

CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, October 2, 2019, 7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Chairperson Kim Weil; Commissioners Mark Bassham, James Turner; Planning Commissioner Graham Allan; City Commissioner Cheryl Vercammen; Building Official Susan Wilburn; City Manager Elaine Leven
4. **COMMUNICATIONS**
5. **APPROVE AGENDA**
6. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Zoning Board of Appeals. Please state name and limit comments to five (5) minutes.*
7. **APPROVE MINUTES**
 - A. Zoning Board of Appeals Regular Meeting – September 4, 2019
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
 - A. Public Hearing – Variance Request 19-05 – Dennis & Linda Maurey, 6563 South River Road
 - B. Public Hearing – Variance Request 19-06 – Joanne & James Cottrell, 610 South Main Street
10. **OTHER BUSINESS**
11. **ADJOURNMENT**

**City of Marine City
Zoning Board of Appeals
September 4, 2019**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, September 4, 2019 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Weil at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Weil.

Present: Chairperson Kim Weil; Commissioners Mark Bassham, James Turner; Planning Commissioner Graham Allan; City Commissioner Cheryl Vercammen; Building Official Susan Wilburn; City Manager Elaine Leven, City Clerk Kristen Baxter

Communications

No Communications were received by the Board.

Approve Agenda

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

Approve Minutes

Motion by Commissioner Turner, seconded by Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held June 5, 2019. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

None.

New Business

Public Hearing – Variance 19-03: Thomas Vertin, 560 South Water 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 Thomas Vertin for a pole mounted projection sign.

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

Steven Kuhr addressed the Board and spoke in support of the proposed variance request.

Rebecca Godin of Phillips Sign & Lighting stated that the applicant had a hardship due to the lack of adequate signage, the size, shape and location of building, and the need for increased visibility so the entrance could be identified.

Building Official Wilburn stated that the applicant was asking for a sign attached to a post, not a building. She said that the ordinance stated that projection signs were allowed on buildings only.

Commissioner Bassham questioned if the sign would protrude over the sidewalk and Rebecca Godin answered that it would, but at a height of 9'4".

Thomas Vertin commented that the hotel opened with minimal signage and that they were having a struggle with people knowing what the building was. He said the lighted sign would assist them with this.

Chairperson Weil closed the Public Hearing at 7:09 pm.

Motion by City Commissioner Vercammen, seconded by Planning Commissioner Allan, to approve Variance 19-03 for a pole mounted projection sign due to:

- 1) Conditions and circumstances that are unique to the property.
- 2) There is no other place to put the sign in front of the building. Existing signs are too low, cars are parking in front of them and they aren't visible.
- 3) The need to draw attention to that part of town.
- 4) Unique to property due to sidewalk in front, only this type of sign will work.
- 5) There is another projection sign on a post across the street from location.

Roll Call Vote. Ayes: Weil, Allan, Bassham, Turner, Vercammen. Nays: None.
Motion Carried.

Public Hearing – Variance 19-04: Douglas & Lanora Hauke, 572 Woodworth

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 Douglas and Lanora Hauke for installation of a fence on Belle River frontage of a residential property.

Chairperson Weil opened the Public Hearing at 7:16 pm.

Douglas Hauke stated that the fence had been in place for nearly 40 years and, for safety reasons, it needed to be replaced.

Building Official Wilburn stated that the fence ordinance had been changed in 2016; previously waterfront fences were allowed.

Victor Roberts, 563 Mabel, said he was against anyone fencing in waterfront property because of emergency purposes, as well as setting a precedent allowing fencing along a the water.

Planning Commissioner Allan stated that he had read the ordinance and said he didn't see undue hardship and was against allowing replacement of the fence on the waterfront.

Commissioner Bassham commented that he had viewed the existing fence and said it had been there for over 30 years. He asked how the Board could penalize the property owners for wanting to maintain their property, when the ordinance was changed just three years ago.

Commissioner Turner agreed and said that the fence was grandfathered in because it was there prior to the ordinance.

Building Official Wilburn reminded the Board that the ordinance said that you cannot increase an existing non-conformity.

Chairperson Weil closed the Public Hearing at 7:26 pm.

Motion by Commissioner Turner, seconded by Commissioner Bassham, to approve Variance 19-04 and allow the applicants to install new fencing based on:

- 1) Testimony presented and special conditions that exist.
- 2) The fact that it is an existing fence that was there prior to the new ordinance.

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

Other Business

None.

Adjournment

Motion by Chairperson Weil, seconded by Commissioner Turner, to adjourn at 7:42 pm.
All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk

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, October 2, 2019, 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. 19-06

Applicants James and Joanne Cottrell (Cottrell's Cove, Inc.) are requesting the following variance for **610 South Main Street, Marine City**:

- ❖ To split an existing lot into two. ZPA approval is required due to the non-conforming status caused by the proposed split. If approved, the lot with the residential structure will be at least 7,200 sf. The lot with the barn will be approximately 4,779 sf.

The legal description of the subject property, zoned in the R-1 (Single Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-475-0001-000

N 60 FT OF LOTS 1 & 2 LYING N OF BRIDGE ST MAP OF THE VILLAGE OF MARINE

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 October 2, 2019. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
September 15, 2019

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: September 9, 2019

Project Location: 6563 S. River Rd., Marine City

Subject: Variance request to install a fence on St. Clair River Frontage of a residential property.
This property is zoned R-1, Single Family Residential

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 install a fence on St. Clair River frontage of a residential property.

