



CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, July 6, 2016, 7:00 PM

-
1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL:** Chairperson Kim Weil; Commissioners Mark Bassham, Gary Gabler; Planning Commissioner Rudy Menchaca; City Commissioner James Turner; Building Official Susan Wilburn; City Manager Elaine Leven
 4. **APPROVE AGENDA**
 5. **APPROVE MINUTES**
 - A. Zoning Board of Appeals Regular Meeting ~ April 6, 2016
 6. **PUBLIC COMMENT** *Residents are welcome to address the Historical Commission. Please state name and address. Limit comments to five (5) minutes.*
 7. **UNFINISHED BUSINESS**
 8. **NEW BUSINESS**
 - A. Public Hearing
 - Appeal #16-03 ~ Larry Nichols, 1390 S. Parker Street
 - B. Public Hearing
 - Appeal #16-04 ~ Phillip Perkowski, 1001 S. Belle River Avenue
 - C. Public Hearing
 - Appeal #16-05 ~ Chafic Kadouh ~ 126 & 134 N. Water Street
 9. **OTHER BUSINESS**
 10. **ADJOURNMENT**

**City of Marine City
Zoning Board of Appeals
April 6, 2016**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, April 6, 2016 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Kim Weil at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Weil.

Present: Chairperson Weil; Commissioners Bassham, Menchaca, City Commissioner Turner; Building Inspector Garbarino, City Manager Leven, and, City Clerk Baxter

Absent: Commissioner Gabler

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 4, 2015, as presented. All Ayes. Motion Carried.

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held March 2, 2016, as presented. All Ayes. Motion Carried.

Communications

None.

Public Comment

No residents addressed the Commission.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #16-01 – Daniel Griffin – 102 N. Main Street

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Daniel Griffin, the owner of property located at 102 N. Main Street (Lots 6-7 and 8 Blk 36 Map of the Village of Marine T3N R16E Sec01). The variance request is for a non-conforming sign location.

Building Inspector Garbarino advised the Board that the existing structure was being used as a sign and was not secure, and did not meet zoning requirements, per the sign ordinance. Furthermore, the sign had no foundation and was not securely anchored to the slab.

Chairperson Weil opened the Public Hearing at 7:02 pm.

Applicant Danial Griffin addressed the Board and said that the sign was anchored and cable chained to a post in back of the sign. He said he chose the location of the sign to best comply with the sign ordinance. Mr. Griffin further said that he had supplied engineer drawings to the Building Department and said he would follow the recommendation of the Board, but did not want to put money into the sign until approval.

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

Building Inspector Garbarino said that the engineer plan provided to the Building Department met all requirements for the city, but the plan was a copy and did not contain a seal, as required. Mr. Garbarino asked Mr. Griffin to produce an original/sealed copy of the architects design for the sign prior to issuing the permit and the completion of the work.

Motion by Commissioner Menchaca, seconded by City Commissioner Turner, to approve the Applicant's variance request for a non-conforming sign; Appeal #16-01, with the condition that an original/sealed copy of the plan be provided to the Building Department. All Ayes. Motion Carried.

Public Hearing ~ Appeal #16-02 – Sydney Allen Elsden & Carrie Gallo – Elsden

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Sydney Allen Elsden & Carrie Gallo - Elsden, the owners of property located at 424 S. Main Street (parcel #02-475-0137-000).

Building Inspector Garbarino spoke on behalf of the Applicant, who was out of the country. He explained that the Applicant was going to renovate the home, tear down the garage and move the new garage forward. He also said, included with the alterations, is a 2-story addition on the south side of the home. The alteration would allow for greater separation on the rear lot line, exceeding the 3' minimum setback required for an accessory structure on the rear lot line, while maintaining the existing non-conforming set back of 2' along the north property line. Mr. Garbarino said that the plan met all the requirements for Michigan Building Code.

Chairperson Weil opened the Public Hearing at 7:11 pm.

No one from the public addressed the Board.

Chairperson Weil closed the Public Hearing at 7:12 pm.

Motion by Commissioner Menchaca, seconded by Commissioner Bassham, to approve the Applicant's variance request to alter a non-conforming structure; Appeal #16-02. All Ayes. Motion Carried.

Adjournment

Motion by Chairperson Weil, seconded by Commissioner Menchaca, to adjourn at 7:16 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk

Appeal # _____

Owner Name (if different from Applicant): ~~Aaron Forest~~ Riverside Spline & Gear, Inc.

