



CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, June 6, 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 – May 2, 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 #18-04 – Lynn Watson, 180 Degurse Avenue
10. **OTHER BUSINESS**
11. **ADJOURNMENT**

**City of Marine City
Zoning Board of Appeals
May 2, 2018**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, May 2, 2018 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by City Commissioner Turner at 7:00pm.

The Pledge of Allegiance was led by City Commissioner Turner.

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

Absent: Chairperson Weil

Communications

None.

Approve Agenda

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

Approve Minutes

Motion by Planning Commissioner Allan, seconded by Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held April 4, 2018, as presented. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #18-03 – J Brenner Holdings, 887 Degurse Avenue

City Commissioner Turner announced that the Zoning Board of Appeals would conduct a Public Hearing to receive public comments for and against the proposed Variance Request by J Brenner Holdings, for property located at 887 Degurse Avenue. The Variance Request was to reduce the side setback from 20' to 10.5' for a proposed addition.

City Commissioner Turner opened the Public Hearing at 7:02pm.

Ted Whittlesey of Whittlesey Development Ltd. and applicant John Brenner stated that the variance request was to reduce the side setback requirement from 20' to 10.5' due to the narrow lot. They wanted to build an addition and could not currently utilize the lot as it was.

Commissioner Allan questioned what would be located within the 10' between the building and existing fence. He also stated that he was concerned about fire responder access to the property on the side the variance was being requested on.

The applicant responded that there was an existing drainage ditch between the building and fence and that there was access for emergency responders on the other three sides of the property.

Building Official Wilburn stated that the applicant's lot was narrow and the 20' setback made it difficult for them to utilize the lot. Additionally, there was already an existing building with a 10' setback.

The applicant reported that the Site Plan was already approved by the Planning Commission, contingent to the Variance Request approval.

City Commissioner Turner closed the Public Hearing at 7:09pm.

Motion by Commissioner Vercammen, seconded by Commissioner Bassham, to approve Appeal #18-03 based on the record as a whole including the application, Building Official Wilburn's report, the applicant testimonial, and the unique circumstance presented. All Ayes. Motion Carried.

Other Business

None.

Adjournment

Motion by Commissioner Bassham, seconded by Planning Commissioner Allan, to adjourn at 7:10pm. 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

Zoning Board 9-A 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:

180 Degurse 02-001-2004-000
Number Street Parcel #

Applicant/Owner Information

Applicant(s) Name: Lynn Watson

Address: 180 Degurse Marine City MI 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
303 S. Water St.
Marine City, MI 48039
(810) 765-9011
buildingdepartment@marinecity-mi.org

PAID
MAY 01 2018
City of Marine City

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

Variance Request Information

Subject property is zoned: MULTI-FAMILY Size of Lot: 414' x 800'

Total Square Footage: 331200 Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Buildings on lot now: 1

Percentage of lot coverage by building/structure now: < 4' %

Type/Use/Size of Each Building:

Home with 3 car attached garage

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

Storage

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

New Height: 18' Width: 30' Length: 48' Sq. Footage: 1440

Old Height: 20' Width: 40'-24' Length: 120 Sq. Footage: 4000

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

Percentage of lot coverage with proposed building/structure, addition, fence, etc.: < 6 %

Setbacks after completion of proposed project:

Front: > 200' Rear: 30' Side: 45' from house Side: > 200'

REASON FOR APPEAL: Height restriction



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: Height restriction will not allow 10' overhead door for storage of tractor/camper

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) 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.

