CITY OF MARINE CITY

ZONING BOARD OF APPEALS AGENDA

Regular *Meeting:* Wednesday, August 5, 2015 @ 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 Kim Weil; Planning Commissioner Rudy Menchaca; City Commissioner James Turner; Building Inspector Brian Bayly; and, Acting City Manager Donald Tillery

4. **APPROVE AGENDA (Additions / Deletions)**

5. **APPROVE MINUTES**
   A. Zoning Board of Appeals Meeting ~ June 3, 2015

6. **COMMUNICATIONS**
   A. Rose Marie Latham

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 #15-02 ~ John & Colleen Paulun

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

The City of Marine City complies with the ADA. Should individuals with disabilities require special aids, please contact the City Clerk, 303 South Water Street, Marine City, Michigan 48039; 810-765-8830, 48 hours prior to the scheduled meeting.

5-A

City of Marine City
Zoning Board of Appeals
June 3, 2015

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, June 3, 2015 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Vice Chairperson Kim Weil at 6:54 pm.

The Pledge of Allegiance was led by Vice Chairperson Weil.

Present: Vice Chairperson Weil; Commissioners Menchaca; City Commissioner Turner; Building Inspector Bayly, and, City Clerk Baxter

Absent: Acting City Manager Tillery

Approve Agenda

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

Approve Minutes

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held November 5, 2014, as presented. All Ayes. Motion Carried.

Communications

Tom Filo ~ Resignation from Zoning Board of Appeals.

Motion by Commissioner Weil, seconded by Commissioner Menchaca, to accept Communication and place on file. All Ayes. Motion Carried.

Appointment of Chairperson

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to appoint Commissioner Weil as Chairperson of the Zoning Board of Appeals. All Ayes. Motion Carried.

At this time, Chairperson Weil was sworn into office by City Clerk, Kristen Baxter

Public Comment

No residents addressed the Commission.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #15-01 – Gary Kohs

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance requests by Gary Kohs, the owner of property located at 430 S. Water Street (parcel #02-475-0219-000). Variance request #1 is to build a projecting sign that will project 8' from the building; and, variance request #2 is to build a ticket booth 2' in front of the building.

Chairperson Weil opened the Public Hearing at 7:05 pm.

Building Inspector Bayly said the first variance was requested to build an 8' projecting sign, and the second variance was requested for a ticket booth. Mr. Bayly pointed out that, currently, the building has built-in flower planters that measure 32" and the ticket booth will measure only 24".

Mr. Gary Kohs, addressed the Board and said that the 8' marquee was an improvement over the current 5' marquee due to its coverage over the sidewalk and keeping it rain and snow free. Mr. Kohs pointed out that the ticket booth would actually consume less space than the existing flower beds that will be removed. He further explained how he wanted to bring back the original historic value to the building and how he had done extensive research on

restoring the theatre back to its original charm. In addition to the marquee and ticket booth, original theatre seats from the 1920's and period-restored lighting fixtures will be installed.

Chairperson Weil closed the Public Hearing at 7:21pm.

Motion by City Commissioner Turner, seconded by Commissioner Menchaca, to approve the Applicant's variance request for a 4' variance for a sign that will project 8' from the building; and, to approve the Applicant's variance request for a ticket booth that will project 2' from the building; Appeal #15-01. Roll Call Vote. Ayes: Weil, Menchaca, Turner. Nays: None. Motion Carried.

Adjournment

Motion by Chairperson Weil, seconded by City Commissioner Turner, to adjourn at 7:23 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk

To The Zone Board,

6-A

I no longer live n work in Marine City and our property is up for sale (Marine City Law) so it won't affect me so I don't think I need to vote on this matter.

Thank you.
Rosa Marie Latham
Scott Latham

Rose Marie Latham

625 S. Main Street

9-A

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: **June 29, 2015**

Subject: **Variance request regarding 6 ft. privacy fence in the front yard.**
754 S. Main St.

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 erect a 6 ft. privacy fence to the front yard. In section 156.03(A)(1)(a)Front yard fences cannot exceed 4 feet in height in the required front yard or setback.

