



February 10, 2020

Zoning Board of Appeals Meeting February 19, 2020

SUBJECT: Variance Request
146 E Farr Road
Article VI Accessory Uses,
Sec. 48-1081(3)

Chairman and Members
of the
Zoning Board of Appeals

Ladies and Gentlemen:

Theodore Zydor is requesting a variance to construct an accessory structure at 146 E Farr Road. The requested accessory structure is proposed to be 2,880 square feet, a deviation of 1,880 square feet as currently allowed by City Ordinance. The applicant is also requested a height variance for the accessory structure. The request is for a building height of 21'3" a variance of 7'3" from maximum building height of 14 feet as allowed per City Ordinance.

Staff has reviewed the request and notes the request a significant deviation from the maximum size currently allowed as well as the request would make the accessory structure larger than the ground floor area of the main building. Current ordinance states that an accessory structure cannot exceed 1,000 square feet and cannot exceed the ground floor area of the main building. A prepared resolution is attached for the Board's use.

Sincerely,

Ted Woodcock
Planning and Zoning Administrator

TSW/
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals hereby grants/denies the following Variance:

A variance to allow Theodore Zydor to construct a 2,880 square foot detached accessory structure, a variance of 1,880 square feet as required per City Ordinance, and for the accessory structure to exceed the ground floor area of the main building also as required by City Ordinance at 146 E Farr Road.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Zoning Board of Appeals in the exercise of its discretion, is convinced after receiving substantial evidence that there are/are not "practical difficulties" in carrying out the strict letter of the Ordinance because:

A. The Variance is/is not in harmony with the general purposes and intent of the Ordinance because _____;

B. That there are/are not practical difficulties in carrying out the strict letter of the Ordinance in that _____;

C. The Variance is/is not substantial as it relates to the zoning requirements, because _____;

D. That the Variance will/will not cause an increased population density to be generated on available governmental facilities because _____;

E. The Variance will/will not substantially change or affect the character of the neighborhood because _____;

F. The Variance will/will not be a substantial detriment created for adjoining property owners because _____;

G. Is/is not a difficulty that can be obviated by some feasible method other than the granting of the Variance because _____;

H. The interests of justice will/will not be served by allowing the Variance in viewing all of the circumstances and manner in which the difficulty arose because _____;

I. The plight of the landowner is/is not due to circumstances or conditions unique to the property because _____;

J. The circumstances or conditions that are unique to the property are/are not shared by neighboring properties in the same zone.

K. The circumstances or conditions that are unique to the property were/were not created by the landowner or any prior owner.

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held at the Norton Shores Municipal Building, 4814 Henry Street, on the 19th day of February 2020, the foregoing resolution was moved for adoption by Board Member _____.

The motion was supported by Board Member _____.

Ayes: _____

Nays: _____

Excused: _____

Resolution declared adopted/denied.

Shelly Stibitz, City Clerk

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals hereby grants/denies the following Variance:

A variance to allow Theodore Zydor to construct an accessory structure with a building height of 21'3", a variance of 7'3" from the maximum allowable building height of 14 feet by City Ordinance on the premises at 146 E. Farr Road.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Zoning Board of Appeals in the exercise of its discretion, is convinced after receiving substantial evidence that there are/are not "practical difficulties" in carrying out the strict letter of the Ordinance because:

A. The Variance is/is not in harmony with the general purposes and intent of the Ordinance because _____;

B. That there are/are not practical difficulties in carrying out the strict letter of the Ordinance in that _____;

C. The Variance is/is not substantial as it relates to the zoning requirements, because _____;

D. That the Variance will/will not have an effect upon increased population density and thus generated on available governmental facilities because _____;

E. The Variance will/will not substantially change or affect the character of the neighborhood because _____;

F. The Variance will/will not be a substantial detriment created for adjoining property owners because _____;

G. Is/is not a difficulty that can be obviated by some feasible method other than the granting of the Variance because _____;

H. The interests of justice will/will not be served by allowing the Variance in viewing all of the circumstances and manner in which the difficulty arose because _____;

I. The plight of the landowner is/is not due to circumstances unique to the property owner created by the landowner because _____;

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held at the Norton Shores Municipal Building, 4814 Henry Street, on the 19th day of February 2020, the foregoing resolution was moved for adoption by Board Member _____.

The motion was supported by Board Member _____.

