

RESOLUTION

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

A Variance to allow Westwind Construction to construct a residential dwelling on the premises at 593 Lakeshore Blvd. 4 feet the required front yard property line as opposed to the minimum 25 feet setback as required by City Ordinance, and 15'3" total side yard setback, a variance of 9" from the required 16' as required by City Ordinance.

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 \_\_\_\_ day of \_\_\_\_\_, 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

July 5, 2019

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator *TW*

SUBJECT: Variance Request, 593 Lakeshore Blvd.

Following please find comments regarding the Variance request for the Bradshaw residence.

### MASTER PLAN

The current zoning of the property at 593 Lakeshore Blvd. is R-1 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. As currently zoned, the property is intended for a higher density residential use, however, the "Medium Density Residential" designation is intended for a more intense residential use (multi-family developments, apartments, etc.) It is my determination that the property is consistent with the Master Plan due to there being a single-family residential use that will remain there and that as currently zoned, the intended use is a more intense residential use than what is currently occurring at the property.

### LAND USE

This property is located in the Mona Beach development, which consists of single-family residential dwellings. Dwellings include year-round residences, as well as seasonal cottages.

### COMMENTS

The applicant is seeking to remove the entire foundation of the existing structure and move the structure north/northeast toward the road with a vestibule that will be 4' from the front property line instead of the required 25' in R-1 single-family residential. The sight lines are shown on the site plan and the requested variance appears to not impede on either the street side nor lake side sight lines.

The proposed structure meets one of the two side yard setbacks per City Ordinance. In the R-1 zoning district, the side yard setbacks are a minimum of one side being at least 6' with a combined total of both side yard setbacks being no less than 16'. The structure appears to meet the minimum 6' side yard setback with one of their sides, however, when added together the total side yard setback is 15'3" instead of the required 16'.





June 28, 2019

Zoning Board of Appeals Meeting July 24, 2019

SUBJECT: Variance Request  
593 Lakeshore Blvd.  
Article III District Regulations  
Section 48-805

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

Westwind Construction is requesting two variances for the construction of a single-family residential structure that is 4 ft. from the front yard property line, a variance of 21 ft. from the required 25 ft. for the R-1 Single Family Residential district, and to have the structure be a combined 15'3" from side yard property lines, a variance of 9" from the required 16' minimum as required by the City Ordinance.

Staff has reviewed the request and notes that the sight lines on the lake side meet the Ordinance requirement, as well as the Ordinance requirements for maximum building height, minimum floor area, and maximum lot coverage. The applicant has provided additional materials of adjacent properties for your consideration as well.

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

FOR CITY USE

Planning Commission Date \_\_\_\_\_  
Z.B.A. Date 7/24/19  
Date Received 6/11/19; rev. 6/27/19

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) Anthony Davis

Address(s) 1435 Fulton St. Grand Haven MI. 49417

Phone(s) (616)502-6737

II. Location of Property

Street name and number:

593 Lakeshore Blvd. 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).

Lot is zoned R-1 and requires a 25' front yard setback. Requesting a variance to build to within 4' 0" of the property line and maintain more than 25' of distance from the existing edge of pavement. Additionally requesting to maintain current non-conforming sideyard setback totaling 15'-3 1/4" and minimum distance of 6'-9 1/2".

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?

Resident would be unable to move forward with building improvements as designed. Improved living conditions for an elderly resident would be limited. Neighboring non-conforming structures are imposing a larger burden on this lot than is due. Unused right of way allows for proposed structure to maintain an appropriate distance from the edge of pavement.

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?  
Existing structure is non conforming at 18' 7" from property line. Additional variance would provide 14' more to the envelope and allow an entry vestibule to be constructed.
2. If the variance is allowed, what effect will there be regarding the increased population density thus generated on available governmental facilities?  
Zero impact to population density due to approved variance.
3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?  
No substantial change will affect the character of the neighborhood and all lines of sight between neighbors will be maintained and observed.
4. Can the difficulty be obviated by some feasible method, other than a variance?  
Lot size and location restrict the potential of this site and no other option has been found.
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?  
This variance will bring increased justice for a resident wishing to improve her property.
6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?  
The circumstances are unique to this neighborhood and specifically to this land owner. She has had no part in the creation of the issues but wishes to work to better the neighborhood and her living conditions.

