



April 17, 2019

Zoning Board of Appeals Meeting April 24, 2019

SUBJECT: Variance Request  
1806 Manitou Boulevard  
Article XII Fences  
Section 48-1324 (1b)

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

Thomas Rogers has requested a variance to construct 6-foot solid fencing on portions of his property at 1806 Manitou Boulevard. The parcel is a corner lot and the fencing would extend into the 25-foot front yard setbacks of both Manitou Boulevard and Mohawk Drive. The Zoning Ordinance limits fences within the front yard setback to a maximum height of four (4) feet and a minimum opacity of 50%. In the case of the fence along Mohawk Drive, Mr. Thomas has noted that this road has never been developed and the right-of-way is heavily wooded. The proposed fence is an extension of an existing fence that already does not meet the front yard setback requirement and would still maintain the required setback from the intersection corner. Regarding the fencing along Manitou Boulevard, he has noted that the road dead ends at this location and the fencing would abut the adjoining properties' rear yards to the east. Mr. Thomas has also noted that while the setback requirements are designed to protect sight lines, neither of his proposed fences would impact any visibility for adjoining properties.

A prepared resolution is attached for the Board's use.

Sincerely,

Robert W. Bilkie  
Planning and Zoning Administrator

RWB/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

## RESOLUTION

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

A Variance to allow Thomas Rogers to erect 6-foot solid fencing on portions of the property at 1806 Manitou Boulevard as opposed to the maximum 4-foot height and minimum 50% opacity permitted 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 24<sup>th</sup> day of April, 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



FOR CITY USE

Planning Commission Date \_\_\_\_\_  
Z.B.A. Date 4-24-19  
Date Received 4-3-19

CITY OF NORTON SHORES, MICHIGAN  
VARIANCE REQUEST

PAID

APR 3 - 2019

**NOTE TO APPLICANT**

**CITY OF NORTON SHORES**

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) Thomas Rogers

Address(s) 19047 148<sup>th</sup> Ave Spring Lake MI 49456 - Home

Phone(s) 231-206-3143

Site Address 3462 Manassah / 1806 Manitow Blvd

II. Location of Property

Street name and number:

3462 Mohawk (AKA 1806 Manitow) Parcel 61-27-456-000-0123-00

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 in an R-1 Single Family Residential District on the corner of Manitow & Mohawk. This requires privacy fence to be set back 25' from west lot line. Applicant wishes to install 6' privacy fence starting 100' N of SW corner along Mohawk Right of way along property line, north to NW corner - 205 feet. Also starting at the SE corner, north 165 feet as the SE corner is set back in the woods from the dead end of Manitow Blvd. and also is the backyard of the residence on Butler.

Requesting:

west lot line variance of 25' for 6' privacy fence along property line east lot line same as above to install privacy fence to SE front.

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?

In order to install a 6' Tall Privacy fence along the West Lot Line  
Current zoning Requires a 25' set back.

Unique is the frontage on Mowhawk is unimproved "Two-Track"  
That is mostly wooded and is not open through to Norton.  
No Homes Have frontage on that section.

On the East Lot line the 25' variance Requested is Deep in the woods.

V. Effect of Request on Other Properties

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

Minor? Considering the zoning requirements  
intend to preserve sight lines from a TRAVELED Roadway.  
Mowhawk and the dead end of Monitor are unimproved Dirt Tracks.

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 Mowhawk is an unimproved dirt Two-track  
dead ending into woods - no curb cut on Norton Ave.

- 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.