Address: 1390 S PARKER MARINE CITY, MI. 48039
Street City State Zip

Phone: 810 420-0408 Fax: 810-765-9595 Email: AARONFESPLINEANDGEAR.COM

Variance Request Information

Subject property is zoned: I 1 Size of Lot: (see attached) x _____

Total Square Footage: 35,727 Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Buildings on lot now: 1

Percentage of lot coverage by buildings / structures now: 28.3 %

Type / Use / Size of Each Building:

F 1 & B

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

Addition to south side and roof

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

Height: _____ 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: 60' Rear: ^{per M.C.} zoning Side: 20' Side: 127'

REASON FOR APPEAL: Northwest side - Parking lot calculations indicate parking lot is required with new addition. However no employees have been or will be added. Actually since this application was made to planning in March, the workforce has been reduced by 2.

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 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: 4-27-16

Owner's Signature: _____

Dated: 5-3-16

Matthew J. McBride
Matthew J. McBride, Corporate officer

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

Appeal # 16-038

| | |
|---|------------------------------------|
| OFFICE USE | |
| Fee Amount Paid: <u>\$ 500</u> | Date Paid: <u>5-11-2016</u> |
| Reviewed by: _____ <i>Building Official</i> | _____ <i>City Manager</i> |



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: Susan Wilburn, City of Marine City Building Official

Date: May 13, 2016

Subject: Variance request regarding eliminating addition to parking lot to compensate for addition to building

Project Location: Riverside Spline and Gear, Inc. 1390 S. Parker, Parcel # 02-875-0033-100

REVIEW:

Enclosed with this memo is a copy of the Zoning Board of Appeals Application along with applicants' explanation and site plan.

This business is Zoned I-1. Building use is manufacturing and office

Per the Surface of Parking Area Ordinance 160.161

- (A) The parking area shall be provided with a durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
- (B) The parking area shall be surfaced within 1 year of occupancy of the use it is to serve if it is for a new use, and within 6 months of the effective date of rezoning for P-1 Vehicular Parking use if the parking area is to serve an existing use or uses.

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.

Note:

The proposed “drainage pavers” which meet the durable, drained surface ordinance has been approved by the planning commission.

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, July 6, 2016, 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. 16-03

Applicant Larry Nichols, the owner of the property located at **1390 South Parker Street, Marine City**, are requesting a variance to alter a nonconforming structure, thus requiring:

- ❖ A variance to eliminate the need for additional parking as required by Ordinance 160.161.

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

LOT 28 AND PARTS OF LOTS 29 & 41 SUPERVISORS WONSEY PLAT, DESCRIBED AS FOLLOWS: COMM AT NE COR LOT 29; TH S00*34'00"E 323.92 FT TO POB; TH CONT S00*34'00"E 231.51 FT TO SE COR LOT 28; TH S89*13'04" 401.83 FT TO SW COR LOT 41; TH N00*48'51"W 109.84 FT TO NW COR LOT 41; TH N89*35'17"E 14.54 FT; TH N00*19'28"E 201.80 FT ALG PH&D RR; TH N89*13'04"E 244.89 FT; TH S00*34'00"E 80.00 FT; TH N89*13'04"E 140.00 FT TO POB. 2.545 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 the close of business on July 6, 2016. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
Published: June 15, 2016

Appeal # 1604

RECEIVED
JUN 02 2016
BB

ZONING BOARD OF APPEALS APPLICATION

City of Marine City

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: \$250.00 – Residential \$500.00 – 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:

1001 SOUTH BELLE RIVER AVE 02-200-0007-000
Number Street Parcel #
02-125-0028-999

Applicant(s) Name: PHILLIP J PERKOWSKI (BELLE RIVER INVESTMENTS)

Address: _____
Street City State Zip

Phone: _____ Fax: _____ Email: _____

Appeal # _____

Owner Name (if different from Applicant): _____

Address: _____

Street

City

State

Zip

Phone: _____ Fax: _____ Email: _____

Variance Request Information

Subject property is zoned: 1-1 Size of Lot: _____ x _____

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

Number of Buildings on lot now: 1

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

Type / Use / Size of Each Building:

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

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

Height: _____ 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: AS OF meeting with site PLANNING Comm there were issues Brought up BY the CITY Engineer wada trim we ARE seeking VARIANCES OF the Zoning ORDINANCES on three of His CONCERNS, on the COPY of His Letter they would Be number 4,5,8

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 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: Philip J. Pabon

Dated: 6-1-16

Owner's Signature: _____

Dated: _____

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

Appeal # 16-04

| | |
|---|---------------------------------|
| OFFICE USE | |
| Fee Amount Paid: <u>\$500.00</u> | Date Paid: <u>6-2-16</u> |
| Reviewed by: _____ | _____ |
| <i>Building Official</i> | <i>City Manager</i> |



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: Susan Wilburn, City of Marine City Building Official
Date: June 6, 2016
Subject: Variance request regarding 1001 S. Belle River Rd.

