



August 26, 2019

Zoning Board of Appeals Rescheduled Meeting
September 4, 2019

SUBJECT: Variance Request
6532 Lake Harbor Road
Article III District Regulations
Section 48-805

Chairman and Members
of the
Zoning Board of Appeals

Ladies and Gentlemen:

Angela Romanin is requesting a variance for the construction of an addition to a single-family residence that is proposed to be 12'6" from the side property line, a variance of 12'6" from the required side yard setback of 25' in the R-5 zoning district.

Staff has reviewed the request and notes that the existing home is already non-conforming with the other side yard setback being 21'8" instead of the required 25'. The use is consistent with the neighboring properties and will remain residential.

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 Angela Romanin to construct an addition to a residential dwelling to be 12.5 feet from the required side yard property line as opposed to the minimum 25 feet setback as required by City Ordinance on the premises at 6532 Lake Harbor 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 **rescheduled** 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 4th 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

August 27, 2019

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, 6532 Lake Harbor Road

Following please find comments regarding the variance request for the Romanin residence at 6532 Lake Harbor Road

MASTER PLAN

The current zoning of the property at 6532 Lake Harbor Road is R-5 Single-Family Residential. The Master Plan states that this property is to be zoned for "Low Density Residential", which is compatible with the R-5 Single-Family Residential zoning district. The surrounding neighborhood has parcels of land from just under one half acre to upwards of multiple acres with dense woods. The variance would not affect the zoning district nor existing use of the property.

LAND USE

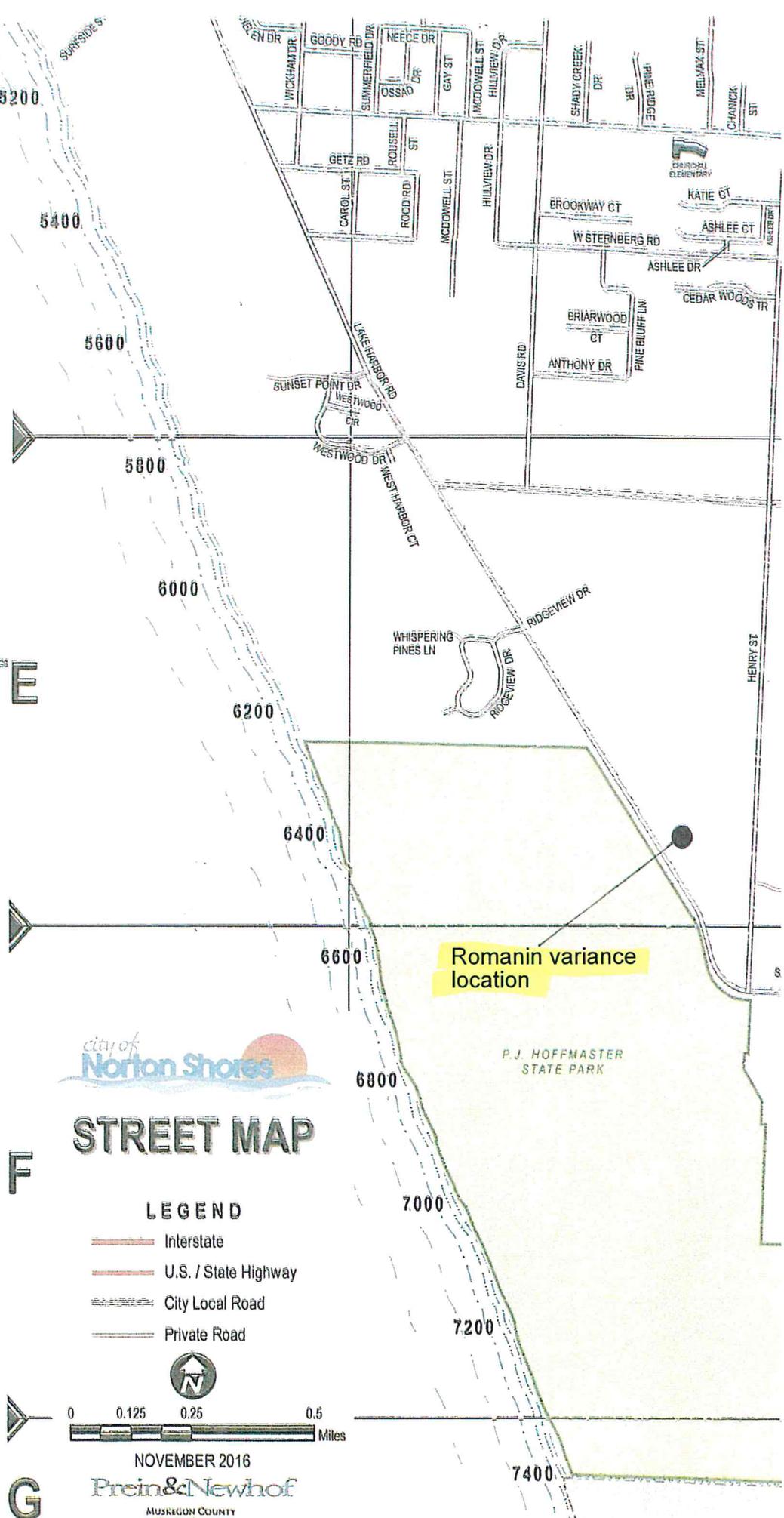
This property is in a less dense area of the City. Single family homes are located to the north and south of the property where the proposed variance is located. P.J. Hoffmaster State Park and Campground is located to the west, across Lake Harbor Road, from the Romanin residence.