## 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**

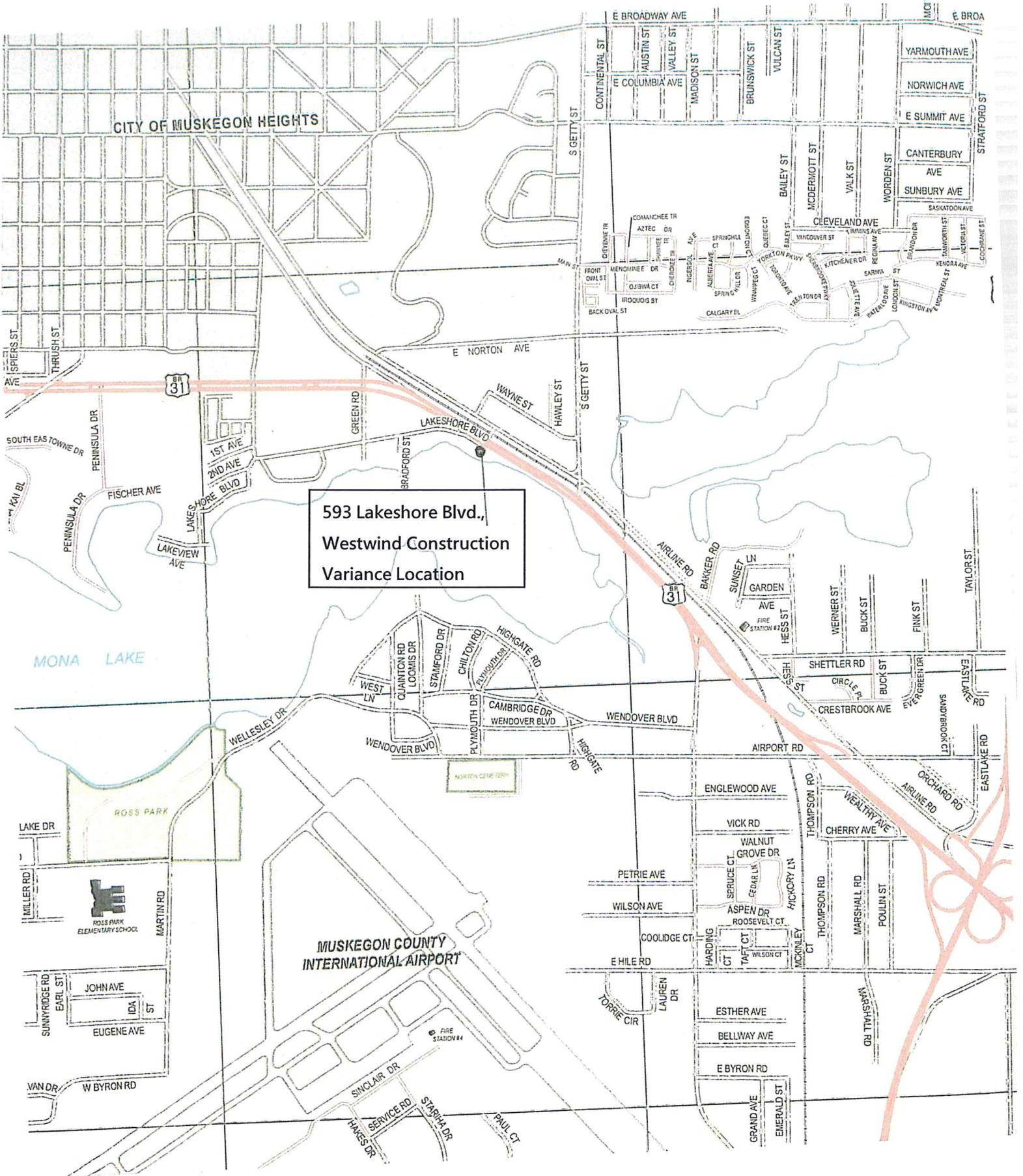
It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that any approval of the Planning Commission and ZBA involving site improvement use and/or construction does not relieve the applicant from obtaining other applicable authorizations,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

