

**CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

January 11, 2022

Chairman W. Bowman called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: J. Witmer, W. Bowman, T. Puffer, J. Montgomery-Keast, V. Taylor, W. German

MEMBERS ABSENT: M. Ribesky, excused.

STAFF PRESENT: M. Franzak, S. Pulos

OTHERS PRESENT:

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 14, 2021, be approved was made by Jill Montgomery-Keast, supported by Terry Puffer and unanimously approved.

ELECTIONS

A motion was made that Chair and Vice Chair remain as—is (Bowman and Whitmer respectively), made by William Bowman and seconded by Terry Puffer. Motion passes unanimously.

PUBLIC HEARINGS

Hearing Case 2022-01

Request for a variance from Section 2305 of the zoning ordinance to allow a lot to be split that will create a parcel substandard in size at 3384 Millard Avenue, by Medendorp Real Estate.

Summary

1. Section 2305 of the zoning ordinance prohibits splitting parcels that would make either of them substandard in size. See excerpt on the following pages.
2. The property is zoned R-1, Low Density Single Family. Parcels are required to have at least 50 feet of street frontage and be at least 6,000 sf in size.
3. The lot at 3384 Millard Ave measures 11,247 sf in size. The proposed split would make the lot with the principal structure 5,610 sf and the lot with the garage 5,637 sf. This would make both lots non-conforming in size.
4. In 2006, this property was granted two variances. One was to allow a garage to be placed in a front yard (the property has two front yards since it faces two streets) and the other was to allow a garage that exceeds 14 feet in height. The garage is 23.5 feet in height.
5. If approved, this would create a non-conforming structure on the lot with the garage. Garages are not allowed on properties without a principal structure. If the owner wanted to turn the garage

into a home, there would also be issues in the conversion. A one-bedroom home must have at least 850 sf. The floor plan of the garage shows 400 sf of garage and only 800 sf of living space. Also, it is unknown what the side setbacks are for the garage, but it appears to be only five feet on the east side. Detached garages are only required to have a three-foot side setback, but houses must be at least six feet.

6. Please see the enclosed responses to page two of the application.
7. Notice was sent to properties within 300 feet of the property. At the time of this writing, staff had received notification from the following names/addresses that are against the request: Bonnie Hendrick at 3377 Lakeshore Dr, Candy Workman at 3369 Lakeshore Dr, Nancy Hulka at 3020 Country Club Dr, Margarette Hulka at 3389 Lakeshore Dr, Mary Ullmer at 2135 Bluffton Ave and Laura/Kirk Kolberg at 3414 Whiskey Hollow.
8. The Zoning Ordinance Excerpt for Section 2305: Reduction of parcels below minimum required size, width, or depth was provided to the members.

Public Comment:

Kirk Kolbert/3414 Whiskey Hollow called and said that he is agreeable to splitting this parcel back into the original split as it was in the past with the southern border of the 15ft easement being the line that splits the two.

ZBA had a short discussion.

A motion to close the public hearing was made by Jill Montgomery-Keast, supported by Terry Puffer 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?

A motion that the request for a variance from Section 2305 of the zoning ordinance to allow a lot to be split that will create a parcel substandard in size at 3384 Millard Avenue be approved based on the review standards in Section 2502 of the Zoning Ordinance was made by Jill Montgomery-Keast, supported by Virginia Taylor and denied with five members voting nay and one member voting aye.

W. Bowman: Yes

T. Puffer: No

J. Montgomery-Keast: No

W. German: No

V. Taylor: No

J. Witmer: No

Motion does not pass.

OLD BUSINESS

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 4:49 p.m.