

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, February 28, 2023
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Elections
- III. Approval of Minutes of the Regular Meeting of October 11, 2022.
- IV. Public Hearings
 - A. Hearing; Case 2023-01: Request for a variance from Section 2334 of the zoning ordinance to allow two monument signs on one parcel at 1747 7th St, by the Muskegon Rescue Mission.
 - B. Hearing; Case 2023-02: Staff initiated request for a variance from the form-based code section of the zoning ordinance to allow a house to be built with less than a 15-foot rear setback and elimination of certain design criteria at 2043, 2051, 2065, 2075 and 2085 Dowd St.
- V. New Business
- VI. Old Business
- VII. Other
- VIII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS
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, February 28, 2023

Hearing; Case 2023-01: Request for a variance from Section 2334 of the zoning ordinance to allow two monument signs on one parcel at 1747 7th St, by the Muskegon Rescue Mission.

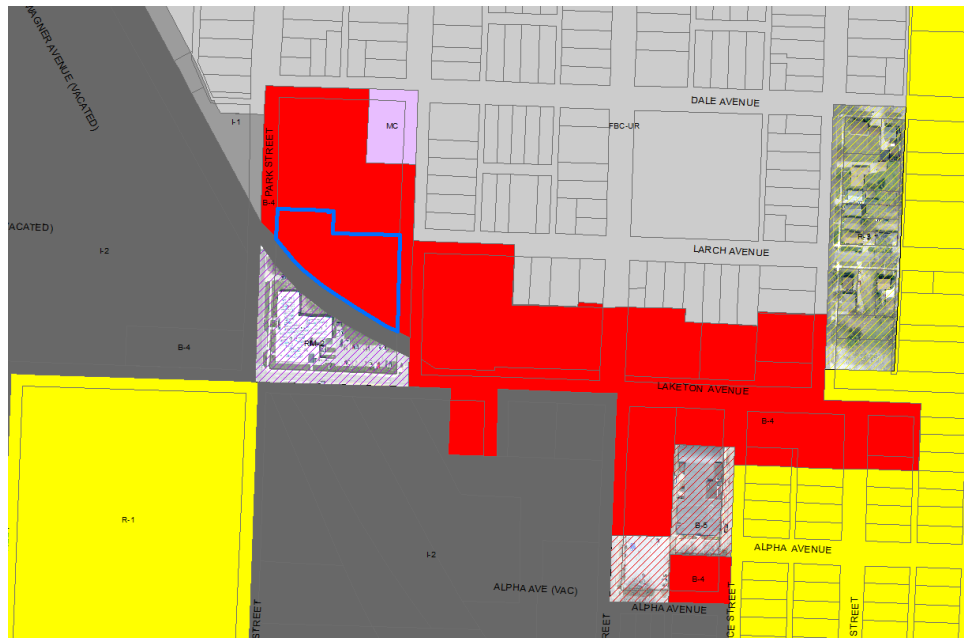
SUMMARY

1. The property is zoned B-4, General Business.
2. The new building will have two suites with two separate tenants. One suite will be accessed off of Park St and one will be access off of 7th St.
3. The ordinance only allows for one sign at this property. Please see the ordinance excerpt on the following pages.
4. Please see the answers to the variance request application questions on the following pages.
5. All properties within 300 feet of the applicant were notified, at time of this writing staff had not received any comments from the public.

1747 7th St (under construction)



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?
The building, which sits on two street fronts, will be the home of two separate ministries, each serving a different population of our community. Each ministry will be using separate entrances, which is why we feel that two monument signs on the property is warranted.
2. What property rights do your neighbors enjoy that you can't because of the nature of your property?
We would like to properly display each ministry that will be using the building. Since there are separate entrances, two monument signs will be the best way to accomplish this.
3. Will granting a variance to you negatively affect your neighbors or the public?
No, this will not negatively affect our neighbors or the public.
4. Who or what is the cause of the difficulty with the current ordinance?
The ability to have two signs, which will be placed at separate entrances, on separate roads, and used by two different ministries.
5. Do you have reasons, other than financial gain, for asking for the variance?
Two signs will properly identify the ministry using the building, allowing the community access to the services being offered.
6. Could you get by with less of a variance from the ordinance requirement(s)?
This solution is the best option for our situation.
7. Will this variance alter the essential character of the area?
No it will not.
8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?
Yes.

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

Ordinance Excerpt:

Section 2334:7c

Number: One monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on at least one major street or corner frontages on at least one major street, totaling over 500 linear feet. Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.

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:

