



# CITY OF MARINE CITY

## Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, November 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; Building Official Susan Wilburn; City Manager Elaine Leven
  4. **COMMUNICATIONS**
    - A. Resignation Letter – Eric Cottrell
  5. **APPROVE AGENDA**
  6. **APPROVE MINUTES**
    - A. Zoning Board of Appeals Regular Meeting – August 1, 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 #18-06 – Thomas Vertin, 1300 South Parker
    - B. Public Hearing ~ Appeal #18-07 – Whittlesey Development, Ltd., 827 Degurse Avenue
  10. **OTHER BUSINESS**
  11. **ADJOURNMENT**

October 17, 2018

Marine City Zoning Board of Appeals:

Effective immediately, please accept my resignation as alternate on the Zoning Board of Appeals. I am moving to East China Township and will no longer be eligible to serve on the board.

Sincerely,



Eric Cottrell  
540 Pearl Street

RECEIVED  
OCT 17 2018

City of Marine City

**City of Marine City  
Zoning Board of Appeals  
August 1, 2018**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, August 1, 2018 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Weil at 7:00pm.

The Pledge of Allegiance was led by Chairperson Weil.

**Present:** Chairperson Weil; Commissioners Bassham, 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 June 6, 2018, as presented. All Ayes. Motion Carried.

**Public Comment**

None.

**Unfinished Business**

None.

**New Business**

***Public Hearing ~ Appeal #18-05 – Mike Thomas, 1242 South Belle River Road***



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 Mike Thomas, for property located at 1242 South Belle River Road. The Variance Request was for a "solid surface" storage area rather than "paved" for the use of year round boat and recreational vehicle storage.

Chairperson Weil opened the Public Hearing at 7:01pm.

Building Official Wilburn advised that the current Ordinance stated that a paved surface needed to be utilized, but he was asking for a stone surface along with year round storage for boats and recreational vehicles.

Mike Thomas, the applicant, stated that he was looking to invest in the City and was planning on starting a storage area for boats and recreational vehicles on the back portion of the property. He requested a variance for the following:

- Gravel surface
- Year round storage
- Storage for boats and recreational vehicles

Commissioner Vercammen questioned the depth that would be needed for the stone surface.

Mr. Thomas replied that he would put down a three (3) inch layer of stone in place of a paved surface. He also said that the front piece of the property would be used for something other than boat and recreational vehicle storage, but that he did not have a plan set in place at this time.

Planning Commissioner Allan asked if mobile homes would be allowed or if there would be a size restriction set in place for the storage yard.

Mr. Thomas answered that only recreational vehicles would be stored there and mobile homes would not be allowed.

Commissioner Bassham said that he was concerned about the drainage on the parcel and asked the applicant if drainage had been looked at by an engineer.

Mr. Thomas responded that a topographical map would be completed in order to define the drainage. A Site Plan would then be created and submitted to the Planning Commission, should the variance requests be approved.



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

Motion by City Commissioner Turner, seconded by Commissioner Vercammen, to approve Appeal #18-05 for a stone surface and year round boat and recreational vehicle storage based on the record as a whole including the application, Building Official Wilburn's report, the applicant testimonial, the fact that no feedback was received from the notified property owners, and the unique circumstance presented. All Ayes. Motion Carried.

### **Other Business**

None.

### **Adjournment**

Motion by Chairperson Weil, seconded by City Commissioner Turner, to adjourn at 7:17pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald  
Deputy Clerk

Kristen Baxter  
City Clerk



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

RECEIVED  
OCT 17 2018

City of Marine City

# 9-A 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 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:

1300 S Parker 74-02-875-0035-000  
Number Street Parcel #

## Applicant/Owner Information

Applicant(s) Name: THOMAS VERTIN

Address: \_\_\_\_\_  
Street City State Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner Name (if different from Applicant): \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_



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# Zoning Board of Appeals Application

Application Fees:  
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Commercial/Industrial - \$300.00  
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## Variance Request Information

Subject property is zoned: \_\_\_\_\_ Size of Lot: \_\_\_\_\_ x \_\_\_\_\_

Total Square Footage: 18,000 Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Buildings on lot now: 2

Percentage of lot coverage by building/structure now: 10 %

Type/Use/Size of Each Building:

Steel Frame Performing Arts Academy

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

40' x 30' Dog House for Fly Steel coast 48' High

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

Height: 48 Width: 30 Length: 40 Sq. Footage: \_\_\_\_\_

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Length: \_\_\_\_\_ Sq. Footage: \_\_\_\_\_

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Length: \_\_\_\_\_ Sq. Footage: \_\_\_\_\_

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

Setbacks after completion of proposed project:

Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

REASON FOR APPEAL: to be built over stage for theatre use.





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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 by answering the questions below and providing supporting evidence

- 1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other land, structures or buildings in the same zoning district

NO \_\_\_\_\_ YES X

If yes, explain: The original use of property was for manufacturing. The proposed use is for an acting trade school. In order to accommodate the new proposed use, the building must be modified to accept a theatrical fly system.

- 2) A strict enforcement of the zoning ordinance would cause a practical difficulty and literal interpretation of the provisions of the zoning ordinance would deprive me of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning ordinance

NO X YES \_\_\_\_\_

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3) The special conditions and circumstances do not result from the actions of me, the applicant, or my predecessor

NO \_\_\_\_\_ YES X

If no, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) Granting the variance requested will not bestow upon me, the applicant, any special privileges that are denied by the zoning ordinance to other lands, structures or buildings in the same zoning district

NO \_\_\_\_\_ YES X

If no, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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# Zoning Board of Appeals Application

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Commercial/Industrial - \$300.00  
(Receipt Code: ZBAFEE)

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

- 5) 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 \_\_\_\_\_

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.

Applicant's Signature

Date

Owner's Signature

Date

## CITY OFFICE USE ONLY

Appeal #: 18-06

Fee Amount Paid: \$ 300.00

Date Paid: 10-18-2018

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

**From:** Susan Wilburn, City of Marine City Building Official

**Date:** October 18, 2018

**Project Location:** 1300 S. Parker

**Subject:** Requesting permission to increase maximum height requirements to accommodate an Acting School.

***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:***

This property is zoned Light Industrial. Trade Schools are an allowable use in this Zoning District. The variance requested is to increase the maximum allowable height from 40' to 48'. This variance is needed to construct a "dog house" addition over the stage area for theatre use.

This property's status is sale pending approval of variance.

***UNIQUE CIRCUMSTANCE OR UNDUE HARDSHIP:***

"The original use of the property was for manufacturing. The proposed use is for an acting trade school. In order to accommodate the new proposed use, the building must be modified to accept a theatrical fly system"



**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>		
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 for the request.

If approved, the project will require review by Wade Trim and the Planning Commission for site plan approval.

