



CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, January 3, 2018, 7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Chairperson Kim Weil; Commissioner Mark Bassham; Planning Commissioner Graham Allan; City Commissioner James Turner; Building Official Susan Wilburn; City Manager Elaine Leven
4. **APPROVE AGENDA**
5. **APPROVE MINUTES**
 - A. Zoning Board of Appeals Regular Meeting – December 6, 2017
6. **PUBLIC COMMENT** *Residents are welcome to address the Zoning Board of Appeals. Please state name and address. Limit comments to five (5) minutes.*
7. **UNFINISHED BUSINESS**
 - A. Appeal #17-07 – William & Amy Tranchemontagne, 330 North Market Street
8. **NEW BUSINESS**
9. **OTHER BUSINESS**
10. **ADJOURNMENT**

**City of Marine City
Zoning Board of Appeals
December 6, 2017**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, December 6, 2017 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Kim Weil at 7:00pm.

The Pledge of Allegiance was led by Chairperson Weil.

Present: Chairperson Weil; Commissioner Bassham; Planning Commissioner Allan; City Commissioner Turner; Building Official Wilburn; City Manager Leven; and Deputy Clerk McDonald

Absent: Commissioner Gabler

Communications

Received:

- Resignation Letter – Commissioner Gary Gabler

The Communication was read aloud by Chairperson Weil.

Approve Agenda

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

Approve Minutes

Motion by Commissioner Bassham, seconded by Planning Commissioner Allan, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held November 1, 2017, as presented. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

Withdrawal Request for Appeal #17-06 – William & Amy Tranchemontagne, 330 North Market Street

Motion by Commissioner Bassham, seconded by Planning Commissioner Allan, to accept and file the request. All Ayes. Motion Carried.

New Business

Appeal #17-07 – William & Amy Tranchemontagne, 330 North Market Street

Applicants, William and Amy Tranchemontagne, 330 North Market Street, requested the side setback requirements be reduced from five feet to one foot to construct an attached carport. The following information was stated by the applicants:

- The proposed carport gutters would be connected to their home's existing drainage system.
- The carport would protect their neighbor at 326 North Market Street from snowdrifts.
- The proposed carport would not obstruct the owner of 331 North Market Street from a three river view.
- An appraiser's and real estate agent's opinions were included in the meeting packet, which stated that they felt the appraised values would not decrease should the carport be built.
- Past Zoning Board of Appeals' meeting minutes were included to show previous variances that were granted.
- Pictures of other existing nonconformities within the City were provided.

Building Official Wilburn questioned where the applicants measured the proposed one foot setback from.

The applicants responded that it was measured from the house, and that the proposed carport would extend ten feet from the house.

The Board briefly discussed the proposed drainage system and the requirements that would need to be met to comply with storm water regulations.

Planning Commissioner Allan stated that he was concerned about the location of the lot line and the use of superimposed photos within the packet to depict the proposed carport as it did not give an accurate depiction of the request.

Building Official Wilburn stated that some of the existing nonconformity photos submitted by the applicants as examples were detached accessory structures, which had different setback requirements than residential homes.

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed Variance Request by William and Amy Tranchemontagne, for property located at 330 North Market Street. The Variance Request was to reduce the side setback requirements from five feet to one foot (per Ordinance 160.195) to construct a carport attached to their home.

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

Kayla Emery, 331 North Market Street, approached the Board and distributed a photo of her home that depicted the view she currently had of the river and where the proposed carport would be built. She spoke in opposition of approving the variance due to crowding and a decrease in property values and felt that another nonconformity should not be approved solely because there were past nonconformities granted. She noted that there were inconsistencies within the applicant-provided information and that the proposed carport was not a true rendering. She stated that the applicants purchased the home knowing what it had to offer.

The following letters were received and read aloud by Chairperson Weil:

- Jay Saph, 344 North Market Street, spoke in opposition of approving the variance requested.
- Mike and Robin Stone, 336 North Market Street, were in favor of approving the request due to drainage plans being addressed and the fact that the proposed carport had no impact on their riverfront view.

Commissioner Bassham stated that the referenced nonconformities in the applicant packet did not apply and variance request decisions should be made by viewing each request as an individual situation.

Chairperson Weil closed the Public Hearing at 7:34pm.

At this time, applicants, Amy and William Tranchemontagne requested that the Board table the item until the next meeting in order to have the opportunity for a full board decision.

The Board decided to table Appeal #17-07 until the January 3, 2018 meeting at the applicant's request.

Other Business

None.

Adjournment

Motion by Planning Commissioner Allan, seconded by Commissioner Bassham, to adjourn at 7:42pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald
Deputy Clerk

Kristen Baxter
City Clerk



City of Marine City
Building Department
303 S. Water St.
Marine City, MI 48039
(810) 765-9011
buildingdepartment@marinecity-mi.org

RECEIVED
NOV 14 2017

City of Marine City

Zoning Board Appeals Application

Application Fees:
Residential - \$200.00
Commercial/Industrial - \$300.00
(Receipt Code: ZBAFEE)

NOTE: Additional fees may be assessed by City Planning
and/or Engineering Consultants

The Zoning Board of Appeals meets on the first Wednesday of each month in which there are appeals for consideration. Applications must be filed at least thirty (30) days prior to a scheduled meeting. Application fee must be paid in full before your application is added to the Agenda. The City must notify the surrounding property owners within a 300-foot radius from the address on this application.

Site Plan requirements for all dimensional variance requests must include the following:

- 1) Minimum site plan submittal shall be based on a land survey prepared and sealed by a registered land surveyor or registered engineer.
- 2) The plan must be drawn to scale.
- 3) The plan must include property lines and dimensions, all structures and buildings (existing and proposed), all setback dimensions, driveways, and all adjacent uses and structures of adjoining lots.

Your application will not be considered unless all required information is provided at the time of submission, and any/all required fees are paid for prior to the meeting date.

Building permits must be obtained within one year of approval of your variance

Address of property where variance is being requested:

330 MARKET ST. 02-475-0590-000
Number Street TAX Parcel #

Applicant/Owner Information

Applicant(s) Name: William & Amy TRANHEMONTAGNE

Address: 330 N. MARKET ST MARINE CITY MICH 48039
Street City State Zip

Phone: _____ Email: _____

Owner Name (if different from Applicant): _____

Address: _____
Street City State Zip

Phone: _____ Email: _____



City of Marine City
Building Department
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Zoning Board of Appeals Application

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Variance Request Information

Subject property is zoned: _____ Size of Lot: 40 x 120
Total Square Footage: 4,800 Circle One: ☐ Corner Lot ☐ Interior Lot ☐ Waterfront Lot
Number of Buildings on lot now: 1 House 1 Shed
Percentage of lot coverage by building/structure now: 1567 %
Type/Use/Size of Each Building:
House 25'6" x 61'6"
Shed 5'6" x 10'

Describe Proposed Building/Structure, Addition, Fence, Sign, Etc.:

37' long x 10'4" wide carport tying into existing roof and staying with the existing inside ceiling cable of 8'3" tall. Channeling all water into existing downspout system (see attached pict.) drainage into our back yard toward the river

Complete as it pertains to each situation; e.g. complete all for buildings, height & length for fence, etc.

Height: inside ceiling 8'3" Width: 10'6" Length: 37 Sq. Footage: _____

Height: _____ Width: _____ Length: _____ Sq. Footage: _____

Height: _____ Width: _____ Length: _____ Sq. Footage: _____

Percentage of lot coverage with proposed building/structure, addition, fence, etc.: an additional 407 sq ft

Setbacks after completion of proposed project:

Front: 30' Rear: 63' Side: RT 1' set back Side: _____

REASON FOR APPEAL: We're looking for a variance set back of 5' to 1' to add a carport to a driveway that is only 11'4" wide. Using the existing 5' setback would not allow us any room to park in our driveway, therefore asking the setback of 5' to be lowered to 1'. This is our hardship.



