



CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, May 2, 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. **COMMUNICATIONS**
5. **APPROVE AGENDA**
6. **APPROVE MINUTES**
 - A. Zoning Board of Appeals Regular Meeting – April 4, 2018
7. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Zoning Board of Appeals. Please state name and address. Limit comments to five (5) minutes.*
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
 - A. Public Hearing ~ Appeal #18-03 – J Brenner Holdings, 887 Degurse Avenue
10. **OTHER BUSINESS**
11. **ADJOURNMENT**

**City of Marine City
Zoning Board of Appeals
April 4, 2018**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, April 4, 2018 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Weil at 7:30pm.

The Pledge of Allegiance was led by Chairperson Weil.

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

Absent: Planning Commissioner Allan

Communications

Received:

- ZBA Training Follow-Up

Motion by City Commissioner Turner, seconded by Chairperson Weil, to receive and file the Communication. All Ayes. Motion Carried.

Approve Agenda

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

Approve Minutes

Motion by City Commissioner Turner, seconded by Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held March 7, 2018, as presented. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #18-02 – William & Amy Trachemontagne, 330 North Market 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 William & Amy Trachemontagne, for property located at 330 North Market Street. The Variance Request was to increase the size of an existing shed from 6' x 10' to 7' x 16'.

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

Applicant William Trachemontagne approached the Board and stated that the reason they requested the variance was due to the fact that the current shed was not large enough to store all of their equipment and they were looking to improve their home. He also stated that the shed was grandfathered in since it was an existing nonconformity.

The Board inquired about the existing concrete slab and whether it would be increased for the proposed shed.

The applicant stated that the shed would be extended towards the driveway and be temporarily removed in order for the foundation to be lengthened to fit the new shed size.

Commissioner Bassham questioned if the shed was always in the current location.

The applicant confirmed that it was in that location when they purchased the home.

Commissioner Cottrell inquired if there was a rat wall and how close the shed was to the neighbor at 326 North Market Street.

The applicant responded that he was unsure if there was a rat wall and that he believed the shed would be approximately three feet or less from the neighbor's lot line.

Chairperson Weil read the following letters aloud in regard to the Variance Request:

- Mildred Kubiak, 326 North Market Street – spoke in favor of approving the Variance as it would allow them adequate storage for their equipment and she felt it would not block anyone's view.
- Jay Saph, 344 North Market Street – spoke in opposition of the Variance as he felt that they needed to comply with current zoning requirements and the Board should not approve a Variance that would make it even less compliant. He felt that the purchasers knew what they were buying and it was their obligation to research zoning laws prior to the purchase.

The Board asked if a building permit would be needed to increase the shed. Building Official Wilburn stated that a structure 120 square feet and under did not require a building permit, but required a zoning permit.

City Commissioner Turner said that the applicants had a unique circumstance due to living on the water and the street side being considered the back of the house.

Kayla Emery, 331 North Market Street, questioned why the variance was being considered since their previous requests had been denied. She stated that the proposed shed would not meet current code and that the applicants knew what they bought when they purchased the home. She felt that it was their responsibility to check into zoning requirements before buying a home. She also said that in her opinion the application didn't show how close the shed would be to the neighbor at 326 North Market Street.

Chairperson Weil responded by stating that each case needed to be treated individually.

Chairperson Weil closed the Public Hearing at 8:04pm.

Commissioner Cottrell stated that he was concerned about how close the proposed structure was to the applicant's house as well as the neighbor at 326 North Market Street.

Commissioner Bassham said he was concerned with reducing the setbacks as it was already an existing nonconformity. He reminded the Board that the Variance stayed with the property.

Motion by City Commissioner Turner, seconded by Chairperson Weil, to approve Appeal #18-02 based on the record as a whole including the application, Building Official Wilburn's report, the applicant testimonial, and the unique circumstance presented.

Roll Call Vote.

Ayes: Weil, Vercammen, Turner

Nays: Bassham, Cottrell
Motion Carried.

Other Business

None.

Adjournment

Motion by City Commissioner Turner, seconded by Commissioner Bassham, to adjourn at 8:11pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald
Deputy Clerk

Kristen Baxter
City Clerk

Appeal # 18-03

ZONING BOARD OF APPEALS APPLICATION

PAID
MAR 19 2018
City of Marine City

CITY OF MARINE CITY, MICHIGAN

303 S. Water Street, Marine City, Michigan 48039

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. Applicant will reimburse the City of Marine City for all Planning Consultant fees and publication costs, if required, prior to being placed on the Agenda. The City must notify the surrounding property owners within a 300-foot radius from the address on this application.

