



September 4, 2019

Zoning Board of Appeals Meeting September 25, 2019

SUBJECT: Variance Request
2228 Columbus Avenue
Article VI Accessory Uses
Section 48-1081

Chairman and Members
of the
Zoning Board of Appeals

Ladies and Gentlemen:

Gary Patterson is requesting a variance for the construction of a front porch structure that is 20.5 feet from the front yard property line, a variance of 4.5 feet from the required 25 feet for the R-2 Single Family Residential district. The use of the property will remain single family residential.

Staff has reviewed the request and notes that the front porch will be 288 square feet and will meet all other dimensional standards as required in City Ordinance. The applicant has provided additional materials of other properties in the City that have front porches closer to the centerline of the road than what he is proposing.

A prepared resolution is attached for the Board's use.

Sincerely,

Ted Woodcock
Planning and Zoning Administrator

TSW/sr
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 Gary Patterson to construct a 288 square foot front porch that is 20.5 feet from the front property line, a variance of 4.5 feet from the minimum of 25 feet as allowed by City Ordinance on the premises at 2228 Columbus Ave.

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 25th day of September 2019, 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

September 16, 2019

TO: Zoning Board of Appeals Members
FROM: Ted Woodcock, Planning and Zoning Administrator TSW
SUBJECT: Variance Request, 2228 Columbus Avenue

Following please find comments regarding the variance request for the Patterson residence at 2228 Columbus Avenue

MASTER PLAN

The current zoning of the property at 2228 Columbus Avenue is R-2 Single-Family Residential. The Master Plan states that this property is to be zoned for "Medium Density Residential", which is compatible with the R-3 & R-4 Single-Family Residential zoning districts. R-2 is intended for a higher density area, however the surrounding neighborhood is also zoned R-2 Single Family Residential. The variance would not affect the zoning district nor existing use of the property.

