



CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, March 7, 2018, 7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Chairperson Kim Weil; Commissioners Mark Bassham, Cheryl Vercammen; 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 – January 3, 2018
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**
8. **NEW BUSINESS**
 - A. Appeal #18-01 – Melissa Fisher, 240 South Water Street
 - B. Training – City Attorney Robert Davis
9. **OTHER BUSINESS**
10. **ADJOURNMENT**

**City of Marine City
Zoning Board of Appeals
January 3, 2018**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, January 3, 2018 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.

At this time, Commissioners Bassham and Vercammen were sworn into office.

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

Absent: None

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 City Commissioner Turner, seconded by Planning Commissioner Allan, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held December 6, 2017, as presented. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

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

City Commissioner Turner questioned where the posts of the proposed carport would be located.

Chairperson Weil stated that the posts would be flush with the gable end, and that the proposed carport would be one foot inside the property line.

Building Official Wilburn reminded the Board that they were deciding whether or not to approve the reduced one foot setback, and that accurate dimensions of the proposed carport would be submitted to the Building Department when a building permit was obtained.

Commissioner Bassham stated that he appreciated the research the applicants had done, but that each variance request needed to be looked at individually and not approved or denied based on past requests.

The Board briefly reviewed the application and request with newly-appointed member, Commissioner Vercammen.

Motion by Commissioner Bassham, seconded by City Commissioner Turner, to deny Appeal #17-07 – William & Amy Tranchmontagne, 330 North Market Street, due to the impact it would have on the neighborhood and the presented hardship not meeting requirements of a unique circumstance or undue hardship.

Roll Call Vote.

Ayes: Weil, Allan, Bassham, Vercammen, Turner

Nays: None

Motion Carried.

New Business

None.

Other Business

None.

Adjournment

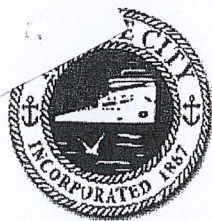
Motion by City Commissioner Turner, seconded by Commissioner Bassham, to adjourn at 7:12pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald
Deputy Clerk

Kristen Baxter
City Clerk

Zoning Board of Appeals Application



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

PAID
FEB 14 2018
City of Marine City

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:

240 S. WATER ST. 02-475-0239-000
Number Street Parcel #

Applicant/Owner Information

Applicant(s) Name: Melissa Fisher

Address: _____
Street City State Zip

Phone: _____ Email: mcfishcos477@gmail.com

Owner Name (if different from Applicant): _____

Address: _____
Street City State Zip

Phone: _____ Email: _____



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Variance Request Information

Subject property is zoned: B-1 Central Business District Size of Lot: 20 Acres x (SEE ATTACHED DRAWINGS)
Total Square Footage: 2,558 SF Circle One: Corner Lot Interior Lot Waterfront Lot
Number of Buildings on lot now: 1
Percentage of lot coverage by building/structure now: 31.6 ^{PROPOSED} %

Type/Use/Size of Each Building:

EXISTING-BUILDING IS WOOD FRAMED CONSTRUCTION
USE - RESTAURANT A2 ASSEMBLY.
SIZE - 2,962 S.F.

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

NEW ADDITION IS WOOD FRAMED CONSTRUCTION
USE - RESTAURANT
SIZE - 2558 S.F.

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

Height: 33' 2" Width: 56' 3" Length: 37 +/- Sq. Footage: ADDITION 2558 SF
Height: _____ Width: _____ Length: _____ Sq. Footage: (SEE ATTACHED DRAWINGS)
Height: _____ Width: _____ Length: _____ Sq. Footage: _____

Percentage of lot coverage with proposed building/structure, addition, fence, etc.: ADDITION 31.6 %

Setbacks after completion of proposed project:

Front: 0 Rear: 14' 6" Side: EXISTING 6' 5" Side: FROM PROPOSED STAIR TO PROPERTY LINE 6' (STAIR) 11' (BUILDING)

REASON FOR APPEAL:

① WE ARE REQUESTING VARIANCE TO ALLOW THE PROPOSED EMERGENCY EGRESS STAIR TO BE WITHIN 6' OF PROPOSED PROPERTY LINE TO MEET BUILDING EGRESS.

② EXTENSION OVER SIDEWALK, WE WOULD LIKE TO EXTEND 2' OVER EXISTING SIDEWALK TO ALLOW FOR ELEVATED OUTDOOR DINING.



