

CITY OF MARINE CITY

ZONING BOARD OF APPEALS AGENDA

Regular Meeting: Wednesday, August 7, 2013 @ 7:00 PM

Marine City Fire Hall: 200 South Parker Street, Marine City, Michigan

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Commissioners Thomas Filo, Lloyd McGeachy and Kim Weil; Planning Commissioner Rudy Menchaca; City Commissioner James Turner; Building Inspector Brian Bayly; City Manager John Gabor; and, City Clerk Diana Kade

4. APPROVE AGENDA (Additions / Deletions)

5. APPROVE MINUTES

A. Zoning Board of Appeals Meeting ~ November 7, 2012

6. COMMUNICATIONS

7. PUBLIC COMMENT *Residents are 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 #13-01 ~ Brian J. Horn

10. OTHER BUSINESS

11. ADJOURNMENT

**City of Marine City
Zoning Board of Appeals
November 7, 2012**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, November 7, 2012, in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Thomas Filo at 7:00 PM.

The Pledge of Allegiance was led by Chairperson Filo.

Present: Chairperson Filo; Commissioner McGeachy; City Commissioner Turner; Building Inspector Bayly; and, City Clerk Kade.

Absent: Commissioners Menchaca and Weil; and, City Manager Gabor.

Motion by Commissioner McGeachy, seconded by City Commissioner Turner, to excuse Commissioners Menchaca and Weil from the meeting. All Ayes. Motion Carried.

Approve Agenda

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

Approve Minutes

Motion by City Commissioner Turner, seconded by Commissioner McGeachy, to approve the Minutes of the special Zoning Board of Appeals Meeting held October 17, 2012, as presented. All Ayes. Motion Carried.

Communications

There were no Communications presented.

Public Comment

There were no residents present to address the Commission.

Unfinished Business

None

New Business

Appeal #12-05 ~ Mark Morse/Blue Water Development Mini Storage

Applicant Mark Morse, owner of Blue Water Development Mini Storage, 1100 DeGurse Avenue, Marine City, was seeking a variance to build a lean-to addition to the building with an east side setback at six feet; specific relief from Section 160.196 of the Zoning Ordinance.

Chairperson Filo presented photos that he had taken of Mr. Morse's property.

Building Inspector Bayly reported that the site, located in the I-1 Light Industrial District, required a 14-foot variance for the side yard setback.

Applicant Morse addressed the Commission and said he had been getting calls for covered cold storage space, and said this would provide additional business opportunity. He said that a concrete pad already existed, and that he would be constructing a roof over the pad.

Building Inspector Bayly spoke of the off-set fire lanes between the buildings which prevented the Applicant from building additional structures.

Motion by Commissioner McGeachy, seconded by City Commissioner Turner, to approve the Applicant's variance request, as presented; Appeal #12-05. All Ayes. Motion Carried.

Other Business

Commissioner McGeachy announced that his term would be expiring on December 31st, and that he would not seek re-appointment to the Zoning Board of Appeals. Commissioner McGeachy said it had been a pleasure working with the Board over the numerous years that he had served.

Chairperson Filo thanked Commissioner McGeachy for his service to the community.

Adjournment

Motion by Commissioner McGeachy, seconded by City Commissioner Turner, to adjourn at 7:10 PM. All Ayes. Motion Carried.

Respectfully submitted,

Diana S. Kade
City Clerk

9A

APPEAL #13-01

Applicant: Brian J. Horn

Location: 128 DeGurse Avenue

Applicant, Brian J. Horn, the owner of property located at 128 DeGurse Avenue, Marine City, is requesting a variance to install a six-foot privacy fence along the East side of the front yard of the subject property. Specific relief is requested from Section 156.03 A(1)(a)(b)(c) - Section of the Zoning Ordinance.

City of Marine City

NOTICE OF PUBLIC HEARING

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, August 7, 2013 at 7:00 PM in the Marine City Fire Hall, 200 South Parker Street, Marine City, Michigan 48039, the Marine City Zoning Board of Appeals will hold a Public Hearing to consider a Zoning Variance Application, as follows:

ZBA CASE NO. 13-01

Applicant, **Brian J. Horn**, the owner of property located at **128 DeGurse Avenue, Marine City**, is requesting a variance to install a six-foot privacy fence along the East side of the front yard of the subject property. Specific relief is requested from Section 156.03 A(1)(a)(b)(c) – Section of the Zoning Ordinance.