Application fees: **\$150.00 – Residential** **\$200.00 – Commercial / Industrial**

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

- Minimum site plan submittal shall be based on a land survey prepared and sealed by a registered land surveyor or registered engineer.
- The plan must be drawn to scale
- 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 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:

887 Degurse 02-001-1009-000
Number Street Parcel #

Applicant(s) Name: J Brenner Holdings

Address: 887 Degurse Marine City MI 48039
Street City State Zip

Phone: _____ Fax: _____ Email: J

Appeal # 18-03

Owner Name (if different from Applicant): _____

Address: _____
Street City State Zip

Phone: _____ Fax: _____ Email: _____

Variance Request Information

Subject property is zoned: Light Industrial Size of Lot: 131 x 702
Total Square Footage: 3.9 Acres Circle One: ☐ Corner Lot ☐ Interior Lot ☐ Waterfront Lot
Number of Buildings on lot now: 1

Percentage of lot coverage by buildings / structures now: _____ %

Type / Use / Size of Each Building:

Industrial / Storage

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

Rental Storage Units

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

Height: 22' Width: 60' Length: 180' Sq. Footage: 10,800

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

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

Percentage of lot coverage with proposed building / structure, addition, fence, etc.: 10.8 %

Setbacks after completion of proposed project:

Front: 47' Rear: 50' Side: 53' Side: 10.5

REASON FOR APPEAL: 10ft side yard set back from 20ft.

1) Match existing building set back of 10.5'

Appeal # 18-03

2) Lot is narrow, only allowing 60' wide building with 24' drive and parking

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: Existing Condition to current building and narrow lot, Also is the same for other buildings on road

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

If yes, explain: _____

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.

Applicant's Signature: _____

Dated: _____

Owner's Signature: _____

Dated: _____

Return to: City of Marine City
303 South Water Street
Marine City, Michigan 48039

Appeal # 18-03

OFFICE USE

Fee Amount Paid: \$200.00

Date Paid: 3-19-2018

Reviewed by: [Signature]
Building Official

City Manager

Susan Wilburn

From: Ted Whittlesey >
Sent: Wednesday, March 21, 2018 5:44 PM
To: Susan Wilburn
Subject: Re:

Thank you for your advise.

Can you let me know how you think the following sounds

Thanks

For this lot in particular

- 1) Existing building is at 10.5 ft off the property line. In order to make a useful space the buildings should be lined up together
- 2) Other buildings on the road have been constructed with the 10 ft side yard set back. Including the neighbor to the east.
- 3) The property is narrow for development of an industrial building. The lot is only 123 ft wide. Even with a relatively narrow building 60 ft. It is difficult to create a drive and parking with the building. The 10 ft setback leaves enough room to be able to maneuver and construct the building.

Thank you for your consideration

Theodore M Whittlesey
President
Whittlesey Development Ltd
586-484-2070

On Mar 20, 2018, at 9:43 AM, Susan Wilburn <buildingdepartment@marinecity-mi.org> wrote:

Good morning Ted:

I just wanted to let you know I have received and processed your ZBA application.

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: March 19, 2018

Project Location: 887 Degurse

Subject: Side setback reduction variance request

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 requested is to reduce the side set-back from 20' required to 10.5'.

The existing building on the site is an existing non-conformity and has a side setback of 10.5'.
The proposed addition would match the setback of the existing building.

UNIQUE CIRCUMSTANCE OR UNDUE HARDSHIP:

- “1. Existing building is at 10.5 ft off the property line. In order to make a useful space the buildings should be lined up together
2. Other buildings on the road have been constructed with the 10 ft side yard set back. Including the neighbor to the east
3. The property is narrow for development of an industrial building. The lot is only 123 ft wide. Even with a relatively narrow building 60 ft. It is difficult to create a drive and parking with the building. The 10 ft setback leaves enough room to be able to maneuver and construct the building.”

ORDINANCE:

<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>		
I-1 Light Industrial	—	—	—	40	50(j)	20(j,l)	(j,l,i)	—	—

(J) Parking shall be permitted in required yard space after approval of the parking plan layout and points of access by the Planning Commission.

(L) No building or structure shall be located closer than 50 feet to the outer perimeter (property line) of the district when the property line abuts any residential district. A completely obscuring wall not less than 6 feet in height or a 6-foot chain link type fence and a 20-foot wide greenbelt planted in accord with the minimum requirements as provided herein, shall be provided when side or rear yards are abutting land zoned for residential use. Required side yard may be used for off-street parking or loading and unloading provided that in such instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for fire fighting or other emergency type equipment.