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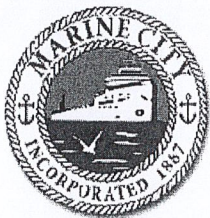
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For a variance to be granted, the Applicant must prove a unique circumstance or an undue hardship relating to his/her situation

Explanation of above stipulation:

ADD OUTDOOR DINING TO MAINTAIN CHARACTER OF CITY AND DOWNTOWN LOOK. PROPOSED LOCATION OF STAIR-~~WALKWAY~~ PLACING ANYWHERE ELSE WOULD NEGATIVELY IMPACT FLOOR DESIGN & BLUEPRINT.

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

If yes, explain: THIS CHANGE WILL POSITIVELY CHANGE CHARACTER OF OUR NEIGHBORHOOD BY FILLING A VACANT LOT. EXTENDING THE PATIO OVER SIDEWALK WILL HELP FRAME STREET TO MATCH EXISTING BUILDING. OUTDOOR DINING OVER SIDEWALK WILL HELP LIVING UP DOWNTOWN AND INTERACTION.

I (We) herby 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.

Applicant's Signature

2/14/18

Date

Owner's Signature

2/14/18

Date

CITY OFFICE USE ONLY

Appeal #: 18-01

Fee Amount Paid: \$ 300.00

Date Paid: 2-14-2018

Reviewed By: _____

Building Official

City Manager

CITY OF MARINE CITY

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

To: Elaine Eleven-City Manager, Chairman and Members of the Marine City Zoning Board of Appeals

From: Susan Wilburn, City of Marine City Building Official

Date: February 19, 2018

Project Location: 240 S. Water, Marine City Fish Company

Zoning: The zoning for this property is B-1, Central Business

Subject: 2 Variance requests.

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.

ORDINANCE:

REGULATIONS SCHEDULE

§ 160.195 SCHEDULE.

Table follows below.

SCHEDULE LIMITING HEIGHT, BULK DENSITY AND AREA BY ZONING DISTRICT

	<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>Zoning District</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>			
B-1 Central Business	—	—	3	40	—	(h)	(i)	—	—	

(H) (1) No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 10 feet shall be provided.

VARIANCE REQUESTED:

1. Reduction of the required 10' side setback (Note H 1) – The proposed stairwell on the side of the building is 6' from the property line (11' to building).
*Note: If the setback is reduced to less than 5', a fire rated wall is required by the building code.
2. Extension of front balcony over sidewalk - No front setbacks are required by the ordinance. The proposed balcony on the front of the building extends 2' over the sidewalk.

REVIEW:

Enclosed with this memo is a copy of the Zoning Board of Appeals Application along with applicants' explanation and drawings of the proposed addition.

**300 FOOT NOTICE
ADDRESS LIST**

121 Washington Street
126 Jefferson
130 Washington Street
133 Washington Street
157 S. Market Street
162 S. Water Street
170 S. Water Street
204 S. Water Street
205 S. Main Street
205 Washington Street
206 Washington Street
207 Jefferson
208 S. Water Street
211 S. Main Street
211 S. Market Street
216 Jefferson
217 Jefferson
218 Washington Street
218 S. Water Street
220 S. Market Street
221 S. Market Street
223 S. Main Street
229 S. Water Street
234 S. Market Street
237 S. Market Street
239 S. Main Street
240 S. Water Street Apt.
244 S. Market Street
245 S. Market Street
250 S. Market Street
256 S. Water Street
259 S. Main Street
302 S. Water Street
303 S. Water Street
306 S. Water Street
312 S. Water Street
324 S. Water Street
325 S. Market Street
330 S. Water Street
334 S. Water Street
600-0000-000 – Newport Manor Condominium

475-0260-000 – City of Marine City
475-0240-000 – Jeremy & Melissa Fisher
475-0190-000 – S. Main Street
475-0188-000 – S. Market St. Par
475-0288-000 - Jefferson

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, March 7, 2018, 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. 18-01

Applicant Melissa Fisher, is requesting the following variances for **240 South Water Street, Marine City**:

- ❖ A variance to reduce side setback requirements from 10' to 6' (per Ordinance 160.195) to construct a stairwell on the side of the proposed addition.
- ❖ A variance to extend the proposed front balcony 2' over the sidewalk.

The legal description of the subject property, zoned in the B-1 (Central Business District), is currently shown on the tax roll, as follows:

Parcel # 74-02-475-0239-000

**LOT 2 & LOT 7 EXC W 90' OF S ½ & EXC W 90.5' OF N ½ OF LOT 7 BLK 21 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 March 7, 2018. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
February 21, 2018