CHAPTER 156: FENCES

156.01 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FENCE. Any artificial permanent fence, partition, structure or gate erected as a dividing marker, barrier or enclosure.

(Prior Code, § 10-1) (Ord. passed 1-5-1967; Am. Ord. 2016-02, passed 3-3-2016)

§ 156.02 UNLAWFUL CONSTRUCTION.

It shall be unlawful for any person to construct or cause to have constructed any fence upon any property within the city, except in accordance with the requirements and restrictions provided in this chapter.

(Prior Code, § 10-2) (Ord. passed 1-5-1967; Am. Ord. 2016-02, passed 3-3-2016) Penalty, see § 10.99

§ 156.03 RESIDENTIAL FENCES.

Residential fences are permitted or required, subject to the following:

(A) Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard that is not waterfront to either the St. Clair River or the Belle River, shall not exceed 6 feet in height. This height shall be measured from the average established grade to the highest point of the fence. No fence, wall or hedge shall rise over 4 feet in height in front of the house or any yard that is waterfront to the St. Clair River or Belle River, or in the minimum front yard, whichever is greater; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone as established by § 156.05, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause obstructions to be removed in the interest of public safety.

(B) No obscuring fence or wall shall be located within the front yard or any yard that is waterfront to either the St. Clair River or the Belle River. All chain-link fencing is obscuring. Decorative fencing that does not materially impede vision shall be permitted in a front or waterfront to either the St. Clair River or the Belle River provided it does not exceed a height of 4 feet.

(C) Fences shall consist of at least 1 side of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. A finished side of the fence shall be exposed to all adjacent properties including the St. Clair River and the Belle River. The finished side shall generally be the side without post exposure or with the least post exposure. The Building Inspector shall determine the "finished" side.

(D) Fences shall not contain barbed wire, pointed or sharp extrusions on the top, electric current, or charge of electricity. All fences shall be constructed of treated wood, plastic, aluminum, or galvanized metal or similar materials as approved by the Building Inspector and/or Zoning Administrator. Temporary fencing such as chicken wire or plastic snow fencing, shall be prohibited as permanent fencing material.

(E) All fences shall comply with the requirements of the applicable building and zoning codes.

(F) All fences shall be maintained so as to not endanger life or property.

(Ord. 2016-02, passed 3-3-2016) Penalty, see § 10.99

156.05 CORNER CLEARANCE AND VISIBILITY.

(B) For purpose of this chapter, an unobstructed view bordering the waterfront of the St. Clair River and/or the Belle River, shall include an unobstructed view 90 degrees out from the corners of the main exterior wall most parallel to the water. Fences, walls, or similar barriers may be permitted by the Zoning Board of Appeals.

(Ord. 2016-02, passed 3-3-2016) Penalty, see § 10.99

300 FOOT NOTICES ATTACHED



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

The Zoning Board of Appeals meets on the first Wednesday of each month. Applications must be filed at least thirty (30) days prior to a scheduled meeting. The City must notify the surrounding property owners within a 300-foot radius from the address on this application.

Please submit the following documents:

1. Completed Zoning Board of Appeals application
2. **9 copies** of the plot plan of the subject property drawn to scale depicting (if applicable):
 - A. Shape and dimensions of the property
 - B. All existing and proposed structures to be erected, altered, or use changed
 - C. Building-to-building and building-to-property line relationships
 - D. Location of any trees in the affected area measuring at least 6" in diameter
3. Proof of ownership
 - * If the applicant is not the owner of the land, please provide a document (land contract, purchase agreement, option to purchase, etc.) that indicates the applicant's interest in the property as well as a notarized letter from the property owner indicating no objection to the request.
4. Any other information which the applicant feels will aid the City in its review

PAID
SEP 05 2019
City of Marine City

Your application will not be considered unless all required information is provided at the time of submission, and all required fees have been paid.

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

Address of property where variance is being requested:

6563 S. River Road 02-525-0003-000
Number Street Parcel #

Applicant/Owner Information:

Applicant(s) Name: Dennis & Linda Maurey
Address: 6563 S. River Road, Marine City, MI 48039
Street City State Zip
Phone: 810-434-1181 Email: Lmaurey@yahoo.com
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

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:

Type of Review Requested: Appeal: _____
Interpretation: _____ (only need to complete project description section)

Current Property Status:

Subject property is zoned: 401 Residential Improved

Total Square Footage of property: 684 acres Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Structures on property: 3 Percentage of lot coverage by structure/s: _____%

Type/Use/Size of Each Structure: 2 garages, 1 house

Project Description: For an appeal describe the proposed project and variance requested, and include details about each structure affected. For an interpretation provide the specific section of the ordinance and the request:

We would like to replace a damage fence (106 feet) on the north side of our property. The fence has been there 20+ years and was damaged beyond repair on Aug 18, 2019 when our neighbor's tree fell on it. We will be replacing it with a silver chain linked fence, 48" tall. See attached photos showing fence damage and freighter waves.