Thus requiring,

(1) A variance to place a 6 ft. privacy fence in the front yard

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 #_____

PAID
JUN 2 9 2015
City of Marine City

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: 02-250-0007-000

754 S. MAIN ST LOT #28

Number Street Parcel #

Applicant(s) Name: JOHN AND COLLEEN PAULUN

Address: 444 N. MAIN ST. UNIT #216 MARINE CITY MI 48039

Street City State Zip

Phone: 810 434 9606 **Fax:** _____ **Email:** CIRCUITJP@GMAIL.COM

Appeal #_____

Owner Name (if different from Applicant):_____

Address: _____
Street City State Zip

Phone: _____ **Fax:** _____ **Email:** _____

Variance Request Information

Subject property is zoned: _____ **Size of Lot:** 50 x 100

Total Square Footage: _____ **Circle One:** Corner Lot Interior Lot (Waterfront Lot)

Number of Buildings on lot now: _____

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

Type / Use / Size of Each Building:

HOME

SHED

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

FENCE

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

Height: 6 FT **Width:** _____ **Length:** 72 FT **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: 28 FT **Rear:** _____ **Side:** _____ **Side:** _____

REASON FOR APPEAL: TWO FRONT YARDS

Appeal #_____

_____

_____

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: _____

_____

_____

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

If yes, explain:_____

_____

_____

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

Applicant's Signature: _____

Dated: 6-29-15

Owner's Signature: _____

Dated: _____

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

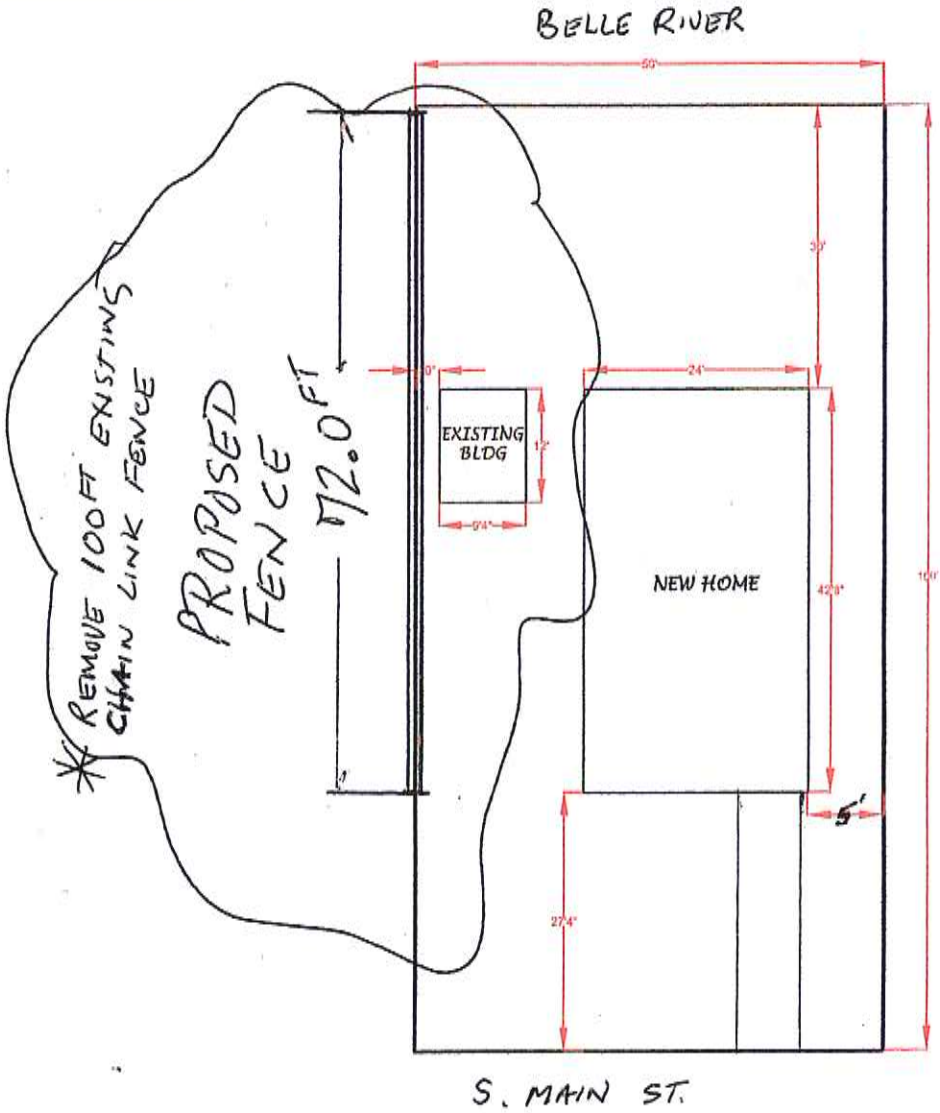
Appeal #_____

OFFICE USE

Fee Amount Paid: _____ ***Date Paid:*** _____