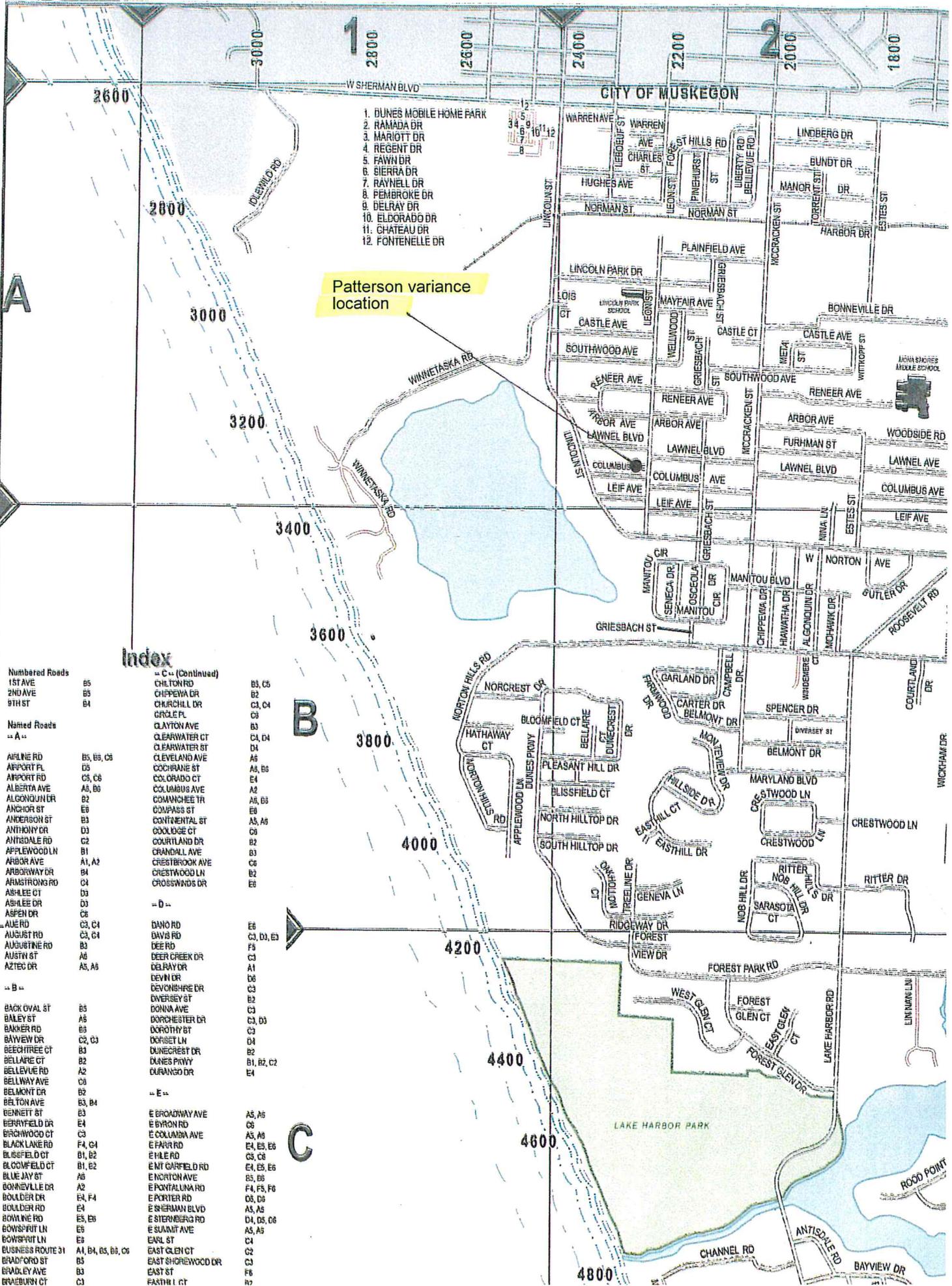
LAND USE

This property is in a relatively dense area of the City, with a few main roads with side streets that have single family homes. The adjacent parcels to the variance request property are all single family residential in nature with Lincoln Park Elementary school located approximately one-third of a mile to the north from the Columbus Avenue address.

COMMENTS & NATURE OF VARIANCE REQUEST

The applicant is seeking a shorter front setback distance so he can place a front porch renovation/addition to the existing home. On the site plan that was provided the applicant gave measurements from the centerline of Columbus. On a typical road in the City of Norton Shores, there is a 66-foot road right of way from one property to the another on the opposite side of the road, resulting in a 33-foot mark at the "centerline" of the road. When that 33-foot mark is subtracted from the front setback that he provided, it would result in a 20.5-foot front yard setback, a variance of 4.5 feet from the required 25 foot as required in City Ordinance.

The applicant also provided examples of other circumstances in the City of Norton Shores where there are porches that are closer to the centerline of the road than his renovation/addition is proposed to be. A review of the City's records show that none of these properties received a variance to construct a front porch closer to the property lines as the applicant is requesting now.



1. DUNES MOBILE HOME PARK
2. RAMADA DR
3. MARIOTT DR
4. REGENT DR
5. FAWN DR
6. SIERRA DR
7. RAYNELL DR
8. PEMBROKE DR
9. DELRAY DR
10. ELDOURO DR
11. CHATEAU DR
12. FONTENELLE DR