City of Marine City
 Building Department
 303 S. Water St.
 Marine City, MI 48039
 (810) 765-9011
 buildingdepartment@marinecity-mi.org

Zoning Board of Appeals Application

Application Fees:
 Residential - \$200.00
 Commercial/Industrial - \$300.00
 (Receipt Code: ZBAFEE)

NOTE: Additional fees may be assessed by City Planning and/or Engineering Consultants

For a variance to be granted, the Applicant must prove a unique circumstance or an undue hardship relating to his/her situation

Explanation of above stipulation: Our driveway is not wide enough to add a carport with already existing 5' setback we would not be able to park if it was kept at 5', therefore we need a variance of the setback to be 1'

Will approval of this appeal change the character of your immediate neighborhood and/or the zoning district in which the property is located? NO ~~NO~~ YES X

If yes, explain: IT WOULD IMPROVE THE NEIGHBORHOOD and the appearance of our home.

I (We) hereby attest that all the information provided in this application, and attachments submitted, are true and correct to the best of my (our) knowledge and belief.

[Signature]
 Applicant's Signature

11-13-17
 Date

[Signature]
 Owner's Signature

11-13-17
 Date

CITY OFFICE USE ONLY

Appeal #: 17-07

Fee Amount Paid: \$ N/A

Date Paid: N/A

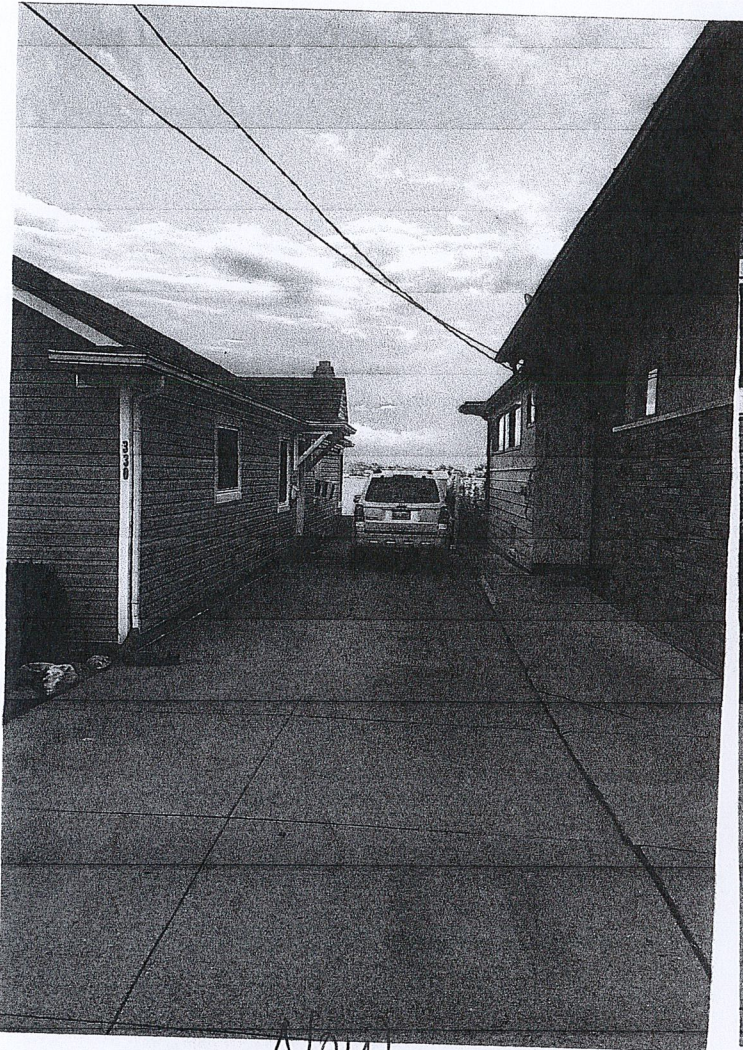
Reviewed By: _____
 Building Official

 City Manager

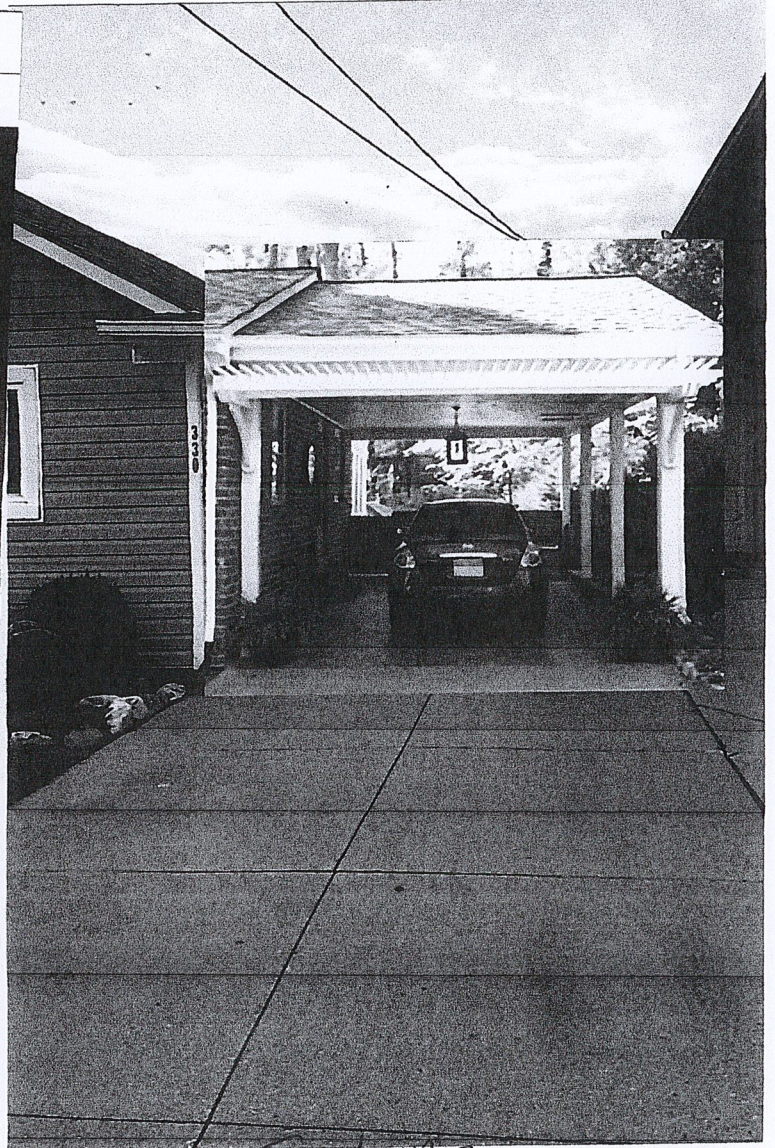
330 N. Market St.

