



July 8, 2020

Zoning Board of Appeals Meeting July 15, 2020

SUBJECT: Variance Request
1447 Shettler Road
Article VI Accessory Uses
Sec. 48-1081(2)

Chairman and Members
of the
Zoning Board of Appeals

Ladies and Gentlemen:

Jeremy Jones is requesting a variance for a proposed accessory structure at 1447 Shettler Road. The requested accessory structure is proposed to be located in the front yard of his residence which is not permissible per City Ordinance.

Staff has reviewed the request and notes that there is a significant drop off in the rear yard of the property. 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 Jeremy Jones to construct an accessory structure that is in the front yard of the property at 1447 Shettler Road, which deviates from City Ordinance as Ordinance allows for accessory structures to be placed in only the side or rear yards of a parcel.

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 remotely on the 15th day of July 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

July 8, 2020

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, 1447 Shettler Road

Following please find comments regarding the variance request for the Jones residence at 1447 Shettler Road:

MASTER PLAN

The current zoning of the property at 1447 Shettler Road 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-2 Single-Family Residential zoning district. The surrounding parcels are all zoned R-2 Single Family Residential as well, and have the "Medium Density Residential" as their future land use per the adopted Master Plan.

LAND USE

1447 Shettler Road and the other parcels surrounding it all have single family homes. The applicant is seeking a variance for a detached accessory structure. The accessory structure will be used for storage purposes and not affect any existing use of the property.

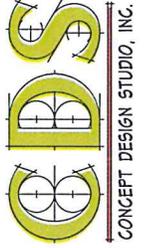
COMMENTS

The applicant is requesting a variance to place a detached accessory structure in the front yard which is not permissible per City Ordinance. City Ordinance requires that:

"Detached accessory buildings shall not be erected in any required yard, except a rear yard, or except a private garage may be constructed in a side yard if it maintains the regular side yards and setback distance required for a principal building." – Sec. 48-1081(2) of the Norton Shores Code of Ordinances.

As written, the proposed location of the accessory structure does not comply with City Ordinance. The applicant feels that the only place they are able to put an accessory structure is in their front yard due to a steep ravine in their side and rear yards. Contour mapping suggests there is, in fact, a significant drop off. The ravine is approximately 30 feet from the lowest to highest point within the property boundaries.

CONCEPT DESIGN STUDIO, INC.
 800 E. ELLIS ROAD, SUITE 508
 NORTON SHORES, MI 49441
 PH: (231) 796-4838
 FAX: (231) 796-4837



