CITY OF MARINE CITY

Zoning Board of Appeals Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Wednesday, October 5, 2016, 7:00 PM

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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 ~ September 7, 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 #16-08 ~ Martin Cicotte, 473 N. Main Street

   B. Public Hearing
      - Appeal #16-09 ~ Thomas Vertin, 102 Bridge Street

9. **OTHER BUSINESS**

10. **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, MI 48039, telephone 810-765-8830, 48 hours prior to scheduled meeting.

City of Marine City
Zoning Board of Appeals
September 7, 2016

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, September 7, 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, Gabler, Menchaca; City Commissioner Turner; Building Inspector Wilburn, City Manager Leven, and, City Clerk Baxter

Absent: None

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 Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held July 6, 2016, as presented. All Ayes. Motion Carried.

Communications

None.

Public Comment

No residents addressed the Commission.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #16-06 – Larry & Cheryl Koehn, 213 N. Parker 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 Michael Frank, on behalf of Larry & Cheryl Koehn, for property located at 213 North Parker Street (LOT 9 EXCEPT N 16' THEREOF BLK 9 DEMONTS ADDITION TO WEST MARINE CITY; ALSO LOTS 15 & 18 STRURMER ADDITION TO THE CITY OF MARINE CITY - *COMBINED FOR 1998*). The variance request was to separate two lots, one of which does not meet minimum width requirements, as required by Ordinance 160.195.

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

Michael Frank, representing Larry & Cheryl Koehn, addressed the Board and reported that the applicant was requesting the variance to split the lots, due to financial hardship. He explained that the lots were originally split, but were combined in 1998.

Building Official Wilburn reported that the property had two separate street frontages (Kaherine & North Parker). She stated that, if split, the North Parker frontage of 37' would not meet the minimum frontage requirement of 60', per our ordinance.

Brenda Mahle spoke on behalf of Mary Jane Shoebottom, who has a home located at 211 North Parker. She said Mrs. Shoebottom's home was located directly behind the subject property. Brenda stated that the change would have an adverse change to her view from her home, which may affect its marketability in the future.

Commissioner Gabler said the variance request should be approved because the zoning did not have to be change. He also noted that there were no houses on Katherine Street, only garages.

Due to not having to rezone and restoring the lots back to what they were in 1998, City Commissioner Turner said he had no objection to granting the request. He pointed out that many homes were non-conforming, due to the age of the city.

Commissioner Bassham agreed, due to the split zoning.

Chairperson Weil closed the Public Hearing at 7:27 pm.

Motion by Commissioner Menchaca, seconded by Commissioner Gabler, to approve the applicant's variance request; Appeal #16-06, as presented. All Ayes. Motion Carried.

Public Hearing ~ Appeal #16-07 – Scott Smith, 1965 S. Parker 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 Scott Smith, the owner of property located at 1965 South Parker (BEG AT SW COR OF LOT 49, TH N 37D 19 ½ M E 133.87', TH S 64D 57 1/2M E 270.13' TH S 25D 48 1/2M W 125', TH N 66D 4 1/2M W 298.2' TO BEG EX NE 60' MEAS AT RT ANG TO NE LINE. SUPERVISORS WONSEY PLAT T3N R16E SEC 01). The applicant was requesting a variance for a roadside set back on a river-front property.

Chairperson Weil opened the Public Hearing at 7:28 pm.

Applicant Scott Smith addressed the Board and said that he was requesting to change the rear set back from the required 30' to 10' to build a garage.

Chairperson Weil pointed out that there were sewer and water lines under the proposed site, as well as electrical lines over head.

Applicant Smith said that the utility lines could not be avoided due to them running the length of the property. He also pointed out that he would bear the expense of moving the electrical lines, if necessary.

Commissioner Gabler said he didn't see how the request could be denied due to the location of water and sewer lines. He pointed out that other homes in the area had garages built on utility lines.

Building Official Wilburn stated that she needed letters of clearance from utilities prior to issuing building permits.

City Commissioner Turner stated that he had no problem in granting a 20 foot variance.

Chairperson Weil closed the Public Hearing at 7:53 pm.