Symon Watson

5/1/18

Applicant's Signature

Date

Owner's Signature

Date

CITY OFFICE USE ONLY

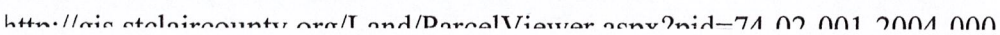
Appeal #: 18-04

Fee Amount Paid: \$ 200.00

Date Paid: 5-1-2018

Reviewed By: [Signature]
Building Official

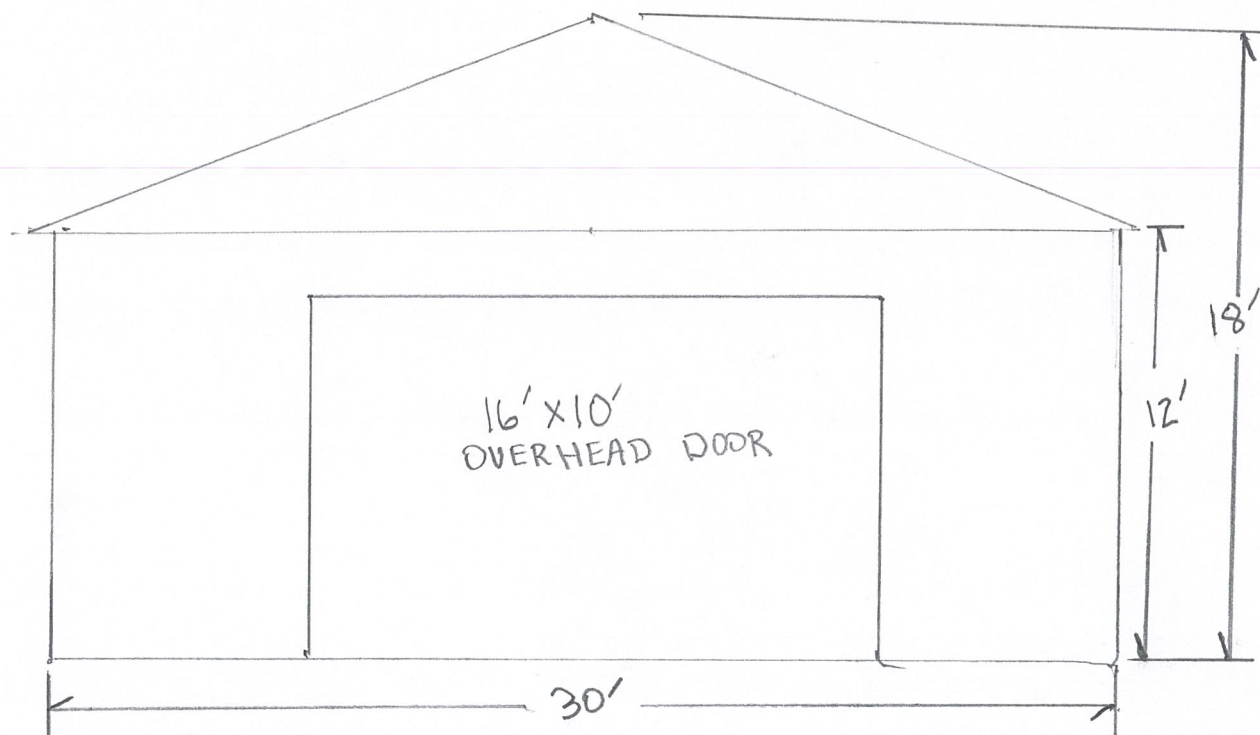
City Manager

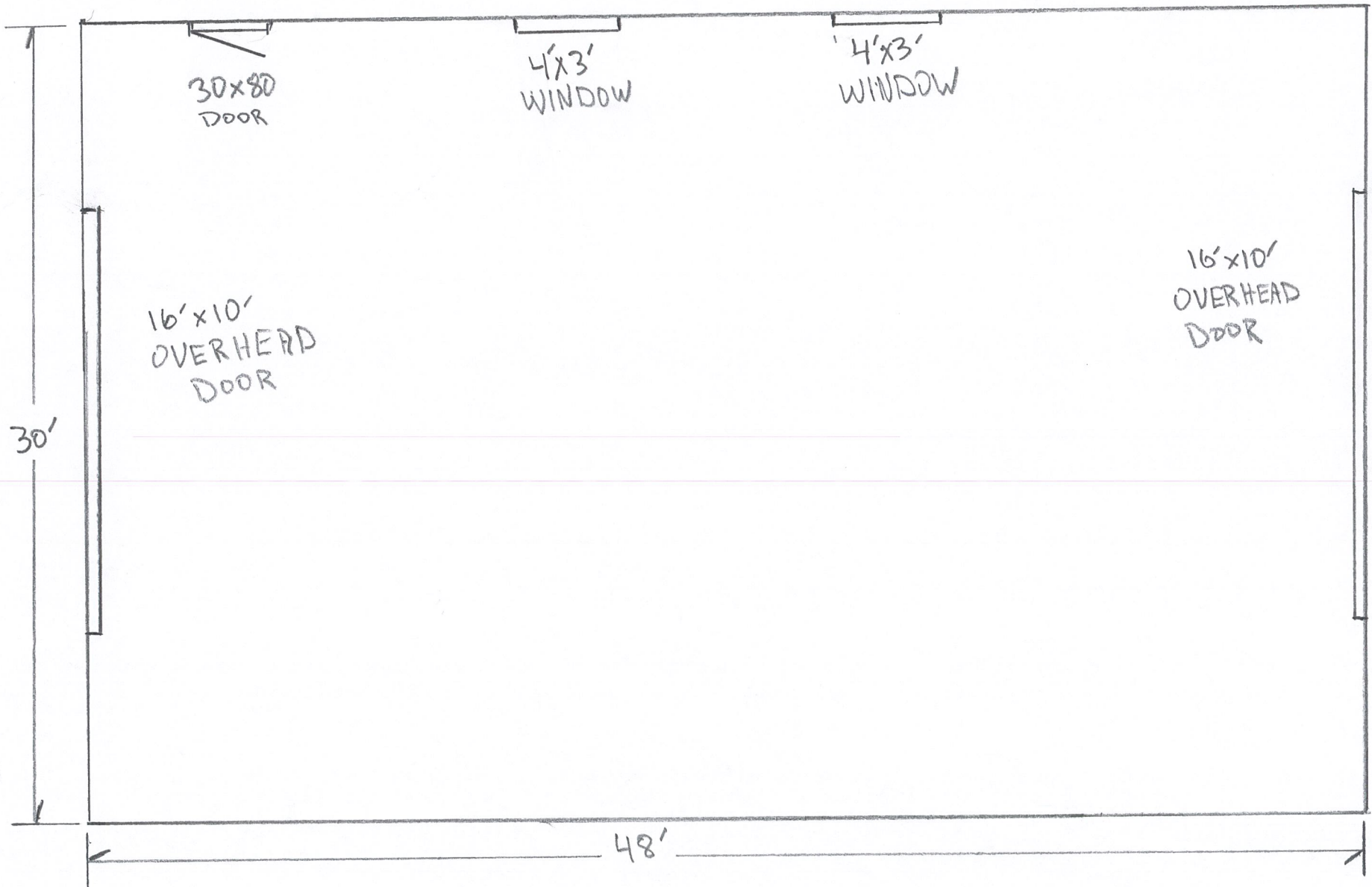




Proposed
site

15'
average
height





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: May 2, 2018

Project Location: 180 Degurse

Subject: Accessory structure height increase 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 increase the allowable height for an accessory structure from 14' to 16' (measured to the average height between the rafter heel and ridge).

This is a 6.537 acre parcel zoned R-M, Multiple Family Residential. This project does not require Planning Commission approval because it is a use accessory to a single family dwelling. This project has not been sent to Wade Trim for site plan review.

UNIQUE CIRCUMSTANCE OR UNDUE HARDSHIP:

"Height restriction will not allow 10' overhead door for storage of tractor/camper."

ORDINANCE:

160.213 ACCESSORY BUILDINGS AND STRUCTURES.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(A) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.

(B) Accessory buildings shall not be erected in any required yard, except a rear yard.

(C) An accessory building not exceeding 1 story or 14 feet in height may occupy not more than 25% of a required rear yard, plus 40% of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.

(D) No detached accessory building shall be located closer than 10 feet to any main building nor shall it be located closer than 3 feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than 2 feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

(E) No detached accessory building in an R-1A, R-1B, R-M, B-1 or P-1 District shall exceed 1 story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Appeals review and approval.

(F) (1) When an accessory building is located on a corner lot, the exterior side lot line of which is substantially a continuation of the front lot line of the lot to its rear, or is adjacent to a front lot line across a common separating street, the building shall not project beyond the front yard line required on the lot in rear of the corner lot.

(2) An accessory building shall in no case be located nearer than 10 feet to a street right-of-way.

(G) When an accessory building in any Residential or Business District is intended for other than the storage of private motor vehicles, the construction will conform to existing conventional construction of other buildings on the property and in the immediate area.

REVIEW:

Enclosed with this memo is a copy of the Zoning Board of Appeals Application along with applicants' explanation, site plan, and front elevation of the proposed pole barn.