COMMENTS

The applicant is seeking a shorter setback distance so they can place an addition to the existing home closer to the side yard property line than required by City Ordinance. It should be noted that the existing home is already non-conforming as the existing home is 21'8" from the north property line.

- P - (Continued)
- ITALIA PARK DR
 - NTAC AVE
 - ALIN ST
 - ARIE ST
 - ROHASE ST
- Q -
- WANTON RD
 - LEBOO CT
- R -
- MADA DR
 - MELING CREEK DR
 - NSH DR
 - NDALL RD
 - NSFORD LN
 - NYELL DR
 - D ROCK CT
 - GENT DR
 - GINA AVE
 - NEER AVE
 - IGEVIN DR
 - IGEWAY DR
 - TER DR
 - TER HILLS DR
 - ARMING FORKS DR
 - BERT HUNTER DR
 - BERTS ST
 - OD POINT RD
 - OD RD
 - OSEVELT CT
 - OSEVELT RD
 - SS PARK
 - SS RD
 - USELL ST
- S -
- SETTY ST
 - ARVEY ST
 - YO TRAP CT
 - YDALWOOD CT
 - YDYBROOK CT
 - SASOTA CT
 - YMA ST
 - SKATOON AVE
 - HAMBER DR
 - WANTON DR
 - WYAY DR
 - WYAY DR EB
 - YOND ST
 - YNDLE RD
 - YNDLE WOODS DR
 - YEGA DR
 - YGR RD
 - YVICE RD
 - YTANT RD
 - YDY CREEK DR
 - YWHEE TR
 - YFFIELD ST
 - YBROOKE PKWY
 - YTLER RD
 - YREWOD DR
 - YRA DR
 - YERTON DR
 - YCLAR DR
 - YERSET CT
 - YTH EASTWINE DR
 - YTH HILLTOP DR
 - YTH SANDALWOOD CRT
 - YTH ST
 - YTHWOOD AVE
 - YNCER DR
 - YRS ST
 - YNG RIDGE LN
 - YNGHILL CT
 - YNGHILL DR
 - YUCE CT
 - YMFORD DR
 - YWOOD ST
 - YRIA DR
 - YRLING CT
 - YRNBORG RD
 - YNEWOOD DR
 - YTFORD ST
 - YKNER DR
 - YMERFIELD DR
 - YBURY AVE
 - YNYRDCR RD
 - YHSET LN
 - YHSET POINT DR