Signature of Petitioner	Date
Signature of Owner if If different than petitioner	Date

6/27/19

6-27-19



593 Lakeshore Blvd.,  
Westwind Construction  
Variance Location

CITY OF MUSKEGON HEIGHTS

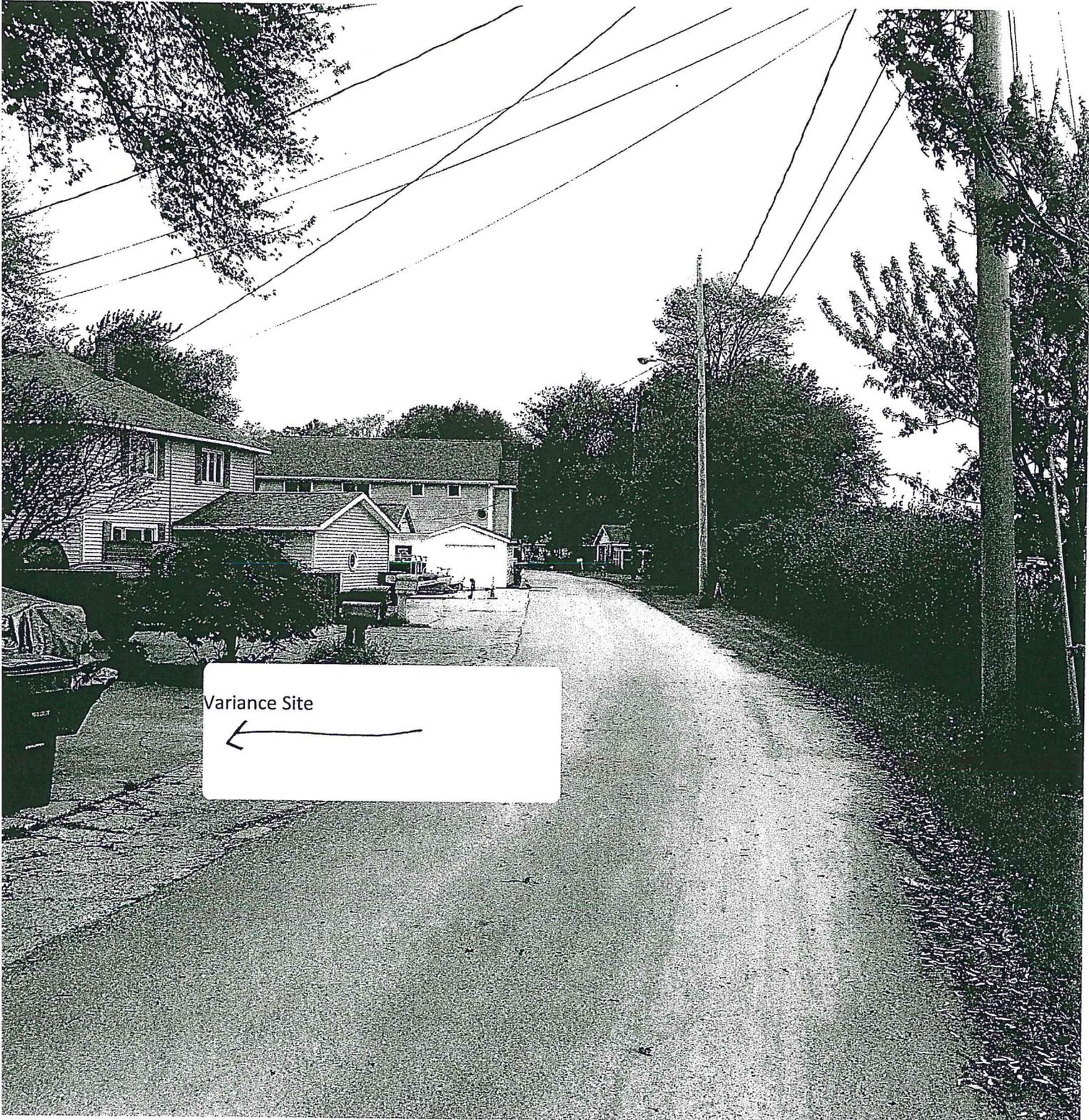
MUSKEGON COUNTY  
INTERNATIONAL AIRPORT