Ordinance: Chapter 156, Fences 156.03

Percentage of lot coverage by structure/s, including proposed variance: _____%

Proposed Overall Building Height (if applicable): _____



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 practical difficulty exists
RESPONSES TO ALL OF THE FOLLOWING MUST DEMONSTRATE A PRACTICAL DIFFICULTY**

- 1) Strict enforcement of the provisions of the Zoning Ordinance would cause practical difficulties and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district or render conformity with such restrictions unnecessarily burdensome. We are asking for a replacement

Explain: fence, due to damage. Not only does this fence keep our family + pets within our property, but it protects us from liability claims. The wake created by northbound freights can severely injure ~~the~~ people and pets. See photo + video Our neighbors do not get this wake.

- 2) Conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district

Explain: Our property is the only one affected by the large wake created when 2 northbound (upbound) freighters pass in front of our property which subsequently floods our entire waterfront (see video)

- 3) Conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property

Explain: The waterfront fences were present in 2011 when we bought the property and are estimated to be 20 years old.

Our fence is a replacement due to damaged caused by a neighbor's tree falling on it 8-18-19

- 4) The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district

Explain: Several neighbors in our area have waterfront fences. These fences are for keeping children and pets within our property. None of them get the freighter waves like we do.

- 5) The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance

Explain: This fence is a replacement because of the damage caused by a neighbor's tree falling on it (Aug 18, 2019). Because it was a custom made unique fence where 1/2 has damage, it cannot be repaired but must be replaced.



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

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.

Linda Maurey / Dym 9/5/19
Applicant's Signature Date

Linda Maurey / Dym 9/5/19
Property Owner's Signature Date

CITY OFFICE USE ONLY

Appeal #: 19-05

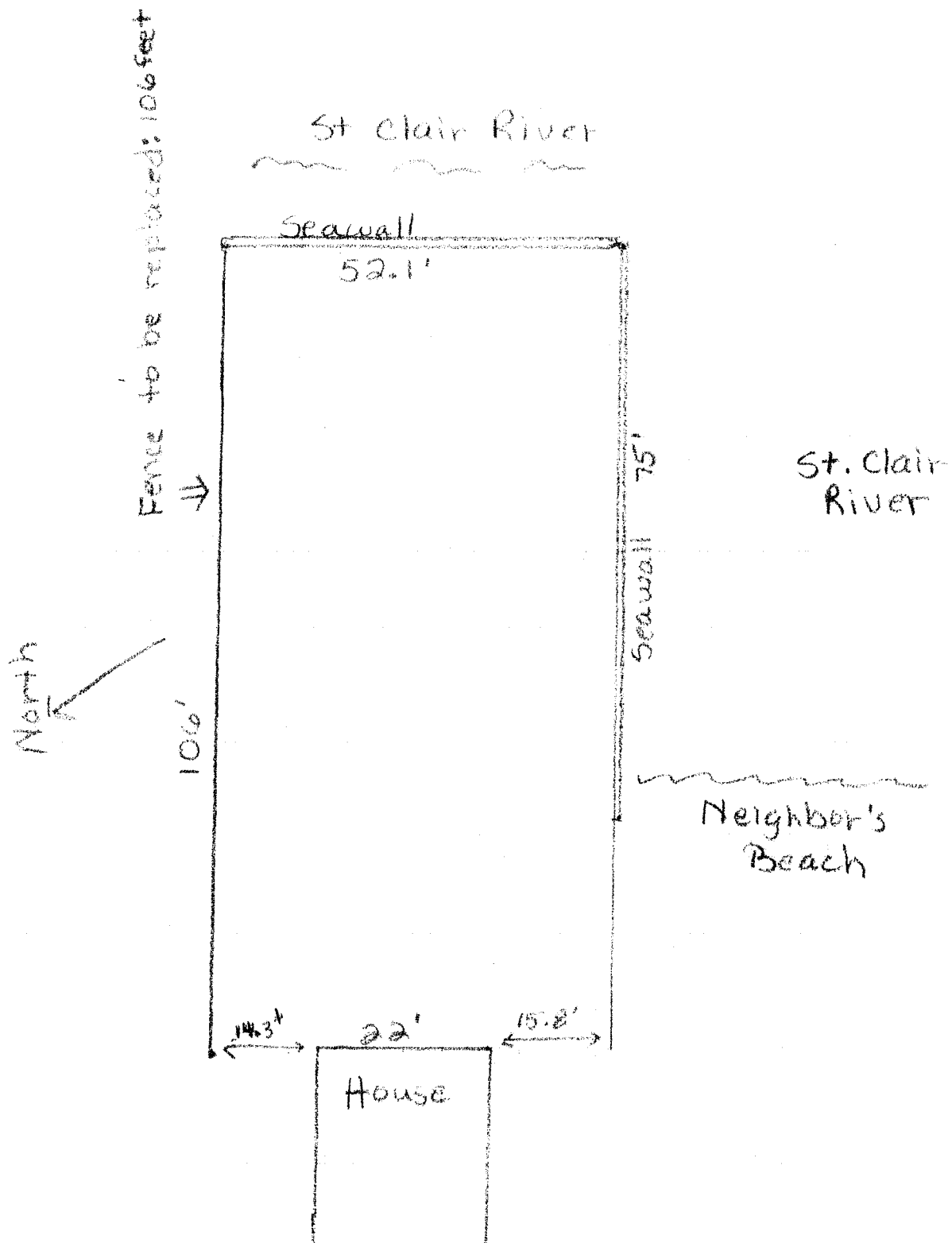
Fee Amount Paid: \$ 200.00

Date Paid: 9-5-2019

Reviewed By: _____

Building Official

City Manager



6563 River Road

6563 S. River Road



Waves coming over south fence.
July 18, 2017



Flooding due to ~~the~~ freighter
wake. This is the north fence
July 18, 2017



Neighbor's tree on our
North fence: Aug 18, 2019



Damage to our north
fence. Aug 18, 2019

We also have a video from 8-7-2019 showing flooding
due to freighters passing in front of our home.

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, October 2, 2019, 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. 19-05

Applicants Dennis and Linda Maurey are requesting the following variance for **6563 South River Road, Marine City:**

- ❖ To install a fence on St. Clair River frontage of a residential property

The legal description of the subject property, zoned in the R-1 (Single Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-525-0003-000

SW LY 14 FT OF LOT 3 & NE LY 40 FT OF LOT 4 MARINE CITY JUNCTION BEACH

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 October 2, 2019. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
September 16, 2019

OWNER	PROP_ADDRESS_COMBINED	OWNER_ADDRESS	OWNER_CITY	OWNIOWNER	ZIP
AT RIVERS EDGE RESORT LLC	6609 S PARKER ST	PO BOX 3327 160	GRANADA HILLS CA	MI	48039
SCC DISTRICT COURT	2088 S PARKER ST 72ND DIST CT	2088 S PARKER ST	MARINE CITY	MI	48039-2340
FRE HOMES LLC	S RIVERSIDE	6614 S. RIVER RD.	MARINE CITY	MI	48039-2251
MCCLAIN MARK A	6591 S RIVER RD	6591 RIVER RD	MARINE CITY	MI	48039-2255
SWEET WILLIAM/KATHLEEN	6573 S PARKER ST	6573 S PARKER	MARINE CITY	MI	48039
HOYER GEORGE/EDITH	6533 S PARKER ST	6533 S PARKER	MARINE CITY	MI	48039
NIEZURAWSKI DANIEL/SHEREEN	6557 S RIVERSIDE	6557 S RIVERSIDE DR	MARINE CITY	MI	48039-2255
COOPER JOHN HECTOR/MARGARET TRUSTS	2055 S RIVER	2055 S PARKER ST	MARINE CITY	MI	48039
KLINE DANIELLE N, KLINE CASEY	6583 S RIVERSIDE	6583 S RIVERSIDE DR	MARINE CITY	MI	48039
SCHERLINCK GERARD S H/W, SCHERLIN	6551 S RIVERSIDE	6551 S RIVERSIDE	MARINE CITY	MI	48039
SHARROW MELVIN N	PARKER ST (VACANT)	800 S WATER ST	MARINE CITY	MI	48039
MAUREY DENNIS J, MAUREY LINDA M	6563 S RIVER	6563 S RIVER	MARINE CITY	MI	48039
DUVERNAY PROPERTIES, LLC	2026 S PARKER ST	1800 FRUIT ST	ALGONAC	MI	48001
STIELER CARL F/EVELYN J TRUST	2051 S PARKER ST	2051 S PARKER ST	MARINE CITY	MI	48039-2343
DOOLEY TIMOTHY S, DOOLEY PATRICIA A	6595 S RIVER RD	6595 S RIVER RD	MARINE CITY	MI	48039
DANNEELS DAVID J JR, DANNEELS GWEND	6577 S RIVERSIDE	6577 S RIVERSIDE	MARINE CITY	MI	48039
SHARROW MELVIN N	S PARKER ST	800 S WATER ST	MARINE CITY	MI	48039
MC CARTHY JOSEPH D JR/MADELYN A	2041 S PARKER ST	2041 S PARKER ST	MARINE CITY	MI	48039

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, October 2, 2019, 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. 19-05

Applicants Dennis and Linda Maurey are requesting the following variance for **6563 South River Road, Marine City:**

- ❖ To install a fence on St. Clair River frontage of a residential property

The legal description of the subject property, zoned in the R-1 (Single Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-525-0003-000

SW LY 14 FT OF LOT 3 & NE LY 40 FT OF LOT 4 MARINE CITY JUNCTION BEACH

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 October 2, 2019. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
September 16, 2019

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: September 11, 2019

Project Location: 610 S. Main, Marine City

Subject: Variance request to split an existing lot into 2.

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 to split an existing lot into 2. ZBA approval is required due to the non conforming status caused by the proposed split. If approved, the lot with the residential structure will be at least 7200 sf. The lot with the barn will be approximately 4779 sf.

If approved, the applicant must have Planning Commission approval.

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>		
R-1A One-family Res.	7,200(a)	60(B)	2	25	25 (c,o)	8(d,0)	40(o)	(e)	35%

160.196 NOTES TO SCHEDULE.

(A) The minimum lot area requirement per dwelling unit in those areas with neither City Commission approved public sewer nor water systems shall be at least 15,000 square feet with a minimum width of 100 feet, when either one or the other approved systems is available the minimum lot area shall be at least 12,000 square feet with a minimum frontage of 100 feet.

(B) Corner lots shall be platted not less than 75 feet in width.

300 FOOT NOTICES ATTACHED



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

The Zoning Board of Appeals meets on the first Wednesday of each month. Applications must be filed at least thirty (30) days prior to a scheduled meeting. The City must notify the surrounding property owners within a 300-foot radius from the address on this application.