The legal description of the subject property, zoned R1A – One Family Residential District, is currently shown on the tax roll, is as follows:

Lot 32 except beginning at Westerly Corner Lot 32, thence South 62D 41M 0S East 2 feet, thence North 27D 29M 46S East 150.29 feet; thence North 62D 45M 25S West 2 feet; thence South 27D 29M 46S West 150.29 feet to beginning; and, that part of Lot 31 beginning at Westerly corner Lot 31; then South 62D 41M East 65 feet; thence North 12D 2 M East 245.42 feet; thence South 27D 23M 30S West 236.74 feet to beginning. Burton's Marine City Sub split on November 8, 2005 from 02-225-0026-000. Burton's Marine City Sub being a part of Fractional Section 1 T3N R16E. Parcel Number: 02-225-0026-001.

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 the close of business on August 7, 2012. The application is on file at the City Offices and may be inspected during regular business hours.

Diana S. Kade
City Clerk

Publish: July 17, 2013



CITY OF MARINE CITY

303 S. Water Street
MARINE CITY, MICHIGAN 48039
(810) 765-8846 • Fax (810) 765-4010

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

From: Brian W Bayly, Building Official

Date: July 1, 2013

Subject: Variance request regarding front yard privacy fence.
128 Degurse

REVIEW

Enclosed with this memo is a copy of a sketch of the variance that is being requested for the construction of a 6 ft privacy fence in the front yard. The site is located in the R1A, One Family Residential District.

The variance being requested for is to build a 6 ft privacy fence to the east side of the front yard. In Chapter 156: Fences. Section 156.03 (A) (1) Fences located in the residential districts shall not: (a) Exceed 4 feet in height in the required front yard or setback. (b) Exceed 4 feet in height in any part forward from the extreme rear line of the dwelling on the lot if the fence is built on the property line or within 5 feet thereof. (c) Be of closed construction. Closed construction is defined as any construction which obstructs vision to a degree exceeding 50 % of the surface area of the fencing

SUMMARY

Please note any concerns that you may have regarding the above issues. The main reasons for approval or denial should always be listed and the applicant only needs to show practical difficulty for the granting of the variance.

Appeal # 13-01

ZONING BOARD OF APPEALS APPLICATION

CITY OF MARINE CITY, MICHIGAN

303 S. Water Street, Marine City, Michigan 48039

The Zoning Board of Appeals meets on the first Wednesday of each month in which there are appeals for consideration. Applications must be filed at least thirty (30) days prior to a scheduled meeting. Application fee must be paid in full before your application is added to the Agenda. Applicant will reimburse the City of Marine City for all Planning Consultant fees and publication costs, if required, prior to being placed on the Agenda. The City must notify the surrounding property owners within a 300-foot radius from the address on this application.

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

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

- a) Minimum site plan submittal shall be based on a land survey prepared and sealed by a registered land surveyor or registered engineer.
- b) The plan must be drawn to scale
- c) The plan must include property lines and dimensions, all structures and buildings (existing and proposed), all setback dimensions, driveways, and all adjacent uses and structures of adjoining lots.

Your application will not be considered unless all required information is provided at the time of submission, and any / all required fees are paid prior to the meeting date.