ROSS PARK

MONA LAKE

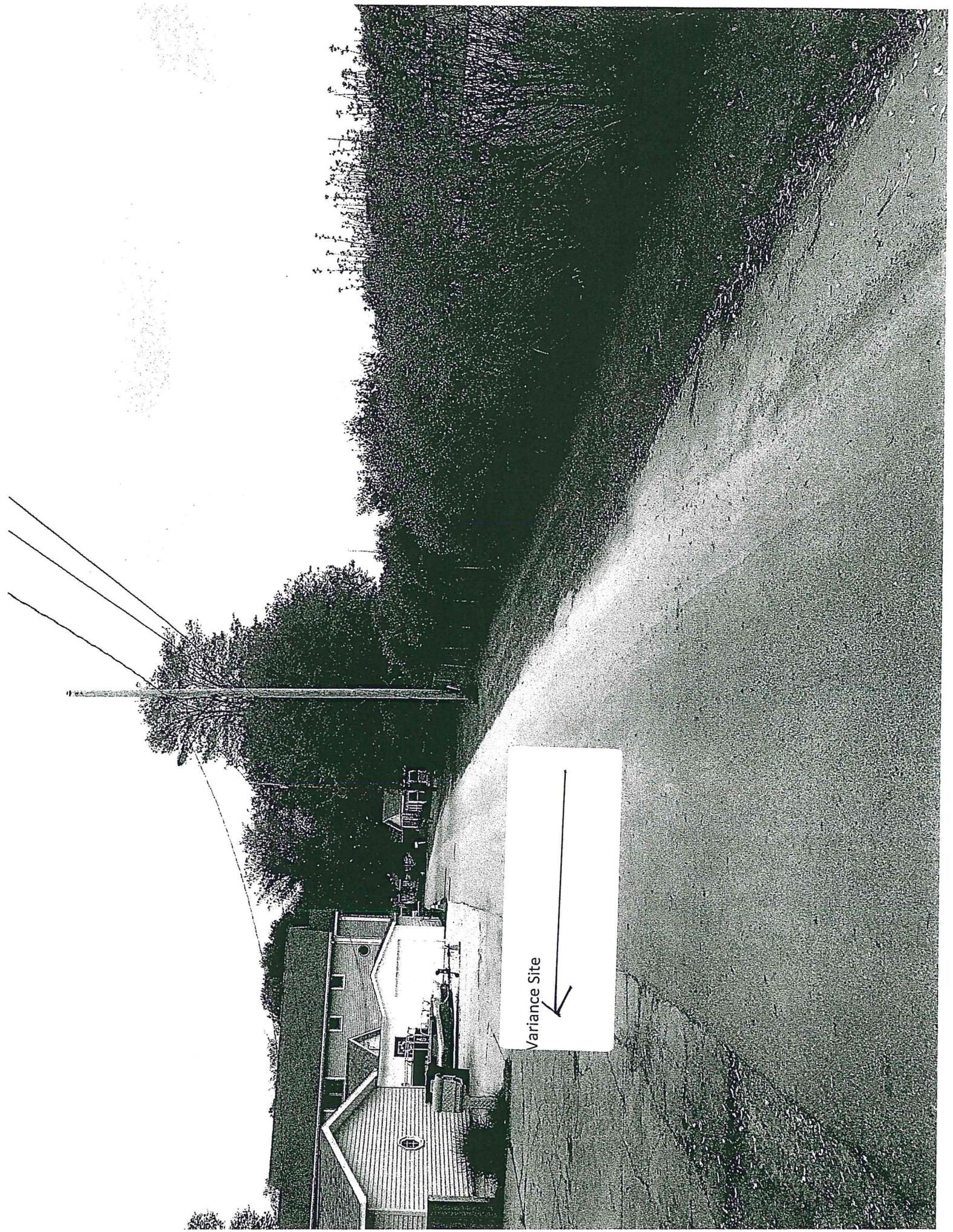
ROSS PARK  
ELEMENTARY SCHOOL

FIRE STATION #4



Variance Site