Please submit the following documents:

PAID
SEP 11 2019
City of Marine City

1. Completed Zoning Board of Appeals application
- ✓ 2. **9 copies** of the plot plan of the subject property drawn to scale depicting (if applicable):
 - A. Shape and dimensions of the property *SURVEY*
 - B. All existing and proposed structures to be erected, altered, or use changed
 - C. Building-to-building and building-to-property line relationships
 - D. Location of any trees in the affected area measuring at least 6" in diameter
3. Proof of ownership
 - * If the applicant is not the owner of the land, please provide a document (land contract, purchase agreement, option to purchase, etc.) that indicates the applicant's interest in the property as well as a notarized letter from the property owner indicating no objection to the request.
4. Any other information which the applicant feels will aid the City in its review

Your application will not be considered unless all required information is provided at the time of submission, and all required fees have been paid.

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

Address of property where variance is being requested:

610 S MAIN ST. #02-475-0001-000
Number Street Parcel #

Applicant/Owner Information:

Applicant(s) Name: JOANNE COTTRELL & JAMES COTTRELL (COTTRELL'S COVE, INC)
MAILING Address: 5081 POINTE DRIVE, EAST CHINA MI 48054
 Street City State Zip
Phone: JOANNE 810/765-3890 Email: JO COTTRELL 220 @YAHOO.COM
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

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:

Type of Review Requested: Appeal: V
Interpretation: _____ (only need to complete project description section)

Current Property Status:

Subject property is zoned: RESIDENTIAL NOT CONFORMING LOT #1 WITH BE APPROX 4,779 SQ FT
Total Square Footage of property: 11,979 SQ FT Circle One: Corner Lot Interior Lot Waterfront Lot
Number of Structures on property: HOUSE + BARN Percentage of lot coverage by structure/s: _____ %
Type/Use/Size of Each Structure: THERE IS A HISTORICAL BARN THAT SITS ON THE N 60 FT OF LOT 1 THAT DATES BACK TO ABOUT 1850 AND HAS BELLE RIVER FRONTAGE. IT IS CURRENTLY USED AS A WORKSHOP AND STORAGE FOR BOATING EQUIPMENT, LAWNMOWERS, TOOLS AND KYAKS.

Project Description: For an appeal describe the proposed project and variance requested, and include details about each structure affected. For an interpretation provide the specific section of the ordinance and the request:

WE ARE PROPOSING TO SPLIT THE 'BARN' WHICH IS ON THE N 60 FT OF LOT 1 FROM THE HOUSE WHICH SITS ON THE N 60 FT OF LOT 2. THESE LOTS WERE SEPERATE UNTIL THE 1960'S WHEN OUR DAD BECAME PETITIONER TO HAVE THEM COMBINED. OUR GOAL IS TO SELL THE HOUSE AND KEEP THE BARN WITH THE WATERFRONT. THE ATTACHED SURVEY SHOWS THE N 60 FT OF LOT 2 IS 12006 FT BY 60 FT WHICH EQUALS 6783 SQ FT. THIS FALLS SHORT OF THE 7200 SQ FT REQUIREMENT FOR A CONFORMING LOT. WE PROPOSE TAKING THE EAST 7 FT FROM LOT 1, MAKING IT 12006 X 60 AND EQUALING 720360 AND WOULD NOW BE CONFORMING. WE WOULD LIKE TO KEEP THE REMAINING PARCEL WITH THE UNIQUE AND HISTORIC BARN WHICH HAS BEEN IN OUR FAMILY SINCE 1850 + PROVIDES A GREAT PIECE OF HISTORY FOR OUR TOWN. SEE LETTER

Percentage of lot coverage by structure/s, including proposed variance: 20 %
APPROX

Proposed Overall Building Height (if applicable): N/A



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 practical difficulty exists
RESPONSES TO ALL OF THE FOLLOWING MUST DEMONSTRATE A PRACTICAL DIFFICULTY**

- 1) Strict enforcement of the provisions of the Zoning Ordinance would cause practical difficulties and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district or render conformity with such restrictions unnecessarily burdensome

Explain: SEE LETTER

- 2) Conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district

Explain: WE FEEL THAT OUR SITUATION IS UNIQUE AND NOT SIMILAR TO OTHER PROPERTIES, IF APPROVED THE BARN WOULD BE ON A NON-CONFORMING LOT BUT WE ARE PLANNING TO PRESERVE THIS PIECE OF HISTORY THAT HAS BEEN IN OUR FAMILY SINCE 1880.

- 3) Conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property

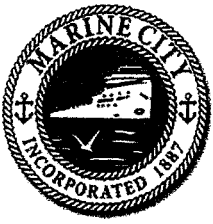
Explain: SEE LETTER

- 4) The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district

Explain: WE DON'T SEE THAT THERE IS ANYTHING SIMILAR IN THE ZONING DISTRICT AND WE VIEW THIS AS TRULY UNIQUE. THIS PROPERTY SPLIT WOULD FREE US FROM THE CHALLENGES OF OWNING A RENTAL HOUSE AND WE CAN FOCUS ON PRESERVING THE HISTORY OF THE COTTRELL HISTORY.

- 5) The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance

Explain: WE UNDERSTAND THE PURPOSE AND INTENT OF THE ZONING ORDINANCES AND AGAIN WE FEEL THIS SITUATION IS UNIQUE AND SHOULD NOT BE CONTRARY TO THE SPIRIT OF THE ORDINANCE.