Marine City
September 6 6:41 PM

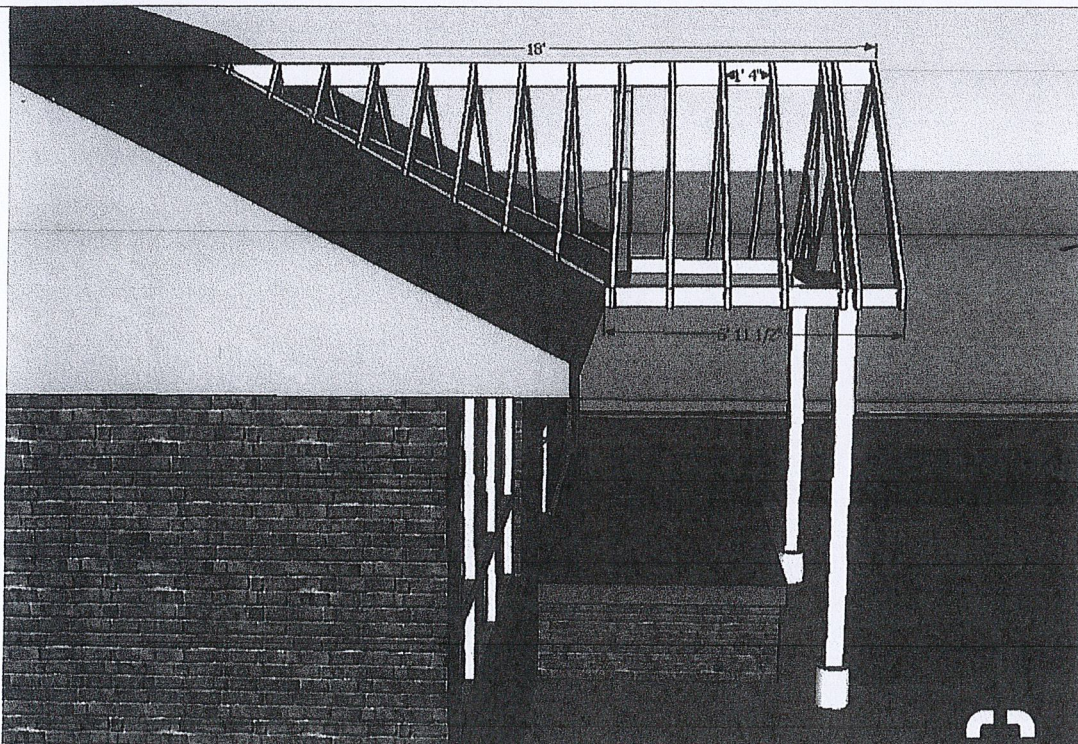
Edit



NOW



FUTURE



example
of how we
will come
out

lot size

40 x 120

house 25'6" x 61'6"

Carport 11'4" x 37'

RIVER

40 1/2 FT

48 1/2 FT

15 FT

11 FT 4"

residential use only

North prop. fence

4 FT

House 25'6" x 61'6"

11'4"

39 FT

South prop line

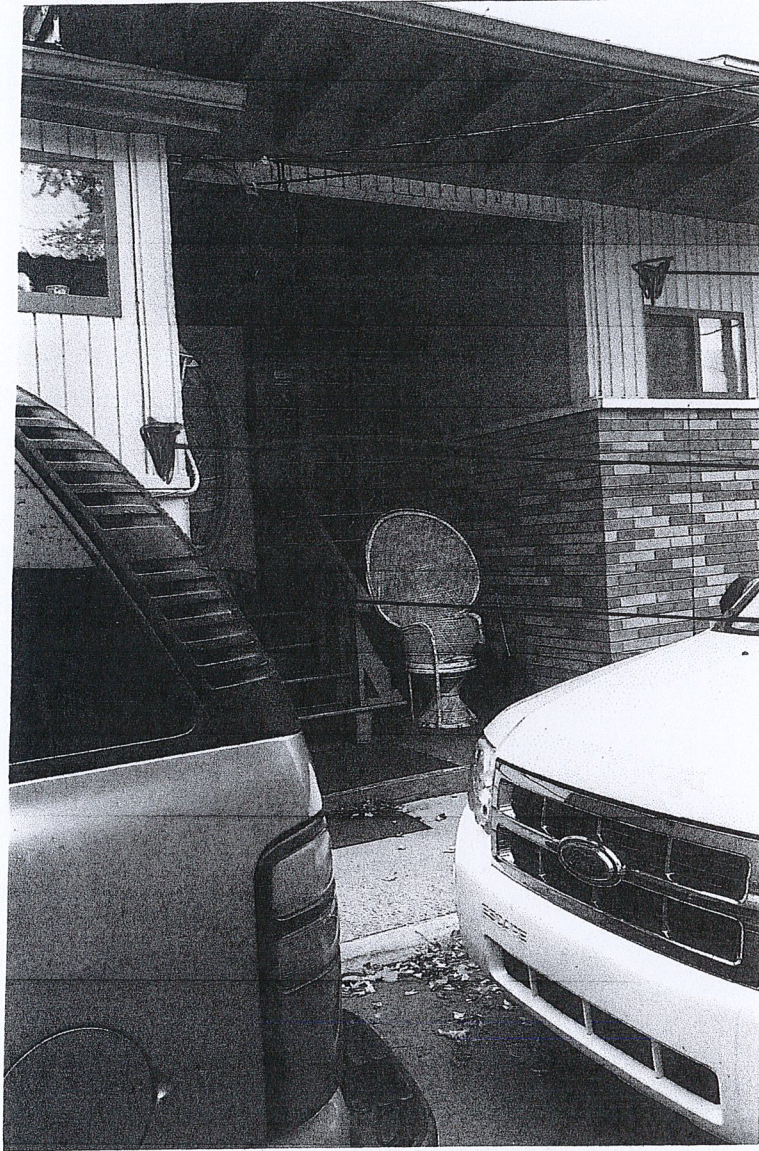
22"

25'2"

20'10"

19'2"

Utility post



MIDGE KUBIAK

THIS WALL COMES OUT 7'3"

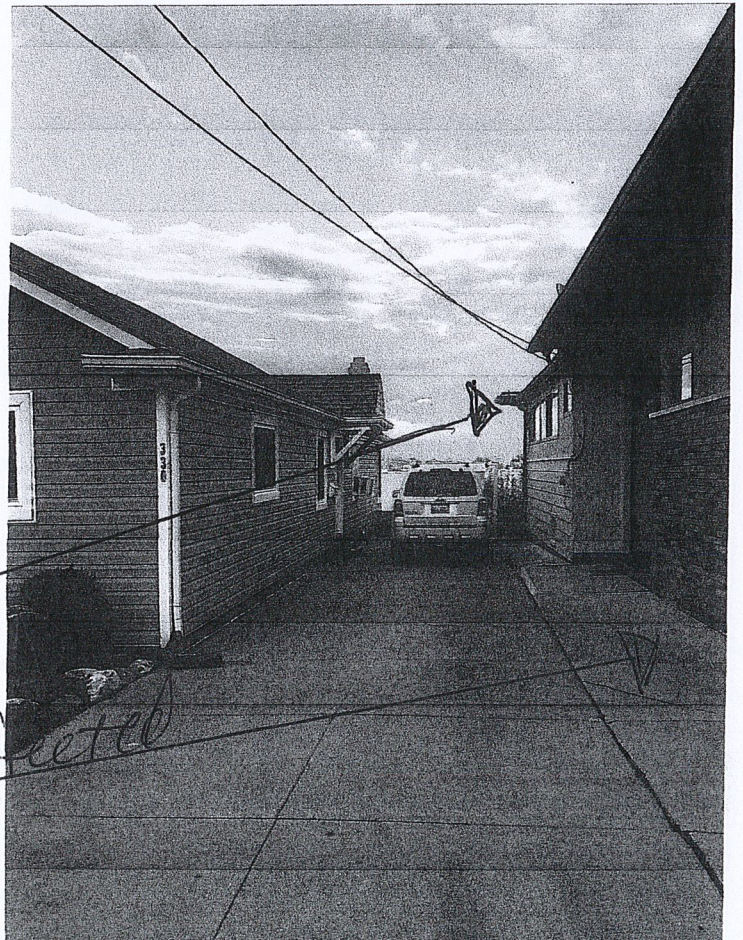
Wall comes out 9'11"

Top step 32 1/2" High

SNOW DRIFTS Should NOT
Affect MIDGE'S Entry.
She does have a walkway on
the other side of her house to
← Front Door

Marine City
September 6 6:41 PM

Edit



2 SET BACK

3' WALKWAY WONT BE affected

Dear Zoning Board,

I have spoken with my new neighbors at 330 N. Market, Bill and Amy, in regards to their plans of putting in a carport. I understand and have no reservations about the roofline of the carport reaching out to the property line between us.