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

Address of property where variance is being requested:

128 DEGURSE AVE. _____
Number Street Parcel #

Applicant(s) Name: BRIAN HOAN

Address: 128 DEGURSE AVE MARINE CITY MICH 48039
Street City State Zip

Phone: 765-4589 Fax: _____ Email: _____

Appeal # 13-01

X Owner Name (if different from Applicant): _____

Address: _____
Street City State Zip

Phone: _____ Fax: _____ Email: _____

Variance Request Information

Subject property is zoned: R-1A

Size of Lot: 230' x 119'

Total Square Footage: 888 sq ft

Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Buildings on lot now: 4

Percentage of lot coverage by buildings / structures now: 10 or less%

Type / Use / Size of Each Building:

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

* 6 FT PRIVACY FENCE AS PROPOSED ON PLAN

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

Height: 6 FT Width: _____ Length: _____ 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: _____

Appeal # 13-01

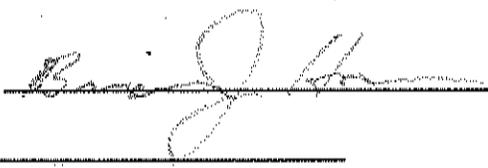
For a variance to be granted, the Applicant must prove a unique circumstance or an undue hardship relating to his / her situation.

Explanation of above stipulation: PRIVACY FENCE / CONFLICT
BETWEEN NEIGHBOR

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: PRIVACY - CONFLICT BETWEEN
NEIGHBOR

I (We) hereby attest that all the information provided in this application, and attachments submitted, are true and correct to the best of my (our) knowledge and belief.

* Applicant's Signature: 
Dated: 2/17/13

Owner's Signature: _____
Dated: _____

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

Appeal # 13-01

PAID

JUN 17 2013

OFFICE USE

Fee Amount Paid: \$15000 CITY of Marine City Date Paid: 6-17-13

Reviewed by: [Signature] Building Official [Signature] City Manager

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt Tran:
BRADY ROGER/FLOA	HORN BRIAN J	53,000	08/24/2011	WD	ARMS LENGTH	4180-146	PROP TRANS AFF	100

Property Address	Class: 401 RESIDENTIAL I	Zoning:	Building Permit(s)	Date	Number	Status
128 DEGURSE AVE	School: District 74050					
	P.R.E. 100% 08/24/2011					
Owner's Name/Address	MAP #:	2014 Est TCV 67,373 TCV/TFA: 76.21				
HORN BRIAN J 128 DEGURSE AVE MARINE CITY MI 48039		Land Value Estimates for Land Table WBLVD.SUBS ALONG WEST BLVD				

Tax Description	Public Improvements	Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
LOT 32 EXCEPT BEG AT W'LY COR LOT 32 TH S 62D 41M 05 E 2', TH N 27D 29M 46S E 150.29' TH N 62D 45M 25S W 2' TH S 27D 29M 46S W 150.29' TO BEG & THAT PART OF LOT 31 BEG AT W'LY COR LOT 31 TH S 62D 41M E 65' TH N 12D 2M E 245.42' TH S 27D 23M 30S W 236.74' TO BEG BURTON'S MARINE CITY SUB SPLIT ON 11-08-2005 FROM 02-225-0026-000 BURTONS MARINE CITY SUB. BEING A PART OF FRACTIONAL SECTION 1 T3N R16E.	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.	WB280	90.00	230.00	0.8891	1.5166	250	100	100*233	33,979
		90 Actual Front Feet, 0.47 Total Acres Total Est. Land Value =								33,979



Comments/Influences			Topography of Site		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: City of Marine City, County of St Clair, Michigan			Level		2014	17,000	16,700	33,700			33,500
			Rolling		2013	17,000	16,500	33,500			33,500
			Low		2012	17,000	16,600	33,600			33,600
			High		2011	17,000	18,600	35,600			35,600
			Landscaped								
Swamp											
Wooded											
Pond											
Waterfront											
Ravine											
Wetland											
Flood Plain											