Motion by Commissioner Bassham, seconded by Commissioner Gabler, to approve the Applicant's variance request (at 15' feet, in lieu of the requested 10'); Appeal #16-07. All Ayes. Motion Carried.

Adjournment

Motion by Commissioner Gabler, seconded by City Commissioner Turner, to adjourn at 7:55 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk

Appeal # 16-08

ZONING BOARD OF APPEALS APPLICATION

PAID
SEP 01 2016
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:

473 N. MAIN 02-400-0008-000

Number Street Parcel #

Applicant(s) Name: Martin Cicotte

Address: _____

Street City State Zip

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

Appeal #_____

Owner Name (if different from Applicant): Same

Address: _____
Street City State Zip

Phone: _____ Fax: _____ Email: _____

Variance Request Information

Subject property is zoned: Residential Size of Lot: 57' x 160'

Total Square Footage: 9120 Circle One: Corner Lot Interior Lot Waterfront Lot

Number of Buildings on lot now: 2

Percentage of lot coverage by buildings / structures now: 14.69 %

Type / Use / Size of Each Building:

House (living quarters) 900 sq. FT
Garage - 20x22 440 sq. FT
Total = 1340 sq. FT

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

Carport, with no enclosed walls, to be attached to existing garage with a reverse gable. Concrete that is already in-place will be used plus a 10x20 new poured area.

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

Height: 12.28' Width: 22' Length: 32' Sq. Footage: 704'

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

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

* Percentage of lot coverage with proposed building / structure, addition, fence, etc.: 22.81 % * See Below

Setbacks after completion of proposed project:

Front: 14' Rear: 17' Side: 2' Side: 23'

REASON FOR APPEAL: Request to put two Post on North side of property 2 Feet from property line (SETBACK)

* Carport is "not" An outbuilding, it is a parking area, will not Apply.

Appeal #_____

2044

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: Carport will relieve flooding of alley that currently takes place, water from the EAST Gable roof will go to front stormdrain via gutters

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**_____

NOTES: ~~**If yes, explain:**~~ "No views" are effected, most Concrete is already in place! Privacy fence to North is already in place. No Emergency vehicles access will be effected! Flooding of alley will be relieved.

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: 8-31-2016

Owner's Signature: _____

Dated: 8-31-2016

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

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: September 1, 2016

Subject: Variance request regarding the reduction in side set back requirements for a covered carport attached to an existing garage. The required side set back is 3 ft. The homeowner would like this reduced to 2'. This carport will cover an existing cement slab.

Project Location: 473 N. Main, Marine City. Parcel #02-400-0008-000

REVIEW:

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

This property is Zoned R-1A One-Family Residential. Building use is single family residential.

Per section 160.213 – Accessory Buildings and Structures

160.213 ACCESSORY BUILDINGS AND STRUCTURES.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(A) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.

(B) Accessory buildings shall not be erected in any required yard, except a rear yard.

(C) An accessory building not exceeding 1 story or 14 feet in height may occupy not more than 25% of a required rear yard, plus 40% of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.

(D) No detached accessory building shall be located closer than 10 feet to any main building nor shall it be located closer than 3 feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than 2 feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right- of-way.

(E) No detached accessory building in an R-1A, R-1B, R-M, B-1 or P-1 District shall exceed 1 story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Appeals review and approval.

(F) (1) When an accessory building is located on a corner lot, the exterior side lot line of which is substantially a continuation of the front lot line of the lot to its rear, or is adjacent to a front lot line across a common separating street, the building shall not project beyond the front yard line required on the lot in rear of the corner lot.

(2) An accessory building shall in no case be located nearer than 10 feet to a street right-of-way.

(G) When an accessory building in any Residential or Business District is intended for other than the storage of private motor vehicles, the construction will conform to existing conventional construction of other buildings on the property and in the immediate area.

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.

The above ordinance 160.213.D calls for a 3' side set back.

The property owner is requesting that the set-back be reduced to 2'.

