

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
April 11, 2023

Vice-Chairman J. Witmer called the meeting to order at 4:23 p.m. and roll was taken.

MEMBERS PRESENT: J. Whitmer, V. Taylor, M. Gallavin, J. Montgomery-Keast.
MEMBERS ABSENT: W. Bowman, R. King, W. German, excused.
STAFF PRESENT: M. Franzak, S. Pulos
OTHERS PRESENT: None.

APPROVAL OF MINUTES

A motion that the minutes of the special meeting of February 28, 2023, be approved was made by J. Montgomery-Keast, supported by M. Gallavin, and unanimously approved.

PUBLIC HEARINGS

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.

PUBLIC COMMENTS

1. Evan (didn't provide last name), lives on Cumberland right behind Glenside Pub:

Stated that he is in support. He has lived there 5 years. Owners of the restaurant are good neighbors. He has 1 complaint which is that he has put on weight because he eats there too often. He also stated that he supports taking traffic off of the side streets in the area by providing more parking.

2. Julie Castle, lives behind the proposed parking lot: She wanted to know what would happen if demolition is approved. She stated that Glenside Pub has places dumpsters right along the fence line, which has caused her issues. She also said that the restaurant's sign shines bright light right into her house.
3. Rebecca Jackson, she works at the Vet Clinic involved: She stated that the applicant is the landlord of their business and that in order to stay in their building, they have to find a way to have more parking. She also said that they have plans for a possible expansion. She said that it is not safe for their customers to walk animals across the street and that they have outgrown their building.

MOTION TO CLOSE PUBLIC HEARING

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

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

A motion 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 denied based on the review standards in Section 2502 of the Zoning Ordinance, was made by J. Montgomery-Keast, supported by M. Gallavin and was unanimously approved.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:40 p.m.