Mildred Kubiak



AAA North

40682 Ryan Road

Sterling Heights, Michigan 48310

Business (586) 274-1111

Fax (586) 274-4580

October 31, 2017

RE: 330 N. Market

Marine City, MI

To whom it may concern:

Installing a carport at the above address would not, in my opinion, alter the value of adjacent properties neither positively or negatively. There would not be an impact.

A large, stylized handwritten signature in black ink, appearing to read "Charles W. Reaume".

Charles W. Reaume

Broker / Owner

Century 21 AAA North



Each Office Is Independently Owned And Operated

Question re: water view properties

To:

Date: Thursday, October 5, 12:26 PM

Hi I am hoping that this is Frank Fortuna. My name is Amy Tranchemontagne and my husband's name is William Tranchemontagne. We recently purchased a home on 330 North Market St. in Marine City for 48039, that you recently did an appraisal on.

My question has nothing to do with the appraisal for 330 n market but if you recollect we have a very small narrow driveway with no garage and we are going through the city of Marine City zoning board trying to get them to approve a carport. The neighbor directly across the street from us has a water view through our driveway and claims that if we put a carport in, it would block her Waterview and her appraised value would then be lower because of this. We are asking if by adding a carport and obstructing her view of the water would it lower the Appraised value of her home for future sale?

*answer starts at pg 3
at the
Bottom*







Get [Outlook for iOS](#)

From:

To:

Date: Monday, October 9, 9:12 AM

Hi Frank I am resending original

Get [Outlook for iOS](#)

From: Frank Fortuna

To: 'amy tranchemontagne'

Date: Monday, October 9, 12:25 PM

The appraised value of the house across the street would not be "lowered" because of the addition of the

The appraised value of the house across the street would not be "lowered" because of the addition of the carport which would limit the view of the water. Frank Fortuna, Certified Residential Appraiser

3 Emails

331 N markets views

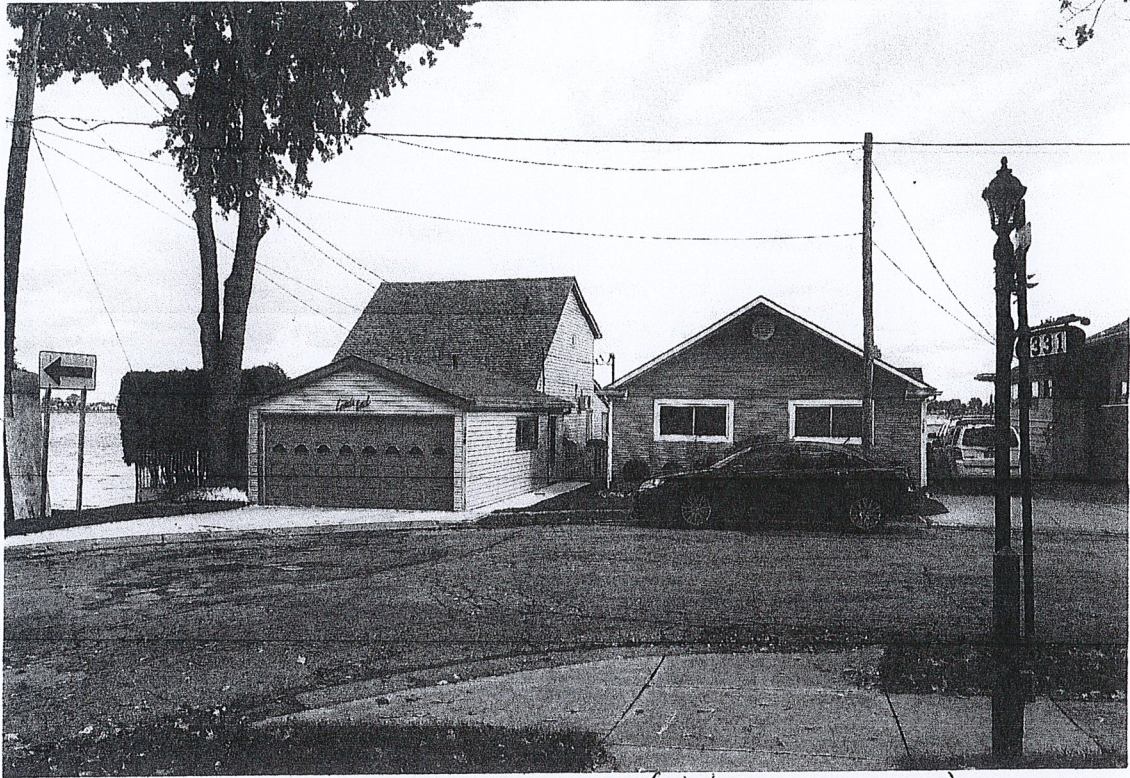


331~~10~~ N Market ST (Kayla Emery)
Her view from her front porch (sidewalk on the
East side)

Still A much better view 2



331 N markets Views



↗ 331 N. Market (Kayla Emery)
↖ Her River view from sidewalk on North side
↘ As you can see she has a much better view from here





