**City of Marine City**

**Zoning Board of Appeals**

**March 4, 2020**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, March 4, 2020 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Weil at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Weil.

**Present: Chairperson Kim Weil; Commissioners Mark Bassham (left at 7:01 pm), James Turner; Planning Commissioner Graham Allan; City Commissioner Cheryl Vercammen; City Manager Elaine Leven, City Clerk Kristen Baxter**

**Also in Attendance: City Attorney Robert Davis**

**Appoint Chairperson**

Motion by Commissioner Turner, seconded by Chairperson Weil, to appoint Kim Weil as Chairperson. All Ayes. Motion Carried.

**Communications**

No Communications were received by the Board.

**Approve Agenda**

Motion by Planning Commissioner Allan, seconded by Commissioner Turner, to approve the Agenda. All Ayes. Motion Carried.

**Approve Minutes**

Motion by Commissioner Turner, seconded by Planning Commissioner Allan, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held October 2, 2019. All Ayes. Motion Carried.

**Public Comment**

None.

**Unfinished Business**

None.

**New Business**

Public Hearing – Variance #20-01 – 536 South Water & 533 South Market

Chairperson Weil announced that the Zoning Board of Appeals would conduct a Public Hearing to receive public comments for and against the proposed Variance request by Vincent Cataldo/JGM Properties, 536 South Water Street and 533 South Market Street.

Chairperson Weil opened the Public Hearing at 7:05 pm.

Applicant Cataldo addressed the Board and stated he was requesting a side yard variance to the south of the mixed-use building. He further said that the easement would ensure that no building could be built within the ten foot setback. Mr. Cataldo said that he had an agreement with the adjacent land owner who also said he could take down the existing fence. He said he also had taken care of the DTE and sewer requirements.

City Attorney Davis questioned Mr. Cataldo if the easement would be recorded with the two properties and Mr. Cataldo responded that they would.

Commissioner Turner stated that he was concerned about it being such an ambitious project on a very narrow lot and asked why it couldn’t meet the requirements. Mr. Cataldo responded that if it did not meet requirement, no one could build within the ten feet setback with the requested variance.

Chairperson Weil closed the Public Hearing at 7:13 pm.

Motion by City Commissioner Vercammen, seconded by Commissioner Allan, to grant the variance for JGM Property Group for new construction at 536 South Water Street and 533 South Market Street, based on the following criteria:

* All requirements have been met
* Utilities going underground
* Property owners on both sides have discussed and agreed to project
* Two separate recordings for the easement on south side in between both properties regarding the ten foot variance

Commissioner Allan added a friendly amendment that the fire safety issued seemed to be presented well and the risk for fire was mitigated by the quality of the materials.

Ayes: Weil, Allan, Vercammen. Nays: Turner. Motion Carried.

Board Member Training

City Attorney Davis spoke about the importance of the Zoning Board of Appeals and reviewed the following:

* The Zoning Board of Appeals is the judicial branch of City which interprets its ordinances
* A record must be made because it is a judicial Board
* Applicants must demonstrate why they should be approved for a variance;

the approval deviates from the hard work of other governing bodies

* When granting a variance, the Board is overruling the existing ordinance
* Importance of motions
* Decisions made by the Zoning Board of Appeals are final except appeals to the Circuit Court

**Other Business**

None.

**Adjournment**

Motion by Commissioner Turner, seconded by City Commissioner Vercammen, to adjourn at 7:55 pm. All Ayes. Motion Carried.

Respectfully submitted,

 Kristen Baxter

 City Clerk