Patterson variance location

Index

Numbered Roads		-- C -- (Continued)	
1ST AVE	B5	CHLTON RD	B5, C6
2ND AVE	B5	CHIPPEWA DR	B2
9TH ST	B4	CHURCHILL DR	C3, C4
		GRGLE PL	C6
Named Roads		CLAYTON AVE	B3
-- A --		CLEARWATER CT	C4, C4
AIRLINE RD	B5, B5, C6	CLEARWATER ST	D4
AIRPORT FL	D5	CLEVELAND AVE	A6
AIRPORT RD	C5, C6	COCHRANE ST	A5, B5
ALBERTA AVE	A5, B6	COLORADO CT	E4
ALGONQUIN DR	B2	COLUMBUS AVE	A2
ANCHOR ST	E6	COMANCHE TR	A5, B5
ANDERSON ST	B3	COMPASS ST	E6
ANTHONY DR	D3	CONTINENTAL ST	A5, A6
ANTISDALE RD	C2	COOKIDGE CT	C6
APPLEWOOD LN	B1	COURTLAGE DR	B2
ARBOR AVE	A1, A2	GRANDALL AVE	B3
ARBORWAY DR	B4	CRESTBROOK AVE	C6
ARMSTRONG RD	C4	CRESTWOOD LN	B2
ASHLEE CT	D3	CROSSWINDS DR	E6
ASHLEE DR	D3		
ASPEN DR	C6	-- D --	
AUE RD	C3, C4	DANO RD	E6
AUGUST RD	C3, C4	DAVE RD	C3, D3, E3
AUGUSTINE RD	B3	DEE RD	F6
AUSTIN ST	A6	DEER CREEK DR	C3
AZTEC DR	A5, A6	DELRAY DR	A1
		DEVIN DR	D6
-- B --		DEVONSHIRE DR	C3
BACK OVAL ST	B5	DIVERSEY ST	E2
BAILEY ST	A5	DONNA AVE	C3
BANNER RD	B6	DORCHESTER DR	C3, D3
BAYVIEW DR	C2, C3	DOROTHY ST	C3
BEECHTREE CT	B3	DORSET LN	D4
BELLARE CT	B2	DUNECREST DR	B2
BELLEVUE RD	A2	DUNES PKWY	B1, B2, C2
BELLWAY AVE	C6	DURANGO DR	E4
BELMONT DR	B2		
BELTON AVE	B3, B4	-- E --	
BENNETT ST	B3	E BROADWAY AVE	A5, A6
BERRYFIELD DR	E4	E BYRON RD	C6
BIRCHWOOD CT	C3	E COLUMBIA AVE	A5, A6
BLACK LAKER RD	F4, C4	E FAIR RD	E4, E5, E6
BLISSFIELD CT	B1, B2	E HILE RD	C3, C6
BLOOMFIELD CT	B1, E2	E INT GARFIELD DR	E4, E5, E6
BLUE JAY ST	A6	E NORTON AVE	B5, B6
BONNEVILLE DR	A2	E PONTALUNA RD	F4, F5, F6
BOULDER DR	E4, F4	E PORTER RD	D6, D6
BOULDER RD	E4	E SHERMAN BLVD	A5, A5
BOWLINE RD	E5, E6	E STERNBERG RD	D4, D5, D6
BOWSPRIT LN	E5	E SUAMIT AVE	A5, A5
BOWSPRIT LN	E5	EARL ST	C4
BOWSPRIT LN	E5	EAST GLEN CT	C2
BUSINESS ROUTE 31	A1, B4, B5, B6, C6	EAST SHOREWOOD DR	C3
BRADFORD ST	B5	EAST ST	C6
BRADLEY AVE	B3	EAST ST	C6
BRAEBURN CT	C3	FAITH I CT	B7

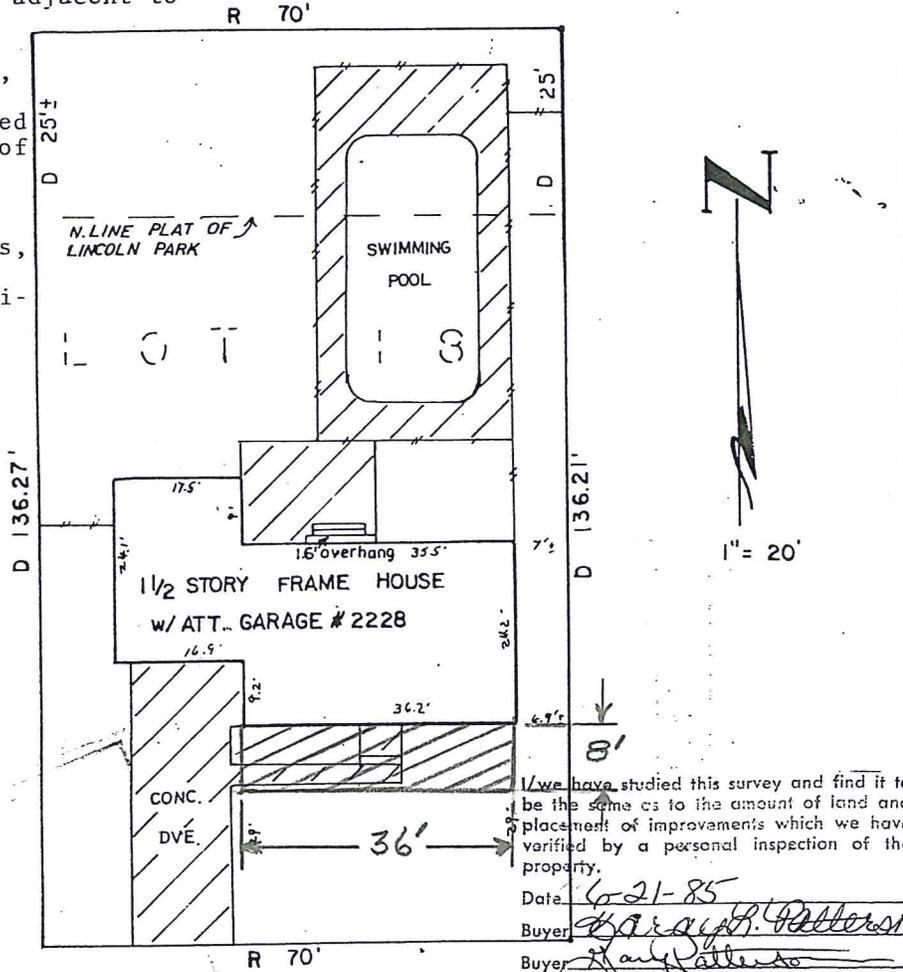
WESTSHORE ENGINEERING & SURVEYING, INC.

