



November 11, 2019

Zoning Board of Appeals Meeting November 27, 2019

SUBJECT: Variance Request  
4148 Harbor Point Drive  
Article III District Regulations,  
Sec. 48-805

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

David Mayville from BMA Architects is requesting a variance to construct an addition to the front of the Ye residence at 4148 Harbor Point Drive. The addition is to be located not less than 26 feet from the street side front property line, a variance of at most 4 feet from the required 30 feet per R-3 Single Family Residential zoning requirements.

Staff has reviewed the request and notes that this lot is a double frontage lot with frontage on both Harbor Point Drive and Mona Lake. This parcel is located in an established subdivision as well. 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 the Ye's to construct a 480 square foot attached garage addition to be no closer than 26 feet from the street side front yard, a variance of at most 4 feet from the 30-foot setback that is required per City Ordinance for the single-family residential dwelling at 4148 Harbor Point Drive, with the following conditions:

1. The Zoning Administrator is to review and approve the floor plan once submitted to ensure that there is connectivity between the proposed mother-in-law suite and the existing dwelling.
2. That the mother-in-law suite not be rented for revenue to the property owners.

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 27<sup>th</sup> day of November 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

November 19, 2019

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, 4148 Harbor Point Drive

Following please find comments regarding the variance request for the Ye residence at 4148 Harbor Point Drive.

### MASTER PLAN

The current zoning of the property at 4148 Harbor Point Drive is R-3 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 Single-Family Residential zoning district. The surrounding neighborhood is part of the same subdivision as the parcel with the variance request, and is also zoned R-3 Single Family Residential.

### LAND USE

4148 Harbor Point Drive and the other parcels surrounding it all have single family homes, and those on the east side of Harbor Point Drive have frontage on Mona Lake. The applicant is seeking an addition for a covered location to store a recreational vehicle (RV), as well as a mother-in-law suite area for when the property owner's family comes to visit from out of the country. The proposed variance will have no effect on the current use of the home as it is to remain a single-family residence.

As long as the home and mother-in-law suite were to be used by family members only and not rented out, the entire dwelling is considered to be a single-family structure. If at some point in the future the home gets a new owner, they would not be allowed to rent out the mother-in-law suite of the area as the new tenants would not fall under the City ordinance definition of a "family".

### COMMENTS

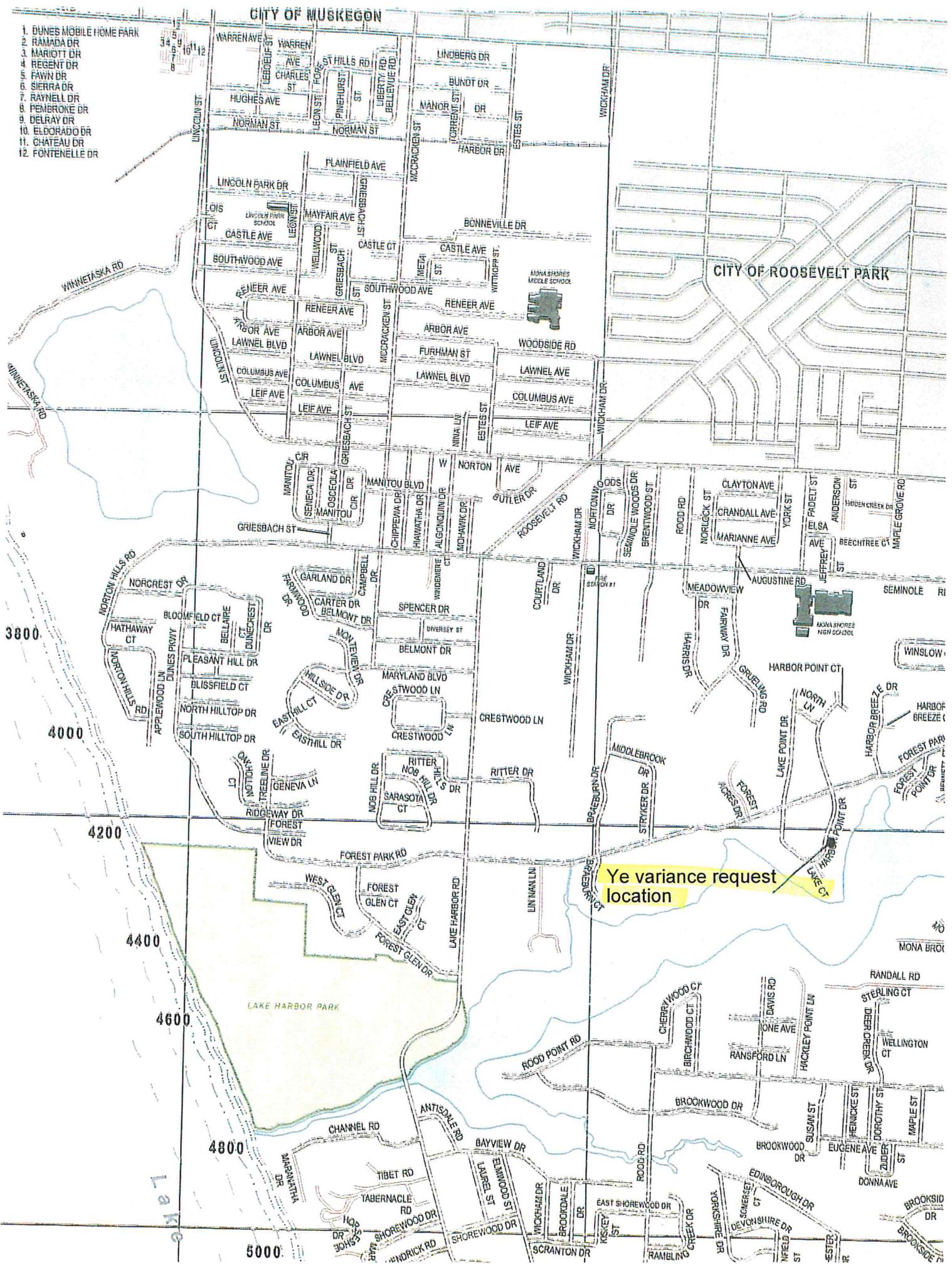
After speaking with the Building Official about the mother-in-law suite, the suite must have access to the existing dwelling in order to constitute an addition to the single-family dwelling. If the mother-in-law suite area does not have the required connection, then it could be considered a separate dwelling, and two (2) residential dwellings are not allowed in the R-3 Single Family Residential zoning district per City ordinances.

The Zoning Board of Appeals may consider adding a condition of approval that floor plans must be approved by the Zoning Administrator to ensure that there is a connection from the proposed mother-in-law suite section of the addition to the existing dwelling.

CITY OF MUSKEGON

- 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. ELDERADO DR
- 11. CHATEAU DR
- 12. FONTENELLE DR