- T - (Continued)
- TAPT CT
 - TAMWORTH ST
 - TANKLEWOOD DR
 - TANLOR ST
 - THIRD ST
 - THISTLE CREEK RD
 - THOMPSON RD
 - THROSH ST
 - TIETZ RD
 - TISSERBROOK CT
 - TIMMINS AVE
 - TORONTO AVE
 - TORONTO CT
 - TORRENT ST
 - TORRE CR
 - TOURNAMENT CRT
 - TOURNAMENT CT
 - TREELINE DR
 - TRENTON DR
- U -
- US-31
 - UTAH ST
- V -
- VALA ST
 - VALLEY ST
 - VANGOUVER ST
 - VICK RD
 - VICTORIA ST
 - VINEYARD LN
 - VULCAN ST
- W -
- W ERGADWAY AVE
 - W BYRON RD
 - W COLUMBIA AVE
 - W FARR RD
 - W HILE RD
 - W MT GARFIELD RD
 - W NORTON AVE
 - W PONTALINA RD
 - W PORTER RD
 - W SHERMAN BLVD
 - W STERNBERG RD
 - W SUMMIT AVE
 - WALKES ST
 - WALNUT GROVE DR
 - WARREN AVE
 - WATERLOO AVE
 - WATERSHORE DR
 - WATERSTONE DR
 - WAYNE ST
 - WEALTHY AVE
 - WELLESLEY DR
 - WELLINGTON CT
 - WELLWOOD ST
 - WENDOVER BLVD
 - WERNER ST
 - WEST GLEN CT
 - WEST HARBOR CT
 - WEST LN
 - WEST SANDALWOOD CRTS
 - WEST ST
 - WESTBRIE DR
 - WESTWOOD CRT
 - WESTWOOD DR
 - WHISPERING PINES LN
 - WICKHAM DR
 - WILMINGTON DR
 - WILMONT DR
 - WILSON AVE
 - WILSON CT
 - WILSON RD
 - WINDEMERE CT
 - WINDFLOWER WAY
 - WINDWARD WAY
 - WINDWATER CT
 - WINNETASKA RD
 - WINNEGO CT
 - WINLOW CT
 - WINTER CREEK DR
 - WITKOPP ST
 - WOOD RD
 - WOODSIDE RD
 - WOODSLEE CT
 - WORDEN ST
- X, Y, Z -



FOR CITY USE

Planning Commission Date _____
Z.B.A. Date 8/28/19
Date Received 7/15/19

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) Angela Romanin

Address(s) 6532 Lake Harbor Road

Phone(s) 480/282-7065

revised 1/31/19
APR

II. Location of Property

Street name and number:

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 on an R5 residential district, which requires a 25' minimum side yard set back for an attached structure. I am requesting a variance of 12.5 feet, which will allow for a 12.5' set back from the south side yard. North side yard set back will remain unchanged.

II. Location of Property

Street name and number:

6532 Lake Harbor Road

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.

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The lot is located in an R5 residential district, which requires a 25 foot minimum side yard setback. I am requesting a variance of 14 feet, of the required 25 feet. If approved, the distance from my proposed structure and the neighboring structure to the south will still be 39 feet taking into consideration rooflines. Side yard setback to the North will remain unchanged.

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?

There are two problems existing. Because of the speed limit on Lk Harbor Rd. the noise is loud & constant, and my existing bedroom is too close to the road. I also have no garage to winter my 2 vehicles. Neighboring structures predate the 1981 setback adjustments & therefor would not oppose the variance approval.

V. Effect of Request on Other Properties

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

I am requesting a side-yard setback variance of 14 feet, of the required 25 feet

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

none, whatsoever, my household population will not change.

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

no detriment will be created to the neighborhood. no, approval of the variance will have little to no change in the character of the neighborhood.

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

no, the goal is to create distance from the road to the bedroom, to lessen the noise factor.

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, the proposed allowance is just in continuing to increase not only the use of my property, but also by continuing to improve the ^{esthetic value of the} area

6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?

yes, because of sound of traffic the existing bedroom is too close to the street. I feel that if I am not able to add an additional room and garage, I may be forced to sell this property. And I have put a lot of time & love into this property, and Really don't want to have to sell it.