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

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.

Joanne M. Cattell
Applicant's Signature

9-12-19
Date

Joanne M. Cattell
Property Owner's Signature

9-10-19
Date

CITY OFFICE USE ONLY

Appeal #: 19-06

Fee Amount Paid: \$ 200.00

Date Paid: 9-11-19

Reviewed By: _____

Building Official

City Manager

9-10-19

***Cottrell's Cove, Inc.
Re: 60 S. Main Street
Marine City, Mi. 48039***

Zoning Board of Appeals
City of Marine City

Re: Variance request for lot split at 610 S. Main St., Marine City, Mi

Dear Board Members:

Our family has owned the property at the above address since 1850 and it is described as The North 60 feet of lots 1 and 2, map of the village of Marine, tax ID #02-475-0001-000. The lot is on the corner of Main and Marine Streets and has our family homestead that faces Main Street and a barn that that faces Marine Street.

I have enclosed a color coded survey for easy reference. The house sits on the North 60 ft of Lot 2 and is color coded in yellow. The barn sits on the North 60 feet of Lot 1 and is colored in blue. Up until the 1960's, these parcels were separate, each with their own tax ID's and addresses. It was our father, Lewis Cottrell that petitioned to have them combined.

Our request to have this lot split is so that we can sell the house only and keep the historic barn that faces Marine Street and is on the Belle river as well.

We realize that lot size requirements were put into place after the fact and by returning to the original descriptions, we would be creating 2 non-conforming lots. Our solution is to create a conforming lot where the house is. According to the survey, it looks like the square footage for Lot 2 is short by only 417 square feet. We are proposing this split, and by adding the East 7 feet of Lot 1, we would meet the 7200 square foot requirement. The new description would then read: the North 60 ft of Lot 2 and the East 7 ft of the N 60 ft of Lot 1.

This leaves the Barn on a non-conforming lot and this is what we hope you will consider. Our family has very interesting history in this town and the Barn in particular provides a piece of that. It was used as a tannery in the late 1800's, then the oldest car in Marine City was assembled there in 1908 by our Grandfather where it stayed until the late 1980's. It was then used a boat building facility from the 1930 to the 1960's.

This Barn sits on improved waterfront where we have our boat wells. We currently use it as a workshop and storage for our tools, lawnmowers and Kyaks. Over the years we have had many people and organizations call us to see it. People have asked us to use the Barn as a backdrop for wedding pictures. Distant relatives from out of State somehow find us and come to Marine City for information on the family and to see the property. Everyone loves that Barn and the history and we hope to preserve it as long as we can.

We feel that this request is truly unique given the background. We hope can appreciate what we are trying to do and consider this request.

If you have any questions, you can contact me on either my home phone at 810/765-3890 or my cell at 810/434-5962.