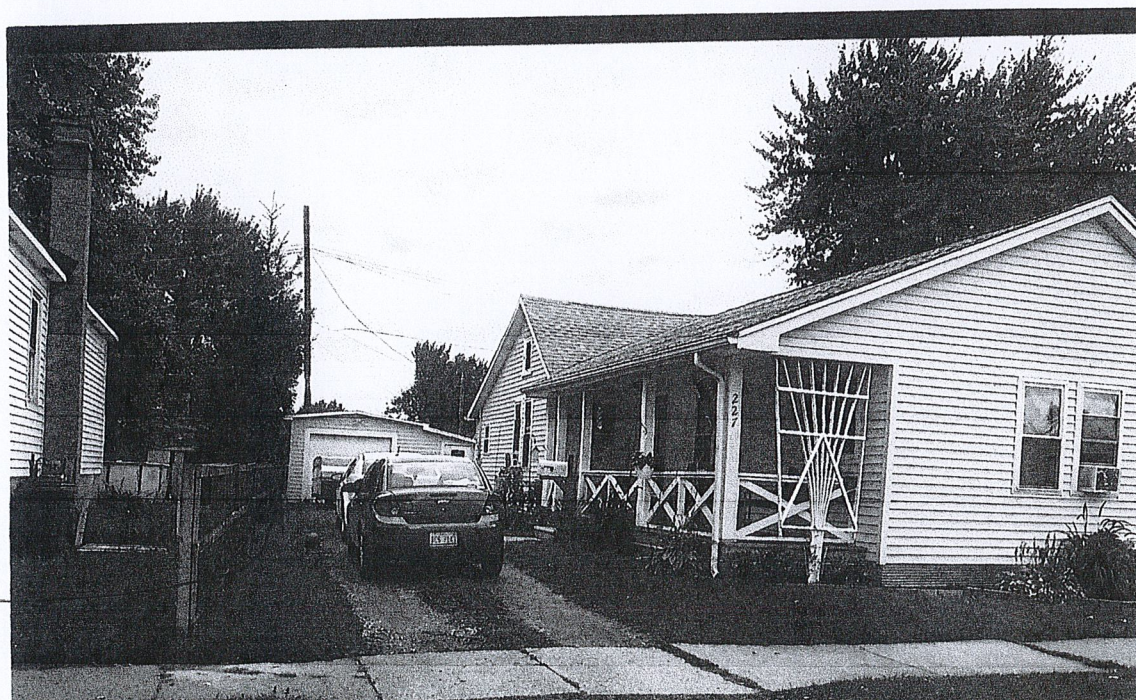
665/671 WATER ST



801 WATERST,

437
Mabel

Set Back
&
draining
into neighbors



227
Butler



530
N. Mary

Both
Roofs
Set Back
Right onto
of each
other
also

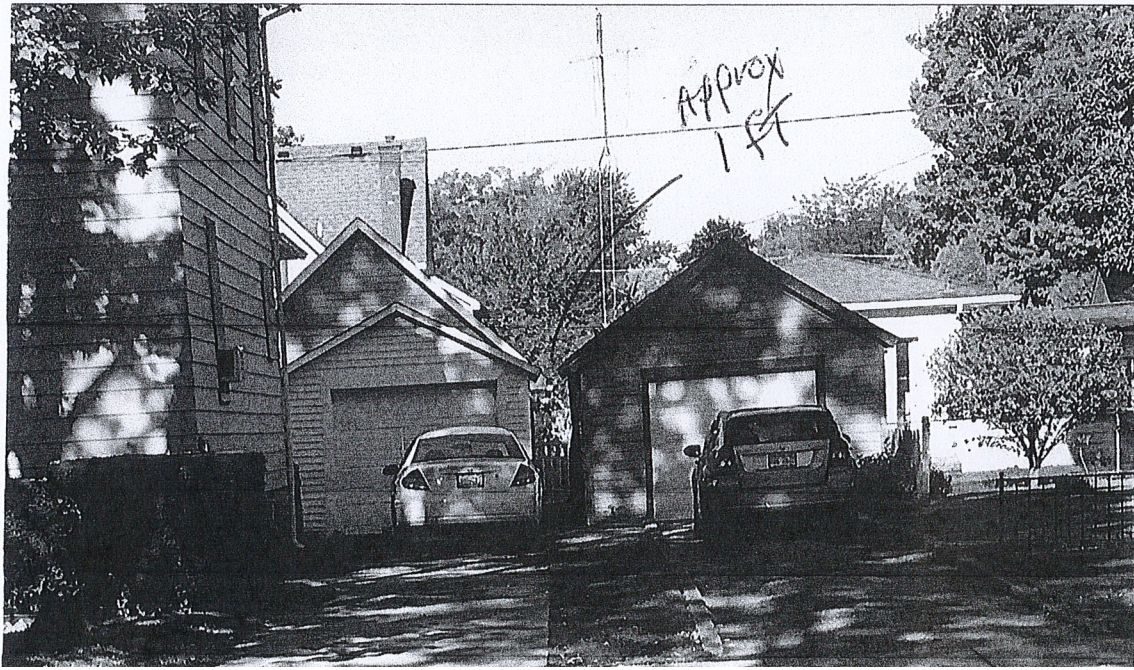


246
N. Mary

almost
a
fence



318 Main St



331
Main St.



236 N. Market St

fence

None.

New Business

Public Hearing ~ Appeal #17-04 – Keith Robinson, 486 N. Belle River

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed Variance Request by Keith Robinson, for property located at 486 N. Belle River. The Variance Request was to extend an existing carport (with a minimum side set back of 25") toward the back of the home 27' and toward the front of the home 9' (per Ordinance 160.195).

Chairperson Weil opened the Public Hearing at 7:02 pm.

Applicant, Keith Robinson, addressed the Board and noted that he had spoken with his neighbor regarding his concerns of the effect of snow and rain water on surrounding properties should the Variance Request be approved. He mentioned that he would be willing to put plans in place while extending the carport in order to lessen the impact on neighboring properties.

Ed Bickley, 483 N. Belle River, stated that he was concerned about possible damage to his property should the variance be approved. He suggested that snow guards or a similar mechanism be installed on the carport roof.

Chairperson Weil closed the Public Hearing at 7:10 pm.

Building Official Wilburn stated that approving this Variance Request would be increasing an existing nonconformity.

even though : Board Member Bassham mentioned that he had driven past the property during a rainstorm and noted that the water runoff was a legitimate concern for the neighbors to have.

All this, the motion passed
The Board discussed the concerns that were brought before them, in addition to possible solutions, such as snow guards. Ensuring that proper mechanisms were installed was deemed important in order to approve the variance.

Motion by City Commissioner Turner, seconded by Commissioner Gabler, to approve the applicant's Variance Request; Appeal #17-04, as presented. All Ayes. Motion Carried.

Training – City Attorney Robert Davis

City Attorney Robert Davis started the Zoning Board of Appeals training by stating how important the Board was. He then spoke on the following topics:

- A motion must be well stated and thorough based on facts developed by the record.
- Board members should learn to think and work in reverse.
- The Circuit Court decides on a ruling based upon the materials provided: the record and motion. The Court can reverse, affirm, or modify the ZBA decision. Ensuring a complete record was made should be a priority.
- During the hearing, have applicant state what the variance was for. Ask questions and receive evidence. The applicant should state why he/she was in need of the variance; what was the hardship? Once the hearing is closed, no more evidence can be collected.
- Any approval granted should be the minimal relief necessary.

Adjournment

Motion by Commissioner Gabler, seconded by City Commissioner Turner, to adjourn at 8:23 pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald
Deputy Clerk

Kristen Baxter
City Clerk

see pg 2 +3

**City of Marine City
Zoning Board of Appeals
September 7, 2016**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, September 7, 2016 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Kim Weil at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Weil.

Present: Chairperson Weil; Commissioners Bassham, Gabler, Menchaca; City Commissioner Turner; Building Inspector Wilburn, City Manager Leven, and, City Clerk Baxter

Absent: None

Approve Agenda

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the Agenda, as presented. All Ayes. Motion Carried.

Approve Minutes

Motion by Commissioner Menchaca, seconded by Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held July 6, 2016, as presented. All Ayes. Motion Carried.

Communications

None.

Public Comment

No residents addressed the Commission.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #16-06 - Larry & Cheryl Koehn, 213 N. Parker Street

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Michael Frank, on behalf of Larry & Cheryl Koehn, for property located at 213 North Parker Street (LOT 9 EXCEPT N 16' THEREOF BLK 9 DEMONTS ADDITION TO WEST MARINE CITY; ALSO LOTS 15 & 18 STRURMER ADDITION TO THE CITY OF MARINE CITY - *COMBINED FOR 1998*).

The variance request was to separate two lots, one of which does not meet minimum width requirements, as required by Ordinance 160.195.

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

Michael Frank, representing Larry & Cheryl Koehn, addressed the Board and reported that the applicant was requesting the variance to split the lots, due to financial hardship. He explained that the lots were originally split, but were combined in 1998.

Building Official Wilburn reported that the property had two separate street frontages (Katherine & North Parker). She stated that, if split, the North Parker frontage of 37' would not meet the minimum frontage requirement of 60', per our ordinance.

Brenda Mahle spoke on behalf of Mary Jane Shoebottom, who has a home located at 211 North Parker. She said Mrs. Shoebottom's home was located directly behind the subject property. Brenda stated that the change would have an adverse change to her view from her home, which may affect its marketability in the future.

Commissioner Gabler said the variance request should be approved because the zoning did not have to be change. He also noted that there were no houses on Katherine Street, only garages.

Due to not having to rezone and restoring the lots back to what they were in 1998, City Commissioner Turner said he had no objection to granting the request. He pointed out that many homes were non-conforming, due to the age of the city.

Commissioner Bassham agreed, due to the split zoning.

Chairperson Weil closed the Public Hearing at 7:27 pm.

But still passed

{ Motion by Commissioner Menchaca, seconded by Commissioner Gabler, to approve the applicant's variance request; Appeal #16-06, as presented. All Ayes. Motion Carried.

