

Zoning Board of Appeals

Regular Meeting Minutes

Monday, May 23, 2016
7:00 p.m., City Council Chambers

REVISED 5-19-2016



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.

2. Roll Call

Present: Tom Stegeman, Judi Stimson, Mark Wheeler, Jodi Carlson (alt.), Bob McAlear,
Dennis Lewis

Absent: Scott Boyd

2a. Election of Officers

Lewis opened the floor for election of officers.

Motion by Stegeman, to nominate Scott Boyd for chair, second by Miller.

All in favor. Motion carried.

Motion by Miller, second by Stegeman to elect Scott Boyd as chair.

All in favor. Motion carried.

Motion by Stegeman to nominate Dennis Lewis for co-chair, second by Wheeler.

All in favor. Motion carried.

Motion by Miller, second by Stimson to elect Dennis Lewis as co-chair.

All in favor. Motion carried.

Lewis noted that because Boyd is not present he would chair the meeting.

3. Approval of Agenda

Before the approval of agenda, Lewis noted that the application for 141 Dunkley has been withdrawn.

A member of the audience called a Point of Order, explaining that the applicant for the 141 Dunkley property is present.

Lewis asked Anderson for clarification, to which Anderson responded that the owner of the property at 141 Dunkley contacted Anderson last week and withdrew the application, which is within her rights to do. Anderson also explained that the agenda was revised and re-noticed and posted according to requirements.

Motion by Stimson, second by McAlear to approve the revised agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – March 28, 2016

Motion by Stimson, second by Wheeler to approve the March 28, 2016 meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Tom Feeny, 2929 76th Street SW, Byron Center, Michigan: Regarding the appeal for 141 Dunkley. Stated the applicants were not notified that their application had been withdrawn and asked whether they get a refund.

Anderson responded that is up to the owner. The city has done the advertising, notification and posting. The funds have been used.

The applicants thanked the board for their time and left.

6. New Business – Public Hearing

Susan Worthley of 231 Huron Street (80-53-021-002-00) is asking for three (3) variances in order to make alterations to her Huron Street property. The variances requested involve an expansion of a legal non-conforming structure.

The variances requested are:

Lot coverage increase to 51% where 40% is maximum
Front steps to within 1.5 feet of lot line where six (6) feet is the minimum
Rear setback 24 feet where 25 feet in the minimum

Anderson introduced the request and noted the house is already non-conforming as is the lot. Anderson explained that this is an application to increase non-conformity, noting that all the information is provided in the application. Anderson commented, "It is tight, we did see that. They are not going closer on the sides but will be in front and rear."

Lewis asked if this were a conforming lot, based on the square footage, what variances would be required. Anderson explained that the side setback would be a total of fifteen feet, so one side setback could be three feet and the other would be twelve feet. The front

setback would be 15 feet and the rear setback would be 25 feet. Lot coverage would be 40 percent. Lewis noted he just wondered what it would be if the lot were conforming.

A brief discussion ensued with Anderson giving more details and Wheeler giving an example to better understand the request if it were on a conforming lot.

Motion by Miller, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Susan and George Worthley, 231 Huron Street, South Haven. S. Worthley explained that they used to bring their children to South Haven when their children were younger and rent a house for a week. Noted they fell in love with the area, so decided to buy a second home here. S. Worthley explained that her husband is semi-retiring and they want to sell their house in Wheaton and move to South Haven permanently. "We want to sit on our back deck and look at the boats come in and out but we can't do it without adding a garage for our cars as no parking is permitted on the street in winter." S. Worthley added that they also want to add a little more living space and put a garden and landscaping where the current garage is. Regarding the steps in the front, S. Worthley stated they have never been able to use the front door because there are no steps there, so you either go into the two doors that lead into the basement or in the back, but noted that if they reside there year round it would be nice to have a front entrance.

Stegeman noted when Wally lived there the porch had steps but when Needham redid that he tore the steps out. Stegeman stated that the applicants are asking to restore the steps to the porch back to what it was.

Jodi Carlson asked if the steps were going to be where they originally were. G. Worthley noted they want to put them a little to the side, Stegeman said they used to be centered before.

G. Worthley said they would like to add a fence and gate to the front that would enclose the steps.

Lewis asked about the rear setback and whether it will be 25 feet from the back of garage to lot line. S. Worthley said it would be 24 feet from the garage to the back lot line. Anderson said the stairs are not really a problem, but since it is already non-conforming, they are increasing the non-conformity further with the garage replacement.

Lewis said his questions are answered and wondered if anyone else has questions. There were no further questions for the applicant.

Motion by McAlear, second by Stimson to close the public hearing.

All in favor. Motion carried.

Miller noted that he lived in that neighborhood for 20 years. "There are so many nonconforming structures in that neighborhood that the conforming structures are nonconforming. The other thing that is truly unique is that 30 feet is not very much to work

with. That's about as minimal as you get unless you watch *Tiny Houses* on TV. In my opinion, we should grant all three variances."

Stegeman stated that he feels that these people are selling their home and coming to South Haven. It used to be a little rental and they are not trying to rent out; there are enough renters in that neighborhood. "They'll need parking, I like that they aren't renting and are going to be full-time residents."

Lewis commented that he is in favor of them building a garage; everyone is required to have two parking spaces and the applicants are not asking for a huge garage, 24 feet x 22.5 feet, smaller than a typical garage so he has no problem with the rear setback variance. Regarding the front steps Lewis noted, "The deck is existing; you should have egress to the front door. I don't want to say, 'tear down the front deck', so I don't have a problem with it. If this were a standard lot we wouldn't even be talking about lot coverage."

McAlear asked if we would be setting a precedent by approving these variances. Anderson explained that what you want to look at in this case is how many lots this small there are in the R1-A zoning district. There may be a few, but she does not think this is a situation that occurs regularly throughout the city, so she wouldn't recommend a zoning ordinance amendment to address this question. "That is a very narrow lot." McAlear concluded that this is an exceptional situation which Anderson concurred with.

Stimson asked whether it is required to have two entries and exits from a house to which Anderson responded that she thinks so, noting there is a door so they could exit but would have to jump off the deck.

Motion by Miller to approve all three variances due to the extenuating circumstances of having an undersized lot, which is a condition specific to that property and does not require a change to the ordinance.

Anderson noted that the board, in discussion, has addressed the requirements as outlined by the ordinance and found adequate evidence that all standards in Section 2205 have been met..

Second by Wheeler.

A roll call vote was taken:

Ayes: Miller, Stimson, Stegeman, Wheeler, Carlson, McAlear, Lewis

Nays: None

Motion carried.

7. Commissioner Comments

Lewis requested an update on the property on LaGrange with the landscaping. Anderson explained that Code Enforcement has been checking and they have been informed they are one pot short.

Lewis asked if there any applications for next month and Anderson stated she has had inquiries but no applications. Anderson will notify the board if something comes in before the deadline.

8. Adjourn

Motion by Miller, second by McAlear to adjourn at 7:55 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary