



July 8, 2020

Zoning Board of Appeals Meeting July 15, 2020

SUBJECT: Variance Request
3705 Farmwood Drive
Article III District Regulations
Sec. 48-805

Chairman and Members
of the
Zoning Board of Appeals

Ladies and Gentlemen:

Ben DeMuro is requesting a variance to construct a front porch within the front yard setback at his residence at 3705 Farmwood Drive. The front porch is proposed to be 22 feet from the front property line, a variance of 8 feet from the required minimum 30 feet front yard setback 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 Ben DeMuro to construct a front porch that is 22 feet from the front yard property line, a deviation of 8 feet from the required 30 feet as required by City Ordinance, at 3507 Farmwood Drive.

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.

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

At a regular meeting of the Zoning Board of Appeals of the City of Norton Shores, held remotely on the 15th day of July 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

July 8, 2020

TO: Zoning Board of Appeals Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Variance Request, 3705 Farmwood Drive

Following please find comments regarding the variance request for the DeMuro residence at 3705 Farmwood Drive:

MASTER PLAN

The current zoning of the property at 3705 Farmwood Drive 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 zoning district. The surrounding parcels are all zoned R-3 Single Family Residential as well, and have the "Medium Density Residential" as their future land use per the adopted Master Plan.

LAND USE

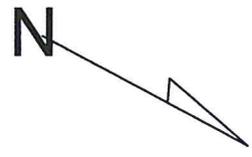
3705 Farmwood Drive and the surrounding parcels consist of single-family homes. The applicant is seeking a variance to construct a front porch from the existing home. The home is to remain single family residential. The variance request will not change the use of the parcel.

COMMENTS

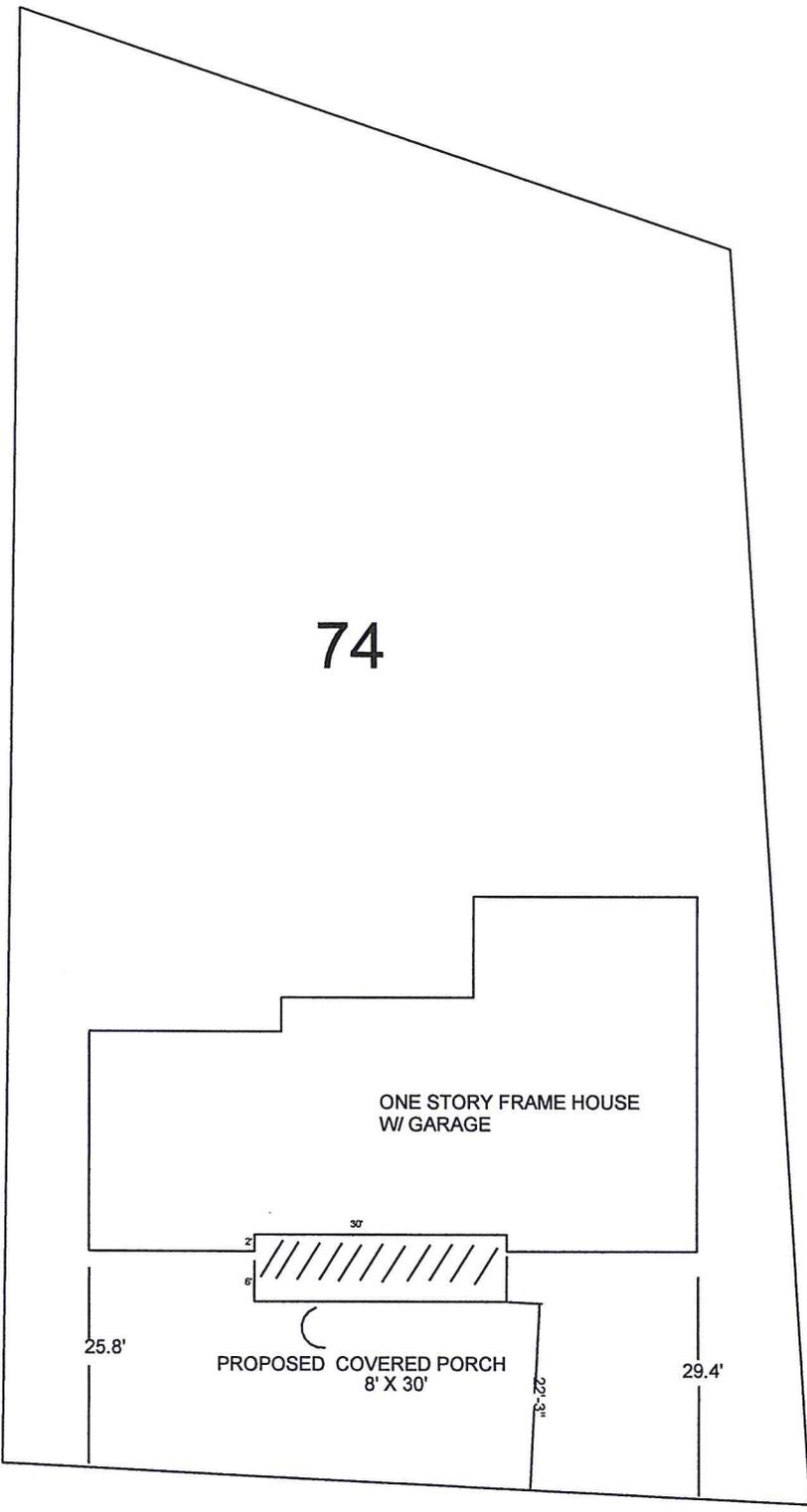
The home at 3705 Farmwood Drive is already non-conforming per the submitted site plan. In the R-3 Single Family Residential zoning district, the front yard setback is required to be a minimum of 30 feet. Based on assessing records, the home was constructed in 1961 and the latest revisions with principal building setbacks was in 1981.