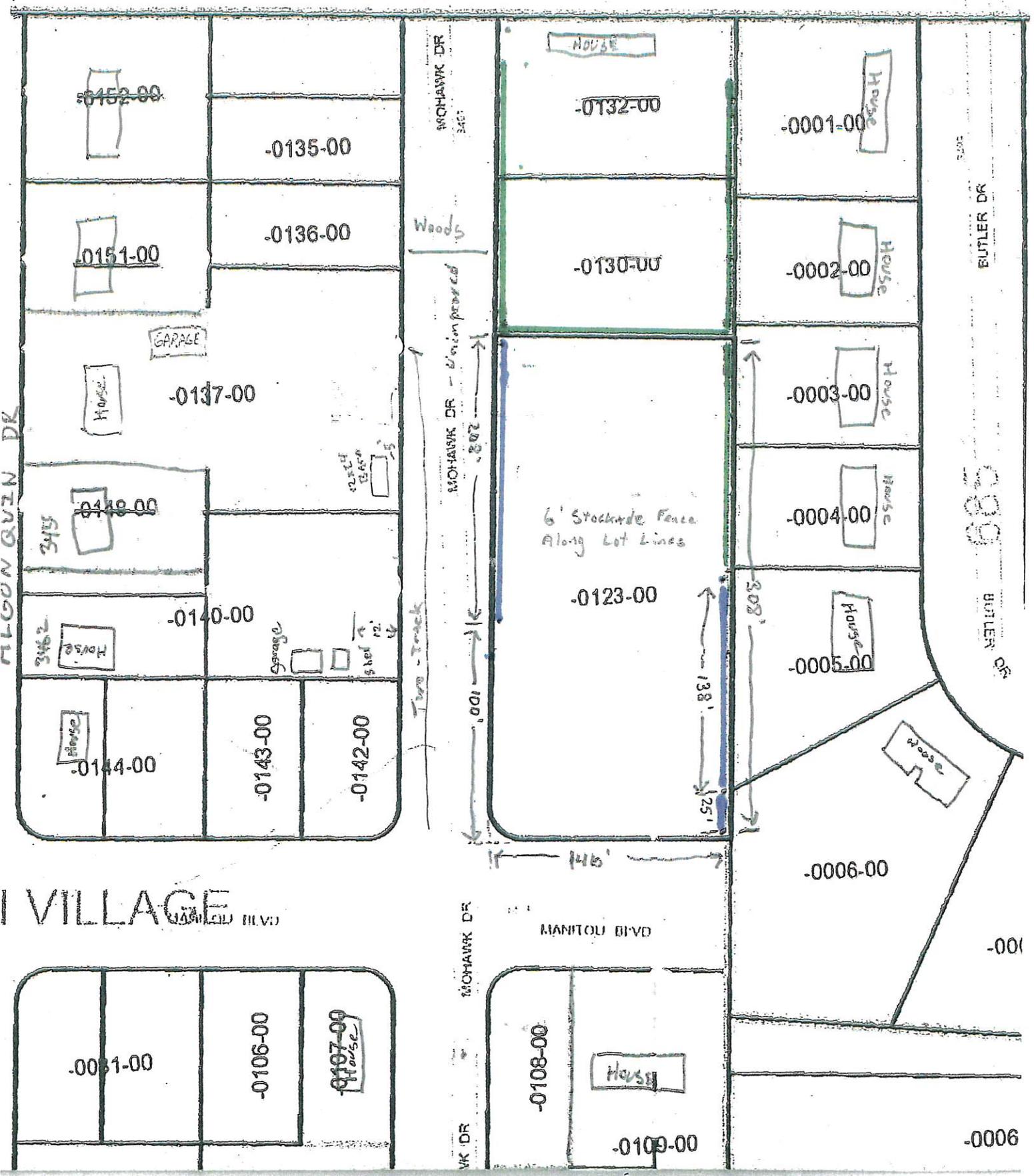
**ACKNOWLEDGEMENT AND CERTIFICATION**

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.

Thomas Rogers      4/03/19      Thomas Rogers  
 Signature of Petitioner      Date

