



September 9, 2019

Zoning Board of Appeals Meeting September 25, 2019

SUBJECT: Variance Request  
40 E. Farr Road  
Article VI Accessory Uses  
Section 48-1081

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

Michael Johnsen, a contractor, is requesting two variances for the construction of an accessory structure for the Kowalk residence at 40 E. Farr Road. The first variance he is requesting is to construct the building to be 1,872 square feet, a variance of 872 square feet from the maximum allowable per City Ordinance. The second variance is to construct the same building to have a height of 18 feet, which is a variance of 4 feet from the maximum allowable height per City Ordinance.

Staff has reviewed the request and notes that the lot where the variance is being requested is at the corner of E. Farr Road and Martin Road. The meets and bounds parcels in the area are all over an acre in size and have natural elements to them including meadows and woods.

Two prepared resolutions are attached for the Board's use. One for the size variance request and the other for the height variance request.

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 Michael Johnsen to construct an 1,872 square foot accessory structure a variance of 872 square feet from the maximum allowable by City Ordinance on the premises at 40 E. Farr 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 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 25<sup>th</sup> 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

## RESOLUTION

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

A variance to allow Michael Johnsen to construct an accessory structure with a building height of 18 feet a variance of 4 feet from the maximum allowable building height of 14 feet by City Ordinance on the premises at 40 E. Farr 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 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 25<sup>th</sup> 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

September 16, 2019

TO: Zoning Board of Appeals Members  
FROM: Ted Woodcock, Planning and Zoning Administrator TSW  
SUBJECT: Variance Request, 40 E. Farr Road

Following please find comments regarding the variance request for the Kowalk accessory structure at 40 E. Farr Road

### MASTER PLAN

The current zoning of the property at 40 E. Farr Road is R-5 Single-Family Residential. The Master Plan states that this property is to be zoned for "Rural 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. There is also a condo development, Aspen of Norton Shores, that is directly across Martin Road from the requested variance property. That development is also zoned R-5. The variance would not affect the zoning district nor use of the property.

### LAND USE

This property is in a less dense area of the City. Single family homes on large residential lots are located to the north and south of the property where the proposed variance is located. The lot is currently empty, but there are plans for a home to be constructed along with an accessory structure.