*** Information herein deemed reliable but not guaranteed***

Lynn & Joann Watson
180 Degurse
Marine City, MI 48039

Harlan Adolphson
134 Degurse
Marine City, MI 48039

Douglas & Rebecca Vermilya
152 Degurse
Marine City, MI 48039

Robert/Lester Jacquelyn
130 Degurse
Marine City, MI 48039

Arthur Westrick
120 Degurse
Marine City, MI 48039

Charles/Molly Beattie
780 S Water Street
Marine City, MI 48039

Joseph & Tracy Gayeski
103 Degurse Ave
Marine City, MI 48039

Rudolph & Kristine Chernos
101 Degurse
Marine City, MI 48039

George Eland
245 S. Market
Marine City, MI 48039

Ruth Lindauer
8 Statesman Dr
O Fallon, MO 63368

Ronald/Beverly Furtah
509 N Belle River Ave
Marine City, MI 48039

Calvin Achatz
6770 Marine City Hwy
China, MI 48039

Larry/Judith Simons
1580 Meisner Road
East China, MI 48054

Donald/Debra Turke
120 Gladys Ave
Marine City, MI 48039

Arthur & Theodosia Fink
333 Bree Road Apt 22
East China, MI 48054

Edward Baker
511 N Belle River Ave
Marine City, MI 48039

James/Irene Bitterman
3937 Waterview
Utica, MI 48316

Carolyn Bachand
488 N Belle River Ave
Marine City, MI 48039

Elizabeth/Mark Robinson
486 N Belle River Ave
Marine City, MI 48039

Edward Bickley
483 N Belle River Ave
Marine City, MI 48039

Thomas/Lori Weisgerber
2408 N Main Ct
Williston, ND 58801-6270

Sharon Staiger
3276 E Charmwood Dr
Port Huron, MI 48060

Howard & Roberta Draft
413 N Belle River Ave
Marine City, MI 48039

Katherine Watts
6146 Telfer SD RD
Sarnia, Ontario N7T 7H2

Dianne Lovett
407 N Belle River Ave
Marine City, MI 48039

Gerald St James
2463 Belle River
East China, MI 48054

Gabriel Lavere
160 Gladys
Marine City, MI 48039

Jessica Carrier
162 Gladys
Marine City, MI 48039

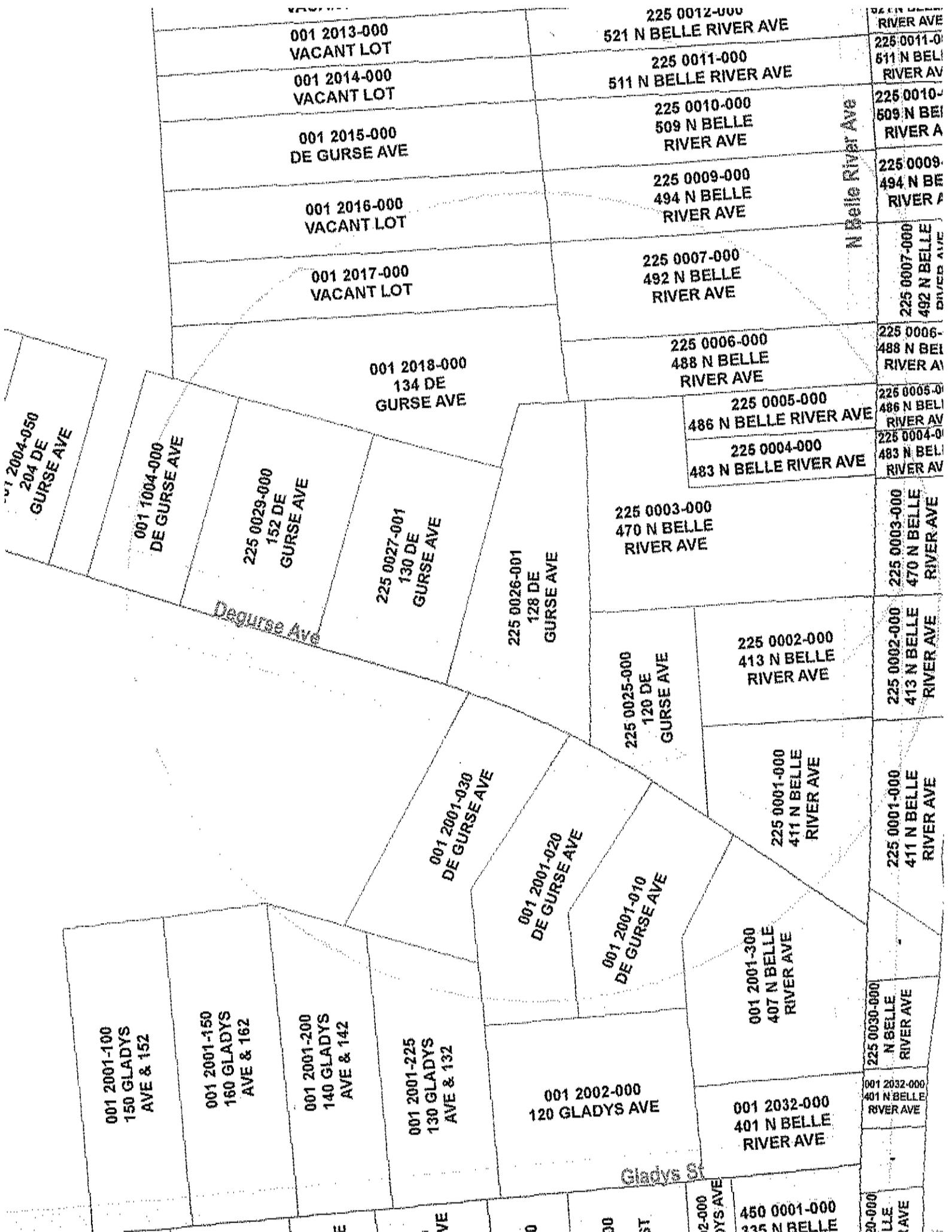
Theresa Livernois
140 Gladys
Marine City, MI 48039