In the 1959 zoning map and zoning regulations – which are included in this packet – the Farmwood Drive area, which was undeveloped at that time, shows that it is zoned "R-2" with a minimum front yard setback of 25 feet. At the time of construction, that ordinance would have been met. However, whenever the area changed from "R-2" to "R-3" the home became non-conforming.

Lot 74, Plat of Farmwood No. 1, according to the recorded plat thereof as recorded in Liber 16 of Plats, Page 46, Muskegon County Records.



74



FARMWOOD DRIVE

PG 1 OF 2

CUSTOMER: BEN DEMURO
LOCATION: 3705 FARMWOOD DR MUSK
PROJECT: ADD FRONT COVERED PORCH

RENOVATIONS BY RICK
SPRING LAKE, MI 616-298-6443
DATE: 7-8-20 REV: 0

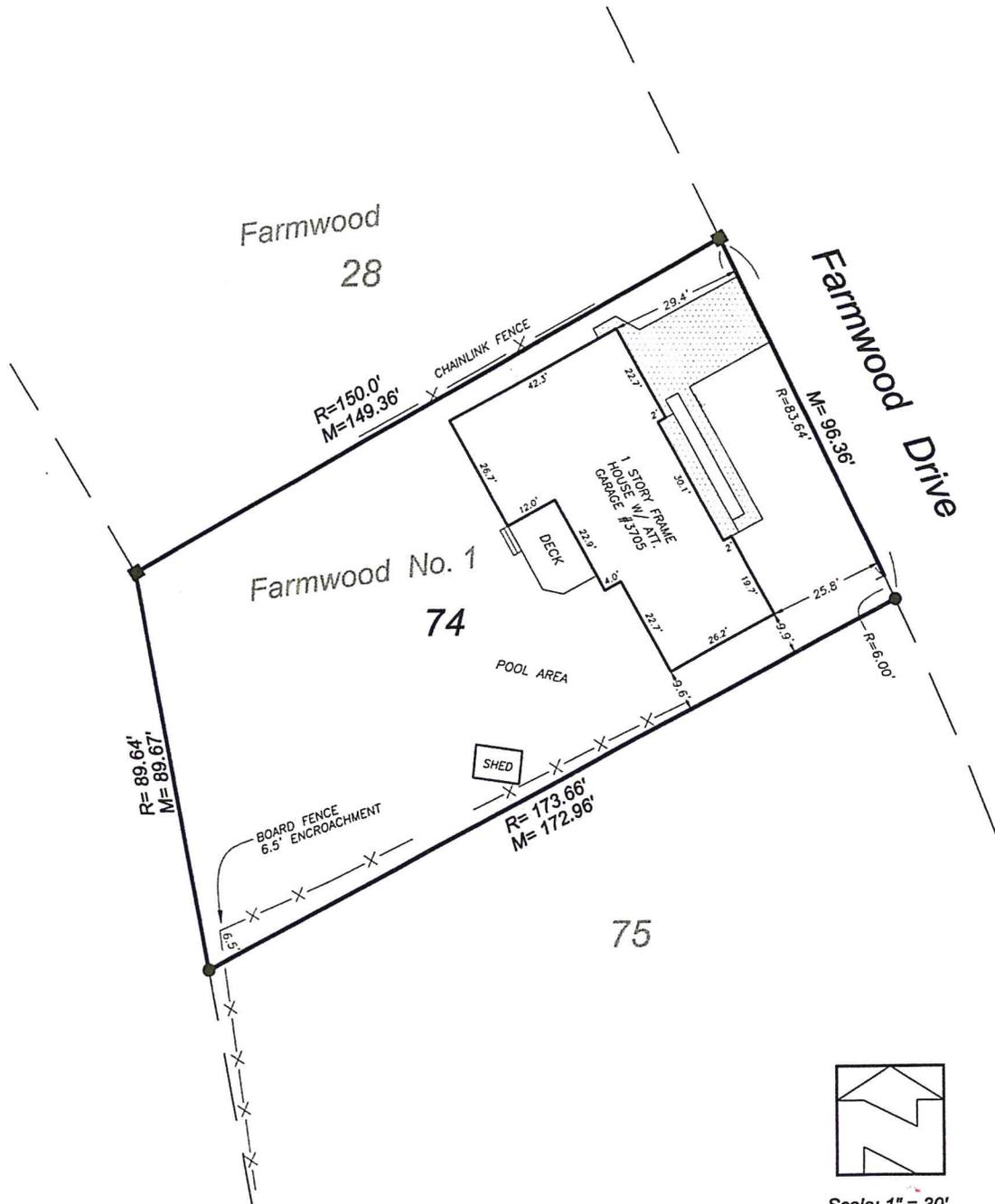
SKOCELAS LAND SURVEYING, INC.