OWNER	PROP_ADDRESS_CO	OWNER_CARE_	OWNER_ADDRESS	OWNER_CITY	OWN	OWNER_ZIP
SZEP TODD WILLIAM	621 CHARTIER ST		621 CHARTIER	MARINE CITY	MI	48039-0570
LADENSACK ADAM W	531 SCOTT ST		531 SCOTT ST	MARINE CITY	MI	48039
CARROTHERS JEANIE	618 CHARTIER ST		618 CHARTIER	MARINE CITY	MI	48039
KIERSYKOWSKI JOHN/ELDA	626 CHARTIER ST		626 CHARTIER	MARINE CITY	MI	48039-2317
KLIEMANN ANN	708 CHARTIER ST		708 CHARTIER	MARINE CITY	MI	48039-2318
ADOLPHSON HARLAN TRUST	329 CHARTIER ST		329 CHARTIER	MARINE CITY	MI	48039-2321
BROCKMILLER RICHARD L	541 SCOTT ST		541 SCOTT ST	MARINE CITY	MI	48039
HANNA ROBERT A, STADLER BRIAN	649 SCOTT ST		649 SCOTT ST	MARINE CITY	MI	48039-3541
RIVERSIDE SPLINE & GEAR	1390 S PARKER ST		1390 S PARKER ST	MARINE CITY	MI	48039-2334
RUMENAPP B E JR	500 CHARTIER ST	PO BOX 68	500 CHARTIER	MARINE CITY	MI	48039-0068
MC GLYNN KATHLEEN	CHARTIER ST VL	PO BOX 595	336 CHARTIER	MARINE CITY	MI	48039-0595
THOMAS PATRICK JOHN, THOMAS KEVIN L	1242 S BELLE RIVER AVE		338 AVALON BEACH	MARINE CITY	MI	48039
OLEKSIK PHILIP WAYNE	546 CHARTIER ST		546 CHARTIER	MARINE CITY	MI	48039
WILSON LARRY/MAXINE	621 SCOTT ST		621 SCOTT ST	MARINE CITY	MI	48039-3541
VERMETTE CRAIG AND DAWN	521 SCOTT ST		521 SCOTT ST	MARINE CITY	MI	48039
FRIEDERICH ANDREW R ET-AL	536 CHARTIER ST		850 S WATER ST	MARINE CITY	MI	48039-0181
DUCHENE DANIEL/TIFFINY	611 SCOTT ST		611 SCOTT ST	MARINE CITY	MI	48039
DRUGACH MICHAEL, DRUGACH DIANE	PARKER ST		5177 MARSH	CHINA TWP	MI	48054
VERES CARL	610 CHARTIER ST		610 CHARTIER	MARINE CITY	MI	48039
KLINGLER HOLDINGS LLC	374 BOWERY ST		7075 S RIVER RD	MARINE CITY	MI	48039
MC GLYNN KATHLEEN	336 CHARTIER ST	PO BOX 595	336 CHARTIER	MARINE CITY	MI	48039-0595
HARRISON PHILIP J	1119 S PARKER ST		360 COLONIAL LANE	ALGONAC	MI	48001
ZEKES PROPERTIES LLC	1239 S PARKER ST		1239 S PARKER ST	MARINE CITY	MI	48039
KLINGLER HOLDINGS LLC	509 CHARTIER ST		837 DEGURSE	MARINE CITY	MI	48039-0600
RUMENAPP B E JR	CHARTIER ST VL	PO BOX 68	500 CHARTIER	MARINE CITY	MI	48039-0068
MC BRIDE GLEN ET-AL	1115 S PARKER ST	PO BOX 26	1115 S PARKER ST	MARINE CITY	MI	48039-0026
KLINGLER HOLDINGS LLC	1295 S PARKER ST		7075 S RIVER RD	MARINE CITY	MI	48039
RUMENAPP BERNARD JR/MARILYN	CHARTIER ST VL		P.O. BOX 68	MARINE CITY	MI	48039
STATE OF MICHIGAN	S PARKER ST					
KLINGLER HOLDINGS LLC	1300 S PARKER ST		837 DEGURSE AVE	MARINE CITY	MI	48039
BLANCHARD ROBERT, BLANCHARD MELISA	S PARKER ST		622 ALGER ST	MARINE CITY	MI	48039
WEC 2000B-CSF-11 LLC	1229 S PARKER ST	CVS CORPORAT	ONE CVS DRIVE	WOONSOCKET	RI	2895
BISCORNER LEONARD & HELEN	ALGER ST		1465 CHARTIER RD	MARINE CITY	MI	48039-2328



LUMBER JACK BLDG CENTERS	715 CHARTIER ST	3470 PTE TREMBLE RI ALGONAC	MI	48001
YOUNG DANIEL, SMITH TAYLOR	580 CHARTIER ST	580 CHARTIER ST	MARINE CITY	MI 48039
KLINGLER HOLDINGS LLC	326 BOWERY ST	837 DEGURSE AVE	MARINE CITY	MI 48039
RUMENAPP B E JR	500 CHARTIER ST	500 CHARTIER	MARINE CITY	MI 48039-0068
OLEKSIK PHILIP, OLEKSIK ASHLEY	CHARTIER ST VL	546 CHARTIER RD	MARINE CITY	MI 48039
SCOTT FAUCHER HOLDINGS LLC	321 CHARTIER ST	321 CHARTIER ST	MARINE CITY	MI 48039
TANNER KEITH, SARGENTE SIERRA	716 CHARTIER ST	716 CHARTIER ST	MARINE CITY	MI 48039
HOPKINS ROBERT W	609 SCOTT ST	6800 KING ROAD APT	MARINE CITY	MI 48039
JENKS DALE/DIANE	1380 S PARKER ST	1380 S PARKER ST	MARINE CITY	MI 48039-2334
RUMENAPP BERNARD JR/MARILYN	500 CHARTIER ST	PO BOX 68	MARINE CITY	MI 48039
KERN STEVEN A	410 CHARTIER ST	410 CHARTIER ST	MARINE CITY	MI 48039
STATE OF MICHIGAN	PARKER ST & CHA			
ALGONAC LUMBER CO	715 CHARTIER ST	PO BOX 385	ALGONAC	MI 48001-0305



**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, November 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. 18-06**

**Applicant Thomas Vertin**, is requesting the following variance for **1300 South Parker Street, Marine City**:

- ❖ A variance to increase the maximum allowable height requirements from 40 feet to 48 feet.

