



August 26, 2019

Zoning Board of Appeals Rescheduled Meeting  
September 4, 2019

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

Chairman and Members  
of the  
Zoning Board of Appeals

Ladies and Gentlemen:

Joseph Firestone is requesting a variance for the construction of a detached accessory structure that is proposed to be 1,920 square feet, a variance of 920 square feet from the maximum allowable square feet per City Ordinance.

Staff has reviewed the request and notes that the proposed lot is just over 3 acres in size. The use is consistent with the neighboring properties and will remain residential.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Woodcock".

Ted Woodcock  
Planning and Zoning Administrator

TSW/  
Attachment

## RESOLUTION

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

A variance to allow Joseph Firestone to construct a 1,920 square feet accessory structure, a variance of 920 square feet as allowed by City Ordinance on the premises at 518 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 **rescheduled** 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 4<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

August 19, 2019

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, 518 E. Farr Road

Following please find comments regarding the variance request for the Firestone residence at 518 E. Farr Road.

### MASTER PLAN

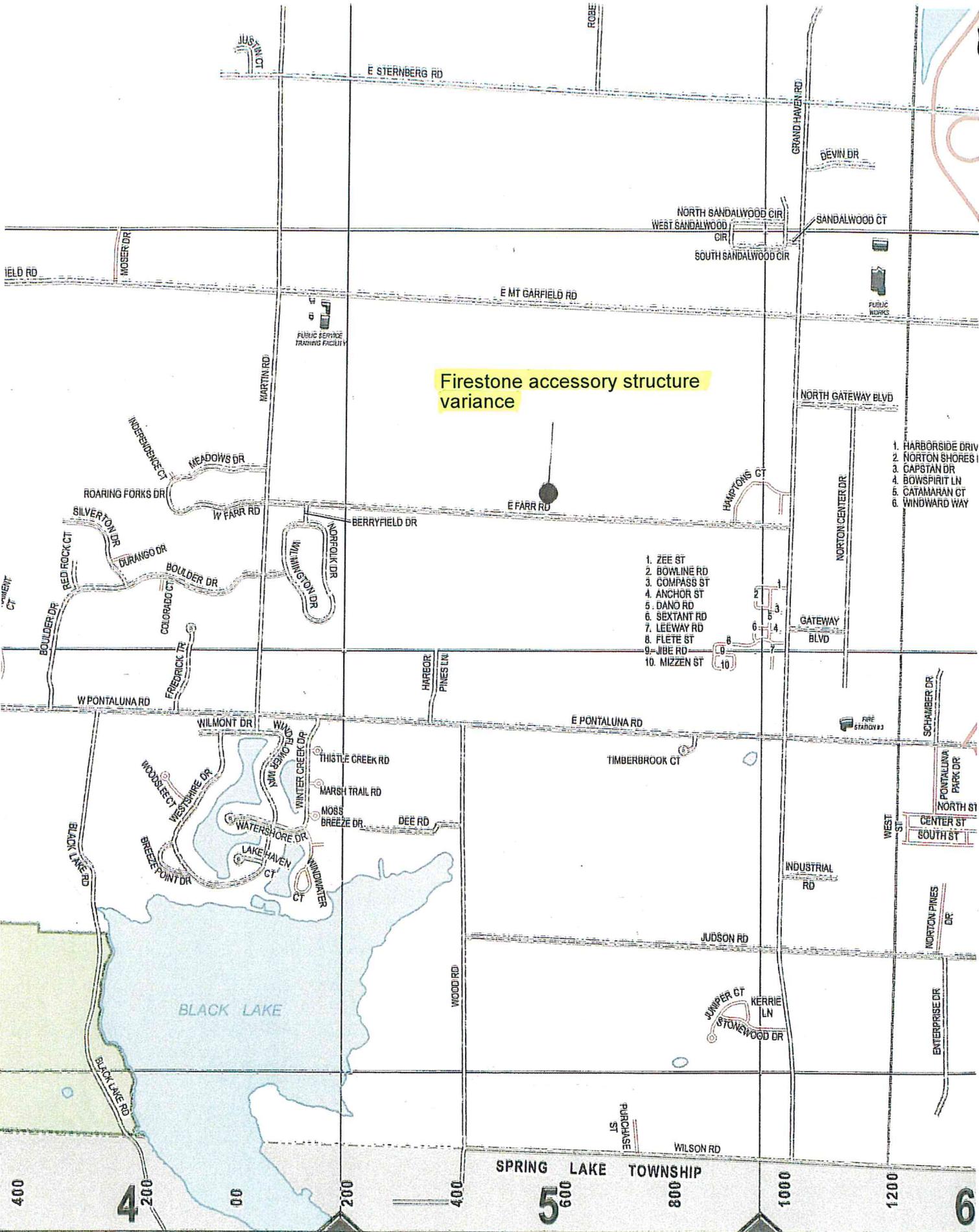
The current zoning of the property at 518 E. Farr Road is R-5 Single-Family Residential. The Master Plan states that this property is to be zoned for "Rural Residential", which is compatible with the R-5 Single-Family Residential zoning district. The surrounding parcels are in excess of 3 acres in size and are densely wooded, which is consistent with the intended character of the "Rural Residential" zoning district.