Public Hearing ~ Appeal #16-07 - Scott Smith, 1965 S. Parker Street

{ Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Scott Smith, the owner of property located at 1965 South Parker (BEG AT SW COR OF LOT 49, TH N 37D 19 1/2 M E 133.87', TH S 64D 57 1/2 M E 270.13' TH S 25D 48 1/2 M W 125', TH N 66D 4 1/2 M W 298.2' TO BEG EX NE 60' MEAS AT RT ANG TO NE LINE. SUPERVISORS WONSEY PLAT T3N R16E SEC 01). The applicant was requesting a variance for a roadside set back on a river-front property.

Chairperson Weil opened the Public Hearing at 7:28 pm.

{ Applicant Scott Smith addressed the Board and said that he was requesting to change the rear set back from the required 30' to 10' to build a garage.

Chairperson Weil pointed out that there were sewer and water lines under the proposed site, as well as electrical lines over head.

Applicant Smith said that the utility lines could not be avoided due to them running the length of the property. He also pointed out that he would bear the expense of moving the electrical lines, if necessary.

Commissioner Gabler said he didn't see how the request could be denied due to the location of water and sewer lines. He pointed out that other homes in the area had garages built on utility lines.

Building Official Wilburn stated that she needed letters of clearance from utilities prior to issuing building permits.

City Commissioner Turner stated that he had no problem in granting a 20 foot variance.

Chairperson Weil closed the Public Hearing at 7:53 pm.

{ Motion by Commissioner Bassham, seconded by Commissioner Gabler, to approve the Applicant's variance request (at 15' feet, in lieu of the requested 10'); Appeal #16-07. All Ayes. Motion Carried.

Adjournment

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

Respectfully submitted,

Kristen Baxter

Kristen Baxter
City Clerk

**City of Marine City
Zoning Board of Appeals
October 5, 2016**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, October 5, 2016 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Kim Weil at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Weil.

Present: Chairperson Weil; Commissioners Bassham and Menchaca; City Commissioner Turner; Building Inspector Wilburn, City Manager Leven, and, Deputy Clerk McDonald

Absent: Commissioner Gabler

Motion by Chairperson Weil, seconded by Commissioner Menchaca, to excuse Commissioner Gabler from the meeting. All Ayes. Motion Carried.

Approve Agenda

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the Agenda, as presented. All Ayes. Motion Carried.

Approve Minutes

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held September 7, 2016, as presented. All Ayes. Motion Carried.

Public Comment

No residents addressed the Commission.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #16-08 ~ Martin Cicotte, 473 North Main Street

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Martin Cicotte, for property located at 473 North Main Street (LOT 5 BLK 2 INCL. ADJ. LAND TO M-29 RELOC. R/W R HOLLAND ADDITION TO MARINE CITY & LOT 42 SUPERVISOR'S COTTRELL PLAT OWNED AND OCC AS ONE PARCEL). The variance request was to reduce the side setback requirements (from 3' to 2') for a covered carport that is attached to an existing garage, which does not meet minimum setback requirements, as required by Ordinance 160.213.

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

Martin Cicotte, addressed the Board and reported that this would affect the north property line and all others would remain the same if the variance was approved. He stated that there was an existing drainage issue within the alley near his property, and that by building this carport and attaching gutters it would help alleviate some of the rain water from flooding surrounding properties.

Building Official Wilburn stated that, if approved, the carport would not meet the minimum set back requirement of 3', per our ordinance.

even though, it was still passed Katie Wawrzyniak spoke on behalf of her mother, who has a home located near the applicant. She said her mother was concerned about her home flooding if the carport was built.

Mr. Cicotte clarified that this would not impact the amount of rainfall and therefore should not have any effect on her home.

Chairperson Weil closed the Public Hearing at 7:12 pm.

Motion by Commissioner Menchaca, seconded by Commissioner Bassham, to approve the applicant's variance request; Appeal #16-08, as presented. All Ayes. Motion Carried.

Public Hearing ~ Appeal #16-09 ~ Thomas Vertin, 102 Bridge Street

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Thomas Vertin, the owner of property located at 102 Bridge Street (*Parcel No: 74-02-475-0205-000: THAT PART OF LOT 9 & VAC. MARINE ST. LYING E OF A LINE, BEG 50.17' E OF ITS NW COR, TH SW LY TO PT. ON N LINE BRIDGE ST. 5' W OF EXTD E LINE OF W 1/2 OF LOT 9 BLK 18 MAP OF THE VILLAGE OF MARINE. Parcel No: 74-02-475-0206-000: LOTS 10 & 15 EX N 10' OF LOT 15, & LOT 16 EX N 30', ALSO S 4' OF N 30' OF E 44' OF W 45' OF LOT 16 & W 1' OF S 20' OF N 30' OF LOT 16, BLK 18 MAP OF THE VILLAGE OF MARINE. Parcel No: 74-02-475-0207-000: N 26' OF E 99' & S 4' OF N 30' OF E 55' & N 10' OF W 1' OF LOT 16 ALSO N 10' OF LOT 15 BLK 18 MAP OF THE VILLAGE OF MARINE. Parcel No: 74-02-475-0208-000: S 1/2 OF LOTS 25 & 26 BLK 18 MAP OF THE VILLAGE OF MARINE*). The applicant was requesting a variance due to overhangs encroaching onto the right-of-way on Bridge Street and South Water Street.

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

Building Official Wilburn stated that the variance addressed the following:

- Proposed awning overhang encroaching the right-of-way on Bridge Street.
- Proposed balcony overhang encroaching the right-of-way on South Water Street

Applicant Thomas Vertin addressed the Board and said that he was requesting a variance to allow the encroachment on the right-of-way of 1' 8-1/2" on South Water Street and 4'0-1/2" on Bridge Street. He stated that the view of the river was an asset and a major reason why they chose that location for the hotel; adding balconies would allow customers the ability to enjoy this view. Without the overhang, the hotel would lose approximately twelve parking spaces. He also mentioned that the overhang would have gutters attached, diverting rain water from falling directly onto the sidewalk.

Katherine Batrouni, 605 South Main Street, spoke in favor of approving the variance request. She was concerned that if twelve hotel parking spots were lost that the overflow parking would be in front of her property. Without approval, the traffic and parking would be a problem for her.

The Board discussed the hotel layout including room count and parking spaces. At this time, Mr. Vertin stated that they were in the process of acquiring more property for parking.

City Commissioner Turner mentioned that he was excited for this project and believed it was great for Marine City.

Chairperson Weil closed the Public Hearing at 7:22 pm.

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the variance request, as presented; Appeal #16-09. All Ayes. Motion Carried

Adjournment

Motion by Commissioner Bassham, seconded by Commissioner Menchaca, to adjourn at 7:23 pm. All Ayes. Motion Carried.

Respectfully submitted,

EM

Elizabeth McDonald
Deputy Clerk

Kristen Baxter

Kristen Baxter
City Clerk

**City of Marine City
Zoning Board of Appeals
August 7, 2013**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, August 7, 2013, in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Thomas Filo at 7:00 PM.

The Pledge of Allegiance was led by Chairperson Filo.

Present: Chairperson Filo; Commissioners McGeachy, Menchaca and Weil; City Commissioner Turner; Building Inspector Bayly; and, City Clerk Kade.

Absent: City Manager Gabor

Approve Agenda

Motion by Commissioner Weil, seconded by City Commissioner Turner, to approve the Agenda, as presented. All Ayes. Motion Carried.

Approve Minutes

Motion by City Commissioner Turner, seconded by Commissioner Weil, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held November 7, 2012, as presented. All Ayes. Motion Carried.

Communications

There were no Communications presented.

Public Comment

No residents addressed the Commission.