Scott Babel
142 Gladys
Marine City, MI 48039

Lillian Kammer
130 Gladys
Marine City, MI 48039

Katherine Watts
411 N Belle River
Marine City, MI 48039

Holly Schultz
401 N Belle River
Marine City, MI 48039



001 2013-000
VACANT LOT

001 2014-000
VACANT LOT

001 2015-000
DE GURSE AVE

001 2016-000
VACANT LOT

001 2017-000
VACANT LOT

001 2018-000
134 DE
GURSE AVE

001 2004-050
204 DE
GURSE AVE

001 1004-000
DE GURSE AVE

225 0029-000
152 DE
GURSE AVE

225 0027-001
130 DE
GURSE AVE

225 0026-001
128 DE
GURSE AVE

225 0003-000
470 N BELLE
RIVER AVE

225 0005-000
486 N BELLE RIVER AVE
225 0004-000
483 N BELLE RIVER AVE

225 0006-000
488 N BELLE
RIVER AVE

225 0007-000
492 N BELLE
RIVER AVE

225 0009-000
494 N BELLE
RIVER AVE

225 0010-000
509 N BELLE
RIVER AVE

225 0012-000
521 N BELLE RIVER AVE

225 0011-000
511 N BELLE RIVER AVE

N Belle River Ave

RIVER AVE

225 0011-000
611 N BELLE
RIVER AVE

225 0010-000
609 N BELLE
RIVER AVE

225 0009-000
494 N BELLE
RIVER AVE

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492 N BELLE
RIVER AVE

225 0006-000
488 N BELLE
RIVER AVE

225 0005-000
486 N BELLE
RIVER AVE

225 0004-000
483 N BELLE
RIVER AVE

225 0003-000
470 N BELLE
RIVER AVE

225 0002-000
413 N BELLE
RIVER AVE

225 0001-000
411 N BELLE
RIVER AVE

De Gurse Ave

001 2001-030
DE GURSE AVE

001 2001-020
DE GURSE AVE

001 2001-010
DE GURSE AVE

225 0002-000
413 N BELLE
RIVER AVE

225 0001-000
411 N BELLE
RIVER AVE

001 2001-300
407 N BELLE
RIVER AVE

225 0030-000
N BELLE
RIVER AVE

001 2001-100
150 GLADYS
AVE & 152

001 2001-150
160 GLADYS
AVE & 162

001 2001-200
140 GLADYS
AVE & 142

001 2001-225
130 GLADYS
AVE & 132

001 2002-000
120 GLADYS AVE

001 2032-000
401 N BELLE
RIVER AVE

001 2032-000
401 N BELLE
RIVER AVE

Gladys St

2-000
GLADYS AVE

450 0001-000
450 N BELLE
RIVER AVE

20-000
N BELLE
RIVER AVE