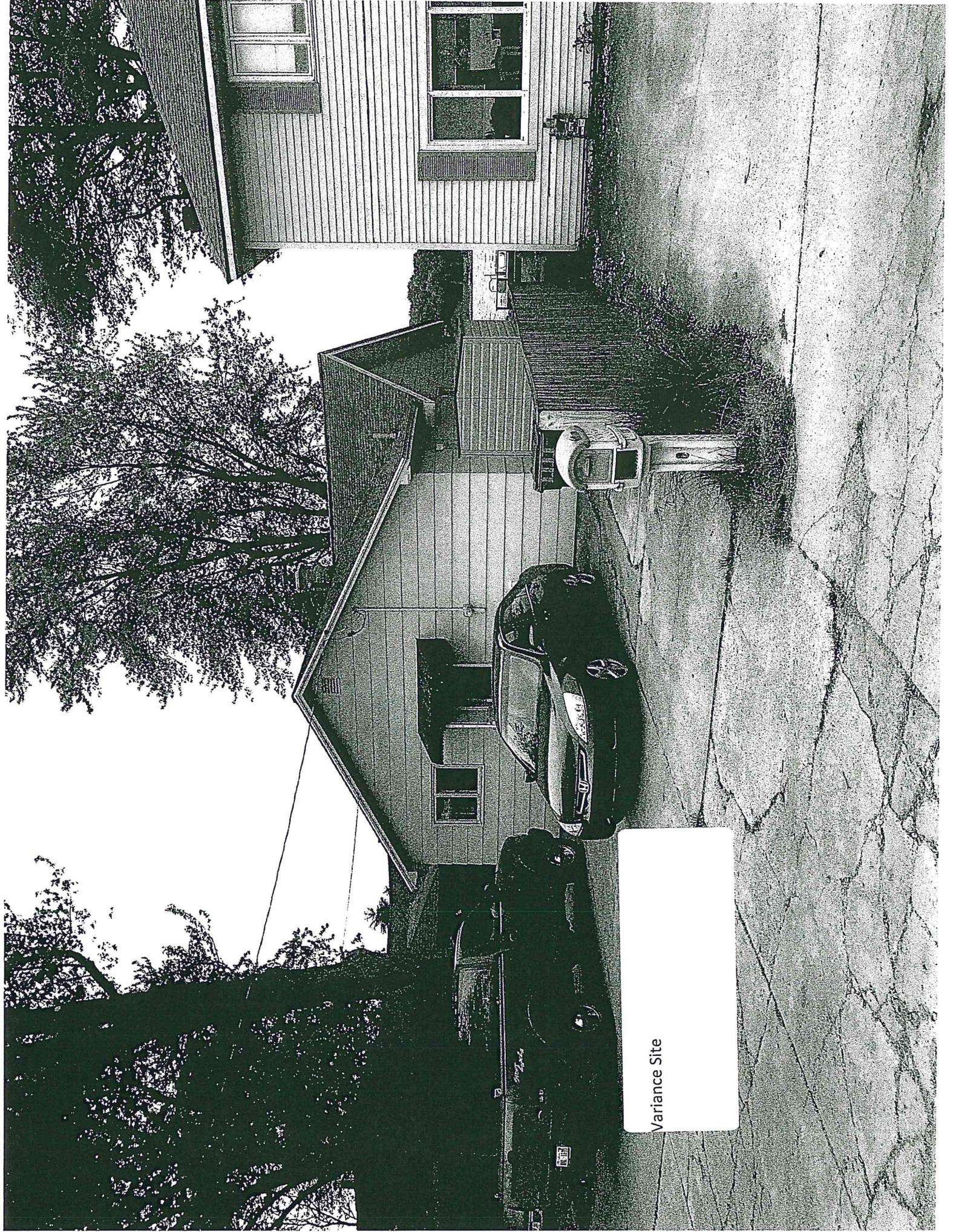
Variance Site



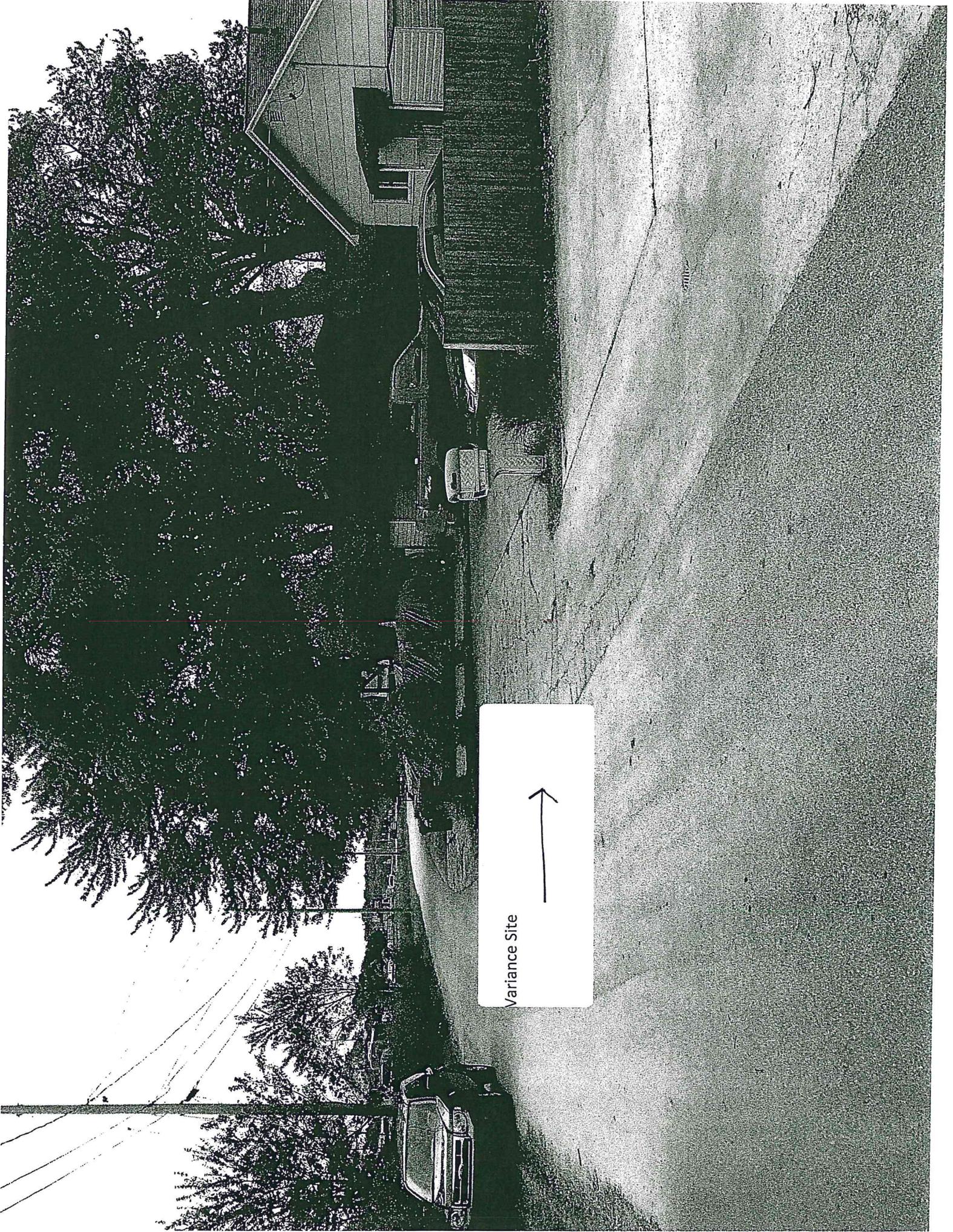


Variance Site





Variance Site



Variance Site