Unfinished Business

None

New Business

Public Hearing ~ Appeal #13-01 - Brian J. Horn

Chairperson Filo announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Brian J. Horn, the owner of property located at 128 DeGurse Avenue, to install a six-foot privacy fence along the East side of the front yard of the subject property.

Chairperson Filo opened the Public Hearing at 7:04 PM.

A letter from Harlan Adolphson, property owner of 134 DeGurse Avenue, was received by the City Clerk on July 29, 2013, stating "We have no objection to Brian Horn putting up a fence up on his property".

Motion by Commissioner Weil, seconded by Commissioner McGeachy, to accept the Communication and place it on file. All Ayes. Motion Carried.

SAME thing
{ Dianne Lovett, 407 North Belle River Avenue, Marine City, stated that the City had Ordinances for a reason, and she saw no valid reason to grant the variance. She commented on a possible sight issue and traffic along DeGurse Avenue. Mrs. Lovett asked the Zoning Board of Appeals to vote *no* on the request.

331 N. Market
Arthur Westrick, 120 DeGurse Avenue, Marine City, whose residence is adjacent to Applicant Brian Horn's property, said he did not totally object to the fence, but wanted to know how far out the fence would extend. He did not want to be faced with a problem backing out of his driveway onto DeGurse Avenue.

is saying
Commissioner Menchaca asked Mr. Westrick what was his exact objection, and Mr. Westrick responded "the length of the fence".

and this
Commissioner Weil questioned Mr. Westrick and showed him photos of the property in order to determine the property line.

Building Official Brian Bayly stated that a four-foot chain link fence would be allowed to the road, but not a six-foot privacy fence.

Applicant Brian Horn addressed the Commission and explained where he was requesting permission to construct/install a six-foot privacy fence along his East property line. He spoke of shrubs in the area that caused sight issues. Mr. Horn stated that the fence would go as far as the monument on his property although he could not provide the overall length of the fencing.

City Commissioner Turner noted that the Zoning Board's concern was the visibility issue.

Chairperson Filo closed the Public Hearing at 7:20 PM.

Building Official Bayly reported that the Ordinance provided for a six-foot fence to be to the rear of the property. He commented that because of the way the homes set on their property, the applicant's neighbor, Mr. Westrick, could install a six-foot fence to his rear and it would have almost the same results as though Mr. Horn was installing his fence in the front.

Commissioner Menchaca noted that any obstruction would cause a sight problem if it were brought all the way to the road.

Commissioner Weil said he had no objection to the fence coming forward to the first stake, which was indicated in the photos.

When asked, Mr. Westrick responded that he had no objection to the privacy fence being installed to the first stake.

Building Official Bayly recommended that the fence go to the back of the neighbor's home, which sits forward of Mr. Horn's residence.

City Commissioner Turner commented on existing property line shrubbery on DeGurse Avenue, which could be the same type of objection. He said there should be no problem if the fence was a safe distance back from the street. City Commissioner Turner asked Mr. Westrick if he knew the distance between the stake and the curb.

Mr. Westrick said it was about 15 feet.

Building Official Bayly said that the corner clearance was 25 feet.

Motion by City Commissioner Turner, seconded by Commissioner Menchaca, to approve the Applicant's variance request with the stipulation that the fence be installed 25 feet back from the curb; Appeal #13-01. All Ayes. Motion Carried.

Adjournment

Motion by Commissioner Menchaca, seconded by Commissioner Weil, to adjourn at 7:30 PM. All Ayes. Motion Carried.

Respectfully submitted,

Diana S. Kade
City Clerk

2017

All Appeals in Last 5 YRS.

17-01 reduce front & side setbacks from 25' to 17'6" + 8' to 5' ^{passed}

17-02 Gars - awning depth increase from 12" to 30" - cancelled & given back

17-03 reduce setbacks from 6'11" to 4'5" - passed

17-04 extend existing carport (with a minimum ^{side} set back of 25") 27' back + 9' in front - passed

17-05 Blue pike wine bottle tree they didn't want to have to tear down - passed

2016

16-01 - sign & secure ^A didn't meet zoning requ. Applicant was approved the variance request of non conf sign ^{passed}

16-02 setback from 3' to 2' - passed

16-03 addition to business w/o adding parking lot - passed

16-04 elimination of sidewalk, landscape + replace the solid wall ^{C A Berm to inc. landscap} and so on. - passed

Our grievance is, in the last 5 yrs not one appeal was denied: ~~Setting~~ ^{with} ~~precedence~~ ^{setting a precedence} for us.

There appeals ~~are~~ are not more or less imp than ours, ~~yet we have~~

Should there appeals take ~~precedence~~ ^{rank} over our appeal? We are asking for you to accept our proposal as you have accepted all other proposals in the last 5 yrs.

16-05 Chafic Kadouh Δ of required setback from 25' to 8' - passed

16-06 Larry + Cheryl Koehn separate 2 lots one of them doesn't meet min width requirements

~~16-07~~ - Turner ^{Commissioner} ~~per~~ had no objection to granting

Sept 7, 2016

... This. He pointed out that many homes were non-conforming due to the age of the city - passed.

* 16-07 Scott Smith 1965 S. Parker Riverfront prop. roadside setback 30' to 10' - passed

16-08 ~~16-08~~ reduce setback 3' to 2' covered carport - passed even though ppl

16-09 Hotel overhang that would also have gutters, diverting the rain from sidewalks over Bridge St + Sutter St concerns of flooding the most - passed

16-10 Kathy Watts 4th N Belknevel Porch setback - passed

15-01 Gary Kohs sign + booth - passed
Mariner Theater projection

5-02 John + Colleen Paulsen 754 S. Main 6' privacy in front yard - passed

5-03 202 Union St. Braenray to an already nonconformity of existing structure - passed

2014

Am/C election approved
appoint election chairperson

2013

Oct 3 2013 Election Commission Mtg

2014

March 5

14-01 to reduce setbacks for 2 lots ^{that are} non conforming
569 S. Elgin + vacant lot - passed

April 2

14-02 509 N. Belleview - to build an accessory Bldg
by obtaining vacant lot next to him - passed

Nov 5th

14-03 259 S. Main Build a porch w/ setbacks 6' on one side
move to 6'8 on other - passed

14-04

575 S Water St Build accessory Bldg 15 ft
in the front yard setback to a 30' setback

2013

Aug 7

13-01

128 Dequise 6' privacy fence

East side of front yard

Dianna
variances Brett

for a reason + commented on a sight issue

Requirement
passed

stipulation
that it had to be set back
25' from curb

Where we came from



CITY OF MARINE CITY

303 S WATER ST.
MARINE CITY, MI 48039
PHONE (810) 765-8846 • FAX (810) 765-1040

To: Chairman and Members of the Marine City Zoning Board of Appeals

From: Susan Wilburn, City of Marine City Building Official

Date: 11/14/17

Project Location: 330 N. Market – Revision #3

Subject: Variance request for reduced side set-back to add a carport.
This property is zoned R1-A.

160.004 CONSTRUCTION OF LANGUAGE.
VARIANCE.

(a) A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

(b) The crucial points of ***VARIANCE*** are:

1. Undue hardship;
2. Unique circumstances; and
3. Applying to property.

(c) A ***VARIANCE*** is not justified unless all 3 elements are present in the case.

VARIANCE REQUESTED: The variance request is for reduced side set back to construct a carport attached to the home. The lot size is 40' X 120'. The width of this property qualifies it for reduced side setback of 5'.

The request is for a reduction to a 1' lot line.

UNIQUE CIRCUMSTANCE/HARDSHIP: "Our driveway is not wide enough to add a carport with already existing 5' setback. We would not be able to park if it was kept at 5', therefore, we need a variance of the setback to be 1'

ORDINANCE:

160.195 SCHEDULE.

Table follows below.