REVIEW:

Enclosed with this memo is a copy of the Zoning Board of Appeals Application along with applicants' explanation and site plan.

This business is located in the L-1 Light Industrial zone.

Section 160.215, (G) of the Zoning ordinance requires a continuous and obscuring wall not less than four feet, six inches in height along all sides of an off street parking lot adjacent to a single family residential zoning district. The properties immediately across S. Belle River Avenue are zoned R-1A, One Family Residential District. Thus and obscuring wall, as required by the ordinance, must be shown on the site plan along the front (west) side of the off street parking lot. Further, keeping with the intent of this Section, it is our opinion that a wall would be required on the rear (east) side of the parking lot as a screening mechanism for the single family zoned and used properties on the opposite side of the Belle River. Thus subject site is clearly visible from the rear yards of these properties across the river.

The "site plan, paving, and grading plan" sheet indicates that no landscaping is proposed. The applicant should be aware that the landscaping and screening requirements of Section 160.219 would apply to this project.

A sidewalk is not identified along the front property line pursuant to Section 160.231

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.

Note:

This variance is not an approval for the existing non-conforming structure presently erected in this location. A Building Permit for the existing non-conforming structure is pending a seal engineering drawing for the structure.

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ZONING BOARD OF APPEALS**

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ZBA Appeal No. 16-04

Applicant Phillip J. Perkowski of Blue Water Investments, the owner of property located at **1001 South Belle River Avenue, Marine City**, is requesting a variance for conversion of a vacant building to inside mini storage; thus requiring:

- 1) Masonry wall requirement around parking area with a change in materials.
- 2) Elimination of sidewalk requirement in front of building.
- 3) Elimination of landscaping requirement.

The legal description of the subject properties, zoned I-1 Light Industrial District, are currently shown on the tax roll, as follows:

02-200-0007-000

02-125-0028-999

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 July 5, 2016. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk

Published: 06-15-2016

Appeal # _____

Owner Name (if different from Applicant): CITY OF MARINE CITY

Address: _____
Street City State Zip

Phone: _____ Fax: _____ Email: _____

Variance Request Information

Subject property is zoned: W-M

Size of Lot: 150.72' x 152.60'

Total Square Footage: 18,453

IRREGULAR
Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Buildings on lot now: _____

Percentage of lot coverage by buildings / structures now: 0 %

Type / Use / Size of Each Building:

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

PUBLIC RESTROOMS

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

Height: 16'-9" Width: 20'-8" Length: 34'-8" Sq. Footage: 716

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

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

Percentage of lot coverage with proposed building / structure, addition, fence, etc.: 3.8 %

Setbacks after completion of proposed project:

Front: 8' Rear: 116' Side: 12' Side: 117'

REASON FOR APPEAL: PUBLIC RESTROOM ENCLOSED ON
THE 25' REQUIRED FRONT SETBACK

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: ① ADA COMPLIANT RESTROOM WILL BE CLOSE TO HANDICAP PARKING. ② LOCATION ALLOWS 3 MATURE TREES W/O

DISTURBING ROOT SYSTEM. ③ EXISTING SEWER AND WATER TAPS ARE EASILY ACCESSABLE. ④ LOCATION HAS LEAST IMPACT ON NEIGHBORS SIGHT LINES.

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) 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: 6/15/16 _____

Owner's Signature: _____

Dated: _____

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

Appeal # 16-05

| | |
|---|------------------------------|
| OFFICE USE | |
| Fee Amount Paid: <u>Waived by City</u> | Date Paid: <u>N/A</u> |
| Reviewed by: <u>Commissioner</u> | _____ |
| <i>Building Official</i> | <i>City Manager</i> |

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, July 6, 2016, 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. 16-05

Applicant Chafic Kadouh, the owner of the property located at **126 & 134 N. Water Street, Marine City**, is requesting a variance to change the required front set back, for a public restroom facility, from 25 feet to 8 feet.

The legal description of the subject property, zoned W-M, Waterfront Recreation and Marina, is currently shown on the tax roll, as follows:

**LOTS 2 THRU 4, BLOCK 38 OF "MAP OF THE VILLAGE OF MARINE",
ACCORDING TO THE PLAT THEREOF.**

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 July 6, 2016. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk

Published: June 22, 2016