(I) Off-street loading space shall be provided in the rear yard in the ratio of at least 1 space per each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements hereof.

REVIEW:

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

If approved, the project must be submitted to the Planning Commission for site plan approval.

300 FT NOTICES

74-02-001-2030-002
KLOEFFLER WILLIAM/GAIL
DEGURSE AVE
MARINE CITY
MI

1.44
74-02-001-2030-200
KLOEFFLER WILLIAM/GAIL
DEGURSE AVE
ALGONAC
MI

74-02-001-2030-026
BEINDIT INVESTMENTS LLC
6215 KING RD
CLAY
MI

6.05
74-02-001-1013-100
MANUFAC LLC
837 DEGURSE AVE
ROCKFORD
IL

74-02-385-0012-000
GOHL LAURA J, GOHL RANDLY L
112 MURRAY CT
MARINE CITY
MI

74-02-001-2030-021

THE ARC OF ST CLAIR COUNTY
1000 DEGURSE AVE
PORT HURON
MI

1.3
74-02-001-2030-300
BLUE WATER DEVELOPMENT MINI STORAGE
DEGURSE AVE
MARINE CITY
MI

74-02-775-0001-040
COY TALMADGE/JANICE
910 METROPOLIS ST
MARINE CITY
MI

1.03
74-02-001-1011-000
K & A INVESTMENT LLC
867 DEGURSE AVE
ST CLAIR
MI

1.45
74-02-001-2030-023
LINDSAY JOHN C
1200 DEGURSE AVE
BAY HARBOR
MI

1.589
74-02-001-2030-100
KLOEFFLER WILLIAM/GAIL
901 DEGURSE AVE
MARINE CITY
MI

1.05
74-02-001-1012-000
875 DEGURSE LLC
875 DEGURSE AVE
MARINE CITY
MI

3.92
74-02-001-1009-000
J BRENNER HOLDINGS LLC
887 DEGURSE AVE
MARINE CITY
MI

74-02-001-2030-022
ST CLAIR FLATS PROP MANAGEMENT
990 DEGURSE AVE
ALGONAC
MI

74-02-775-0001-030
SMITH MARTIN
924 METROPOLIS ST
MARYSVILLE
MI

1.17
74-02-001-1013-050
SKUDRNA ANTHONY/LESLIE
847 DEGURSE AVE
MARINE CITY
MI

0.98
74-02-001-2030-001
ZIMMERMAN DEVELOPMENT CO LLC
DEGURSE AVE
EAST CHINA
MI

74-02-385-0013-000
DUVALL WAYMAN/MARGARET
113 MURRAY CT
MARINE CITY
MI

74-02-001-2030-003
OUELLETTE RUSSELL J
1960 DEGURSE AVE
MARINE CITY
MI

74-02-001-2030-006
MACK ARTHUR/FOLSKE JAY/DLUGE THOMAS
930 METROPOLIS
MT CLEMENS
MI

74-02-385-0011-000
MARTIN RICHARD A & MONIKA M
111 MURRAY CT
MARINE CITY
MI

74-02-001-2030-027
R & L SAL PROPERTIES LLC
6211 KING RD
EAST CHINA
MI

74-02-001-2030-400
MAPLE LANDSCAPING AND LAWN SERVICE
6123 KING RD
MARINE CITY
MI

2.5
74-02-001-2030-004
HARVEST TIME CHRISTIAN CHAPEL
6135 KING RD
MARINE CITY
MI

74-02-001-1010-000
857 DEGURSE LLC
857 DEGURSE AVE
MARINE CITY
MI

1.58
74-02-001-2030-055
BLUE WATER DEVELOPMENT MINI STORAGE
1100 DEGURSE AVE
MARINE CITY
MI

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, May 2, 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. 18-03

Applicant J Brenner Holdings, is requesting the following variance for **887 Degurse Avenue, Marine City**:

- ❖ A variance to reduce the side setback from 20' to 10.5' for a proposed addition.

The legal description of the subject property, zoned in the I-1 (Light Industrial), is currently shown on the tax roll, as follows:

Parcel # 74-02-001-1009-000

**BEG N 89D 40M W 83.57' FROM NW COR SUPERVISOR'S CENTER STREET
PLAT, TH N 1D 24M W 458.58', TH S 88D 36M W 159.81', TH N 1D 24M W 309.55',
TH N 72D 18M W 131.03', TH S 1D 24M E 802.43', TH S 89D 40M E 283.77' TO BEG
SECTION 1 T3N R16E 3.92 A**

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 May 2, 2018. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
April 6, 2018