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

7/12/2019

 Signature of Owner if Date
 If different than petitioner

Dear Members of Zoning Board of Appeals,

Since purchasing the property located at 6532 Lake Harbor Road, I have worked hard to make several improvements , both interior and exterior. This is my summer home for four months from June through September. It is a sweet little cottage, originally built in the mid 50's, and I have strived to preserve its' charm while improving the esthetic value of the property.

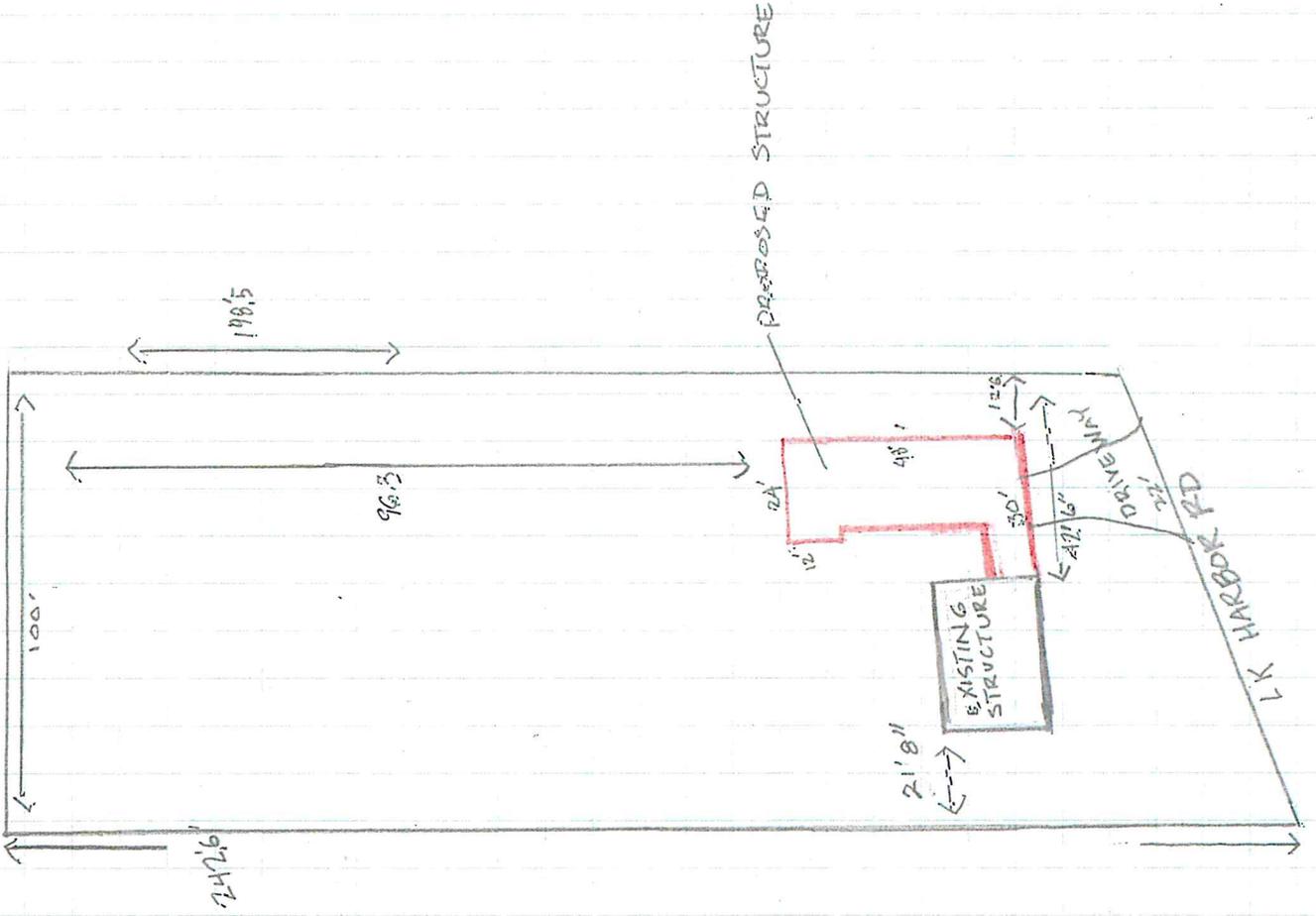
The practical difficulties leading to my request are two part. Considering the original square footage of the cottage (784.89) and the size and location of the bedrooms, it is extremely challenging to maintain any privacy for the family. Additionally, due to the increased speed limit on Lake Harbor Road, the noise level due to traffic is very disturbing during sleeping hours. Therefore my proposed addition would allow for an additional bedroom and bath much further back from the road. Also, we have two vehicles and no garage. The only solution we can find that allows for a variance on the set back requirements, would include not a double garage, but a tandem garage, so that we could park our vehicles end to end.

