

CITY OF NORTON SHORES
ZONING BOARD OF APPEALS

June 16, 2021

A regular meeting of the Norton Shores Zoning Board of Appeals held at Norton Branch Library Community Room was called to order on Wednesday, June 16, 2021 at 5:30 p.m.

Present: Chairperson Hill; and, Board Members Maniates, Parker, Philips, White and Wisniewski; also, Doug Hughes, Ted Woodcock and Shelly Stibitz

Absent: Board Member Sowa

21-A04 Minutes

Board Member Philips moved to approve the minutes of the May 19, 2021 Zoning Board of Appeals meeting. The motion was supported by Board Member White and carried unanimously.

21-A05 Variance Request – 5326 McDowell Street, Melgoza Residence

The City Clerk certified the June 4, 2021 mailing and publishing of the notice.

A public hearing was held. Applicant Ricardo Melgoza, 5326 McDowell Street, described the reason for his variance request to construct a detached accessory structure 2' 4" higher than allowed by Ordinance. Mr. Melgoza told Board members that to use the proper vehicle lift to perform maintenance on his personal vehicles it would require the extra height. The extra height would allow him to stand under the vehicles with a safe clearance.

Board Member Philips asked Mr. Melgoza if he had explored low profile vehicle lifts. He stated he had, but that those lifts left him a foot short of being able to stand comfortably under it to work on vehicles. Board Member Philips explained to Mr. Melgoza that a Variance to allow a higher garage height will stay with the property whether Mr. Melgoza is the owner or not. Board Member White clarified with Mr. Melgoza that he is asking for the Variance out of convenience and not because he has no other option to alleviate the issue at hand. Board Member Parker stated that the garage floor has been installed and questioned why the applicant didn't explore other options to allow for the lift, such as lowering the garage floor, when applying for the building permit. Chairperson Hill asked whether a condition could be added to the Variance banning commercial use which Attorney Hughes affirmed but added that the Ordinance already restricts commercial use in a residential district.

Board Member Wisniewski made a motion to deny a variance allowing Ricardo Melgoza to construct a detached accessory structure with a building height of 16' 4", a deviation of 2' 4" of the maximum allowed by City Ordinance, at 5326 McDowell Street based on: 1) The Variance will substantially change or affect the character of the neighborhood because it will be taller than all the other buildings in the area; 2) The Variance will be a substantial detriment created for adjoining property owners because they will have to look at it forever; and 3) It is a difficulty that can

be obviated by some feasible method other than the granting of the Variance because the homeowner could buy a lower setting vehicle lift and find other ways to repair his vehicles. The motion was supported by Board Member Parker and carried 4/2 by roll call vote with Board Member Maniates and Chairperson Hill against.

21-A06 Variance Request – 4814 Lake Harbor Road, Young Residence

The City Clerk certified the June 4, 2021 mailing and publishing of the notice.

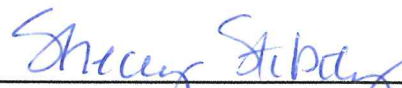
A public hearing was held. Applicants Robert & Annette Young shared that they requested a Variance to complete construction on a deck with a front yard setback of 48 feet from the centerline of Lake Harbor Road, a deviation of 15 feet from the minimum setback allowed by Ordinance to provide accessibility into the home for relatives and friends using walkers and possibly wheelchairs. Mr. Young stated that the back door to the home could not be made accessible and the front deck dimensions were determined using the depth of the home's existing porch. The Young's did not realize that the porch was non-conforming and a permit was needed. Mr. Young also stated that a deep step that a walker could be used on is needed to gain access to the deck to then enter the home. Commissioners advised that a step will need to be engineered into the deck or constructed on the side and not extend further into the front yard setback or block the egress window.

Board Member Parker made a motion to grant a Variance to allow Robert & Annette Young to construct a deck with a front yard setback of 48 feet from the centerline of Lake Harbor Road, a deviation of 15 feet from the minimum setback allowed by City Ordinance, at 4814 Lake Harbor Road because the Variance will not substantially change or affect the character of the neighborhood in that: 1) The Variance will not be a substantial detriment created for adjoining property owners because the final deck dimension and the addition of steps will not extend beyond where the existing porch was or infringe on the neighbor's walkway. The motion was supported by Board Member Philips and carried 5/1 by roll call vote with Board Member Maniates against.

General Comments

None.

Meeting adjourned at 6:08 p.m.



Shelly Stibitz, City Clerk

Minutes recorded and prepared by:
Sarah Romine, Zoning Administrative Assistant