Reviewed by: _____ _____

Building Official ***City Manager***



NORTH →

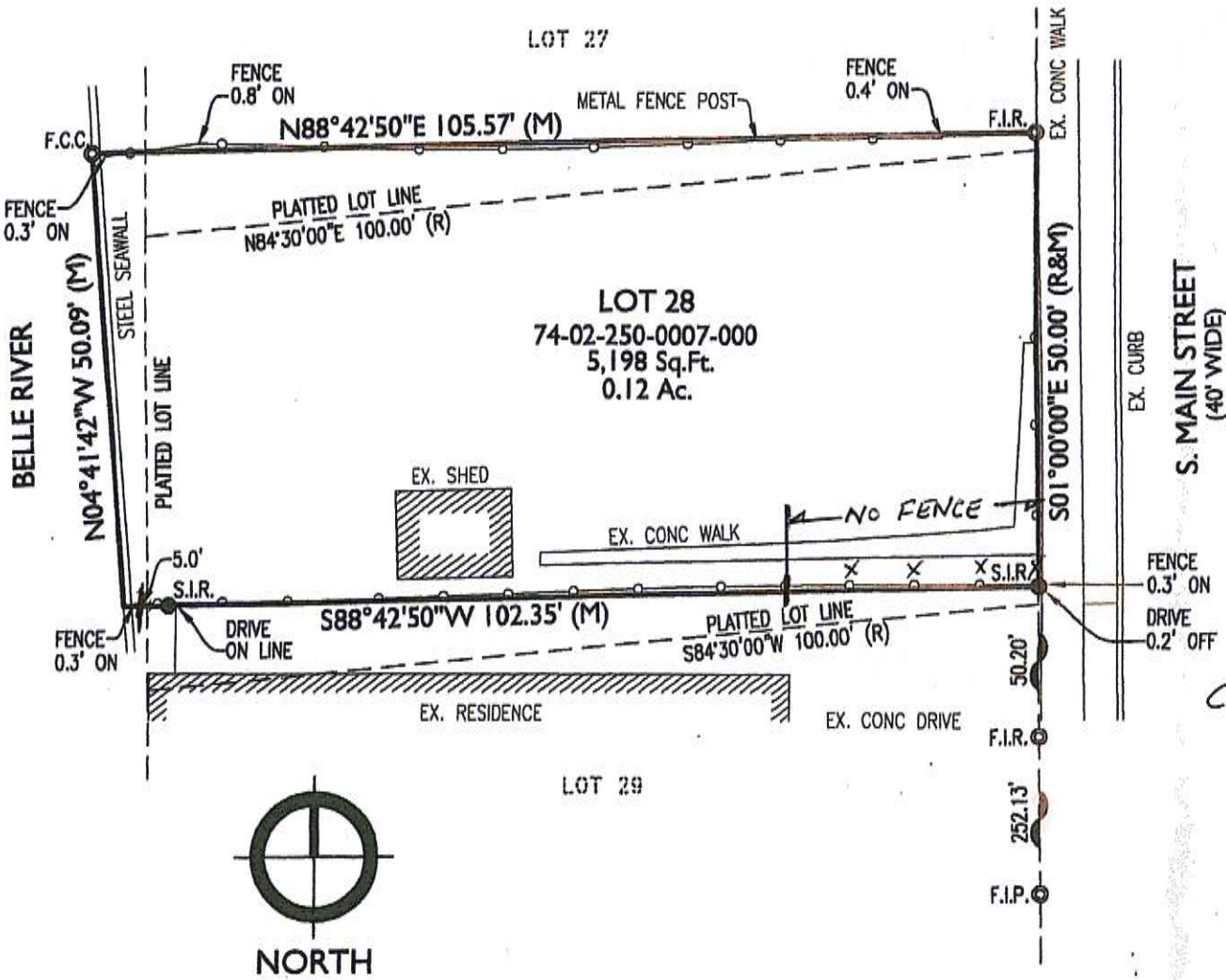
0 10 25 40

GRAPHIC SCALE = FEET

DRAWN BY DONNIE BORNETT	BIRDFLOWER PRODUCTIONS
DATE of DWG 08/8 2014	NEW RESIDENCE 754 SOUTH MAIN STREET MARINE CITY, MI 48039
PROPERTY OWNER JOHN PAULIN	
PLANT NO.	
NEW PROPERTY 53 FOOTAGE	
DATE ISSUED 08/08/2014	MAP NO. 08082014-001

ADDITIONAL NOTES
OWNER SEEKS PERMIT TO BUILD NEW DWELLING ON EXISTING PROPERTY

BO



* REMOVE EXISTING 100 FT 4 FOOT CHAIN LINK FENCE
REPLACE WITH 72 FT x 6 FT CEADER BOARD ON BOARD FENCE

DES
LAND I
LOT 28
PLAT T
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DELINEAT
WAS PER
CLOSURE

JOHN R
PROFESSI

CLIENT: STEVE NORKUS

ADDRESS: 301 ORCHID BLVD

CITY, STATE & ZIP: HARSENS ISLAND, MI 48001

CITY/TWP.: MARINE CITY

Project Control Engineering, Inc.
Engineers Surveyors Consultants
P.O. Box 307
2420 Pte. Tremble Road
Algonac, MI. 48001
Phone 810.794.1931
Fax 810.794.3331
www.pce-eng.com

COPYRIGH
THIS DOCUMENT AN
MATTER CONTAINE
PROPRIETARY AND
REPRODUCED WITHOU
PERMISSIO
PROJECT C
ENGINEERI

Tom's Fence Company

A DIVISION OF T.J. MAC. INC.

22901 STADIUM DRIVE ST. CLAIR SHORES, MICHIGAN 48080
Office: 586-774-2045 E-mail: Tomsfence@aol.com Web: www.tomsfenceco.com Fax: 586-774-0473

-- Contract form --

6/18/2015

Mr. & Mrs. John Paulun
754 S. Main St.
Marine City, MI.
Attention: Colleen

PHONE: 810-434-9608 Email: circuit1@comcast.net

1 1/2" Spaced

FOR THE FOLLOWING MATERIALS AND LABOR:

1. Supply and install 72' of 6' tall Cedar Board on Board Privacy Fence, on steel post, boxed around with cedar.
2. Remove and haul away old chain link fence.
3. Permit by others.

TOTAL CONTRACT PRICE: $ 3,230.00

- Pay → 50% = 1615.00 – Deposit
25% = 807.50
MARK PAID 810.00

