



June 18, 2019

Zoning Board of Appeals Meeting June 26, 2018

SUBJECT: Variance Request  
814 Katie Ct.  
Article III District Regulations  
Section 48-805

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

Mark and Lori Kling have requested a variance to construct a deck that projects into the required rear yard of their property at 814 Katie Ct. They are proposing a 350 sq. ft. attached deck with stairs to be 31' from the rear property line, a variance of 9' from the required 40' for the R-3 Single Family Residential district.

Staff has reviewed the request and notes that the proposed deck would be further from the rear property line than the existing deck.

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



## Internal Memo

June 18, 2019

TO: Zoning Board of Appeals Members  
FROM: Ted Woodcock, Planning and Zoning Administrator TW  
SUBJECT: Variance Request, 814 Katie Ct.

Following please find comments regarding the Variance request of Mark & Lori Kling.

### MASTER PLAN

The current zoning of the property at 814 Katie Ct. is R-3 Single-Family Residential. This is consistent with the adopted Master Plan designation for the property. The Master Plan states that this property is to be zoned "Medium Density Residential", which is compatible with the R-3 Single-Family Residential zoning district.

### LAND USE

This property is located in the Churchill Woods Condominiums and there are other condominiums located directly west and south of the parcel. The adjacent parcels directly north and east (the eastern parcel being across Henry St.) are both in excess of 3 acres and zoned R-3 Single Family Residential, which is consistent with the master plan.

The use of the land is single family residential and would remain single family residential. The surrounding parcels are also all single family residential.

### COMMENTS

The applicant has noted on their application that the proposed variance would actually be further away from the rear property line than their current deck. The existing deck is 27' from the rear property line and the proposed would be 31' from the rear property line.

## RESOLUTION

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

A Variance to allow Mark and Lori Kling to locate deck on the premises at 814 Katie Ct. 31 feet from the rear property line as opposed to the minimum 40 feet required by 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: \_\_\_\_\_

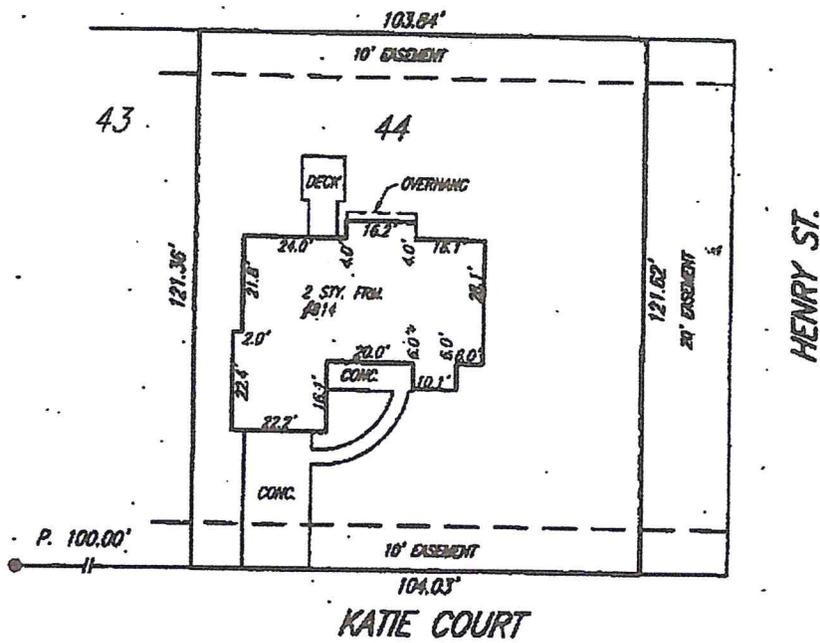
Resolution declared adopted/denied.

\_\_\_\_\_  
Shelly Stibitz, City Clerk

# CERTIFICATE OF MORTGAGE INSPECTION

Unit 44, Churchill Woods Condominiums, Section 24, Town 9 North, Range 17 West, City of Norton Shores, Muskegon County, Michigan.

*X Kimberly M Kling by Tom B Kling his attorney-in-fact*



**Existing**

Scale 1"=30'

I hereby certify that this inspection plot shows the improvements as located on the premises described, that the improvements are entirely within lot lines and that there are no encroachments, except as indicated. This is not intended or represented to be a land survey and is not to be relied upon for the establishment of any fence, building or other improvement lines.

*Donald G. Sandel*  
Donald G. Sandel P.S. 25670

REF: **KIMBERLY & MARK KLING**  
Milanowski and Englert  
Engineering and Surveying, Inc.  
827 Beechtree Street, Suite J  
Grand Haven, Michigan 49417  
Phone (616)847-4070 Fax (616)847-8826

<b>LEGEND</b>	<input type="checkbox"/> SET CON. MON	<input type="checkbox"/> SET CAPPED IRON	<input type="checkbox"/> P. PLATTED
<input type="checkbox"/> DESCRIBED	<input type="checkbox"/> FOUND CONC. MON.	<input type="checkbox"/> FOUND IRON	<input type="checkbox"/> M. MEASURED

FOR SHORELINE MORTGAGE	
Sec 24-9-17 CITY OF NORTON SHORES	
DATE 9-12-2007	DRAWN BY TV
SHEET 1 of 1	JOB NO. 13226



<b>P -- (Continued)</b>			
317 ALINA PARK DR	F6	TAFT CT	C5
31716 C AVE	B4	TAMMORTH ST	A6, B6
31718 ST	C6	TANGLEWOOD DR	B4
31719 ST	E5	TAYLOR ST	B6
31719A ST	G5	THIRD ST	A6
		THIBBLE CREEK RD	F4
<b>Q --</b>		THOMPSON RD	C6
JANTON RD	E5, C5	THRUSH ST	B4
JEBEC CT	A6	TIMET RD	C2
		TIMBERBROOK CT	F5
<b>R --</b>		TIMMINS AVE	A6, B6
IMADA DR	A1	TORONTO AVE	A6, B6
IMBLING CREEK DR	C3, D3	TORONTO CT	B6
INDH DR	C4	TORRENT ST	A2
INDALL RD	C3, C4	TORRE CR	C5, C6
INSCORD LN	C3	TOURNAMENT CR	E3, E4, F4
INMELL DR	A1	TOURNAMENT CT	E4
IND ROCK CT	E4	TREELINE DR	B2, C2
INGENT DR	A1	TRENTON DR	B6
INGNA AVE	A5, B6		
INGHER AVE	A2	<b>-- U --</b>	
INGEY DR	E3	US-31	A5, B5, C6, D6, E6, F6, G6
INGEY DR	B2	UTAH ST	A6
INGTER DR	B2, C2		
INGTER HILLS DR	B2	<b>-- V --</b>	
INGVING FORKS DR	E4	VALK ST	A6
INGBERT HUNTER DR	D5	VALLEY ST	A6
INGBERTS ST	A6	VANCOUVER ST	A6
INGD POINT RD	C2, C3	VICKI RD	C5
INGD RD	B3, C3, D3	VICTORIA ST	A6, B6
INGEVELT CT	C6	VINEYARD LN	C4
INGEVELT RD	B2	VULCAN ST	A6
INGSS PARK	C4, C5		
INGSS RD	C3, C4	<b>-- W --</b>	
INGSELL ST	D3	W BROADWAY AVE	A4
		W BYRON RD	C4
<b>S --</b>		W COLUMBIA AVE	A4
SETTY ST	A5, E5	W FARR RD	E4
SEARVEY ST	C6, D6, E6, F6, G6	W HILE RD	C3, C4
SEID TRAP CT	F3	W MT GARFIELD RD	E3, E4
SEIDALWOOD CT	D6, E6	W NORTON AVE	B2, B3, B4
SEIDBROOK CT	C6	W PONTALLINA RD	F3, F4
SEIDASA CT	B2	W PORTER RD	D2, D3, D4
SEIDNA ST	D6	W SHERMAN BLVD	A1, A2, A3, A4
SEIDATOCN AVE	A6	W STERNBERG RD	D2, D3, D4
SEIDAMBER DR	F6	W SUMMIT AVE	A4
SEIDANTON DR	D2, D3	WALKER ST	B4
SEIDAWAY DR	A4, B4	WALNUT GROVE DR	C6
SEIDAWAY DR EB	B5, C6	WARREN AVE	A2
SEIDCOND ST	A6	WATERLOO AVE	B6
SEIDMOLE RD	B1, B2, B3, B4	WATERSHORE DR	F4
SEIDMOLE WOODS DR	B3	WATERSTONE CR	B4
SEIDNECA DR	B2	WAYNE ST	B5
SEIDNG RD	C4	WEALTHY AVE	C6
SEIDRICE RD	C5, D5	WELLESLEY DR	B5, C4, C5
SEIDXTANT RD	E5, E6	WELLINGTON CT	C3
SEIDADY CREEK DR	D3	WELLWOOD ST	A2
SEIDAWIEE TR	A6, B5	WENDOVER BLVD	C5, C6
SEIDEFFIELD ST	A4	WERNER ST	B6
SEIDERBROOKE PRVY	B6	WEST GLEN CT	C2
SEIDETTLER RD	B6	WEST HARBOR CT	E3
SEIDOREWOOD DR	G2, D2	WEST LN	B5
SEIDRRA DR	A1	WEST SANDALWOOD CIR	B5, E5
SEIDVERTON DR	E4	WEST ST	F6
SEIDGLAR DR	C5, D5	WESTSHIRE DR	F4
SEIDMERSET CT	C3	WESTWOOD CR	D2, D3
SEIDUTH EASTOWNE DR	B4	WESTWOOD DR	D2, D3, E2, E3
SEIDUTH HILLTOP DR	B1, B2	WHISPERING PINES LN	E3
SEIDUTH SANDALWOOD CR	E5, E6	WICKHAM DR	A2, A3, B2, C2, D2
SEIDUTH ST	F6	WILMINGTON DR	E4
SEIDUTHWOOD AVE	A1, A2	WILMONT DR	F4
SEIDENCER DR	B2	WILSON AVE	C5, C6
SEIDERS ST	B4	WILSON CT	C6
SEIDRING RIDGE LN	C4	WILSON RD	G5, G6
SEIDRINGHILL CT	A6, B6	WINDEMERE CT	B2
SEIDRINGHILL DR	B6	WINDFLOWER WAY	F4
SEIDRUCE CT	C6	WINDWARD WAY	E6
SEIDWLFORD DR	B5, C5	WINDWATER CT	F4
SEIDWOOD ST	C4, D4	WINNETASKARD	A1, B1
SEIDWINDA DR	C5, D5	WINNEPEG CT	B6
SEIDWINDING CT	C3	WINSLOW CT	B3
SEIDWINDBERG RD	D4	WINTER CREEK DR	F4
SEIDWINDWOOD DR	F5, F6	WITKOPP ST	A2
SEIDWINDWOOD ST	A6	WOOD RD	F5, G5
SEIDWINDYKER DR	B3, C3	WOODSIDE RD	A2
SEIDWINDFIELD DR	D3	WOODSLEE CT	F4
SEIDWINDBURY AVE	A6	WORDEN ST	A6
SEIDWINDRODGE RD	C4		
SEIDWINDSET LN	B6		
SEIDWINDSET POINT DR	D2, D3		

<b>T -- (Continued)</b>			
TAFT CT	C5		
TAMMORTH ST	A6, B6		
TANGLEWOOD DR	B4		
TAYLOR ST	B6		
THIRD ST	A6		
THIBBLE CREEK RD	F4		
THOMPSON RD	C6		
THRUSH ST	B4		
TIMET RD	C2		
TIMBERBROOK CT	F5		
TIMMINS AVE	A6, B6		
TORONTO AVE	A6, B6		
TORONTO CT	B6		
TORRENT ST	A2		
TORRE CR	C5, C6		
TOURNAMENT CR	E3, E4, F4		
TOURNAMENT CT	E4		
TREELINE DR	B2, C2		
TRENTON DR	B6		
<b>-- U --</b>			
US-31	A5, B5, C6, D6, E6, F6, G6		
UTAH ST	A6		
<b>-- V --</b>			
VALK ST	A6		
VALLEY ST	A6		
VANCOUVER ST	A6		
VICKI RD	C5		
VICTORIA ST	A6, B6		
VINEYARD LN	C4		
VULCAN ST	A6		
<b>-- W --</b>			
W BROADWAY AVE	A4		
W BYRON RD	C4		
W COLUMBIA AVE	A4		
W FARR RD	E4		
W HILE RD	C3, C4		
W MT GARFIELD RD	E3, E4		
W NORTON AVE	B2, B3, B4		
W PONTALLINA RD	F3, F4		
W PORTER RD	D2, D3, D4		
W SHERMAN BLVD	A1, A2, A3, A4		
W STERNBERG RD	D2, D3, D4		
W SUMMIT AVE	A4		
WALKER ST	B4		
WALNUT GROVE DR	C6		
WARREN AVE	A2		
WATERLOO AVE	B6		
WATERSHORE DR	F4		
WATERSTONE CR	B4		
WAYNE ST	B5		
WEALTHY AVE	C6		
WELLESLEY DR	B5, C4, C5		
WELLINGTON CT	C3		
WELLWOOD ST	A2		
WENDOVER BLVD	C5, C6		
WERNER ST	B6		
WEST GLEN CT	C2		
WEST HARBOR CT	E3		
WEST LN	B5		
WEST SANDALWOOD CIR	B5, E5		
WEST ST	F6		
WESTSHIRE DR	F4		
WESTWOOD CR	D2, D3		
WESTWOOD DR	D2, D3, E2, E3		
WHISPERING PINES LN	E3		
WICKHAM DR	A2, A3, B2, C2, D2		
WILMINGTON DR	E4		
WILMONT DR	F4		
WILSON AVE	C5, C6		
WILSON CT	C6		
WILSON RD	G5, G6		
WINDEMERE CT	B2		
WINDFLOWER WAY	F4		
WINDWARD WAY	E6		
WINDWATER CT	F4		
WINNETASKARD	A1, B1		
WINNEPEG CT	B6		
WINSLOW CT	B3		
WINTER CREEK DR	F4		
WITKOPP ST	A2		
WOOD RD	F5, G5		
WOODSIDE RD	A2		
WOODSLEE CT	F4		
WORDEN ST	A6		

<b>X, Y, Z --</b>			



# STREET MAP

## LEGEND

- Interstate
- U.S. / State Highway
- City Local Road
- Private Road



NOVEMBER 2016

Prein & Newhof

MUSKIEGAN COUNTY

FOR CITY USE

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

Z.B.A. Date 6-26-19

Date Received 5-13-19

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) Mark & Lori Kling

Address(s) 814 Katie Ct.

Phone(s) (231) 206-3600 / 730-2463

PAID

MAY 13 2019

CITY OF NORTON SHORES

II. Location of Property

Street name and number:

814 KATIE CT.

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).

X

City ordinance requires building and structures 40 feet from the property line. The original builders built our deck 27 feet from the north property line. We would like to relocate the steps to the West End of the house. Raise the 10 x 10 deck to the walk out main level and extend the deck to the West End of the house. This proposal would increase the clearance from the north property line approximately 4 feet. We feel this would match the style of decks in the neighborhood. We hope some grandfathered rights will allow this improvement and provide closer compliance to the ordinance. Our live in 85-year-old mother would like to use the deck, but is unable to at its present state.

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?

It would limit our use because of my bad knees and our  
mother's lack of mobility.  
We would like to duplicate the decks of our  
neighborhood.

V. Effect of Request on Other Properties

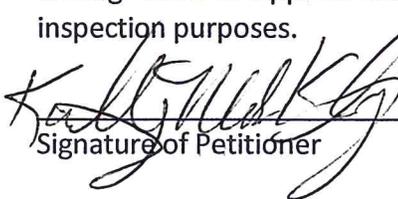
1. How substantial is the variance in relating to the zoning requirements?  
Minimal, we would increase the distance  
from the property line.
2. If the variance is allowed, what effect will there be regarding the increased population density thus generated on available governmental facilities?  
None.
3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?  
No, it will improve existing.
4. Can the difficulty be obviated by some feasible method, other than a variance?  
Original builder prevented that
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?  
Correct.

- 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.


5/16/19  
 \_\_\_\_\_  
 Signature of Petitioner                      Date

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



The Design ID can be used for recalling your design from Menards.com or one of our in-store Design-It kiosks. The Estimate ID can be used to purchase your items from the Menards location above.

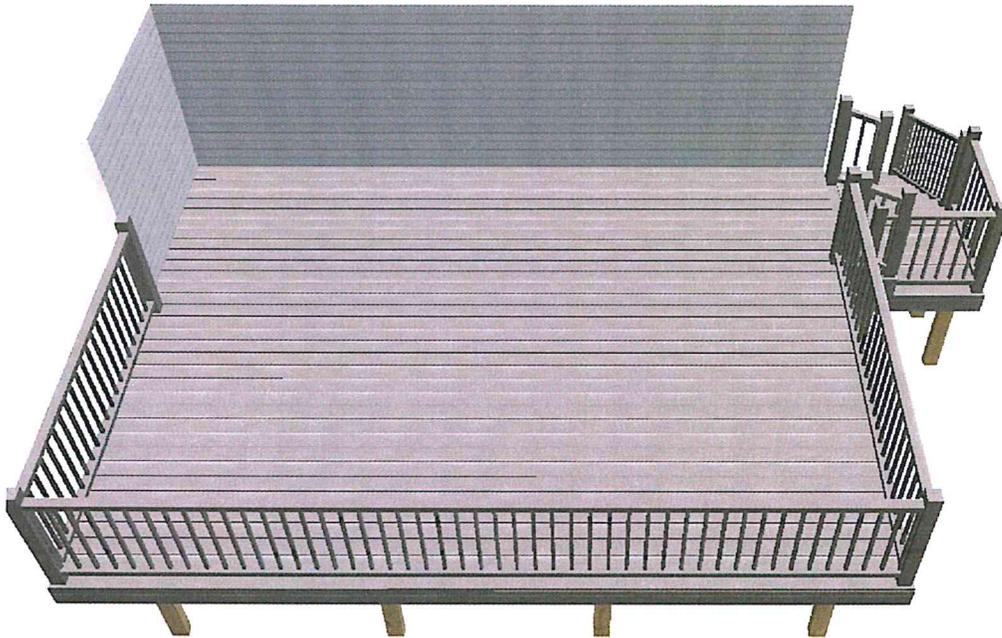


Illustration intended to show general deck size and shape. Some options selected may not be shown for picture clarity.

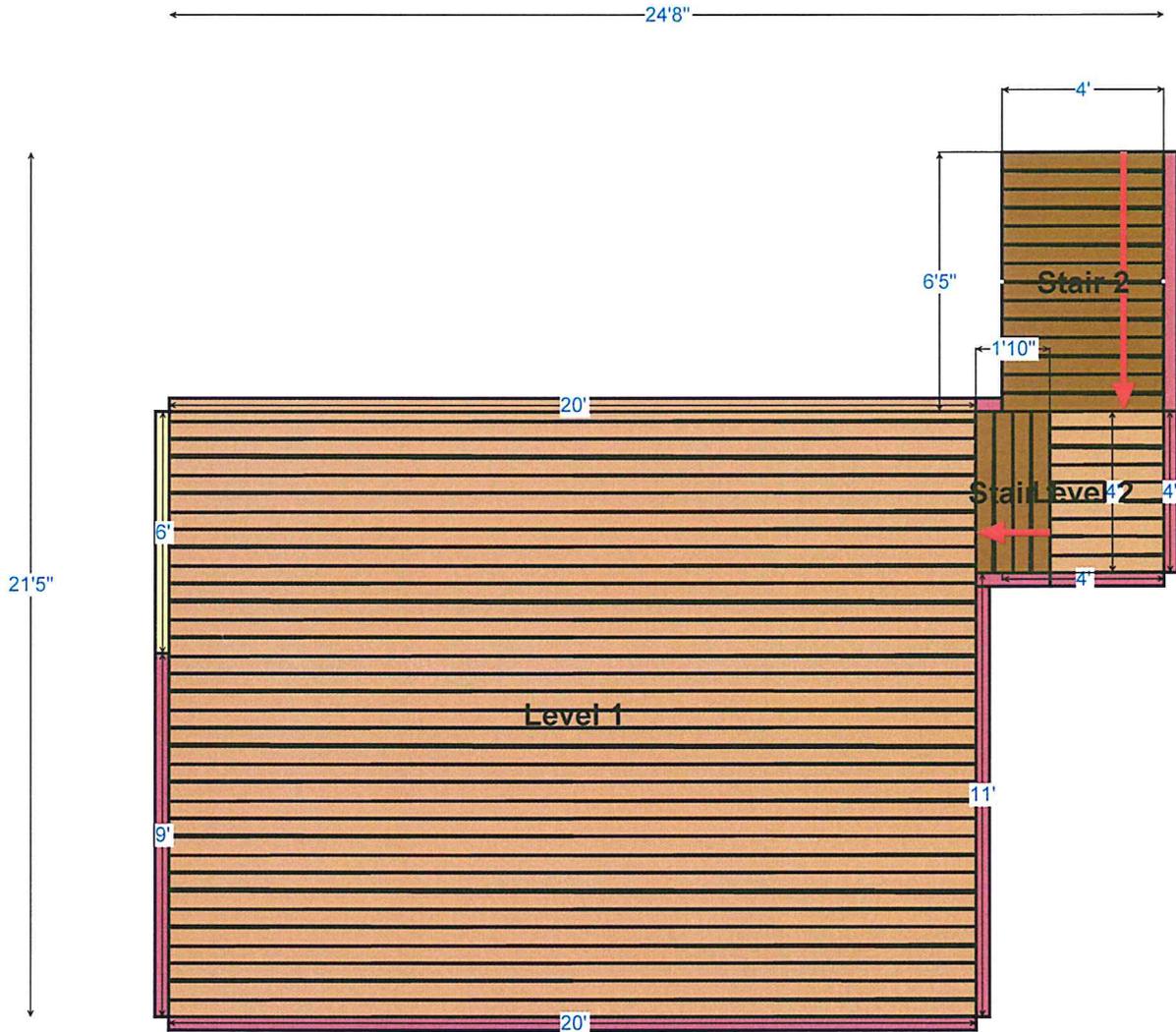
**Estimated Price:**

**\$8,269.46**

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met.

This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.



	Wall Attached		Railing
	Wall Not Attached		

**Estimated Price:**

**\$8,269.46**

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met.