Ayes: _____

Nays: _____

Excused: _____

Resolution declared adopted/denied.

Shelly Stibitz, City Clerk



Internal Memo

February 12, 2020

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, 146 E Farr Road

Following please find comments regarding the variance request for the Zydor residence at 146 E Farr Road.

MASTER PLAN

The current zoning of the property at 146 E Farr Road is R-5 Single-Family Residential. The Master Plan states that this property is to be zoned for "Rural Residential", which is compatible with the R-5 Single-Family Residential zoning district. The surrounding parcels are also lower density wooded lots in the R-5 zoning district. Just south of the parcel is the Berryfield Crossing Condominium developments, but that development is also zoned R-5 Single Family Residential.

LAND USE

146 E Farr Road and the other parcels surrounding it all have single family homes. The applicant is seeking a variance for an increase in size and height for a detached accessory structure. The proposed variance will have no effect on the current use of the parcel, the existing home will remain a single-family residence.

COMMENTS

The neighbor at 40 E Farr Road also came before the Zoning Board of Appeals seeking an accessory structure variance for size and height in September 2019. His request was of a smaller deviation, 872 square feet, from City ordinance and was approved by the ZBA. This request, though, is almost triple the allowable square footage allowed per Ordinance. The total square footage of the proposed structure is 2,880 square feet with 576 square feet of that being a covered lean-to. The covered lean-to counts toward the overall square footage as it meets the definition of a structure in the City's Code of Ordinances. The proposed accessory structure also exceeds the ground floor area of the dwelling. City ordinance states that a detached accessory structure cannot exceed that ground floor area in size or 1,000 square feet, whichever is less. The "whichever is less" has been interpreted for years by City staff for accessory structure size interpretations.

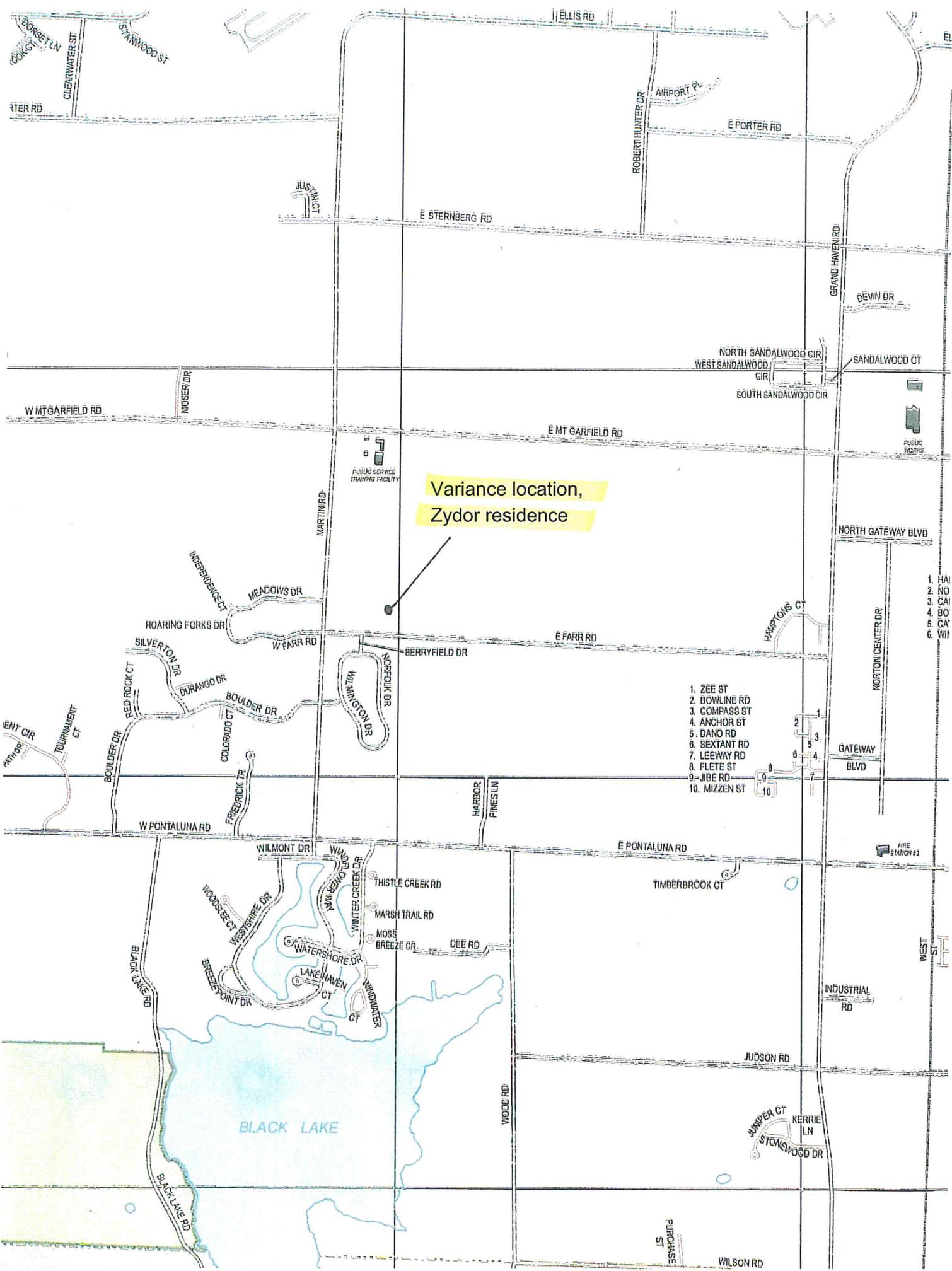
Currently there are zoning ordinance amendments that are being discussed and introduced to both the Planning Commission and City Council. One of those amendments has to do with the maximum allowable size and height of detached accessory structures. Even if the new ordinances were in effect, the requested accessory structure would be over 1,000 square foot larger than what would be allowed by the amended City ordinance.

The applicant is proposing a building height of 21' 3" which is a variance of 7'3" from the maximum building height allowed per City ordinance. The proposed ordinance amendments would have brought the building height up to 16 feet for a structure this large, however a variance would have still been required as the proposed accessory structure would have exceeded the 16-foot maximum building height.

Please note the definition for building height as defined in Sec. 48-5 of the City's Zoning Ordinance:

"Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs."

This definition describes how City staff defines building height, and why the applicant needed to seek a second variance.



Variance location,
Zydor residence

1. ZEE ST
2. BOWLINE RD
3. COMPASS ST
4. ANCHOR ST
5. DANO RD
6. SEXTANT RD
7. LEEWAY RD
8. FLETE ST
9. JIBE RD
10. MIZZEN ST

1. HAI
2. NO
3. CAI
4. BO
5. CA
6. WI

FIRE STATION #3

PURCHASE ST

WILSON RD

BLACK LAKE

INDUSTRIAL RD

JUDSON RD

E PONTALUNA RD

WILMONT DR

W PONTALUNA RD

GATEWAY BLVD

E FARR RD

NORTH GATEWAY BLVD

E MT GARFIELD RD

W MT GARFIELD RD

E STERNBERG RD

E PORTER RD

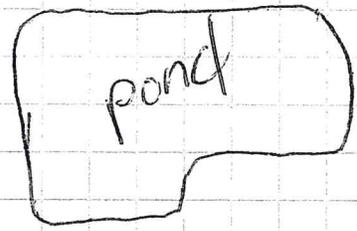
ELLIS RD

5.81 Acres

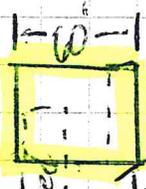
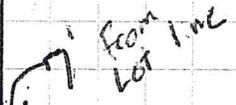
146 Farr Rd

Parcel id #
61-27-129-100
0016-00

Dimensions
190' x 1320'

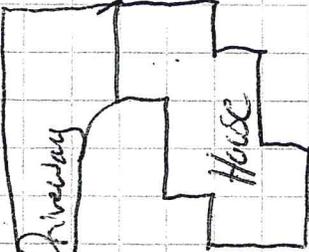
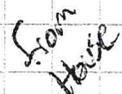


1320'



12' x 48'

Shed



Driveway

House



Play Set

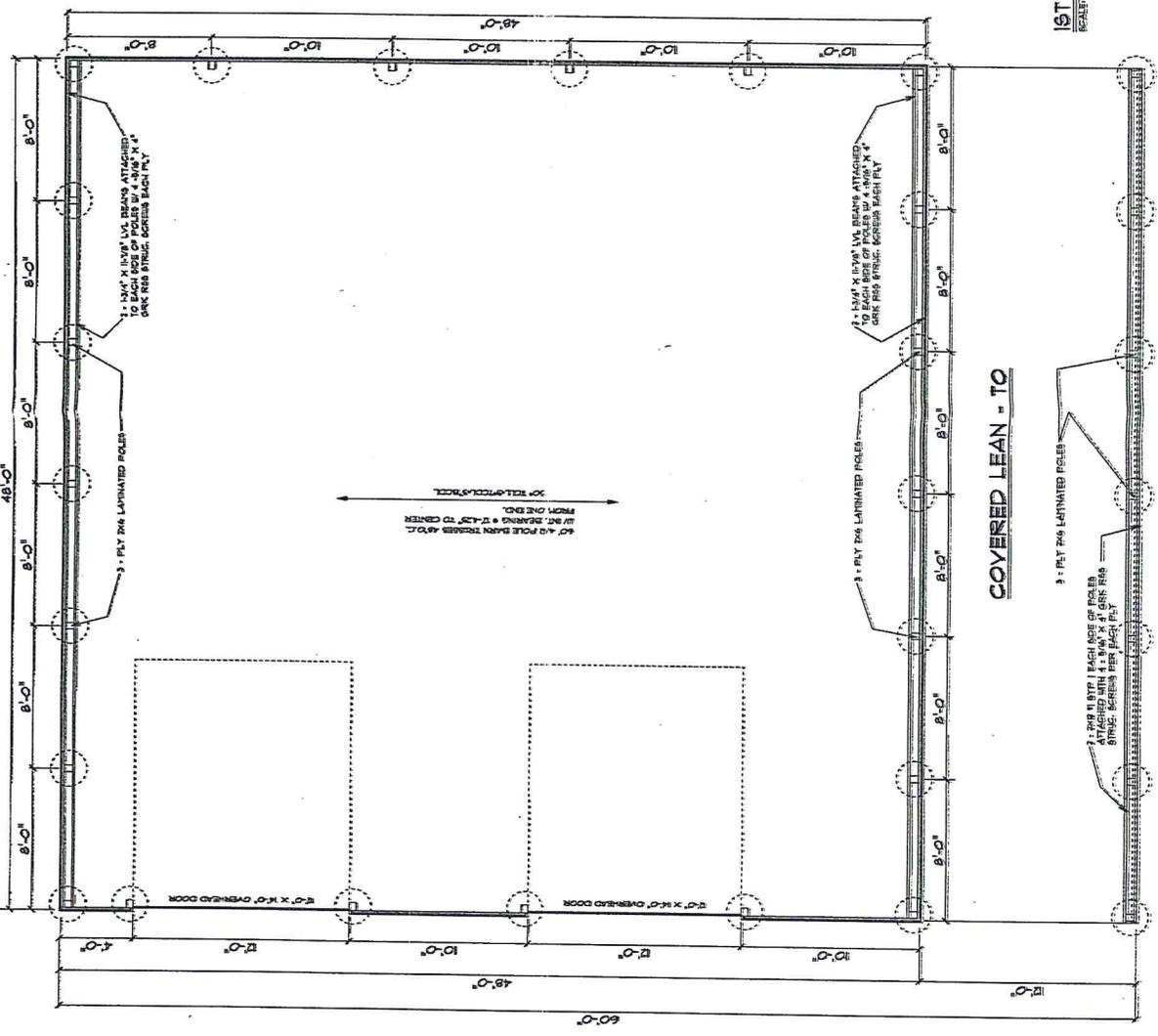
190'

Total Barn Size
48x60
Included
48x48
Lean to
12x48

48x60-2880 94+
 48x48-2104 58F

PAGE /	SCALE: 1/4" = 1'-0"	DRAWN BY: DJP	DATE: 1/17/2020		15051 B. MILLER RD. STAMM, N.J. 07083 PHONE: 201-829-2088 FAX: 201-829-2643 email: info@biglumber.com
	BIG L LUMBER 450411				

TED ZYDOR



1ST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

COVERED LEAN - TO

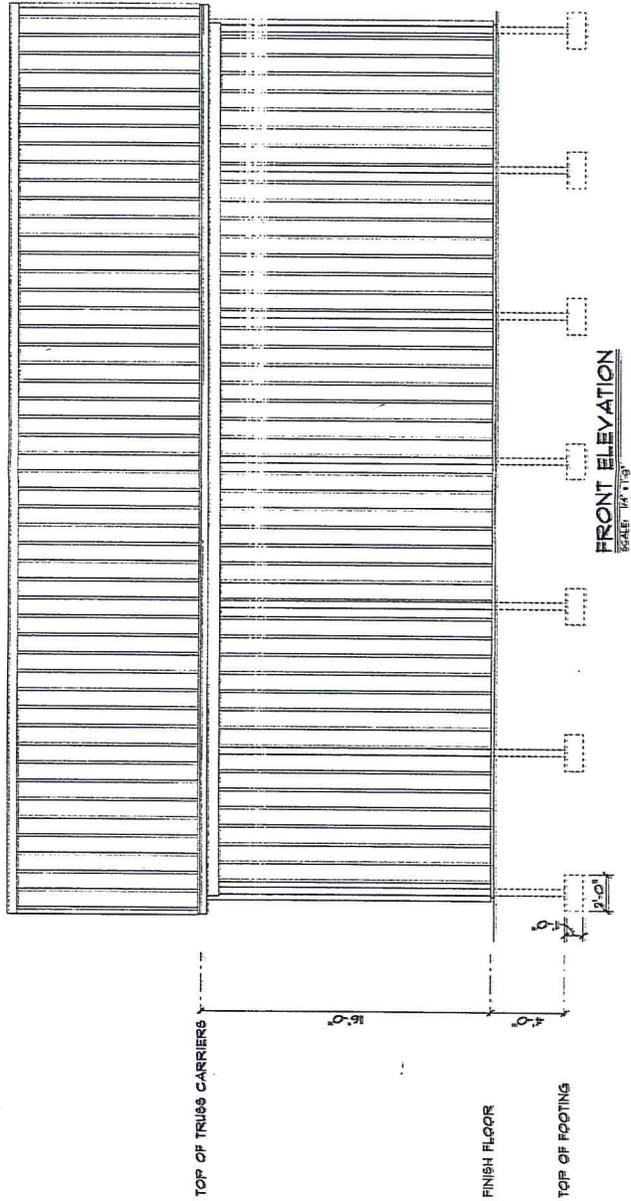
TED
ZYDOR



19051 B.M. RD.
STANWICH,
MICHIGAN 49345
PHONE: 231-823-2088
FAX: 231-823-2545
sterwood@biglumber.com

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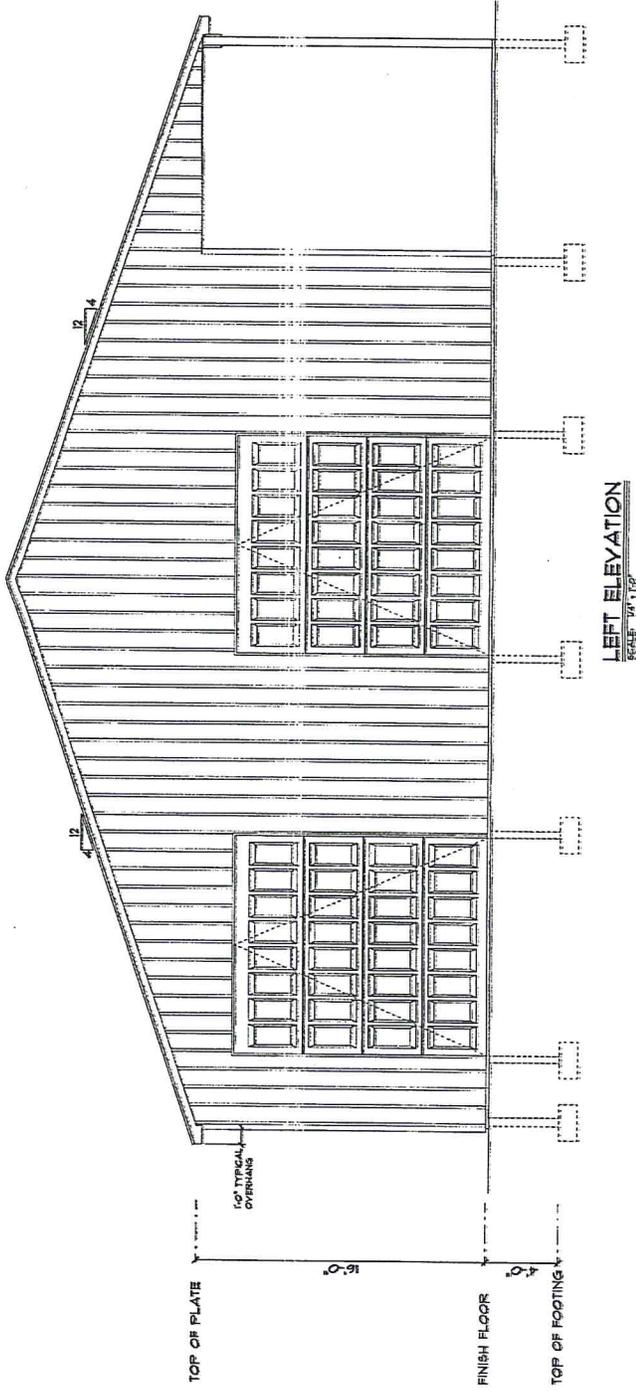
TED
ZYDOR



18051 B LAKE RD
STANWICH
MICHIGAN 49284
BIG L LUMBER
PHONE: 231-423-2008
FAX: 231-423-2843
stanwood@bigl-lumber.com

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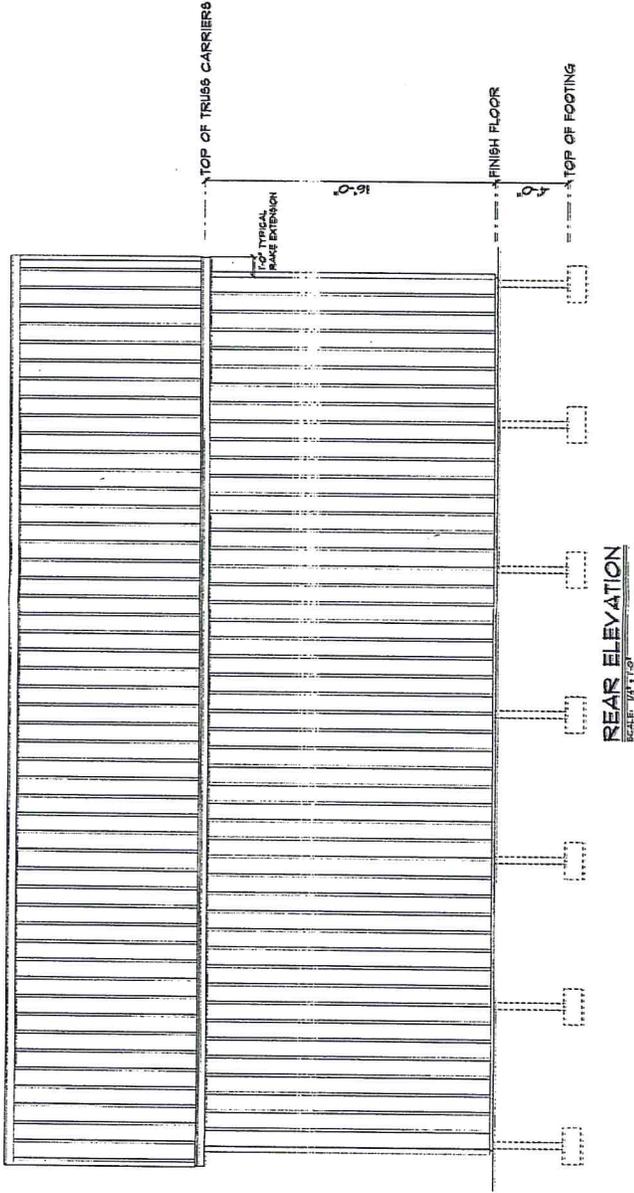
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ZYDOR