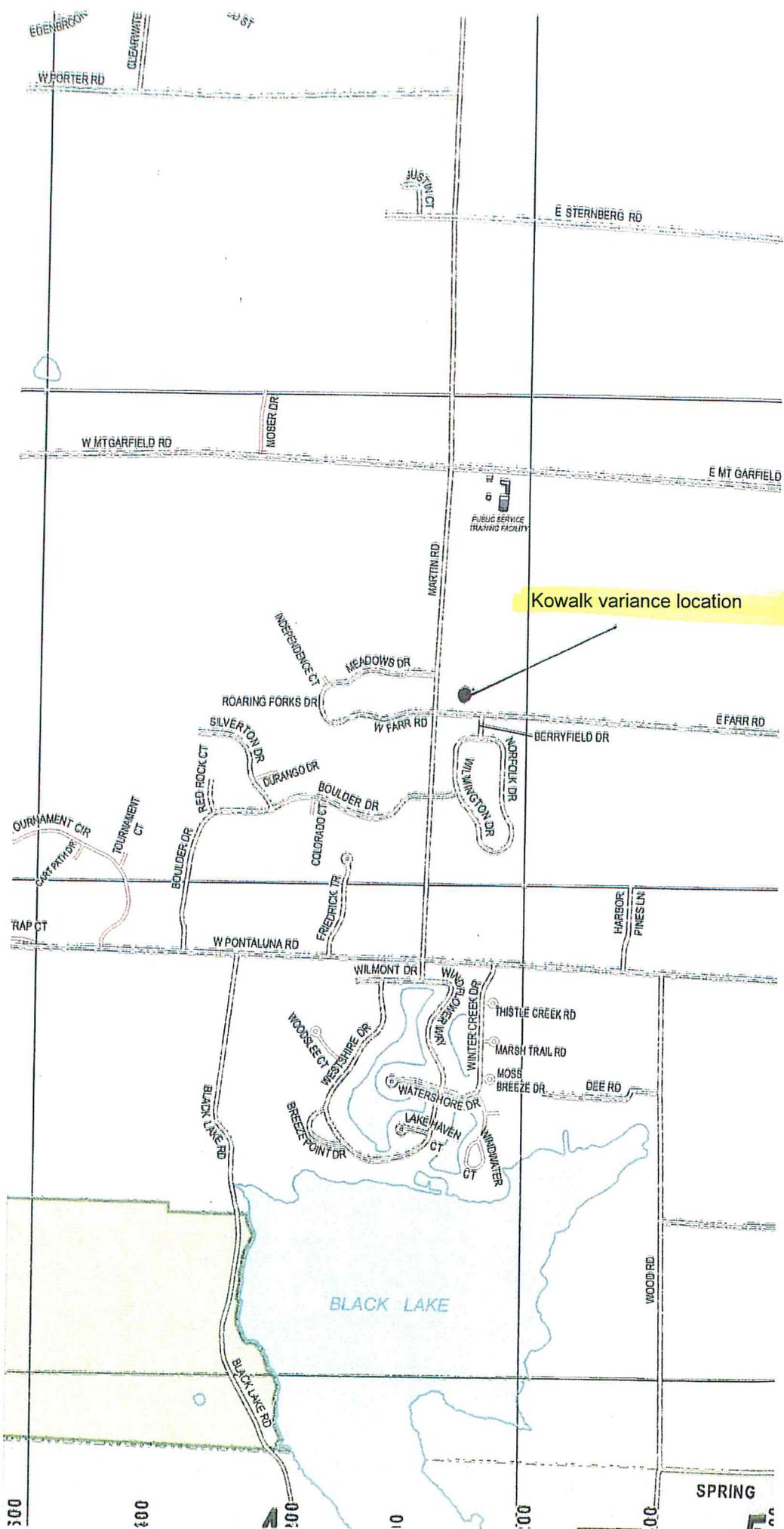
### COMMENTS

The applicant is seeking a larger and taller accessory structure for storage purposes. There are other large accessory structures on other properties in the area, and the proposed structure is a long distance from both Farr Road and Martin Road.

The building height of the accessory structure is measured as defined in Sec. 48-5 "Definitions":

*"Building height means 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."*

Based on this definition the second variance that is being requested would be for the accessory structure to have a building height of 18 feet, a variance of 4 feet from the maximum allowed per City Ordinance.