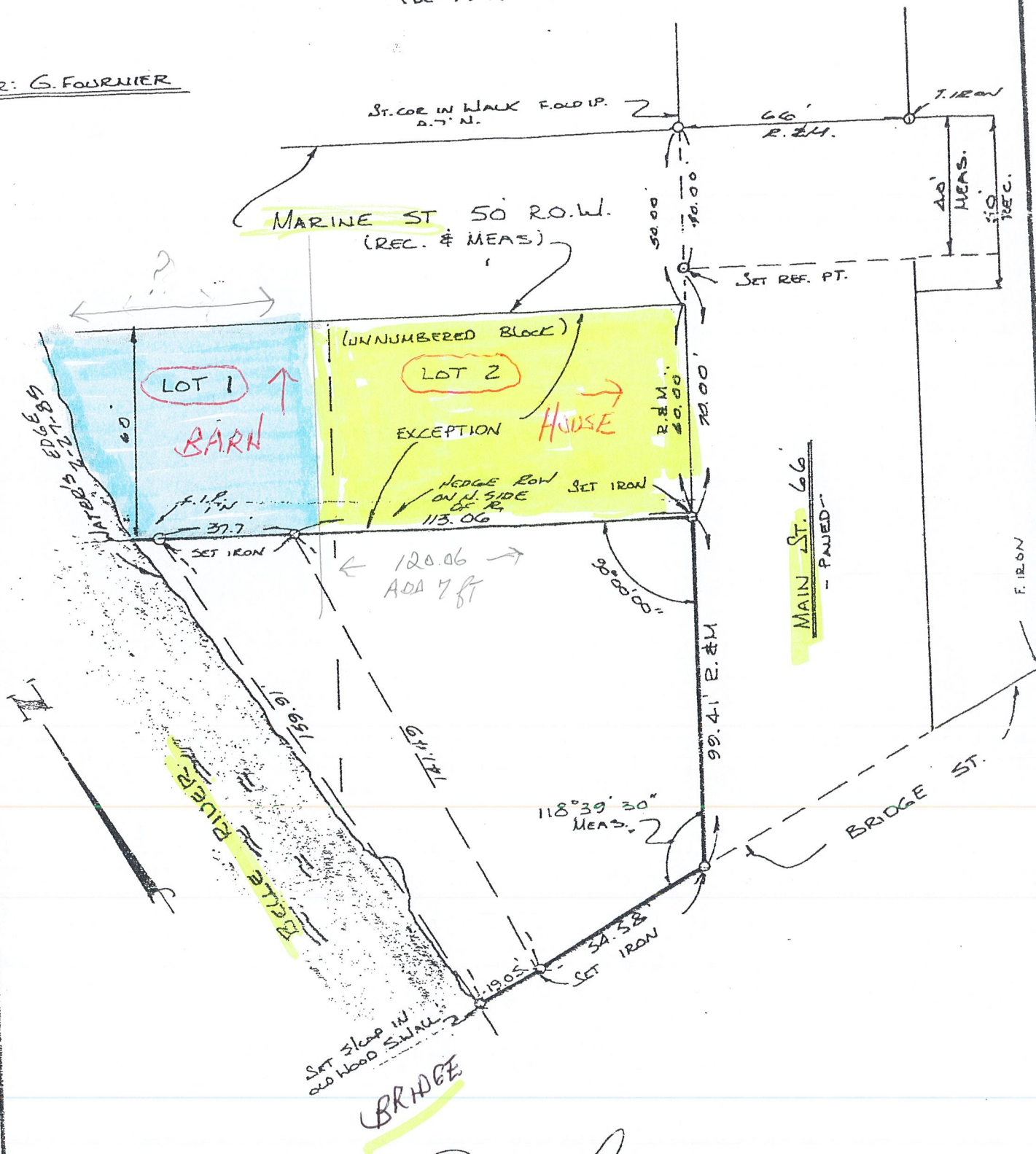
Sincerely,

Joanne M. Cottrell
Co-owner of Cottrell's Cove, Inc.

Sketch of Survey

LOTS 1 AND 2 EXCEPT THE NORTH 60 FT
THERE OF, "MAP OF THE VILLAGE OF MARINE",
CITY OF MARINE CITY, ST. CLAIR COUNTY MICH.
(LE P. 41-43)

FOR: G. FOURNIER



[Signature]

OWNER	PROP_ADC OWNER_CARE_OF	OWNER_ADDRESS	OWNER_CITY	OWN OWNER_ZIP
JACKS MARGARET	415 UNION ST	415 UNION ST	MARINE CITY	MI 48039-1670
COOK ROBERT N	S BELLE RIVER AVE	317 WARD	MARINE CITY	MI 48039
DICK CURTIS A, DICK JUDITH M	553 S MAIN ST	553 S MAIN ST	MARINE CITY	MI 48039-
GARDINER ROBERT W JR	527 S ELIZABETH ST	527 S ELIZABETH ST	MARINE CITY	MI 48039-3418
GINTER LEON	568 S ELIZABETH ST	568 S ELIZABETH ST	MARINE CITY	MI 48039-3413
TAYLOR LORI A	569 S MAIN ST	569 S MAIN ST	MARINE CITY	MI 48039-1635
PAULUN JOHN J, PAULUN COLLEEN ET-A	754 S MAIN ST	754 MAIN ST	MARINE CITY	MI 48039
GABLER CHRIS, GABLER ALLISON	534 S BELLE RIVER AVE	2741 BELLE RIVER RD	EAST CHINA	MI 48054
AMES BRENT	533 S ELIZABETH ST	533 S ELIZABETH ST	MARINE CITY	MI 48039-3418
WARD HARVEY/ANN	S BELLE RIVER AVE	608 S 3RD ST	MARINE CITY	MI 48039-1707
SWEARINGEN ANDREW T	553 S ELIZABETH ST	553 S ELIZABETH ST	MARINE CITY	MI 48039-3418
ABRAUGH STEVEN D	569 S ELIZABETH ST	202 FRED W MOORE HWY	ST CLAIR	MI 48079
HUFF DANIEL D, HUFF JANET G	124 BELL AVE	124 BELL AVE	MARINE CITY	MI 48039-1712
CITY OF MARINE CITY	S MAIN ST	300 BROADWAY ST	MARINE CITY	MI 48039-1603
BROWN LOUIS, MERRITT ANDREA	570 S MARKET ST	856 SPARTAN	ROCHESTER HILLS	MI 48309
PONDER DONALD J	519 S WILLIAM ST	519 S WILLIAM ST	MARINE CITY	MI 48039
MARCOTTE AMANDA	558 S MAIN ST	456 MABEL	MARINE CITY	MI 48039
PHELAN PATRICK R/KATHERINE A	418 S BELLE RIVER AVE	418 S BELLE RIVER AVE	MARINE CITY	MI 48039
CITY OF MARINE CITY/PARK	WARD ST	300 BROADWAY	MARINE CITY	MI 48039
GABBARD CHRISTINE	123 COTTRELL BLVD	123 COTTRELL ST	MARINE CITY	MI 48039-1781
MASSEY MARK G	756 S MAIN ST	756 S MAIN ST	MARINE CITY	MI 48039
STOCKWELL FRANKLIN L JR	S WILLIAM ST	522 S ELIZABETH	MARINE CITY	MI 48039
DOMBECKI LORAINIE MARIE ET-AL	538 S MARKET ST	538 S MARKET ST	MARINE CITY	MI 48039-1642
JGM PROPERTY MANANGEMENT	533 S MARKET ST	504 S WATER ST	MARINE CITY	MI 48039
HAMILTON JOSEPH	514 S BELLE RIVER AVE	514 S BELLE RIVER AVE	MARINE CITY	MI 48039
KWIECINSKI EDWARD/DARLENE	522 S MARKET ST	522 S MARKET ST	MARINE CITY	MI 48039-1642
DUCHENE SAMANTHA R	536 S ELIZABETH ST	536 S ELIZABETH ST	MARINE CITY	MI 48039-3413
HURLEY CHRISTINE	562 S ELIZABETH ST	562 S ELIZABETH ST	MARINE CITY	MI 48039-3413
MIDDLETON JOSEPH/MCCLARREN D	519 S MAIN ST	519 S MAIN ST	MARINE CITY	MI 48039-1635
MERCIER CHERYL	324 MARINE ST	324 MARINE ST	MARINE CITY	MI 48039-1637
RAINBOW PROPERTIES	S MAIN ST	6057 URBAN DRIVE	EAST CHINA	MI 48054
WHITENIGHT THOMAS ET-AL	530 S MAIN ST	15241 FAIRMOUNT	DETROIT	MI 48205
MCCURDY DAVID	511 S MAIN ST	511 S MAIN ST	MARINE CITY	MI 48039-1635