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

**Parcel # 74-02-875-0035-000**

**LOTS 30 & 31 AND A STRIP OF LAND 50' IN WIDTH ADJ TO LOT 30 BOUNDED BY THE EXTENDED NORTH AND SOUTH LINES OF SAID LOT 30 SUPERVISORS WONSEY PLAT & SECTION 12 T3N R16E**

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 November 7, 2018. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter  
City Clerk  
October 21, 2018



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

# 9-B Zoning Board of Appeals Application

Application Fees:  
Residential - \$200.00  
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(Receipt Code: ZBAFEE)

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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:

827

Number

Degurse

Street

02-001-1013-400

Parcel #

## Applicant/Owner Information

Applicant(s) Name: Whittlesey Development Ltd.

Address: 3534 23 Mile St. C New Baltimore MI 48047  
Street City State Zip

Phone: 586-716-2300 Email:

Owner Name (if different from Applicant): VIVISON LLC

Address: 827 Degurse Marine City MI 48039  
Street City State Zip

Phone:  Email:





City of Marine City  
Building Department  
303 S. Water St.  
Marine City, MI 48039  
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[buildingdepartment@marinecity-mi.org](mailto:buildingdepartment@marinecity-mi.org)

# Zoning Board of Appeals Application

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

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## Variance Request Information

Subject property is zoned: Industrial Size of Lot: 162 x 658  
Total Square Footage: 106,546 Circle One: Corner Lot ☒ Interior Lot ☐ Waterfront Lot  
Number of Buildings on lot now: 1

Percentage of lot coverage by building/structure now: 11.2 %

Type/Use/Size of Each Building:

Metal Manufacturing

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

Building Addition

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

Height: 18 Width: 60 Length: 224 Sq. Footage: 11,940

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Length: \_\_\_\_\_ Sq. Footage: \_\_\_\_\_

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Length: \_\_\_\_\_ Sq. Footage: \_\_\_\_\_

Percentage of lot coverage with proposed building/structure, addition, fence, etc.: 21.5 %

Setbacks after completion of proposed project:

Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: 20 Side: 20

REASON FOR APPEAL: Narrow Lot, Existing Building is less than 20 ft  
Addition to meet existing building, All other building in sub  
encroach on 20ft setback





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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 by answering the questions below and providing supporting evidence

- 1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other land, structures or buildings in the same zoning district

NO \_\_\_\_\_ YES X

If yes, explain: Industrial Sub was set up with narrow and deep lots. The side yard setback limits the use of the property

- 2) A strict enforcement of the zoning ordinance would cause a practical difficulty and literal interpretation of the provisions of the zoning ordinance would deprive me of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning ordinance

NO \_\_\_\_\_ YES X

If yes, explain: Industrial Buildings in Sub division have 10' side yard setbacks

- 3) The special conditions and circumstances do not result from the actions of me, the applicant, or my predecessor

NO \_\_\_\_\_ YES X

If no, explain: \_\_\_\_\_

- 4) Granting the variance requested will not bestow upon me, the applicant, any special privileges that are denied by the zoning ordinance to other lands, structures or buildings in the same zoning district

NO \_\_\_\_\_ YES X

If no, explain: \_\_\_\_\_



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Commercial/Industrial - \$300.00  
(Receipt Code: ZBAFEE)

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

5) 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.

Applicant's Signature

*Theodore M. Whitney*

10/18/18

Date

Owner's Signature

*[Signature]*

10-18-18

Date

## CITY OFFICE USE ONLY

Appeal #: 18-07

Fee Amount Paid: \$ 300.00

Date Paid: 10-18-2018

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

**From:** Susan Wilburn, City of Marine City Building Official

**Date:** October 18, 2018

**Project Location:** 827 Degurse

**Subject:** Requesting permission to reduce side setbacks

## ***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.

---

### **1. *VARIANCE REQUESTED:***

This is a 2.77 acre parcel. The variance requested is to reduce the south side set-back from 20' required to 10'.

The existing building on the site is an existing non-conformity and has a side setback of 10'. The proposed addition would match the setback of the existing building.



**UNIQUE CIRCUMSTANCE OR UNDUE HARDSHIP:**

1. "Narrow lot, existing building is less than 20 ft addition to meet existing building. All other building in sub encroach on 20 ft setback."
2. "Industrial sub was set up with narrow and deep lots. The side yard setback limits the use of the property."
3. "Industrial buildings in subdivision have 10' side yard setbacks."

