

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 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.