-- SITE PLAN TO FOLLOW --
IF APPLICABLE

Signature of Purchaser

Signature of Representative

Approved and Accepted this 6/18 day of 2015

1. You (the purchaser) shall be responsible for surveying. TOM'S FENCE COMPANY will locate the fence in accordance with your instructions on the site, unless otherwise stated in writing. CUSTOMER MUST HAVE PROPERTY LINES STAKED FOR LOCATIONS OF FENCE.
2. You are to advise TOM'S FENCE COMPANY of the location of all buried utilities, cables, telephone lines, sprinkler lines, etc. Failure to inform shall oblige customer to indemnify TOM'S FENCE COMPANY from against all claims for damages.
3. TOM'S FENCE COMPANY shall not be held responsible for delays in construction caused by fire, strikes, war, government regulations or any cause beyond control.
4. Payment shall be as indicated below. Where such payment is not made, TOM'S FENCE COMPANY may remove part or all of the fence at any time. Upon such removal, this contract shall terminate and any deposit or part payments made shall be retained by TOM'S FENCE COMPANY as compensation for time, effort and reduction in the value of the materials removed.
5. Verbal understandings and agreements with representatives shall not be binding unless set forth herein.
6. Any changes to this contract concerning specifications that involve additional materials or labor shall be provided for under a separate and additional contract form.
7. This contract is conditional upon a favorable credit report by TOM'S FENCE COMPANY Credit Department. If not so approved, this contract shall terminate and any payments made will be returned.
8. In accordance with the specifications and particulars provided, TOM'S FENCE COMPANY will provide and install a fence to cover the area as indicated above.