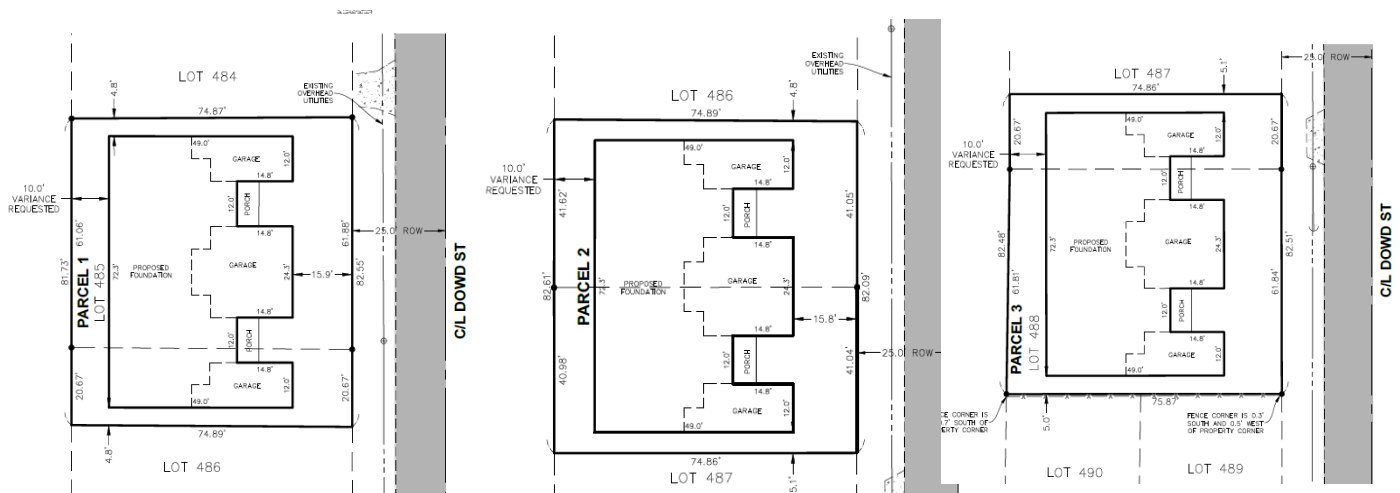
I move that the request for a variance from Section 2334 of the zoning ordinance to allow two monument signs on one parcel at 1747 7th St be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.

Hearing; Case 2023-02: Staff initiated request for a variance from the form-based code section of the zoning ordinance to allow a house to be built with less than a 15-foot rear setback and elimination of certain design criteria at 2043, 2051, 2065, 2075 and 2085 Dowd St.

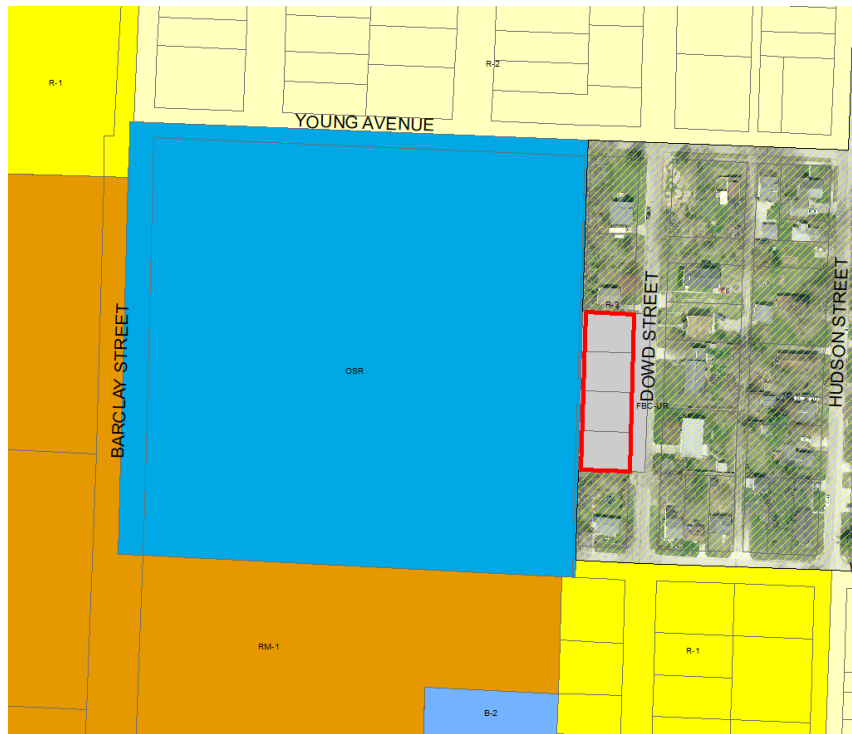
SUMMARY

1. The lots are zone Form Based Code, Urban Residential.
2. The lots are irregularly shaped and not nearly as deep as standard lots in Muskegon. They are only 75' deep.
3. The maps depict four lots, but they have recently been spilt into five. However, they will be reconfigured again into three lots to allow for three separate four-plexes.
4. The rear setback minimum is 15-feet.
5. Since the lots are only 75' deep, it doesn't leave much room for building placement. The only way to meet the required 15-foot rear setback would be to place the building about 12 feet from the front property line. However, that would create a situation where cars parked in the driveway would hang over the right-of-way and potentially a sidewalk someday.
6. The alley easement in the back is not paved. Since the garages have to be located in the front, it will not be possible to meet the design criteria in the code.
7. Campbell Field park is located in the back of these properties.
8. All properties within 300 feet of the applicant were notified, at time of this writing staff had not received any comments from the public.

Proposed Site Plans



Zoning Map



Aerial Map



REVIEW STANDARDS

Questions to consider when reviewing a variance request:

- g. 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?
- h. 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?
- i. Will the authorizing of such dimensional variance be of substantial detriment to adjacent properties?
- j. 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?
- k. Is the alleged difficulty founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner?
- l. 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 the form-based code section of the zoning ordinance to allow a house to be built with only an eight-foot rear setback and elimination of the design criteria at 2043, 2051, 2065, 2075 and 2085 Dowd St be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.