1951 S W 2 RD.
STAMPA, MICHIGAN 49318
PHONE: 231-823-2088
FAX: 231-823-2843
stanwood@biglumber.com

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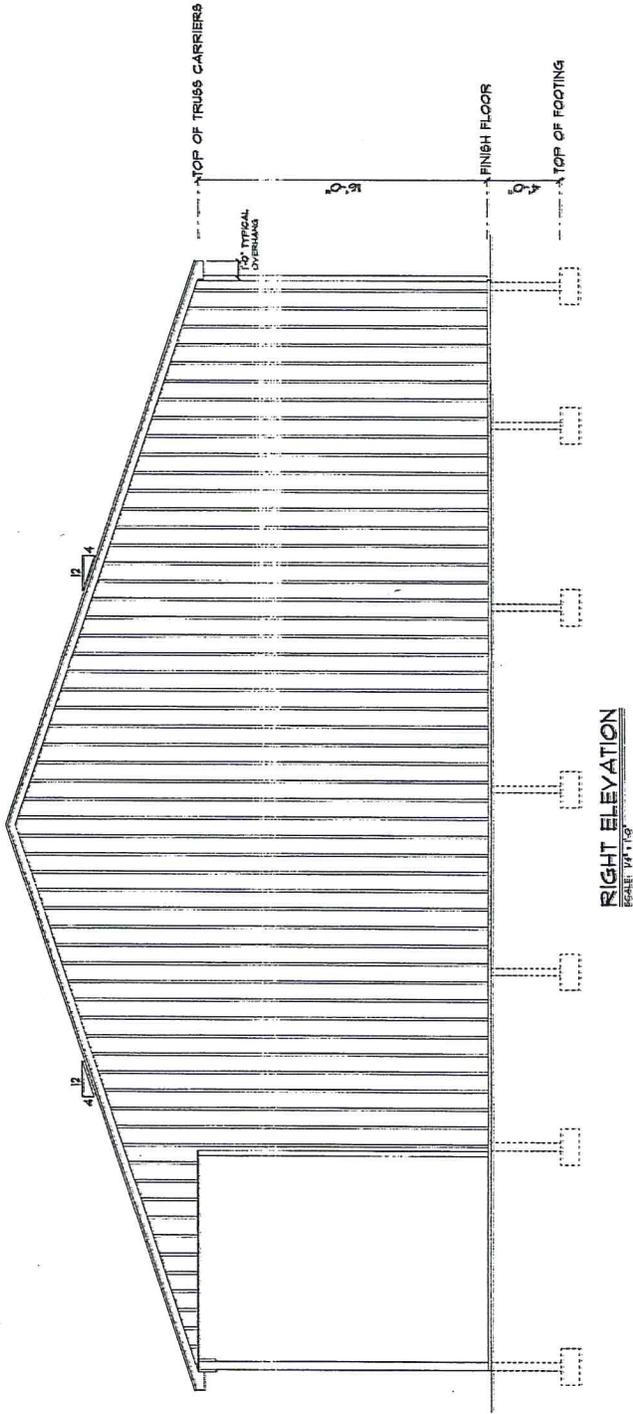
TED
ZYDOR



19051 S MULE RD.
STANWOOD
MICHIGAN 49316
PHONE: 231-423-2088
FAX: 231-423-2943
stanwood@biglumber.com

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FOR CITY USE

Planning Commission Date n/a
Z.B.A. Date 2/19/2020
Date Received 1/27/2020

CITY OF NORTON SHORES, MICHIGAN
VARIANCE REQUEST

NOTE TO APPLICANT

Meetings of the Planning Commission are scheduled on the second Tuesday of each month at the Norton Shores Library, 705 Seminole Road, at 5:30 p.m. The Zoning Board of Appeals Meetings are held on the fourth Wednesday of each month in the Municipal Building, 4814 Henry Street, at 3:30 p.m.

GENERAL REQUIREMENTS

The Zoning Board of Appeals (ZBA) is created to offer reviews and decisions when an interpretation of the Zoning Ordinance or zoning district boundary is questioned, when an order or decision of an administrative official or body is questioned, when the Zoning Ordinance empowers the ZBA to hear specific uses, or when a variance from the strict interpretation of the ordinance is sought to avoid a specific hardship. A hardship must involve a unique situation rather than one that represents a minor inconvenience. The ZBA is not a legislative body, it does not have the power to rezone or change uses. Any decision of the ZBA must comply with the basic spirit (intent) of the ordinance while maintaining the public health, safety and welfare of the area and the community at large. If the request represents a significant change from the established intent, then an amendment to the Zoning Ordinance may be the proper solution.

In order to expedite a request, certain basic information must be submitted to allow ZBA members the opportunity to properly understand and consider the request. When providing the required information, the applicant may attach additional or supplemental information if deemed useful.