PROJECT
JONES RESIDENCE
 1447 SHETTLER ROAD, NORTON SHORES, MI 49444

PROJECT # 2060-20

ISSUANCES

ZBA MEETING 06.16.2020

REVISIONS

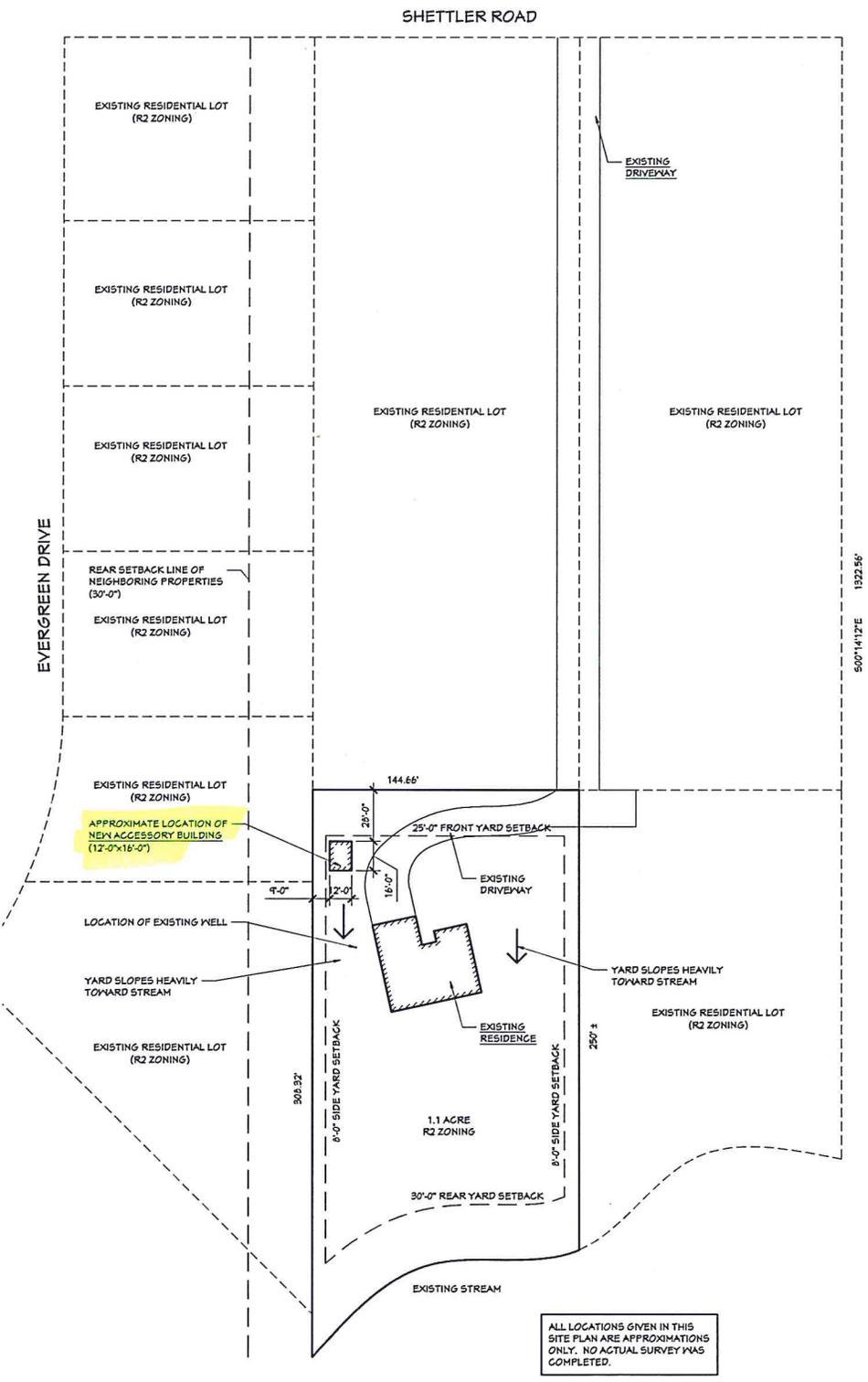
Copyright ©2020 Concept Design Studio, Inc. All Rights Reserved

DRAWN BY KO

SHEET TITLE
PROPOSED SITE PLAN (THIS IS NOT A SURVEY)

