

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
January 14, 2025

Acting Chairman Gallavin called the meeting to order at 4:01 p.m. and roll was taken.

MEMBERS PRESENT: M. Gallavin, V. Taylor (4:06 pm arrival), R. King, J. Montgomery-Keast, and J. Hite (4:01 pm arrival)
MEMBERS ABSENT: W. German and D. Crockett
STAFF PRESENT: M. Franzak, S. Romine
OTHERS PRESENT: None.

APPROVAL OF MINUTES

A motion that the minutes of the special meeting of November 12, 2024, be approved was made by J. Montgomery-Keast, supported by V. Taylor, and unanimously approved.

NEW BUSINESS:

None.

PUBLIC HEARINGS

Hearing, Case 2024-06: Request for variances from Section 404 of the Zoning Ordinance to construct a new home on a 2,500-square-foot lot, with a rear setback of 7 feet, at 2125 Beidler Street.

SUMMARY

1. The property is zoned R-2, Medium Density Single-Family Residential. The lot is considered non-conforming because it does not meet the minimum lot size requirement of 4,000 sf. The lot measures 2,500 sf (62.5'x 40'). The house is considered non-conforming because it does not meet the minimum setback requirement of 15 feet. The lot is described as the north half of lot 13, Block 5.
2. The applicant would like to demo the existing house on-site and rebuild. Please see the enclosed site plan. The plan would need a variance from the minimum lot size requirement and the rear setback requirement. The minimum rear lot setback requirement is 15 feet, this plan proposes a 7-foot rear setback. All other setbacks and zoning requirements would be met.
3. Please see the responses to the zoning questionnaire on the following pages.
4. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff had received one comment from the public. Please see the enclosed email.

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 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 variances from Section 404 of the Zoning Ordinance to construct a new home on a 2,500-square-foot lot, with a rear setback of 7 feet, at 2125 Beidler St be approved based on the review standards in Section 2502 of the Zoning Ordinance.

ROLL CALL VOTE

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

MOTION PASSES

Hearing, Case 2024-08: Request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, and from Section 404 to exceed the maximum pavement coverage of 15% allowed, at 2035 Letart Avenue.

SUMMARY

1. The property is zoned R-1, Neighborhood Residential. The parking pad has already been installed and the variance request is coming in after the fact.
2. There is a paved parking space in the rear of the property off of the alley, but the position of the shed makes it difficult to add another parking space. The proposed parking space in the front of the house does not meet the ordinance standards because it does not extend at least 18 feet past the front of the house, which makes it considered front yard parking. The side setback of the house is too small to allow for a parking space on the side of the house.
3. The existing parking pad in the rear measures 415 sf. The property measures 5,187 sf, which allows up to 1,037 (20% of lot) sf of pavement. The new parking pad in the front measures 287 sf, for a total of 622 sf of pavement. The zoning ordinance was recently amended to allow up to 20% of pavement coverage on a lot, so the variance for the pavement allotment is no longer needed.
4. There is no sidewalk in the front, but if one were to ever be installed, it appears that a car parked on the pad would not hang over the sidewalk.
5. Please see the responses to the zoning questionnaire on the following pages.
6. 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 M. Gallavin, and unanimously approved.

VARIANCE REVIEW STANDARDS

Questions to consider when reviewing a variance request:

- g. 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?
- 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

A motion was made by R. King, supported by J. Montgomery-Keast, that the request for a variance from Section 2316 of the zoning ordinance to allow a parking area in the front yard, be approved based on the review standards in Section 2502 of the Zoning Ordinance.

ROLL CALL VOTE

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

MOTION PASSES

OLD BUSINESS

None

OTHER

Election of Chair and Vice Chairperson

A motion to elect V. Taylor to Chairperson was made by R. King, supported by J. Montgomery-Keast.

A motion to elect R. King to Vice Chairperson was made by J. Montgomery-Keast, supported by V. Taylor, and unanimously approved.

ADJOURN

There being no further business, the meeting was adjourned at 4:25 p.m.