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, August 5, 2015, 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. 15-02

Applicants John & Colleen Paulun, the owners of the property located at **754 South Main Street, Marine City,** are requesting a variance to build a 6 foot privacy fence in the front yard, thus requiring:

- A variance to place a 6 foot privacy fence in the front yard

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

LOT 28 A PLAT OF FRAC SEC 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 the close of business on August 5, 2015. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
June 30, 2015

RECEIVED
JUN 2 2 2015
City of Marine City

120

City of Marine City, Michigan

303 S. Water Marine City MI 48039 (810) 765-9011 Fax: (810) 765-4010

Building Permit Application

Authority: 1972 PA 230
Completion: Mandatory to obtain permit
Penalty: Permit will not be issued

Applicant to Complete All Items in Sections I, II, III, IV, V and VI
Note: Separate Applications Must Be Completed for Plumbing, Mechanical, and Electrical Work Permits

I. PROJECT INFORMATION NEW FENCE IN PLACE OF EXISTING CYCLONE

PROJECT NAME	ADDRESS			
JOHN J. PAULUN	754 S. MAIN ST			
CITY	VILLAGE	TOWNSHIP	COUNTY	ZIP CODE
MARINE CITY				48039
BETWEEN		AND		

II. IDENTIFICATION

A. OWNER OR LESSEE

NAME	ADDRESS		
CITY	STATE	ZIP CODE	TELEPHONE NUMBER

B. ARCHITECT OR ENGINEER

NAME	ADDRESS		
CITY	STATE	ZIP CODE	TELEPHONE NUMBER
LICENSE NUMBER			EXPIRATION DATE

C. CONTRACTOR

NAME	ADDRESS		
CITY	STATE	ZIP CODE	TELEPHONE NUMBER
BUILDERS LICENSE NUMBER			EXPIRATION DATE

FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION

WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION

MESC EMPLOYER NUMBER OR REASON FOR EXEMPTION

III. TYPE OF IMPROVEMENT AND PLAN REVIEW

A. TYPE OF IMPROVEMENT **Cost of Improvement or Project: $**

1. ☐ NEW BUILDING
2. ☐ ADDITION
3. ☒ ALTERATION
4. ☐ REPAIR
5. ☐ DEMOLITION
6. ☐ MOBILE HOME SET-UP
7. ☐ FOUNDATION ONLY
8. ☐ PREMANUFACTURE
9. ☐ RELOCATION
10. ☐ SPECIAL INSPECTION

B. PLAN REVIEW REQUIRED

Plans must be submitted with an Application for Plan Examination and the appropriate fee before a permit can be issued, except as listed below.

Plans are not required for alterations and repair work determined by the building official to be of a minor nature.

Plans and specifications are required for all other building types and shall be prepared by or under the direct supervision of an architect or engineer licensed pursuant to 1980 PA 299 and shall bear that architect's or engineer's seal and signature.

Plan Review Submission No. _____

IV. PROPOSED USE OF BUILDING

A. RESIDENTIAL

1. [X] ONE FAMILY
2. [ ] TWO OR MORE FAMILY
   NO. OF UNITS _____
3. [ ] HOTEL, MOTEL
   NO. OF UNITS _____
4. [ ] ATTACHED GARAGE
5. [ ] DETACHED GARAGE
6. [ ] OTHER _____

B. NON-RESIDENTIAL

7. [ ] AMUSEMENT
8. [ ] CHURCH, RELIGION
9. [ ] INDUSTRIAL
10. [ ] PARKING GARAGE
11. [ ] SERVICE STATION
12. [ ] HOSPITAL, INSTITUTIONAL
13. [ ] OFFICE, BANK, PROFESSIONAL
14. [ ] PUBLIC UTILITY
15. [ ] SCHOOL, LIBRARY, EDUCATIONAL
16. [ ] STORE, MERCANTILE
17. [ ] TANKS, TOWERS
18. [ ] OTHER _____