Kowalk variance location

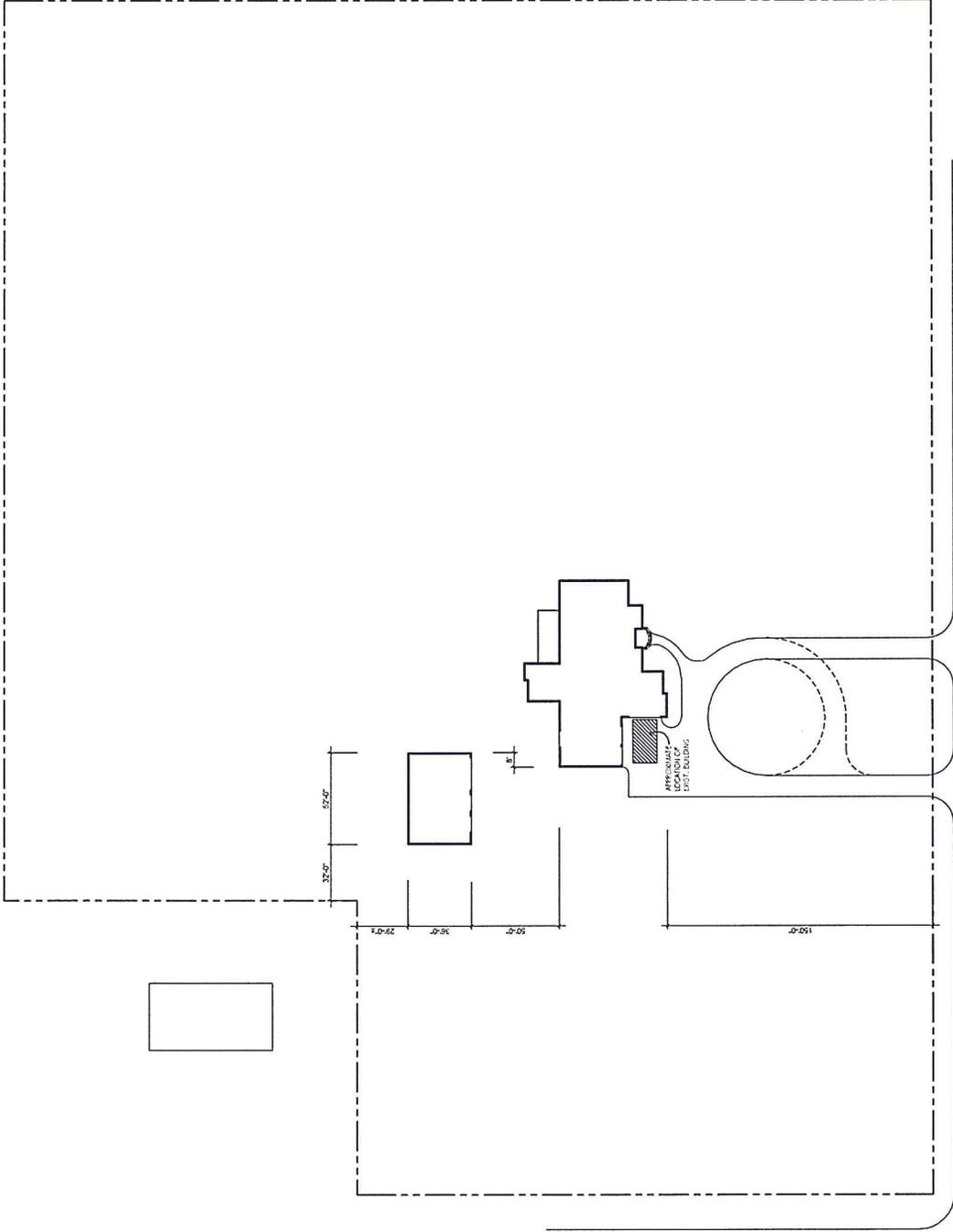
PUBLIC SERVICE TRAINING FACILITY

BLACK LAKE

SPRING

300 400 500 10 600 700 800

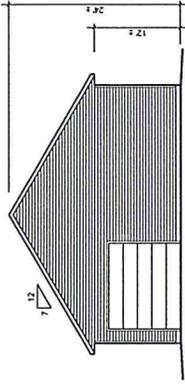
PROPOSED SITE PLAN  
1" = 32'0"



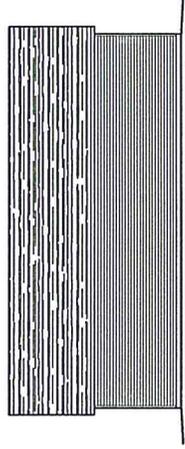
DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
SHEET: \_\_\_\_\_  
SP1

McManus  
residential architecture llc  
1100 Grand Haven North, Michigan, MI  
Phone: 217.443.7272

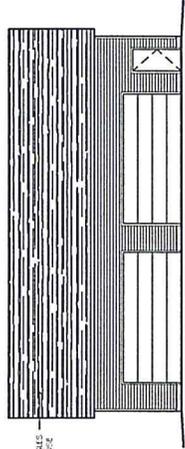
Kowalk Residence



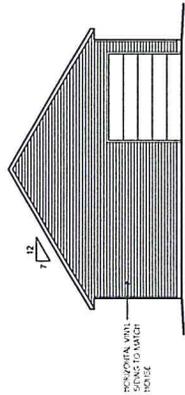
**WEST ELEVATION**  
1/8" = 1'-0"



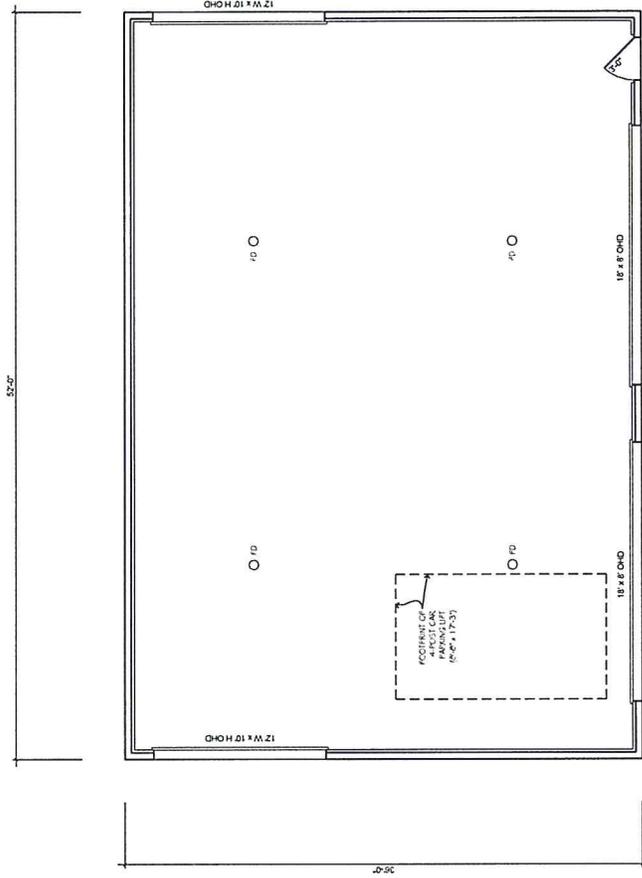
**NORTH ELEVATION**  
1/8" = 1'-0"