**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>		
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.

(l) 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 will require review by Wade Trim and the Planning Commission for site plan approval.

If approved, this project will require site plan approval by both Wade Trim and Planning Commission

:

OWNER	OWNER2	PROP_ADDRESS_COMBIN	OWNER_ADDRESS	OWNER_CITY	OWNER_ZIP	OWNER_ZI
VERNIER COREY		104 MURRAY CT	104 MURRAY CT	MARINE CITY	MI	48039-155
TEWKESBURY RYAN D		109 MURRAY CT	109 MURRAY CT	MARINE CITY	MI	48039-155
BAAB LLC		807 DEGURSE AVE	7249 FLAMINGO	CLAY	MI	48001
RYDER MARTIN I		628 METROPOLIS ST	628 METROPOLIS ST	MARINE CITY	MI	48039-154
BIG RIVER ASSET MANAGEMENT INC		814 DEGURSE AVE	1867 RIVER RD	SAINT CLAIR	MI	48079
MERRILL GREGORY/MARIA		600 METROPOLIS ST	600 METROPOLIS ST	MARINE CITY	MI	48039
824 DEGURSE LLC		824 DEGURSE AVE	7075 S RIVER RD	MARINE CITY	MI	48039
MARINE CITY		DEGURSE AVE	300 BROADWAY	MARINE CITY	MI	48039
JOHNSON STEVEN/KAREN		108 MURRAY CT	108 MURRAY CT	MARINE CITY	MI	48039
MANUFAC LLC		837 DEGURSE AVE	1555 NEW MILFORD SCHOOL R	ROCKFORD	IL	61109
PENNAZOLI MICHAEL T/ELIZABETH A		606 METROPOLIS ST	606 METROPOLIS ST	MARINE CITY	MI	48039-154
HOSFORD BENJAMIN M, HOSFORD CAROLYN		107 MURRAY CT	107 MURRAY CT	MARINE CITY	MI	48039-155
DRUMMOND INVESTMENTS LLC		766 DEGURSE AVE	766 DEGURSE AVE	MARINE CITY	MI	48039-010
HOKE DI ANN		704 METROPOLIS ST	704 METROPOLIS	MARINE CITY	MI	48039
MARINE CITY		BROADWAY ST	300 BROADWAY	MARINE CITY	MI	48039
DRUMMOND INVESTMENTS LLC		DEGURSE AVE	766 DEGURSE AVE BOX 98	MARINE CITY	MI	48039-152
KOHLER ADAM L H/W, KOHLER CARRIE		110 MURRAY CT	110 MURRAY CT	MARINE CITY	MI	48039
HOPE CONNER D		106 MURRAY CT	6464 SPRINGBORN	CHINA	MI	48054
VIVJON LLC		827 DEGURSE AVE	827 DEGURSE	MARINE CITY	MI	48039
ERICKSON HOLDINGS INC		817 DEGURSE AVE	817 DEGURSE AVE	MARINE CITY	MI	48039
MECHANICAL FABRICATORS INC		770 DEGURSE AVE	770 DE GURSE	MARINE CITY	MI	48039
ZIMMERMAN DEVELOPMENT CO LLC		796 DEGURSE AVE	5763 RIVER RD	EAST CHINA	MI	48054
CHARTER TWP OF EAST CHINA		DEGURSE AVE	5111 RIVER RD	EAST CHINA	MI	48054-417
GREEN DAWN MARIE L		105 MURRAY CT	105 MURRAY CT	MARINE CITY	MI	48039-155



**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, November 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. 18-07**

**Applicant Whittlesey Development LTD, is requesting the following variance for 827 Degurse, Marine City:**

- ❖ A variance to reduce the South side set-back from 20 feet required to 10 feet

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

**Parcel # 74-02-1013-400**

**BEG S 89D 2M 50S E 619.35' FROM NW COR SUP CENTER ST PLAT, TH N 1D 37M 48S W 733.09', TH S 87D 2M E 161.95', TH S 0D 13M 13S E 726.81', TH N 89D 2M 50S W 143.69' TO BEG EXC N'LY 30' FOR DEGURSE ST SECTION 1 T3N R16E 2.55 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 November 7, 2018. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter  
City Clerk  
October 21, 2018