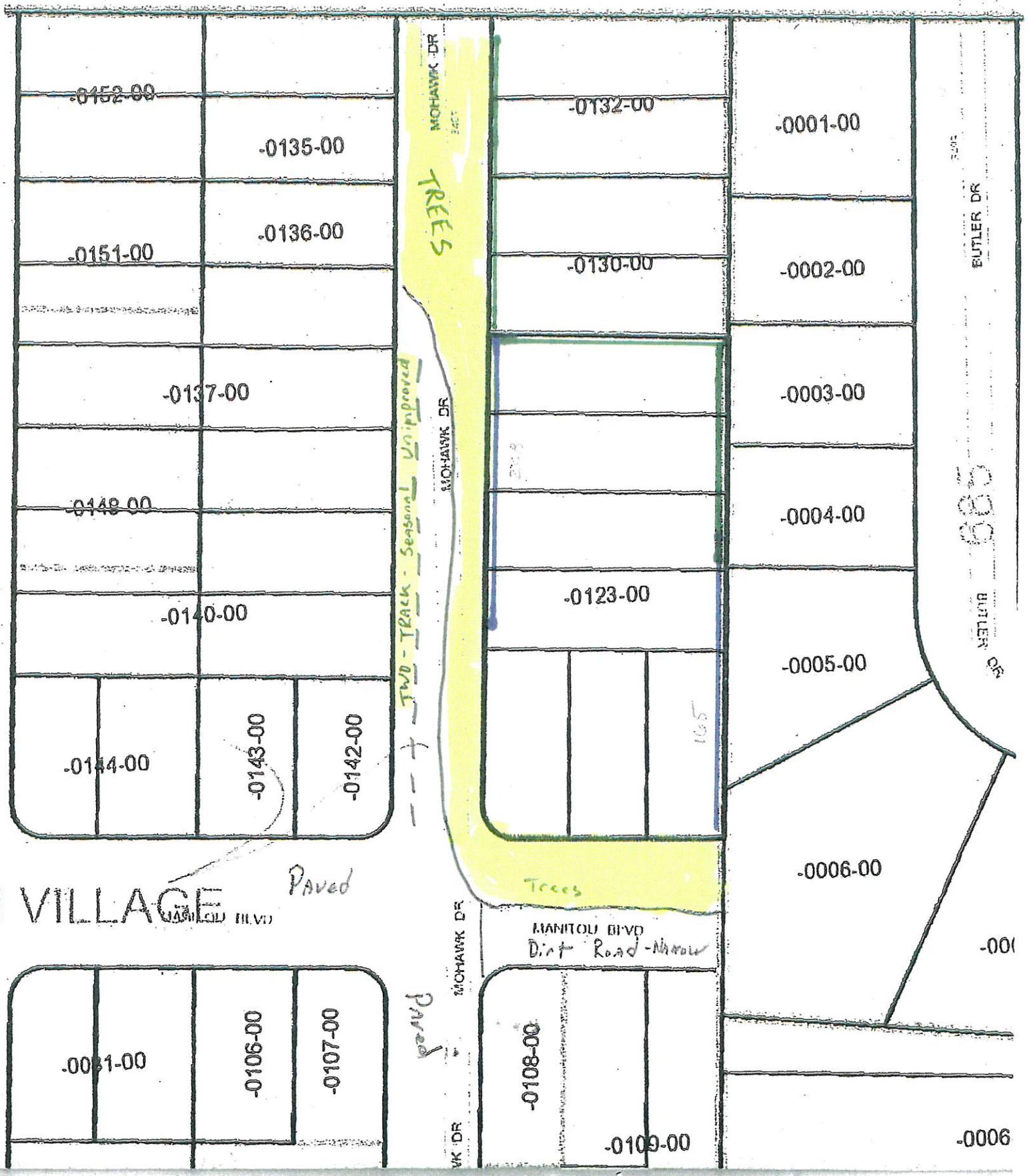
\_\_\_\_\_  
 Signature of Owner if      Date  
 If different than petitioner



**VILLAGE**

 = Proposed 6' Tall Stockade fence  
 = Existing 6' Tall Stockade fence





VILLAGE

Paved

Paved

MANITOU BLVD  
Dirt Road - Narrow

Terrain MAKEUP

= Wooded Area

--- = TWO TRACK Mohawk N of Manitou unimproved

— = Existing Primary fence

— = Proposed Primary fence





Standing on Mohawk, Looking North. Red is SW corner property. Mohawk "street" is Two-Track at Left, 20+ feet from My west Property Line.



Front SW Corner Looking straight down W. Property Line  
Mohawk Two-track approx 20' to the left of post corner



Start of proposed 6' stockade fence 100' from front SW corner, to run North 208' To Rear & NW corner.

Mohawk Drive is 15-20 W of Lot Line, unimproved "Two Track".



West Property Line Looking S, Stockade fence to Run 100' Along Blue Line South, Picture Below shows proposed fence running additional 108' North





King North, blue line represents proposed 6' stockade fence along  
property line starting 100' north of SW corner, running 208' to  
corner. Two Track is Mohawk Ave approx 15-20' from my W Lot



King South on Mohawk Tracts Monitor



Proposed 6' Stockade fence on west property Joining to existing Stockade at NW corner.



Red flag marks beginning of fence (6' stockade) beginning 100' from front SW corner, ending 208' at NW corner.



Also proposing to erect 6' stockade Fence from Front SE corner  
North 165' along East property Line



View from dead end at Manitowish, property corner is on the R end of  
Blue Line.



Note:  
Blue Line  
would Be  
About 25' L  
(proposed 6'  
Stockade Fence)  
Length of  
variance on  
East lot  
Line.

View facing East at intersection of Mohawk + Manitow

Blue Line represents proposed 6' stockade at front SE corner  
Fence



View facing East Along Front Property line on Manitow  
Looking Straight across Front Line. 20'-30' wooded Before Manitow  
is improved.