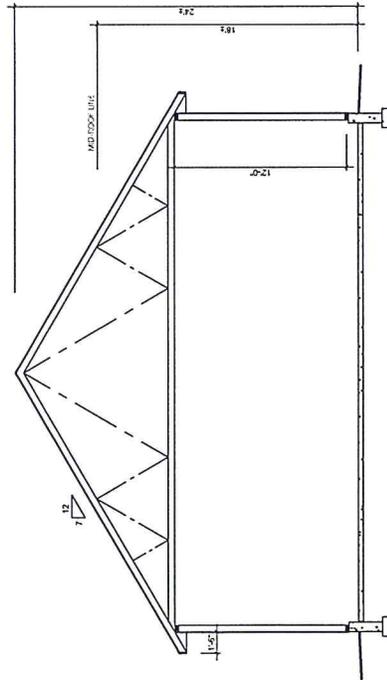
**SOUTH ELEVATION**  
1/8" = 1'-0"



**EAST ELEVATION**  
1/8" = 1'-0"



**ACCESSORY BUILDING PLAN**  
1/8" = 1'-0" 10/22/21



**CROSS SECTION**  
1/8" = 1'-0"

Kowalk Residence

McMannus Residential Architecture LLC  
440 Central Road, North Andover, MA  
Phone 321.64.3372

DATE	
REV	

A1

FOR CITY USE

Planning Commission Date \_\_\_\_\_  
Z.B.A. Date 9/25/19  
Date Received 8/30/19

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) Michael Johnsen

Address(s) 2258 Warren Ave Norton Shores MI 49441

Phone(s) 231-638-1927

## 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

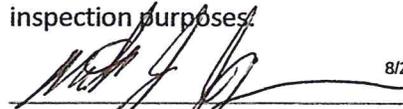
- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete and all information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

Michael J Johnsen

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

Jeffrey Kowalk

II. Location of Property

Street name and number:

40 E. Farr 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).

The property is located in R-5 district which limits the size of the building to 1000 sq ft and 14 ft tall.

The owners are proposing an 1872 sq ft building with a peak height of 21 feet .

The proposed home to be built on the property will be 3425 sq ft main level with a full walk-out basement.

The building would be 54% of the home size and substantially shorter then the proposed home

The property is over 7 acres 7 times larger then the minimum lot size for for this size building

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?

The ability to store owners collector cars, boat, property maintenance equipment and other items  
in a single safe location close to their residence

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V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?  
Other properties in close proximity have large accessory buildings.

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2. If the variance is allowed, what effect will there be regarding the increased population density thus generated on available governmental facilities?  
No

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3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?  
No

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4. Can the difficulty be obviated by some feasible method, other than a variance?  
No

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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

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6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?  
With the larger parcel the owner is requesting a larger building for the need of larger property maintenance equipment along with his personal needs as listed above.

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## Muskegon County Property Viewer Map

Type a Map Title Here

Type a Note for the map print here



Scale: 1 to 2,257

Notice: Muskegon County and Muskegon County GIS makes no warranty, expressed or implied, regarding the accuracy, completeness, or usefulness of the information presented. Muskegon County assumes no responsibility for errors that arise from the use of this information.

MUSKEGON COUNTY



Map by Muskegon County GIS  
141 E. Apple Ave, Muskegon, MI 49445

P: 231-724-4458 F: 231-724-1129

[www.muskegoncountygis.org](http://www.muskegoncountygis.org)

Printed from the Muskegon County  
GIS Property Viewer

Map Printed 9/17/2019





**Muskegon**  
COUNTY  
**Muskegon County**  
**Property Viewer Map**

Type a Map Title Here

Type a Note for the map print here



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