NONRESIDENTIAL-DESCRIBE IN DETAIL PROPOSED USE OF BUILDING, E.G. FOOD PROCESSING PLANT, MACHINE SHOP, LAUNDRY BUILDING AT HOSPITAL, ELEMENTARY SCHOOL, SECONDARY SCHOOL, COLLEGE, PAROCHIAL SCHOOL, PARKING GARAGE FOR DEPARTMENT STORE, RENTAL OFFICE BUILDING, OFFICE BUILDING AT INDUSTRIAL PLANT. IF USE OF EXISTING BUILDING IS BEING CHANGED, ENTER PROPOSED USE.

V. SELECTED CHARACTERISTICS OF BUILDING

A. PRINCIPAL TYPE OF FRAME STEEL POST - WOOD FENCE BOARD ON BOARD

1. [ ] MASONRY, WALL BEARING
2. [ ] WOOD FRAME
3. [ ] STRUCTURAL STEEL
4. [ ] REINFORCED CONCRETE
5. [ ] OTHER

B. PRINCIPAL TYPE OF HEATING FUEL

6. [ ] GAS
7. [ ] OIL
8. [ ] ELECTRICITY
9. [ ] COAL
10. [ ] OTHER

C. TYPE OF SEWAGE DISPOSAL

11. [ ] PUBLIC OR PRIVATE COMPANY
12. [ ] SEPTIC SYSTEM

D. TYPE OF WATER SUPPLY

13. [ ] PUBLIC OR PRIVATE COMPANY
14. [ ] PRIVATE WELL OR CISTERN

E. TYPE OF MECHANICAL

15. WILL THERE BE AIR CONDITIONING? [ ] YES [ ] NO
16. WILL THERE BE FIRE SUPPRESSION? [ ] YES [ ] NO

F. DIMENSIONS/DATA

17. NUMBER OF STORIES _____
18. USE GROUP _____
19. CONST. TYPE _____
20. NO. OF OCCUPANTS _____

21. FLOOR AREA:

	EXISTING	ALTERATIONS	NEW
BASEMENT			
1ST & 2ND FLOOR			
3RD - 10TH FLOOR			
11TH - ABOVE			
TOTAL AREA			

G. NUMBER OF OFF STREET PARKING SPACES

22. ENCLOSED _____
23. OUTDOORS _____

VI. APPLICANT INFORMATION

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION.

NAME			TELEPHONE NO.
JOHN J. PAULIN			810 434-9606
ADDRESS	CITY	STATE	ZIP CODE
444 N. MAIN ST.	MARINE City	MI	48039

FEDERAL I.D. NUMBER/SOCIAL SECURITY NUMBER

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.

SIGNATURE OF APPLICANT

BUILDING PERMIT FEE ENCLOSED $ _____ **OR STATE ACCOUNT NUMBER** _____

VII. LOCAL GOVERNMENTAL AGENCY TO COMPLETE THIS SECTION

ENVIRONMENTAL CONTROL APPROVALS

	REQUIRED?	APPROVED	DATE	NUMBER	BY
A - ZONING	☐ YES ☐ NO				
B - FIRE DISTRICT	☐ YES ☐ NO				
C - POLLUTION CONTROL	☐ YES ☐ NO				
D - NOISE CONTROL	☐ YES ☐ NO				
E - SOIL EROSION	☐ YES ☐ NO				
F - FLOOD ZONE	☐ YES ☐ NO				
G - WATER SUPPLY	☐ YES ☐ NO				
H - SEPTIC SYSTEM	☐ YES ☐ NO				
I - VARIANCE GRANTED	☐ YES ☐ NO				
J - OTHER	☐ YES ☐ NO				

VII. VALIDATION - FOR DEPARTMENT USE ONLY

USE GROUP _____ BASE FEE _____

TYPE OF CONSTRUCTION _____ NUMBER OF INSPECTIONS _____

SQUARE FEET _____

APPROVAL SIGNATURE

TITLE | DATE

IX. SITE OR PLOT PLAN - FOR APPLICANT USE

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc, under the Americans with Disabilities Act, you may make your needs known to this agency.

OFFICE USE ONLY