CAPPS CYNTHIA L	609 S MAIN ST	MARINE CITY	MI	48039-1636
BRZUSZEK ALEXANDER	538 S MAIN ST	MARINE CITY	MI	48039-1629
MOONEY REAL ESTATE HOLDINGS	12 STATE STREET	DETROIT	MI	48226
FAUCHERD THOMAS W/SHARI L	616 S BELLE RIVER AVE	MARINE CITY	MI	48039
STOCKWELL FRANKLIN L JR	522 S ELIZABETH ST	MARINE CITY	MI	48039
STEINMETZ JAMES/C	572 S MARKET ST	MARINE CITY	MI	48039-1642
LADENSACK SCOTT W	630 S BELLE RIVER AVE	MARINE CITY	MI	48039
SCHWEIHOFFER SHELEE A	576 S MAIN ST	MAINRE CITY	MI	48039
HARRISON DAVID/CYNTHIA	606 S BELLE RIVER AVE	MARINE CITY	MI	48039-1728
PROVOST RONALD, PROVOST DIANA	123 BELL AVE	MARINE CITY	MI	48039-1714
LADENSACK JEANETTE, LADENSACK CARL	134 BELL AVE	MARINE CITY	MI	48039-1712
KUZERA RYAN	420 S BELLE RIVER	MARINE CITY	MI	48039
CHETCUTI CARMELA, ADAMS MARCELLA	21720 RIDGEWAY	ST CLAIR SHORES	MI	48080
HARPER JENNIFER L	520 S MAIN ST	MARINE CITY	MI	48039-1629
WARD DAVID N, WARD GLORIA J	540 S BELLE RIVER AVE	MARINE CITY	MI	48039-1727
PHILLIPS JOSEPH	38728 SUTTON DR	STERLING HTS	MI	48310-2872
OSTERBECK HEATH/ANNETTE	511 S ELIZABETH ST	MARINE CITY	MI	48039-3418
KUHR STEVEN MICHAEL/DONNA RENAE	625 S MAIN ST	MARINE CITY	MI	48039
GAUTHIER JEFFERY	322 HATHAWAY	ST CLAIR	MI	48079
BURNS BRIAN & NEELY SHELLY	315 UNION ST	MARINE CITY	MI	48039-1669
DANNEELS ZACHARY T	550 S MARKET ST	MARINE CITY	MI	48039
CULLEN WILLIAM/ABBIE TRUST	574 S MARKET ST	MARINE CITY	MI	48039-1642
SADLOWSKI JAREK	140 LORETTA ST	EAST CHINA	MI	48054
CITY OF MARINE CITY	300 BROADWAY ST	MARINE CITY	MI	48039-1603
SMALSTIG DAVID	5200 POINTE DR	EAST CHINA	MI	48054
ACQUELINE DETROIT 18 A LLC	10421 S JORDAN GATE WAY	JORDAN	UT	84095
WOELKERS ROLAND C/SUSAN E	519 S ELIZABETH ST	MARINE CITY	MI	48039-3418
COTTRELL'S COVE	2084 FRED MOORE HWY	ST CLAIR	MI	48079
LADENSACK FRANCIS/WENDY	518 S BELLE RIVER AVE	MARINE CITY	MI	48039-1727
LADENSACK FRANCIS W TRUST, LADENSACK	518 S BELLE RIVER AVE	MARINE CITY	MI	48039-1727
BUCKINGHAM AARON	535 S MAIN ST	MARINE CITY	MI	48039-1635
CHISNALL DARYL/LINDA	506 S ELIZABETH ST	MARINE CITY	MI	48039-3413
IKERA JOHN K, IKERA EVELYN K ET-AL	5195 PALMS RD	CASCO	MI	48064

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, October 2, 2019, 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. 19-06

Applicants James and Joanne Cottrell (Cottrell's Cove, Inc.) are requesting the following variance for **610 South Main Street, Marine City**:

- ❖ To split an existing lot into two. ZPA approval is required due to the non-conforming status caused by the proposed split. If approved, the lot with the residential structure will be at least 7,200 sf. The lot with the barn will be approximately 4,779 sf.

The legal description of the subject property, zoned in the R-1 (Single Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-475-0001-000

N 60 FT OF LOTS 1 & 2 LYING N OF BRIDGE ST MAP OF THE VILLAGE OF MARINE

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 October 2, 2019. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
September 15, 2019