CITY OF ROOSEVELT PARK



Ye variance request location

3800

4000

4200

4400

4600

4800

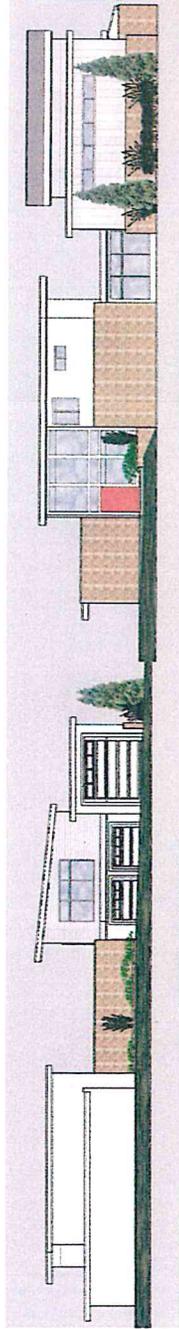
5000

Lake Harbor

LAKE HARBOR PARK

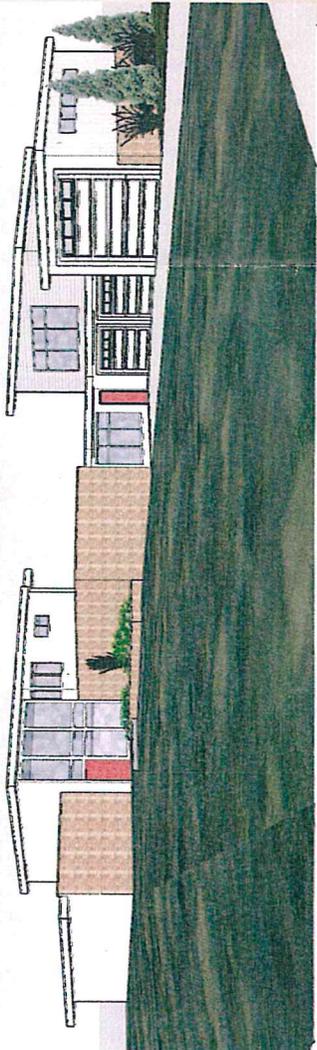
ASHA SHORES HIGH SCHOOL

ASHA SHORES MIDDLE SCHOOL



1 NORTH ELEVATION  
NOT TO SCALE

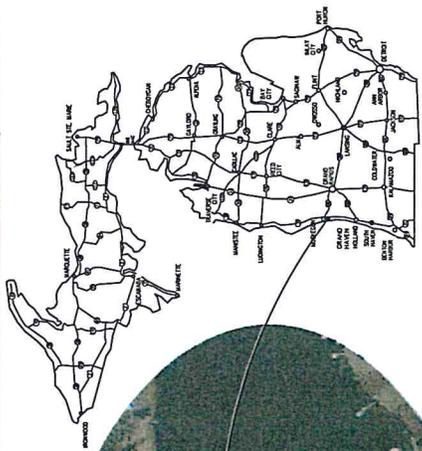
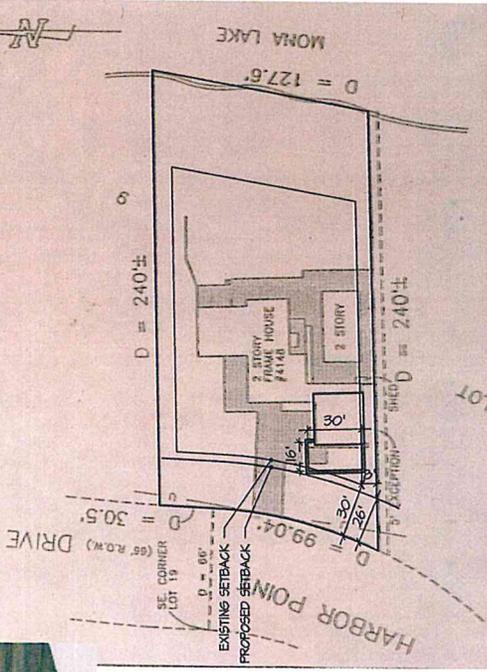
2 WEST ELEVATION  
NOT TO SCALE



WESTSHORE ENGINEERING & SURVEYING, INC.  
MORTGAGE INSPECTION

FOR: FNB LUMBERMAN'S BANK  
RE: RONALD A. FRANKLIN & BARBARA O. FRANKLIN  
FURNISHED DESCRIPTION: PER SUPERVISOR'S PLAT OF LAKE HARBOR POINT, PART OF LOT 9, DESCRIBED AS: COMMENCING AT A CONCRETE MONUMENT WHICH IS 66 FEET SOUTH 88 DEGREES 28 MINUTES EAST OF HARBOR POINT DRIVE, 99.04 FEET, THENCE SOUTH 88 DEGREES 32 MINUTES EAST 240 FEET MORE OR LESS TO THE SHORE OF MONA LAKE, RECORD 88 DEGREES AT THE POINT OF BEGINNING, THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF HARBOR POINT THE SHORE OF MONA LAKE 127.6 FEET, THENCE SOUTH 10 DEGREES 12 MINUTES WEST ALONG THE SHORE OF MONA LAKE 127.6 FEET TO THE INTERSECTION OF THE FIRST DESCRIBED LINE, EXCEPT THE SOUTH 5 FEET THEREOF, LOCATED IN CITY OF NORTON SHORES, COUNTY OF MUSKEGON, STATE OF MICHIGAN.

