

**City of Marine City
Zoning Board of Appeals
October 2, 2019**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, October 2, 2019 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, James Turner; Planning Commissioner Graham Allan; City Commissioner Cheryl Vercammen; Building Official Susan Wilburn; City Manager Elaine Leven, City Clerk Kristen Baxter

Communications

No Communications were received by the Board.

Approve Agenda

Motion by Commissioner Turner, seconded by Commissioner Bassham, to amend the Agenda, as follows:

Change the word *request* with *replace* on SUBJECT line of Building Official Wilburn's variance review letter for 6563 S. River Road

All Ayes. Motion Carried.

Approve Minutes

Motion by Commissioner Turner, seconded by Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held September 4, 2019. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

None.

New Business

Public Hearing – Variance 19-05 – Dennis & Linda Maurey, 6563 South River Road

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 Dennis and Linda Maurey for replacement of a fence on the St. Clair River frontage of a residential property.

Chairperson Weil opened the Public Hearing at 7:03 pm.

Building Official Wilburn stated that the applicants would like to tear down the old fence and replace the entire fence. She stated that the ordinance specifically said ZBA approval was required.

Applicant Linda Maurey stated that the fence was estimated at approximately 30 years old and was damaged during a storm in August. She said that, due to the uniqueness of the fence, she has been unable to find anyone in the County to replace the damaged portion of the fence.

Chairperson Weil commented that he has seen the specific type of fence replicated.

Mrs. Maurey provided photographs and a video showing the uniqueness of the property and how the waves of northbound freighters caused damaging and dangerous conditions due to the L-shape. She stated that she was concerned about kids wandering into her yard and said that the property needed to be secured to protect their liability.

City Commissioner Vercammen stated she had lived on the water her whole life and that no one had fences on the front of their property. She suggested that the applicants repair their existing fence. She also said she was concerned about replacing the existing 3 foot fence with a higher 4 foot fence.

Commissioner Turner commented that the ordinance was only changed in 2016 and the Board didn't have language to address a pre-existing condition. He stated that the applicants were only trying to maintain their fence and said that it was important to look

at the photos provided with uniqueness of 75 feet of side seawall where the water comes rolling in. He reiterated that the applicant needed the fence to save their liability.

Chairperson Weil closed the Public Hearing at 7:23 pm.

Planning Commissioner Allan asked if a motion could be made to approve a variance for replacement of the damaged 60 feet of fence with conforming materials. He stated that if the applicants want to repair the fence with conforming materials, they could work with Building Official to determine what was conforming.

Commissioner Turner said the intent of the 2016 ordinance amendment was to prevent people from putting up new fences. He said that the Board needed to focus on verbiage to allow for a pre-existing condition and then send to the City Commission.

Planning Commissioner Allan agreed and said that if it was allowed and that you were grandfathered in, it needed to be stated.

Building Official Wilburn reminded the Board that you could repair an existing non-conformity, but you cannot replace it.

Motion by City Commissioner Vercammen, seconded by Planning Commissioner Allan, to deny Variance 19-05 for replacement of a fence on the St. Clair River frontage of a residential property based on the application, the applicant's presentation and testimony, and the record presented at the hearing and based on the following particulars which support a denial of the variance sought:

- 1) Obscuring fence which is chain link.
- 2) Fence located on St. Clair River frontage of residential property.
- 3) No unique circumstances or hardship.
- 4) Repair to fence acceptable; replacing existing fence will make it a brand new fence.

Roll Call Vote. Ayes: Allan, Vercammen. Nays: Weil, Bassham, Turner.

Motion Failed.

Motion by Commissioner Turner, seconded by Chairperson Weil, to approve variance 19-05 for replacement of a fence on the St. Clair River frontage of a residential property based on the application, the applicant's presentation and testimony, the record presented at the hearing and based on the following particulars which support the variance sought:

- 1) Property owner is requesting to replace a pre-existing fence that was damaged.
- 2) Removing the fence could cause liability concerns due to the seawall on south side causing undue hardship and unique circumstances.

Roll Call Vote. Ayes: Weil, Bassham, Turner. Nays: Allan, Vercammen.
Motion Carried.

Public Hearing – Variance 19-06: Joanne & James Cottrell, 610 South Main Street

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 Joanne and James Cottrell to split an existing lot into two lots.

Chairperson Weil opened the Public Hearing at 7:43 pm.

Building Official Wilburn advised the Board that the applicants would like to split an existing lot into two lots. She stated that ZBA approval was required due to the non-conforming status caused by the proposed split. She said, if approved, the lot with the residential structure would be at least 7200 square feet (Lot 2) and the lot with the barn would be approximately 4779 square feet (Lot 1).

Applicant Joanne Cottrell stated that the property had been in the family since 1850 and their request was to have the lot split so they could sell the house and keep the historic barn. She explained that their father had combined both lots into one parcel and that it was originally two parcels. By returning the lots to the original descriptions, she said they would be creating two non-conforming lots. Their solution was to create a conforming lot where the house was as it was only short by approximately seven feet, and proposed adding the additional footage (from Lot 1) to meet the 7200 square foot requirement. The barn would then be on a non-conforming lot.

Building Official Wilburn reminded the applicant that (Lot 1) would not meet the ordinance to have a house built on it, if the barn was torn down.

Chairperson Weil closed the Public Hearing at 7:51 pm.

Motion by City Commissioner Vercammen, seconded by Commissioner Turner, to approve Variance 19-06 and allow the applicants split existing lot into two lots based on the application, the applicant's presentation and testimony, the record presented at the hearing and based on the following particulars which support the variance sought:

- 1) Meets the minimum requirement with adding the seven feet from the west side going toward the barn, making the lot that the house is sitting on a conforming lot. And, due to the lot being split in the past.
- 2) Unique historic property.

Roll Call Vote. Ayes: Weil, Bassham, Turner, Vercammen. Nays: Allan.
Motion Carried.

Other Business

None.

Adjournment

Motion by Planning Commissioner Allan, seconded by Commissioner Turner, to adjourn at 7:53 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk