



October 13, 2020

Zoning Board of Appeals Meeting October 21, 2020

SUBJECT: Variance Request
905 Forest Park Road, Lillmars
Residence
Article VI Accessory Uses,
Sec. 48-1081(3) & Sec. 48-1081(5)

Chairman and Members
of the
Zoning Board of Appeals

Ladies and Gentlemen:

Jason Lillmars is requesting two variances to construct an addition to an existing detached accessory structure at 905 Forest Park Road. The first variance is to put a 3,220 square foot addition to their existing 900 square foot accessory structure. The second variance is to construct the addition to have a building height of 24 feet. Both variances are significant deviations from the maximum allowance per City Ordinance.

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 Jason Lillmars to construct a 3,220 square foot addition to his existing accessory structure, for a total accessory structure size of 4,120 square feet, at 905 Forest Park 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 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 because _____;

K. The circumstances or conditions that are unique to the property were/were not created by the landowner or any prior owner because _____;

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held remotely on the 21st day of October 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

RESOLUTION

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

A variance to allow Jason Lillmars to construct an addition to his existing accessory structure that has a height of 24 feet, a deviation of 10 feet from the maximum allowed per City Ordinance, at 905 Forest Park 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 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 because _____;

K. The circumstances or conditions that are unique to the property were/were not created by the landowner or any prior owner because _____;

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held remotely on the 21st day of October 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

October 13, 2020

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, Jason Lillmars, 905 Forest Park Road

Following please find comments regarding the two variance requests for the Lillmars Residence, 905 Forest Park Road:

MASTER PLAN

The current zoning of the property at 905 Forest Park Road 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. The entire surrounding area is single family residential and is Master planned to be "Medium Density Residential."

LAND USE

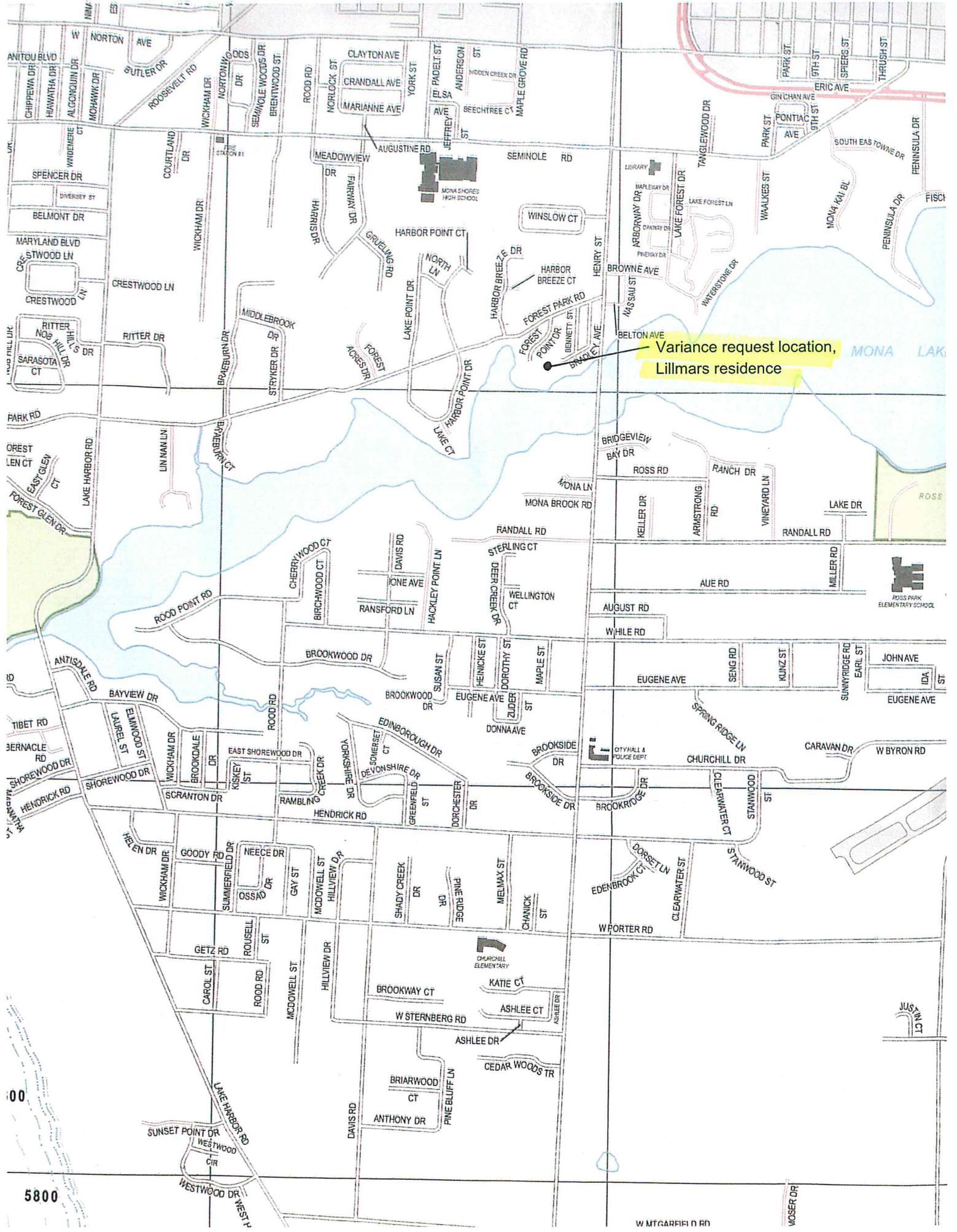
905 Forest Park Road currently has an existing single-family home with Mona Lake frontage. The surrounding area is single-family homes as well. The property has an existing 900 square foot detached accessory structure. The proposed variance would not change the land use, as the applicant would use the additional accessory structure space for an indoor gymnasium for their children.

RESOLUTION #1 COMMENTS

The first resolution is for the applicant to construct an addition to the existing detached accessory. As you recall, the City passed an ordinance this spring that made the maximum size of accessory structures dependent on the acreage of the lot. The larger the parcel of land, the larger an accessory structure could be constructed. As aforementioned, the existing structure is 900 square feet. Per City Ordinance, the largest accessory structure that is allowed is 1,250 square feet. The applicant is requesting an addition of 3,220 square feet, which would bring the total square feet of the building to 4,120 square feet – a significant deviation from what is allowed per City Ordinance.

RESOLUTION #2 COMMENTS

The second resolution is for the applicant to construct the above accessory structure addition to have a building height of 24 feet. Building height is defined, per Sec. 48-5 of the City Ordinances, as: "the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs **and to the average height between eaves and ridge for gable**, hip and gambrel roofs." City Ordinance allows for the building height of accessory buildings of 1,250 square feet or less to be 14 feet. The applicant is requesting a deviation of 10 feet from the maximum allowed.



Variance request location,
Lillmars residence

5800

W MITGARFIELD RD

MOSER DR



Strategic CPA | Accounting & Tax Solutions
Investment & Wealth Management

Securities offered through Avantax Investment ServicesSM, Member FINRA, SIPC.
Investment advisory services offered through Avantax Advisory ServicesSM.

Jason Lillmars, CPA, CFP®, MBA

Cell: 616-318-5472

Fax: 616-217-4075

Email: jason@strategiccpa.net

www.epagrandrapids.com

www.strategiccpa.net

www.strategiccpaplanner.com

October 6, 2020

Hi Ted,

Thank you again for all of your efforts in helping us gather everything necessary for our variance request. You have helped make what could be an overwhelming process relatively easy for someone who is not very familiar with making these types of requests.

Please let me know if anything else is required.

Thanks,

Jason Lillmars

FOR CITY USE

Planning Commission Date _____

Z.B.A. Date _____

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) Jason Lillmars

Address(s) 905 Forest Park Rd

Phone(s) 616-318-5472

II. Location of Property

Street name and number:

905 Forest Park 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).

Please see attached

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?

Please see attached.

V. Effect of Request on Other Properties

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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?

Please see attached.

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

Please see attached.

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.

<u>Jason Lillman</u>	<u>10/6/20</u>	<u>Jason Lillman</u>
Signature of Petitioner	Date	

_____	_____
Signature of Owner if If different than petitioner	Date

III. Nature of Request

Summarize the question or problem and reference the specific section(s) of the ordinance which is involved.

We would like to build a detached structure to accommodate a family recreation area. Current ordinance allows for a detached structure consisting of 1,250 square feet with a certain maximum height. Currently we have a 30' x 30' (900 square feet) detached garage on the property that we use for storage purposes. We wish to build a carefully crafted pole barn that would add an additional 3,220 square feet (46' x 70') and would connect to the back of the existing structure. The proposed addition would be 24'-0" at the roof midpoint and 28'-10" at its peak height. Both the square feet and building height require a variance proposal to be reviewed.

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?

If our request is not granted, we would not be able to have an indoor recreation area for our family. Due in part to COVID, we have made the decision as a family to home school our 3 children. We wish to make this investment for now and the future in order to have an area where physical activity and sports can be played and enjoyed year-round. We will use the area for activities such as basketball, gymnastics, floor hockey, indoor soccer, baseball, etc.)

V. Effect of Request on Other Properties

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

Our request would allow for a secondary structure on our residential property that is larger in terms of square footage and building height than what is allowed without making a variance request. Our total building size would be 900 square feet (current garage structure) + 3,220 square feet (proposed addition) = 4,120 square feet.

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

There would be no effect in this regard to the granting of our request.

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

We do not believe that there would be a substantial change to our neighborhood or that a substantial detriment would occur to any adjoining properties as the result of our request being granted. There is only one neighbor whose property runs adjacent to the proposed structure, and they have provided their support of the project.

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

We do not believe that our objective can be accomplished without the variance being granted.

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?**

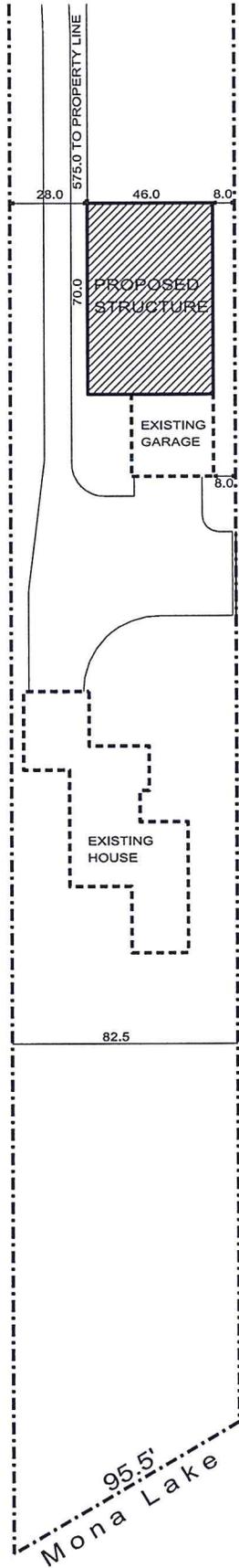
Our goal is to build a well-made structure that will provide for the overall health and well-being. It would lend itself to countless hours of play, exercise and enjoyment. We respect the ordinances of the City and believe that this is a worthwhile consideration for a variance.

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

The current variance request is due to the local ordinances in place regarding the size and height allowed for a secondary structure.

1309.0'

1046.9



0 5 10 20

Lillmars residence
905 Forest Park Rd
Norton Shores, MI



Lillmars residence
905 Forest Park Rd
Norton Shores. MI