Hopefully , as you can see in the attached photos, I have no desire to interfere with the integrity of the neighboring community. I believe that by approving my request for a variance, I can not only reduce the practical difficulties I face, but contribute to the overall increased value of our neighborhood, in general. I do plead that you approve my request, and I thank you in advance for your consideration.

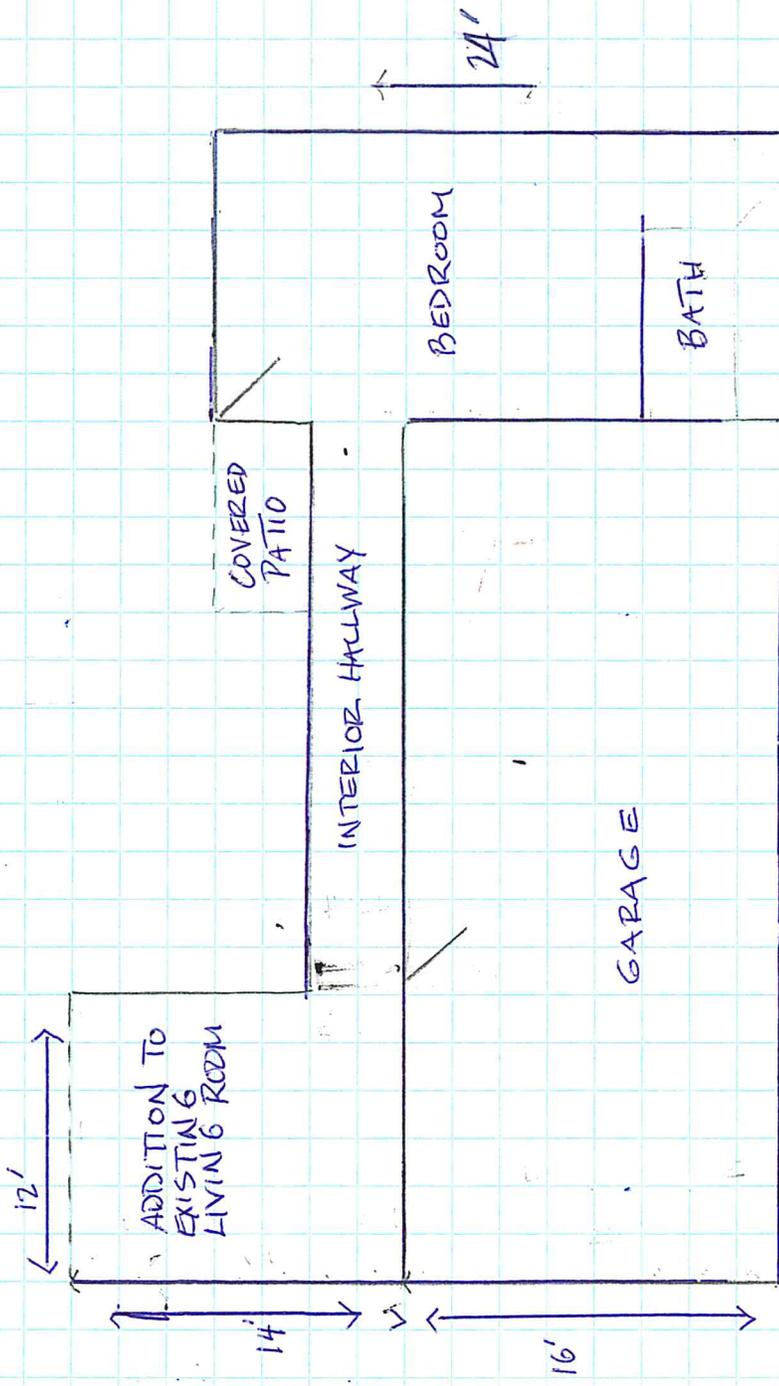
Sincerely,

Angela Romanin

6532 LAKE HARBOR RD.



N
S



Proposed structure

Exh A: View from existing W facing proposed variance site



Exh B: View from back of 6532 Lk harbor



Exh. C. Spacial reference to North adjacent structures



Exh D: E facing view of South side adjacent structure



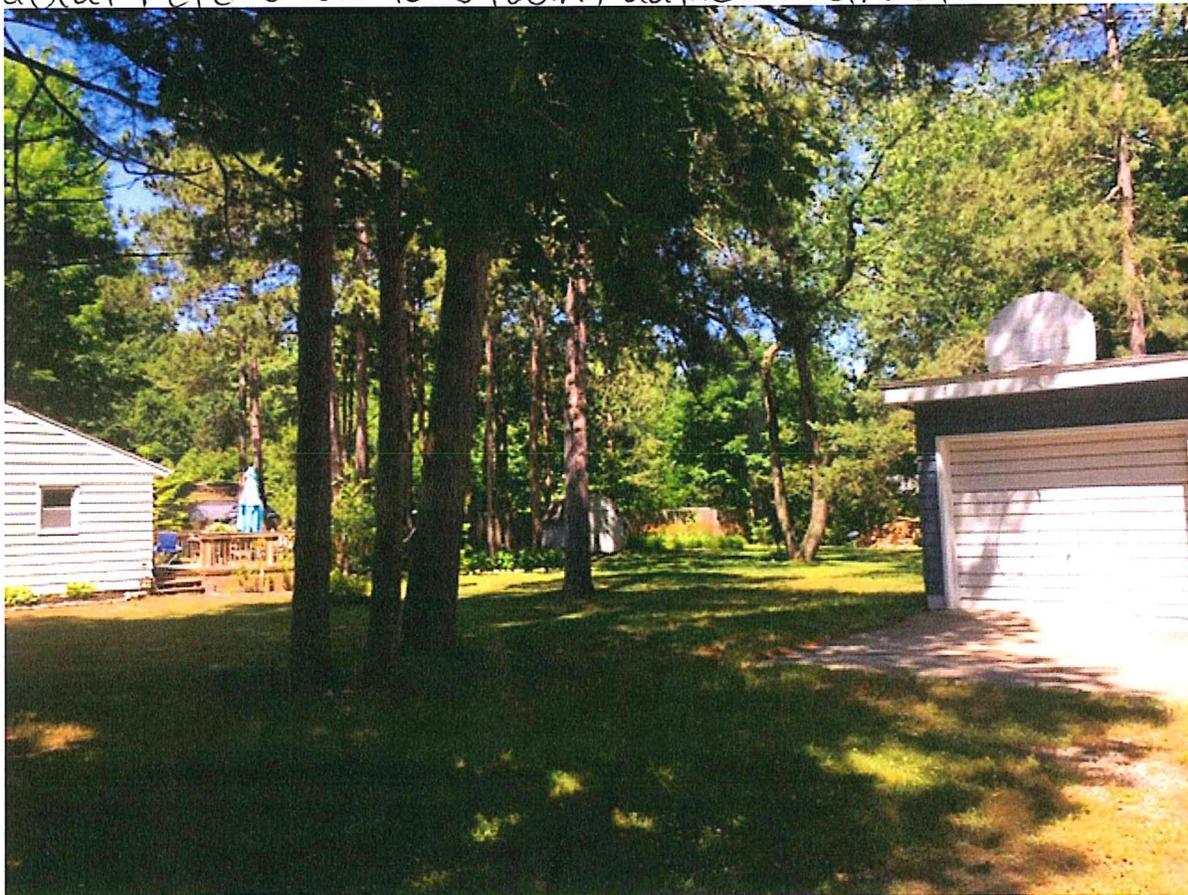
Exh E: Proposed location of variance request