PUBLIC NOTICE

CITY OF MARINE CITY
ZONING BOARD OF APPEALS

In compliance with Michigan Zoning Enabling Legislation, the General Ordinances of the City of Marine City, and the Rules and Regulations of the Marine City Zoning Board of Appeals, please take notice that on Wednesday, October 5, 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. 16-08

Applicant Martin Cicotte, the owner of the property located at **473 N. Main Street, Marine City,** is requesting a variance to reduce the side set back requirements (from 3' to 2') for a covered carport which is attached to an existing garage.

The legal description of the subject property, zoned R-1A, one-family residential, is currently shown on the tax roll, as follows:

LOT 5 BLK 2 INCL. ADJ. LAND TO M-29 RELOC. R/W R HOLLAND ADDITION TO MARINE CITY & LOT 42 SUPERVISOR'S COTTRELL PLAT OWNED AND OCC AS ONE PARCEL

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

Kristen Baxter
City Clerk
Published: September 19, 2016

Appeal # 16-09

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: **$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:

102 Bridge Street, MARINE CITY — Parcel No: 74-02-475-0208-000, 74-02-475-0207-000, 74-02-475-0206-000, 74-02-475-0205-000 (Collectively Commonly Known as 102 Bridge Street, Marine City)

Number Street Parcel #

Applicant(s) Name: THOMAS VERTIN

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: _____ **Size of Lot:** _____ x _____

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

Number of Buildings on lot now: 0

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

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: Due to the necessary size of our parking lot and the foot print of the building. We would like to extend our awnings/balconys

Appeal #_____

over Bridge Street side walk

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: _____

Owner's Signature: _____

Dated: 9-14-16

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

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: September 14, 2016

Subject: Variance request regarding 102 Bridge St. – Overhangs encroaching into right of way on Bridge and Water Streets

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REVIEW:

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

This Business District proposed project's address is 102 Bridge. The subject site is currently 0.72 acres. The proposed project being on this site is a 28,720 square foot mixed use building. The uses are: Hotel, retail, and residential.

The proposed development includes a 4'0-1/2" overhang encroaching on Bridge Street for an awning, and a 1'8-1/2" overhang encroaching on Water Street for a covered area at street level.

The request refers to the Zoning ordinance 160.253 which states: architectural features are allowed to extend into a required front yard not more than three feet;

No language pertaining to an encroachment into a public right of way is included within the Zoning Ordinance.

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.

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ZBA Appeal No. 16-09

Applicant Thomas Vertin, the owner of the property located at **102 Bridge Street, Marine City,** is requesting a variance due to overhangs encroaching into the right of way on Bridge and Water Streets.

The legal description of the subject property, zoned B-1, Central Business District, is currently shown on the tax roll, as follows:

Parcel No: 74-02-475-0205-000

THAT PART OF LOT 9 & VAC. MARINE ST. LYING E OF A LINE, BEG 50.17' E OF ITS NW COR, TH SW LY TO PT. ON N LINE BRIDGE ST. 5' W OF EXTD E LINE OF W 1/2 OF LOT 9 BLK 18 MAP OF THE VILLAGE OF MARINE

Parcel No: 74-02-475-0206-000

LOTS 10 & 15 EX N 10' OF LOT 15, & LOT 16 EX N 30', ALSO S 4' OF N 30' OF E 44' OF W 45' OF LOT 16 & W 1' OF S 20' OF N 30' OF LOT 16, BLK 18 MAP OF THE VILLAGE OF MARINE

Parcel No: 74-02-475-0207-000

N 26' OF E 99' & S 4' OF N 30' OF E 55' & N 10' OF W 1' OF LOT 16 ALSO N 10' OF LOT 15 BLK 18 MAP OF THE VILLAGE OF MARINE

Parcel No: 74-02-475-0208-000

S 1/2 OF LOTS 25 & 26 BLK 18 MAP OF THE VILLAGE OF MARINE

Citizen comments are welcome and may be given in person at the Public Hearing. Written comments will also be received at the Marine City Offices, Zoning Board of Appeals, 303 South Water Street, Marine City, Michigan 48039, until the close of business on October 5, 2016. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
Published: September 19, 2016