REQUIRED INFORMATION

I. Name of Applicant requesting ZBA Review and Opinion

Name(s) Theodore L Zydor Jr

Address(s) 146 Farr Rd Norton Shores MI 49444

Phone(s) 231-206-5360

II. Location of Property

Street name and number:

146 Farr Rd Norton Shores MI 49444

A drawing(s) indicating the following information shall also be attached to the application (such drawing shall be to scale):

1. A drawing of the subject site, lot, etc., with property line dimensions.
2. The size and location of existing buildings and specific uses on the site.
3. The size and location of any proposed buildings and/or uses on the subject site.
4. Existing buildings and/or uses on adjacent properties.
5. Existing and proposed setbacks to buildings on the subject site and to buildings on adjacent parcels along any common property lines.
6. Such building or structural elevations and/or floor plans that may be important in determining particular building heights, use areas and/or site development needs.
7. Photographs or other exhibits if you feel they aid in clarifying your request.

III. Nature of Request

Summarize the question or problem and reference the specific section(s) of the ordinance which is involved, (for example: The lot is located in an R-2 Single Family Residential District which requires a minimum side yard of seven (7) feet with the total of both yards equaling at least 17 feet, Article Eight of the Zoning Ordinance. Applicant wishes to reduce the eastern setback to four (4) feet, the setback to the west will be 13 feet which provides a total of 17 feet. Therefore, applicant requests a variance from the minimum seven (7) foot setback only).

The challenge I face as the land owner is the city ordinance based on square footage and height of an out building. Applicant wishes to increase the size and height of the barn to accommodate a large 5th wheel camper and store a boat and snowmobile trailer inside the same structure.

IV. Effect of Request on Applicant

What specific problem(s) would be created to the petitioner if the request is not granted?
What are the unique conditions that apply to the property or request as opposed to other properties in the area and the City at large?

If the variance not granted the poll barn in question will not be large enough to house the 5th wheel camper for which I am building the barn.

The unique condition that I have is I own aprox 5 1/2 acres but only have 190' across the property and 1320' deep.

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?
Very minimal, I have a huge horse barn to the west and 10 acres to the east.

2. If the variance is allowed, what effect will there be regarding the increased population density thus generated on available governmental facilities?
zero

3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?
No

4. Can the difficulty be obviated by some feasible method, other than a variance?
No

5. Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance?
Yes

6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?
The chalange I face as the land owner is the city ordance based on square footage and height.

PROCESSING PROCEDURE

Residential Requests

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, residential requests will be scheduled to appear before the ZBA. This will occur only when it is found that the application is complete and all information is included.
- II. The ZBA will hold the public hearing at their next scheduled meeting. Following the hearing, the ZBA may take the following actions:
 - A. Approve the request subject to the terms and conditions set forth in the application.
 - B. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
 - C. Deny the request as not being in the public interest and as not being contrary to the basic spirit and intent of the Zoning Ordinance.
 - D. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

Non-Residential Requests

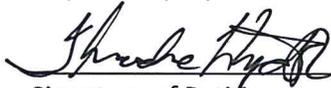
- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete and all information is included.
- II. At the Planning Commission meeting, a review and discussion of the request will be held. The Planning Commission will then make a recommendation to the ZBA on whether or not the variance should be granted. Their recommendation will be based on the finding of "practical difficulties" from a planning standpoint.
- III. The ZBA will hold the public hearing at their next scheduled meeting and take into consideration the Planning Commission's recommendation. Following the hearing, the ZBA may take the following actions:
 - A. Approve the request subject to the terms and conditions set forth in the application.

- B. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
- C. Deny the request as not being in the public interest and as not being contrary to the basic spirit and intent of the Zoning Ordinance.
- D. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

ACKNOWLEDGEMENT AND CERTIFICATION

It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that any approval of the Planning Commission and ZBA involving site improvement use and/or construction does not relieve the applicant from obtaining other applicable authorizations, (for example: site plan, building and safety and engineering approval, etc.).

The applicant(s) also understands that the submission of incomplete or inaccurate information will only result in delays. The applicant (s) also grants permission to authorized Planning Commission, Zoning Board of Appeals and City staff members to access the above referenced site address for inspection purposes.

 1/27/2020

 Signature of Petitioner Date

 Signature of Owner if Date
 If different than petitioner