

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
February 28, 2023

Vice-Chairman J. Witmer called the meeting to order at 4:06 p.m. and roll was taken.

MEMBERS PRESENT: W. German, J. Witmer, V. Taylor, M. Gallavin.

MEMBERS ABSENT: W. Bowman, J. Montgomery-Keast, excused, & R. King, excused.

STAFF PRESENT: M. Franzak, J. Eckholm, H. Griffith

OTHERS PRESENT: D. Skoglund, Muskegon Rescue Mission; D. Dusendang, Dave Dusendang Custom Homes.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of October 11, 2022, be approved was made by V. Taylor, supported by W. German, and unanimously approved.

PUBLIC HEARINGS

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. An ordinance excerpt was provided to the commission members.
4. The applicant provided answers to the variance request application questions.
5. All properties within 300 feet of the applicant were notified, staff had not received any comments from the public.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by W. German, 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 2334 of the zoning ordinance to allow two monument signs on one parcel at 1747 7th St be approved based on the review standards in Section 2502 of the Zoning Ordinance, was made by V. Taylor, supported by M. Gallavin and was unanimously approved.

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, staff had not received any comments from the public.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by V. Taylor, supported by W. German, 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 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 based on the review standards in Section 2502 of the Zoning Ordinance, was made by M. Gallavin, supported by V. Taylor and unanimously approved.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:36 p.m.