MORTGAGE INSPECTION

FOR: Waterfield Mortgage Company

RE: Gary Patterson

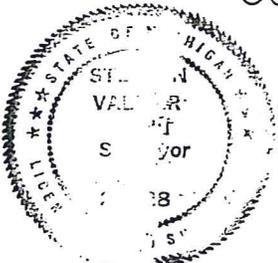
DESCRIPTION: Lot 18, Plat of Lincoln Park, Section 2, T9N, R17W, City of Norton Shores, together with a Parcel of land 25 feet wide lying North of and adjacent to said Lot 18, Plat of Lincoln Park, Except any part contained within part of Lincoln Park Northeast. City of Norton Shores, Muskegon County, Michigan.



I/we have studied this survey and find it to be the same as to the amount of land and placement of improvements which we have verified by a personal inspection of the property.

Date: 6-21-85
 Buyer: Gary Patterson
 Buyer: Gary Patterson

COLUMBUS AVE. 66' R/W - ASP.



LEGEND

- +—+— FENCE
- FOUND IRON
- R RECORD
- D DEED
- · — · — UTILITY LINE

Waterfield Mortgage Company

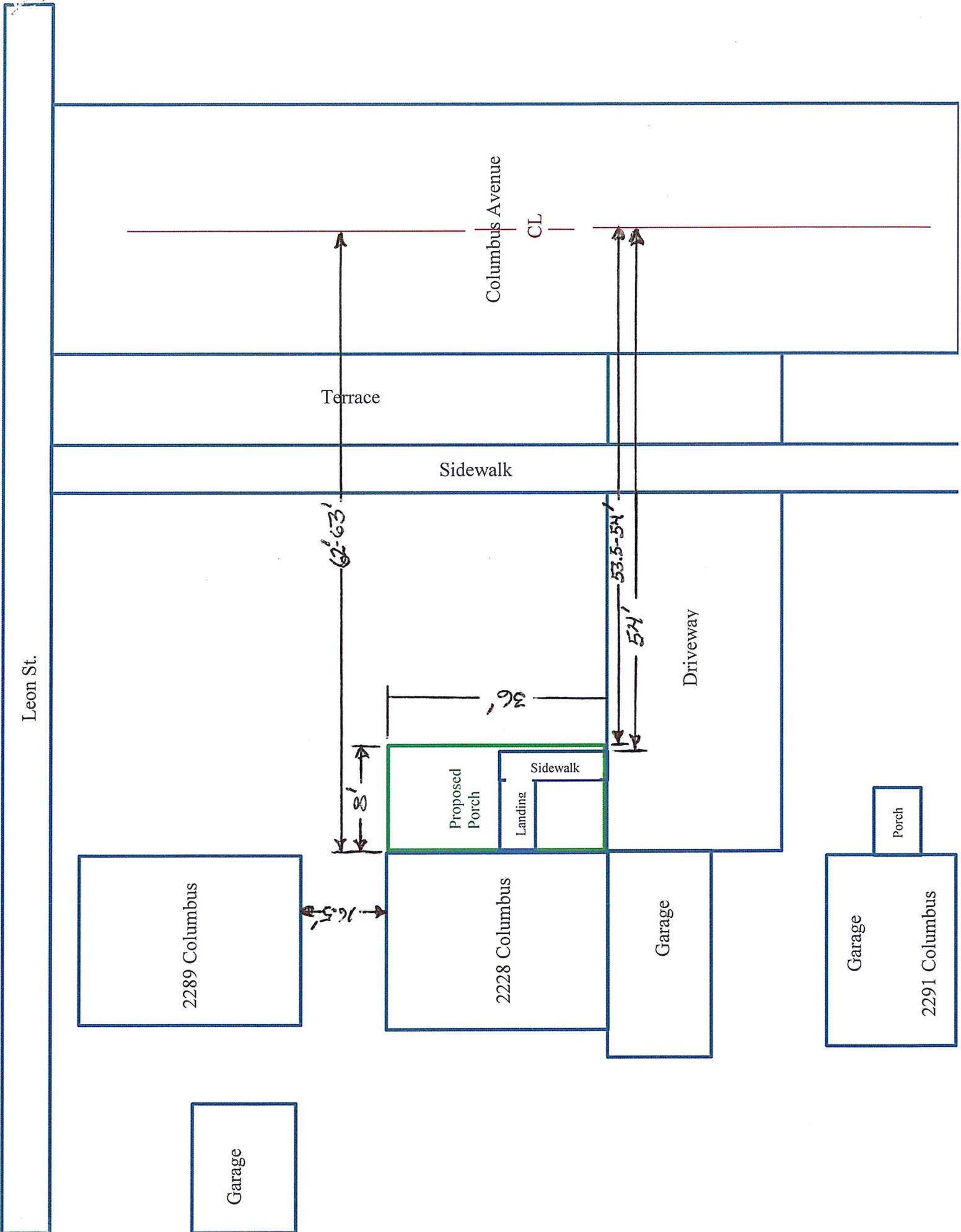
I HEREBY DECLARE TO Waterfield Mortgage Company THAT THE PROPERTY AS DESCRIBED AND SHOWN HEREIN HAS BEEN INSPECTED AND THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE BUILDINGS AND IMPROVEMENTS ARE LOCATED AS SHOWN AND THERE EXISTS NO VISIBLE ENCROACHMENTS UPON SAID PROPERTY UNLESS NOTED AND SHOWN.

