

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
February 11, 2025

Acting Chairman Gallavin called the meeting to order at 4:02 p.m., and roll was taken.

MEMBERS PRESENT: M. Gallavin, V. Taylor, R. King, D. Crockett, J. Montgomery-Keast, and J. Hite
MEMBERS ABSENT: W. German
STAFF PRESENT: M. Franzak, S. Romine
OTHERS PRESENT: None.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of January 14, 2025, be approved with a correction to the motion for Case #2024-06, was made by J. Montgomery-Keast, supported by M. Gallavin, and unanimously approved.

NEW BUSINESS:

None.

PUBLIC HEARINGS

Hearing, Case 2025-01: Request for a variance from Section 1900 of the Zoning Ordinance to allow for residential use in the Waterfront Marine (WM) district at 2984 Lakeshore Drive.

SUMMARY

1. The property is zoned WM, Waterfront Marine. The principal (and only) use on the property is a single-family house, which is considered legally non-conforming because housing is not a permitted use in the WM zoning district. The lot contains a house, garage, shed, and residential boat dock.
2. The lot measures 21,836 sq ft, the house measures 700 sf, and the garage measures 1,500 sf.
3. The house is in need of significant work, and the owner would rather demolish and reconstruct than make upgrades to the current building.
4. The applicant is seeking a variance to rebuild a house on the property. They are not seeking variances for any of the required setbacks or building dimensions. Please see the attached site plan.
5. City staff has been receiving calls regarding other houses in this area because they are also having issues rebuilding because of current zoning restrictions. Staff hopes to have a solution to these zoning challenges in the coming months.
6. Notification was sent to every property within 300 feet of this address. At the time of this writing, staff had not received any public comments.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Hite, 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 V. Taylor, supported by J. Montgomery-Keast, that the request for a variance from Section 1900 of the Zoning Ordinance to allow for a residential use in the Waterfront Marine (WM) district, at 2984 Lakeshore Dr. be approved based on the review standards in Section 2502 of the Zoning Ordinance.

ROLL CALL VOTE

V. Taylor: Yes	J. Hite: Yes	D. Crockett: Yes
R. King: Yes	M. Gallavin: Yes	J. Montgomery-Keast: Yes

MOTION PASSES

Hearing, Case 2025-02: Request for a variance from Section 2333 (#14(b)) of the zoning ordinance to allow a 6-ft privacy fence in the front yard at 319 Mason Avenue.

SUMMARY

1. The property is zoned Form Based Code, Urban Residential (FBC-UR). The fence was installed without a permit, and the applicant has applied for it after the fact.
2. A six-foot-tall privacy fence was installed in the front yard along Mason Ave. The fence was not supposed to be located in front of the house along Mason Ave. Fences of this height and type (wood) must be located behind the house or in line with it.
3. The property is located on the corner of Mason Ave/6th St, and the front of the house faces Mason Ave. If the front of the house faced 6th St, the ordinance would allow for the fence to be placed as it is now.
4. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff had not received any public comments.

MOTION TO CLOSE PUBLIC HEARING

A motion to close the public hearing was made by J. Montgomery-Keast, supported by R. King, 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 R. King, supported by J. Montgomery-Keast, that the request for a variance from Section 2333 (#14(b)) of the zoning ordinance to allow a 6-ft privacy fence in the front yard, at 319 Mason Avenue, be denied based on the review standards in Section 2502 of the Zoning Ordinance.

ROLL CALL VOTE

V. Taylor: Yes

J. Hite: Yes

D. Crockett: Yes

R. King: Yes

M. Gallavin: Yes

J. Montgomery-Keast: Yes

MOTION PASSES

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:23 p.m.