SCHEDULE LIMITING HEIGHT, BULK DENSITY AND AREA BY ZONING DISTRICT

<i>Zoning District</i>	<i>Minimum Zoning Lot Size Per Unit</i>	<i>Maximum Height of Structures</i>		<i>Minimum Yard Setback (per lot in feet)</i>		<i>Minimum Floor Area Per Unit (sq. ft.)</i>		<i>Max. % of Lot Area Coverage by All Buildings</i>		
	<i>Area in sq. ft.</i>	<i>Width in feet</i>	<i>In Stories</i>	<i>In Feet</i>	<i>Front</i>	<i>Each Side</i>	<i>Rear</i>			
R-1A One-family Res.	7,200(a)	60(B)	2	25	25 (c,o)	8(d,0)	40(o)	(e)		35%

(D) In the case of a rear yard abutting a side yard, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. In the case of a common rear yard relationship, the side yard abutting upon a street shall not be less than 10 feet.

(O) Reduced setbacks for nonconforming lots of record (and for lots that are otherwise conforming but have a depth of less than 120 feet) located in the R-1A District and which were lawfully created prior to the effective date of this chapter shall be permitted in accordance with the following schedule:

(3) For lots having a width of less than 60 feet, and for corner lots having a width of less than 75 feet, side yard setbacks may be reduced to 10% of the lot width provided that in no instance shall it be less than 5 feet.

COMMENTS: Building less than 5' from lot lines requires an engineered fire rated wall and roof systems as per the 2015 Michigan Building Code.

If approved, the homeowners will be required to provide positive identification of the property line when submitting for a building permit. The structure cannot extend over that property line.

The entrance to 326 N. Market, located to the south of this property, is on the north side of the home. 326 N. Market has existing non conforming side set backs.

300 FOOT NOTICES

Parcel No.,Owner,Address,Legal

74-02-475-0585-000,"SCHEEL DAVID F/JILL P","304 N MAIN ST","LOT 6 EX THE N 20' THEREOF BLK 52
MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0587-000,"BILLOCK PAUL J & ANN F","322 N MARKET ST","LOT 2 & S 4.76' OF LOT 3 BLK 53
MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0590-000,"GRETKIEREWICZ R/SPADA R ET-AL","330 N MARKET ST","NLY 16.48' OF LOT 3 &
S 23.52' OF LOT 4 BLK 53 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0579-000,"DANNEELS WILLIAM W/MARGARET E","206 WESTMINSTER","LOT 1 EXC N 20'
OF W 20' & S'LY 20' OF LOT 2 EXC W 20' BLK 52 VILLAGE OF MARINE"

74-02-475-0629-000,"SCHARNWEBER MICHAEL/DOROTHY","270 N MARKET ST","N 50' OF BLK 57 MAP
OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-175-0000-000,"BARTON CLUB CONDOMINIUM","BARTON CLUB CONDOMINIUM","BARTON
CLUB CONDOMINIUM PLAN NO 2 MASTER DEED RECORDED LIBER 968 PAGES 554 TO 585 CERTIFICATE
AMENDMENT LIBER 986 PAGES 961 TO 963"

74-02-475-0584-000,"EDWARDS STEVEN/JUDY","312 N MAIN ST","WLY 20' OF N LY 20' OF LOT 1 & W
LY 20' OF S LY 20' OF LOT 2 & S 20' OF LOT 5 & N 20' OF LOT 6 BLK 52 MAP OF THE VILLAGE OF MARINE
T3N R16E SEC 01"

74-02-475-0593-000,"WESLER FRANCES C TRUST","420 N MAIN ST","N 16' OF LOT 1 & S 40' OF LOT 2
BLK 54 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0630-000,"FETTERLY JAMES/BARBARA TRUST","256 N MARKET ST","S 50' OF N 100' OF BLK
57 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0446-000,"BRYSON JACOB D","274 N MAIN ST","LOT 10 & THE N 25' OF LOT 11 BLK 41 MAP
OF THE VILLAGE OF MARINE"

74-02-475-0592-000,"CORDEN HELEN TRUST","406 N MAIN ST","W 140' OF LOT 1 EX THE N 16'
THEREOF BLK 54 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0588-000,"KUBIAK ROBERT/MILDRED","326 N MARKET ST","S 39' OF THE N 55.48' OF LOT 3
BLK 53 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0581-000,"EMERY KAYLA D","331 N MARKET ST","LOT 2 EX THE S 20' THEREOF ALSO LOT 3
BLK 52 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0583-000,"JANNETTE JENNIFER ET-AL","318 N MAIN ST","LOT 5 EX THE S 20' THEREOF BLK
52 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0586-000,"STERLING BERT C/KAREN J","304 N MARKET ST","LOT 1 BLK 53 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0444-000,"BEALS GARY W/EVELYN L","205 WESTMINSTER","LOT 9 EX THE S 10' THEREOF BLK 41 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0594-000,"OSTERLAND GEORGIA/LINWOOD","430 N MAIN ST","LOT 2 EX THE S 40' THEREOF BLK 54 MAP OF THE VILLAGE OF MARINE NOTE; FOR LOT 3 SEE MC-3001 T3N R16E SEC 01"

74-02-475-0445-000,"BEATTIE ROBERT/DANETTE R","259 N MARKET ST","S 10' OF LOT 9 & LOT 8 EX THE S 40' THEREOF BLK 41 MAP OF THE VILLAGE OF MARINE"

74-02-475-0591-000,"SAPH JAY, TRUSTEE","344 N MARKET ST","LOT 1 BLK 54 EXC N 16' & EXC W 140' & EXC THAT PART S OF A LINE, BEG E 4' FROM NW COR LOT 4 BLK 53,TH NE'LY 3.6', TH E'LY 89.1' (REF; C.C. ACTION 445-2 RECORDED IN L 936 P. 445) MAP OF THE VILLAGE OF MARINE"

74-02-475-0582-000,"POLIO STEVEN, POLIO JENNIFER","334 N MAIN ST","LOT 4 BLK 52 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01"

74-02-475-0589-000,"STONE MARY ANN/MICHAEL","336 N MARKET ST","LOT 4 EX S 23.52' BLK 53 & THAT PART OF LOT 1 BLK 54 LYING S OF A LINE, BEG E 4' FROM NW COR LOT 4 BLK 53,TH NE'LY 3.6',TH E'LY 89.1' (REF C.C. ACTION 445-2 RECORDED IN L 936 P 445) MAP OF THE VILLAGE OF MARINE

PUBLIC NOTICE

CITY OF MARINE CITY ZONING BOARD OF APPEALS

In compliance with Michigan Zoning Enabling Legislation, the General Ordinances of the City of Marine City, and the Rules and Regulations of the Marine City Zoning Board of Appeals, please take notice that on Wednesday, December 6, 2017, at 7:00 PM in the Marine City Fire Hall, 200 South Parker Street, Marine City, Michigan, the Marine City Zoning Board of Appeals will hold a Public Hearing to consider a Zoning Variance Application, as follows:

ZBA Appeal No. 17-07

Applicants William & Amy Tranchemontagne, are requesting the following variance for **330 North Market Street, Marine City**:

- ❖ A variance to reduce side setback requirements from 5' to 1' (per Ordinance 160.195) to construct a carport attached to their home

The legal description of the subject property, zoned in the R1-A (One-Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-475-0590-000

NLY 16.48' OF LOT 3 & S 23.52' OF LOT 4 BLK 53 MAP OF THE VILLAGE OF MARINE T3N R16E SEC 01

Citizen comments are welcome and may be given in person at the Public Hearing. Written comments will also be received at the Marine City Offices, Zoning Board of Appeals, 303 South Water Street, Marine City, Michigan 48039, until 5:00 pm on December 6, 2017. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
November 15, 2017