THIS INSPECTION WAS PREPARED FOR Gary Patterson AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS REDACTION BY THE SURVEYOR NAMING SAID PERSON. THIS INSPECTION IS NOT A LAND OR BOUNDARY SURVEY AND IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY IMPROVEMENTS.

Stephen V. Viller
 LICENSED LAND SURVEYOR
 2131 E. LAKETON AVE.
 MUSKEGON, MICHIGAN 49442
 PHONE (616) 777-3447

FILE NO. WS-85-205

DATE 5/29/85



Distance (est.):

House (front) to CL of Road: 62-63'

Proposed:

Porch Width: 8'

Porch Length: 36'

Distance between 2228 Columbus and 2116 Leon: 16.5'

From Current Sidewalk to CL of Columbus Ave.: 54'

From Proposed Porch (front) to CL of Road: 53.5-54'

Norton Shores Code: 58'

FOR CITY USE

Planning Commission Date _____
Z.B.A. Date 9/25/19
Date Received 8/12/19

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) Gary and Karay Patterson

Address(s) 2228 Columbus Ave.

Phone(s) 616-594-8201

II. Location of Property

Street name and number:

2228 Columbus Ave.

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 R-2 single family resident district requires a distant from center street to home structure of 58 feet. Homeowner wishes to reduce distant to 53.5 – 54 feet with variance.

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?

Roofed porch would enhance appearance of home structure increasing value to residence. Home adjacent to stated residence has received variance to extend home structure on Leon St. reduced to less than 58 feet. Additionally, several other homes in the area have reduced distance between front porches and center road code requirement of 58 feet (see attached).

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?

A minor reduction in offset by 4 feet from center of road. Comparable homes adjacent to requested home have reduced distance through variance. Several other homes in the immediate area listed also appear to have reduced distances (see attached).

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

None _____

3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?

No, added porch will compliment immediate and surrounding neighborhood with requested variance for porch.

4. Can the difficulty be obviated by some feasible method, other than a variance?

No, variance for porch will extend to current edge of sidewalk extending from front door_of_home_residence.

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?

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

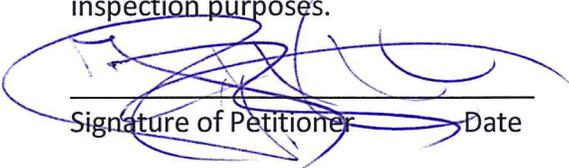
- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete, and all information 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.

	Aug. 12, 2019
Signature of Petitioner	Date

Signature of Owner if If different than petitioner	Date

Past Variance for Extended House Structure

2216 Columbus



Variance Report Comparison with Roofed Porches:

2153 Leif – approx.. 53 feet from road center



3110 Leon – approx.. 46 feet from road center



3500 McCracken – approx.. 40 feet from road center



2162 Norton – approx.. 50 feet from road center