THE STRUCTURES ON THE SUBJECT PROPERTY DO NOT LIE WITHIN A DESIGNATED FLOOD PLAIN OF RECORD.



SITE LOCATION MAP  
NOT TO SCALE



CONCEPTUAL DESIGN  
10.29.19



PROPOSED HOME ADDITION FOR:  
4148 HARBOR POINT DR. NORTON SHORES



architecture | construction services

17216 Van Wagoner Road, Spring Lake, MI., 49456

Ph. 231.798.2334 | [www.BMAarch.com](http://www.BMAarch.com)

City of Norton Shores  
Zoning Board of Appeals  
Norton Shores, MI 49441

October 29, 2019

Re: Variance Request for property: 4148 Harbor Point Dr., Norton Shores, MI 49441.

To Whom It May Concern:

We are requesting a variance for the property, 4148 Harbor Point Dr., Norton Shores, MI 49441. The lot is located in the R-3 Single Family Residential District, with the addition restriction of, the property is located in a shorelands development area placing the shoreline side as a second front setback and no rear yard. Applicant wishes to reduce what would now be termed the street side front setback to not less than 26'.

With the need to find storage for a presently owned RV, a proposed well designed addition, will provide RV storage and coverage from the elements, and eliminate a visual nuisance for the neighbors. Locating suitable RV storage in the Norton Shores vicinity has been exhausted with no suitable solution forthcoming. The addition will not only preserve the RV but also keep it out of sight.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.J. Mayville'.

David J. Mayville, AIA, NCARB, LEED © A.P.  
BMA ARCHITECTS, P.C.

FOR CITY USE

Planning Commission Date \_\_\_\_\_

Z.B.A. Date 11/27/19

Date Received \_\_\_\_\_

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) Dr. Ken Ye and Mrs. Lindsay Ye

Address(s) 4148 Harbor Point Dr. Norton Shores, MI 49441

Phone(s) \_\_\_\_\_

II. Location of Property

Street name and number:

4148 Harbor Point Dr.

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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 lot is located in the R-3 Single Family Residential District with yard setbacks as follows; Front 30', Least side 8' w/ total of 18', Rear 40', with the addition restriction of, the property is located in a shorelands development area establishing the waterfront side as a second front yard with a minimum setback of 50'. Applicant wishes to reduce what would be termed the street side front setback to not less than 26'. In addition to further enhance the usability of the space and quality of the design a 600 sf. in-laws suite with direct access to the main structure is to be located above existing garage area.

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?

With a growing family increased storage and a need to be able to store the presently owned RV for both security and preservation as well as decreasing the visual nuisances for the neighbors. Locating suitable storage in the Norton Shores vicinity has been exhausted and therefore providing adequate covered storage would both preserve the RV and lessen the impact of its on-site storage.

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?  
This variance request only effects one side of the current zoning setback which would be the street side setback from 30' to not less than 26' .
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?  
By introducing a tastefully designed addition to the uniquely design home which exists on the property the value of this property and those adjoining would likely increase not decrease.
4. Can the difficulty be obviated by some feasible method, other than a variance?  
Exploration of other avenues for storage possibilities has been taken with no suitable solution forthcoming.
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, given the above arguments allowing the variance would be in every ones best interest.
6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?  
The location of existing structure in relationship to the prescribed setbacks does not allow for an expansion or addition to the road side away from the shoreline of the property.

## 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.

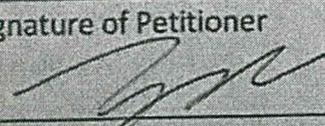
**ACKNOWLEDGEMENT AND CERTIFICATION**

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.

Digitally signed by David J. Mayville AIA  
 NCARB Lead AP  
 DN: cn=David J. Mayville AIA NCARB Lead  
 AP, ou=AP, o=APMA Architects P.C.,  
 email=dmayville@apmaarch.com  
 Reason: I am the author of the document  
 Date: 2019.10.11 10:23:05 -0400

Signature of Petitioner \_\_\_\_\_ Date \_\_\_\_\_



10-11-2019

Ken Ye

Signature of Owner if \_\_\_\_\_ Date \_\_\_\_\_  
 If different than petitioner