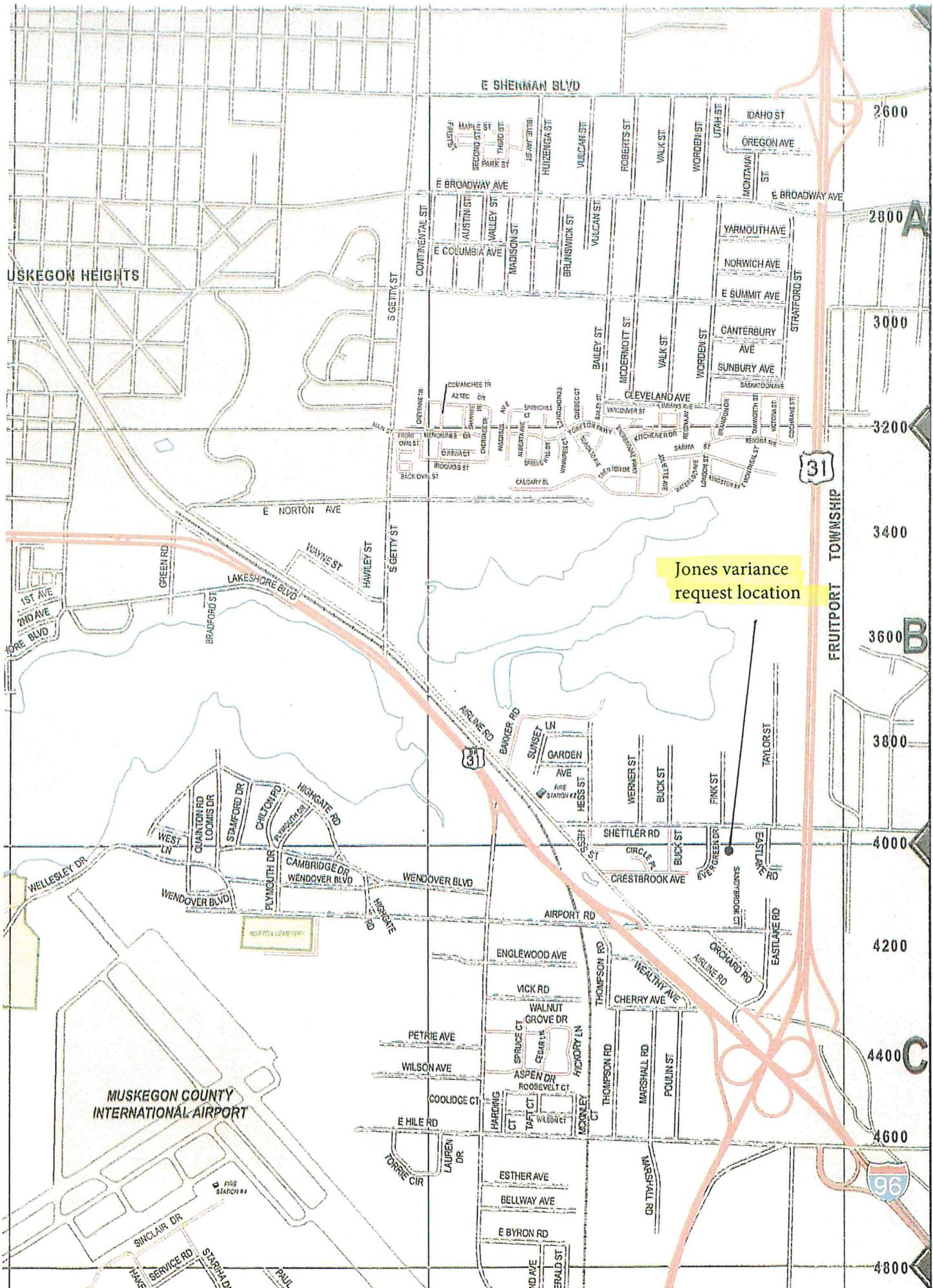
SHEET NO.

C1.01



PROPOSED SITE PLAN (THIS IS NOT A SURVEY)

SCALE: 1" = 40'-0"



