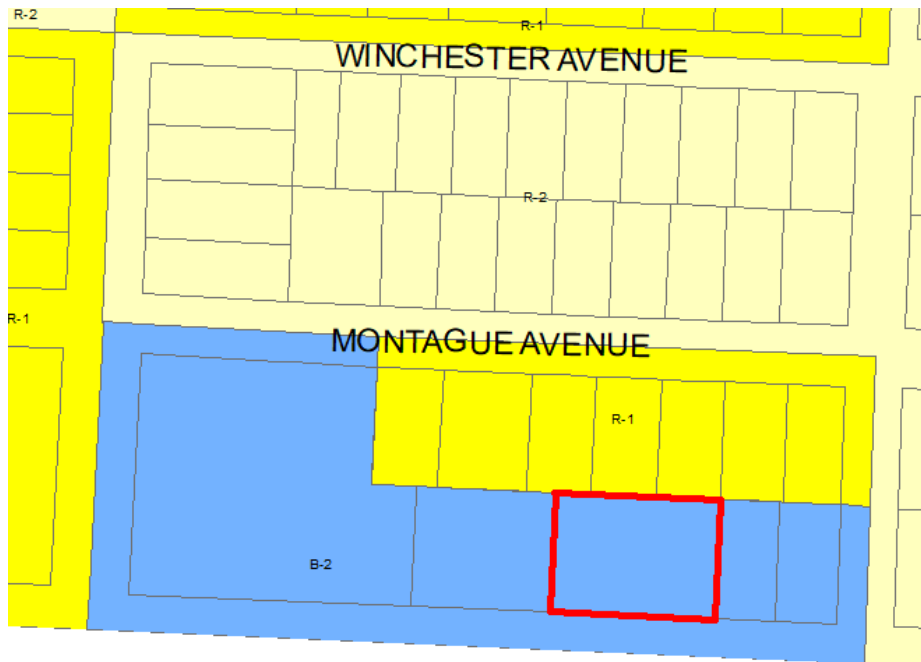
SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business.
2. The property measures 14,400 sf (144' x 100') and contains a 2,000 sf building.
3. The applicant is proposing to demolish the building and pave the property to create a parking lot.
4. The zoning ordinance restricts the amount of pavement allowed on each property. Properties in B-2 districts are only allowed to pave up to 25% of their site.
5. The applicant has failed to demonstrate the hardship with the property that is necessary in order to be granted a variance. In the response to the questions on page two of the application, the applicant states that the issue is with the zoning ordinance requirements. This suggests that an ordinance amendment may be necessary, not a variance that would grant special rights to select property owners.
6. The site plan for the parking lot that was denied can be found on the following pages. Pavement covers approximately 85% of the property.
7. All properties within 300 feet of the applicant were notified, at time of this writing staff had not received any comments from the public.

1540 W Sherman Blvd (middle building)



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?

William Pals owner of the property at 1550 Sherman Blvd (Glenpark Animal Hospital) is willing to purchase 1540 Sherman Blvd (vacant building) from Sally Bonter 1508 Sherman Blvd (Glenside Pub) in order to clear the vacant building to install a much needed parking lot between Glenpark and Glenside Pub. There is not sufficient parking for either of these thriving businesses.

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

Other businesses have sufficient parking.

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

No.

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

Section 1103, 25% maximum lot coverage for parking.

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

Both businesses are in need of sufficient parking. Employees are having to park in the grass behind the buildings and there is still not sufficient parking for customers.

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

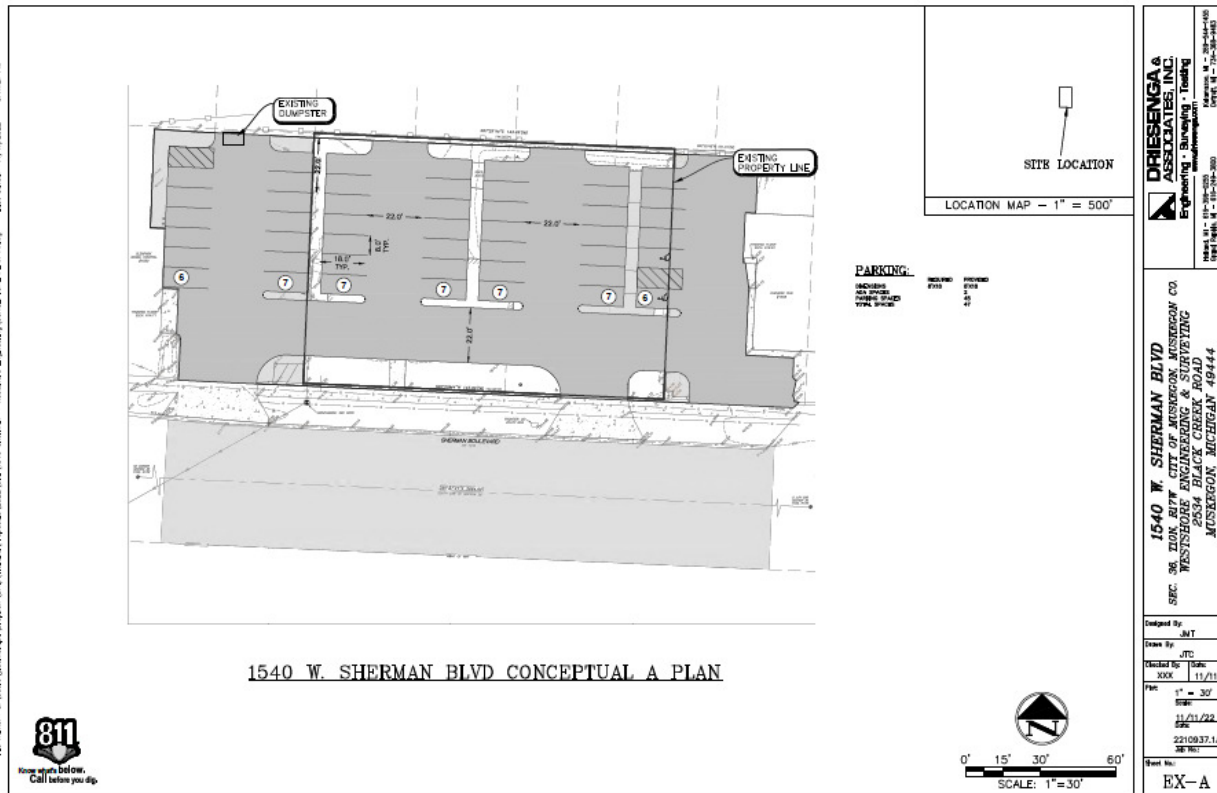
7. Will this variance alter the essential character of the area?

No, it will add symmetry as proposed lot is across the street from Sherman Bowling Alley.

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

No.

Site plan for parking lot that was denied:



Ordinance excerpt:

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 70 %
Pavement: 25 %
3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

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 the request for a variance from Section 1103 of the zoning ordinance to allow more than 25% of the parcel to be paved at 1540 W Sherman Blvd be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.