### LAND USE

This property is in a less dense area of the City. The directly adjacent properties are single-family home uses with some detached accessory structures, but none as large as the requested variance. However other parcels on E. Farr Road do have larger pole structures than current ordinance allows. Their approvals were done decades ago and are therefore legal non-conforming. The land use would be the same: residential dwelling with a detached accessory structure as allowed per City Ordinance.

### COMMENTS

The applicant is seeking an accessory structure variance to increase his storage capacity for tools and other "hobby items." The proposed accessory structure would meet setback and other dimensional requirements per City Ordinance.



**Firestone accessory structure variance**

1. HARBORSIDE DRIV
2. NORTON SHORES I
3. CAPSTAN DR
4. BOWSPIRIT LN
5. CATAMAHAN CT
6. WINDWARD WAY

1. ZEE ST
2. BOWLINE RD
3. COMPASS ST
4. ANCHOR ST
5. DANO RD
6. SEXTANT RD
7. LEEWAY RD
8. FLETE ST
9. JIBE RD
10. MIZZEN ST

SPRING LAKE TOWNSHIP

400 4 200 00 200 400 5 600 800 1000 1200 6

FOR CITY USE

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

Z.B.A. Date 8/28/19

Date Received 7/15/19

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) Joseph W Firestone

Address(s) 518 FARR RD, NORTON SHORES 49444

Phone(s) 231-670-3725

II. Location of Property

Street name and number:

518 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).

UNATTACHED permanent storage/hobby pole (POST CONSTRUCTED) BUILDING is currently 1000 sq ft maximum. I AM REQUESTING TO APPLY FOR A VARIANCE TO INCREASE SQ FT TO 1,500.

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 adequately store my tools or small collection of hobby items. I am not using much of my 4 acres currently. The property and general area has many structures larger than my request due to the area being formerly agricultural and most landowners have multiple acres.

V. Effect of Request on Other Properties

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

MINIMAL I believe.

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

zero

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

I do not believe there to be any change of character. It will fit in the area quite nicely.

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

I do not believe so.

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?

Certainly AS I see it.

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

The placement of the building in the place requested and size will do the least amount of change to the property and will suit my needs well. It will also be close enough to the home to discourage possible theft or "break ins" in the future.

## 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

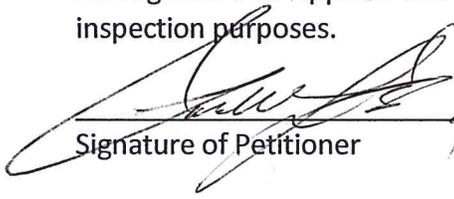
- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete and all information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


7/15/19  
 \_\_\_\_\_  
 Signature of Petitioner                      Date

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

7/7/2019

Proposed Post building at 518 FARR Rd.  
I, Joseph W Firestone AM seeking  
to build a 1500 square foot post  
style building on my property at 518  
FARR RD. I AM seeking a size  
variance from the city of Norton Shores  
to build 1500 sq ft. Current ordinance  
restricts at 1,000 sq ft with out variance.  
This is an attempt to make all  
neighbors aware of my attempt to acquire  
this variance for a professionally built  
post building at my address of 518  
FARR Rd.

By acknowledging this, you are  
simply saying you are aware and not  
concerned with negative impact.  
Neighbors

- 1) John H. Kamp / John H. Kamp / 524 FARR
- 2) MARK WINTH /  / 528 FARR
- 3) KEN BLAKEY / Ken Blakey / 504 FARR

Proposed Post building at 518 FARR Rd.

I, Joseph W Firestone AM seeking  
to build a 1920 square foot post  
style building on my property at 518  
FARR RD. I AM seeking a size  
variance from the city of Norton shores  
to build 1920 sq ft. Current ordinance  
restricts at 1,000 sq ft with out variance.  
This is an attempt to make all  
neighbors aware of my attempt to acquire  
this variance for a professionally built  
post building at my address of 518  
Farr Rd.

REVISION  
DATE  
8/14/2019

By acknowledging this, you are  
simply saying you are aware and not  
concerned with negative impact.

Neighbors

1) John H. Kamp / John H. Kamp / 524 FARR

2) MARK LYNN /  / 528 FARR

3) KEN BLAKEY / Ken Blakey / 504 FARR



### WALL 1-C FRAMING