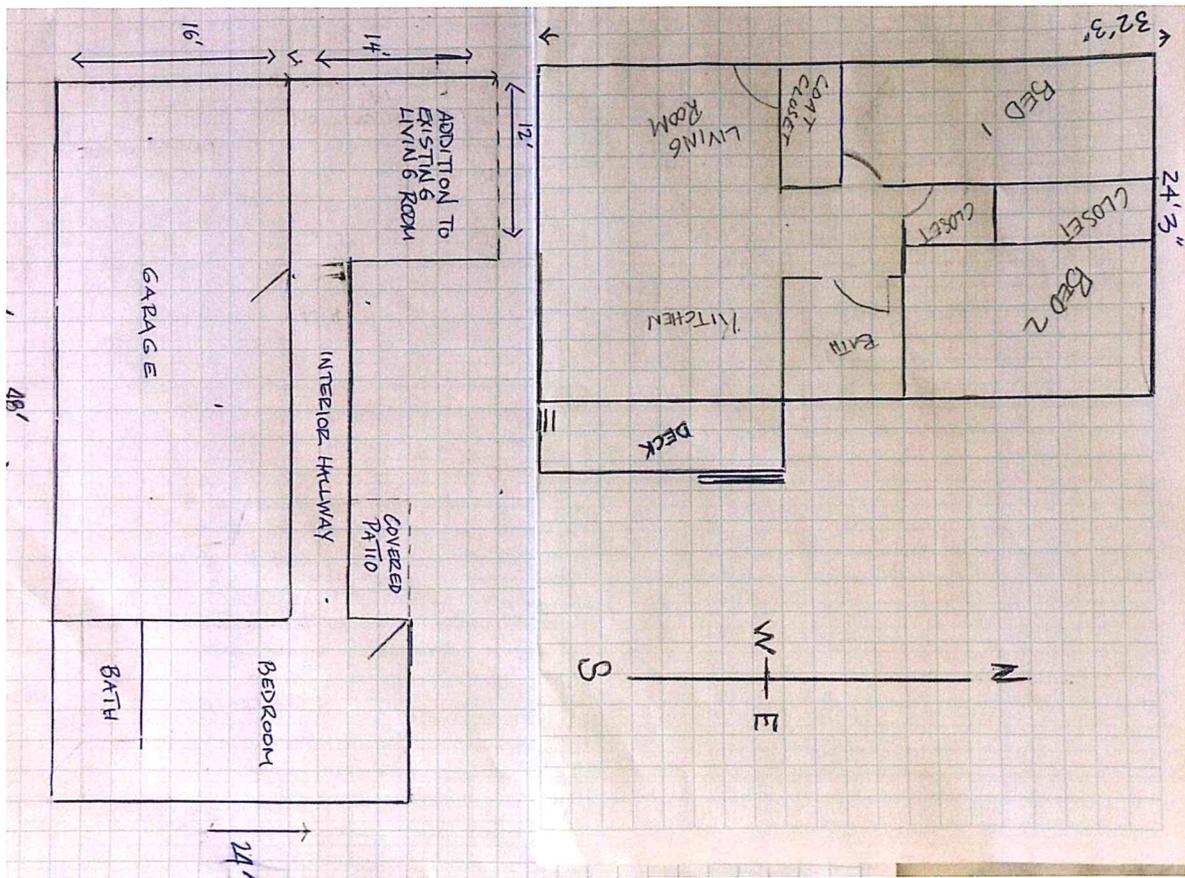
Exh F: N facing view of 6532 existing structure



Exh G: Spatial reference to S facing adjacent structure



ixh H: proposed dimensions/use of additional



ixh I: w facing view of adjacent property to south