Jones variance request location

MUSKEGON HEIGHTS

MUSKEGON COUNTY INTERNATIONAL AIRPORT



2600

2800

3000

3200

3400

3600

3800

4000

4200

4400

4600

4800

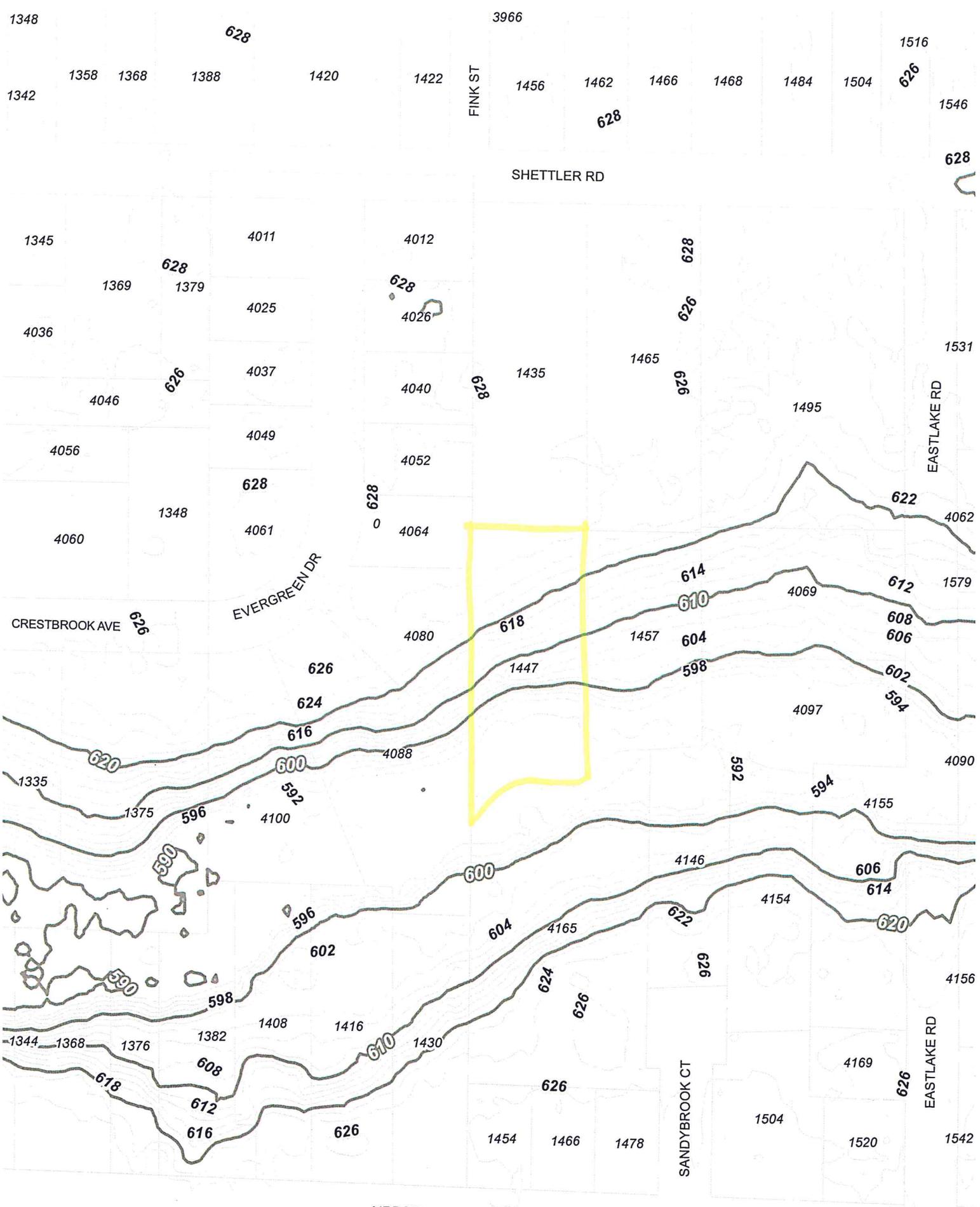
A

B

C



FRUITPORT TOWNSHIP



Contour Map
1447 Shettler

FOR CITY USE

Planning Commission Date _____

Z.B.A. Date 7/15/20

Date Received 6/26/20

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 4:00 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) JEREMY JONES

Address(s) 1447 SHETTER RD.

Phone(s) (231) 638-6675

II. Location of Property

Street name and number:

1447 SHETTIER RD.

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).

DUE TO THE EXISTING TOPOGRAPHY OF MY
PROPERTY IT IS NOT FEASIBLE TO PLACE AN
ACCESSORY BUILDING IN THE LOCATION REQUIRED BY
ORDINANCE 48-1081 #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?

I WOULD NOT BE ABLE TO HAVE AN ACCESSORY BUILDING. MY PROPERTY IS APPROXIMATELY 500 FT OFF SHETTIER ROAD AND IN THE REAR OF ALL ADJOINING PROPERTIES.

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?
NOT SUBSTANTIAL
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
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?
YES

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

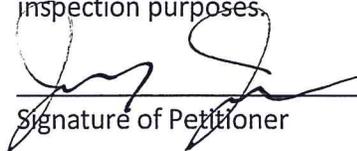
- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete and all information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


6/26/20

 Signature of Petitioner Date

 Signature of Owner if Date
 If different than petitioner