PARCEL_NUMBER	OWNER	PROP_ADDRESS_COMBINED	OWNER_ADDRESS
74-02-001-2001-150	YOUNG RICHARD, YOUNG CONSTANCE	150 GLADYS AVE	150 GLADYS AVE
74-02-001-2013-000	FURTAH RONALD/BEVERLY	N BELLE RIVER AVE	509 N BELLE RIVER AVE
74-18-932-0001-000	OSTERLAND SCOTT M/SELENA M	671 BELLE RIVER RD	6231 URBAN DR
74-02-225-0023-001	FRANK CHERYL A	635 N BELLE RIVER AVE	5185 MARSH RD
74-02-001-2014-000	FURTAH RONALD/BEVERLY	N BELLE RIVER AVE	509 N BELLE RIVER AVE
74-02-001-2031-000	BUKOWSKI ROSE ANN	206 DEGURSE AVE	206 DEGURSE AVE
74-02-225-0029-000	VERMILYA DOUGLAS E/REBECCA K	152 DEGURSE AVE	152 DEGURSE AVE
74-02-001-1004-000	CORBAT KENNETH J/JENNIFER A	DEGURSE AVE	152 DEGURSE AVE
74-02-001-2008-000	SINI STEVEN/EINO/BONNIE	N BELLE RIVER AVE	527 N BELLE RIVER
74-02-001-1005-200	KONGABEL GREGORY/CYNTHIA	284 DEGURSE AVE	284 DE GURSE AVE
74-02-001-1015-000	SIMONS KARIE S	234 DEGURSE AVE	234 DEGURSE AVE
74-02-001-2022-500	MARINE CITY	DEGURSE AVE	300 BROADWAY
74-02-001-2001-001	BEATTIE CHARLES/MOLLY	DEGURSE AVE	780 S WATER ST
74-02-001-2006-000	BORNEMAN KIMBERLY S	N BELLE RIVER AVE	637 N BELLE RIVER AVE
74-02-001-1005-100	HAGAN KEITH/DIANE	294 DEGURSE AVE	294 DE GURSE AVE
74-02-225-0010-001	FURTAH RONALD	509 N BELLE RIVER AVE	509 N BELLE RIVER AVE
74-02-001-2017-000	ADOLPHSON HARLAN TRUST	N BELLE RIVER AVE	329 CHARTIER
74-02-001-2022-600	CHARTER TWP OF EAST CHINA	DEGURSE AVE	5111 RIVER RD
74-02-001-1002-000	ACRE SALLY	239 DEGURSE AVE	239 DEGURSE AVE
74-02-001-2001-100	ACHATZ CALVIN J	160 GLADYS AVE	160 GLADYS AVE
74-02-001-2018-000	ADOLPHSON HARLAN TRUST	134 DEGURSE AVE	329 CHARTIER
74-02-225-0018-001	ADDY LEO G/DENISE R	559 N BELLE RIVER AVE	559 N BELLE RIVER AVE
74-02-225-0021-000	LADENSACK JOHN C/PAULINE	625 N BELLE RIVER AVE	625 N BELLE RIVER AVE
74-02-001-2007-000	SINI STEVEN/EINO/BONNIE	N BELLE RIVER AVE	527 N BELLE RIVER
74-18-036-3005-100	KING'S ROAD CHRISTIAN CHAPEL	BELLE RIVER RD	3011 24 MILE RD
74-02-001-2005-000	SINI STEVEN/EINO/BONNIE	N BELLE RIVER AVE	527 N BELLE RIVER AVE
74-02-001-1005-300	POLLY JACQUELINE	264 DEGURSE AVE	264 DE GURSE AVE
74-02-001-1001-000	BILLIET BRYAN	235 DEGURSE AVE	534 MABEL
74-02-001-2016-000	ELAND GEORGE TRUST	N BELLE RIVER AVE	245 S MARKET ST
74-02-001-2019-000	KOSZTOWNY JEFFREY EDWARD	220 DEGURSE AVE	220 DE GURSE AVE
74-02-225-0024-000	BORNEMAN KIMBERLY S	637 N BELLE RIVER AVE	637 N BELLE RIVER AVE
74-02-001-2004-050	CHRISTIE PAUL R	204 DEGURSE AVE	204 DE GURSE AVE

74-02-001-1003-000	FURTAH JAMES/ALOHA	245 DEGURSE AVE	245 DEGURSE AVE
74-02-225-0027-001	LESTER ROBERT/JACQUELYN	130 DEGURSE AVE	130 DEGURSE AVE
74-02-001-2004-000	WATSON LYNN J, WATSON JOANN	180 DEGURSE AVE	180 DE GURSE AVE
74-02-225-0017-000	SINI EINO/BONNIE	N BELLE RIVER AVE	545 N BELLE RIVER AVE
74-02-225-0026-001	CROCE KELLI	128 DEGURSE AVE	128 DEGURSE AVE

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, June 6, 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. 18-04

Applicant Lynn Watson, is requesting the following variance for **180 Degurse Avenue, Marine City**:

- ❖ A variance to increase the allowable height for an accessory structure from 14' to 16'.

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

Parcel # 74-02-001-2004-000

BEG ON N LINE OF FR SEC 1, S 87D 20M E 2603.61' FROM NW SEC COR, TH S 87D 20M E 414.89', TH S 7D 25M W 916.28', TH N 62D 41M W 18.59', TH S 27D 3M W 210' TO S LINE DEGURSE RD, TH N 62D 57M W 41.41', TH N 27D 3M E 210', TH N 62D 57M W 378.31', TH N 7D 25M E 715.69' TO BEG, EX S LY 60' FOR ROAD T3N R16E SEC 1

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 June 6, 2018. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
May 16, 2018