

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

July 10, 2012

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

MEMBERS PRESENT: E. Fordham, R. Hilt, S. Brock, T. Halterman, J. Clingman-Scott,
W. German Jr.

MEMBERS ABSENT: B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: C. Fox, 2283 Resort Avenue; K. Bednarek, 3302 Arlington

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of April 10, 2012 be approved was made by J. Clingman-Scott, supported by E. Fordham and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2012-004: Request for a variance from Section 2203: Non-Conforming Structures, to allow a non-conforming structure to be increased more than 30% with a Special Land Use Permit from the Planning Commission, at 2283 Resort Ave, by Cheryl Fox. M. Franzak presented the staff report. The zoning of this lot is R-1, Single Family Residential District, and its current use is a residential home. The owner would like to demolish the current carport which is attached to the home, and build an attached garage and a front porch. The house is considered a non-conforming structure because the rear setback of the house is 28.5 feet, not 30 feet as required by the ordinance. A non-conforming structure may be expanded up to 30% with a Special Land Use Permit from the Planning Commission. The Planning Commission approved that request at their June meeting, contingent upon ZBA approval of this case. Because the applicant would like to expand the current structure by 35%, a variance is also needed. The current structure totals 1528 square feet and the proposed addition is 540 square feet, making it a total of 2068 square feet.

This case was tabled due to lack of a quorum at last month's ZBA meeting. The applicant proceeded with the Planning Commission case on June 14 and was approved for the Special Land Use Permit to expand the structure more than 30%, contingent on ZBA approval of the variance. R. Hilt stated that there were many non-conforming properties in this particular area of town. J. Clingman-Scott asked if the porch addition would be the same height as the front of the house. C. Fox stated that it would change the roofline and peak, but not substantially. She showed a picture of her planned design and explained the project. J. Clingman-Scott thought that the improvements would benefit the neighborhood. K. Bednarek had no opposition to the request. In addition, the applicant had provided a list signed by several neighbors, stating that they had no objection.

The following findings of fact were offered: a) That 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) That such dimensional variance is 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) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest, d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and f) That the requested variance is the minimum action required to eliminate the difficulty.

A motion to close the public hearing was made by E. Fordham, supported by S. Brock and unanimously approved.

A motion that the findings of fact as determined by the Zoning Board of Appeals be adopted and that the variance request to allow for an expansion of a non-conforming structure more than 30% with a Special Land Use Permit from the Planning Commission at 2283 Resort Avenue be approved, with the conditions that 1) That the additions to the property must be complete within one year (Sec. 2504) or the variance is void, and 2) The variance is recorded with the deed to keep record of it in the future, was made by J. Clingman-Scott, supported by S. Brock and unanimously approved.

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 4:15 p.m.