PLAT OF SURVEY

SURVEY FOR: Ben Demuro
3705 Farmwood Drive
Muskegon, MI 49441

This parcel is located in the City of Norton Shores, Muskegon County, State of Michigan, described as follows:

Lot 74, Plat of Farmwood No. 1, according to the recorded plat thereof as recorded in Liber 16 of Plats, Page 46, Muskegon County Records.



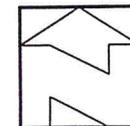
This survey was prepared based upon the furnished legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions of record.

John M. Skocelas
JOHN M. SKOCELAS P.S. #41112

Skocelas Land Surveying, Inc. ⚓

6318 Red Rock Court
Norton Shores, Mi. 49444
Phone: (231) 799-0290
Fax: (231) 799-0292

- D = Deed Dimension
- R = Recorded Dimension
- M = Measured Dimension
- = Set Iron Stake
- = Found Iron Stake
- = Found Concrete Monument



Scale: 1" = 30'



File No: SLS20161

Date: 05/12/20

TABLE I
HEIGHTS, AREAS AND YARDS

District	Height	Limit	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Depth	Story	Minimum Side Yards Least Width	Sum of Least Widths	Minimum Rear Yard
R-1 RESIDENCE DIST. (A)	2 stories or 30 feet		6,000 sq. ft.	50 feet	25 feet	1 & 1½ 2 story	5 feet	15 feet	30 feet
(B)	2 stories or 30 feet		7,200 sq. ft.	60 feet	25 feet	1 & 1½ 2 story	6 feet	16 feet	40 feet
(C)	2 stories or 30 feet		10,000 sq. ft.	80 feet	25 feet	1 & 1½ 2 story	7 feet	17 feet	40 feet
R-2 RESIDENCE DIST.	2 stories		13,500 sq. ft.	90 feet	25 feet	1 & 1½ 2 story	10 feet	30 feet	60 feet
C-1 BUSINESS DIST.	2 stories		(Same as for R-1 for residential buildings)		20 feet	(Same as R-1 for residential buildings. None required for commercial uses except that loading, unloading of trucks, cars or other carriers shall be accomplished exclusively on the property.)			30 feet
C-2 BUSINESS DIST.	(Distance from centerline of street.)		(Same as R-1 for residential buildings)			(Same as for C-1)			25 feet
M-MANUFACTURING DIST.	Same as C-2		(Same as for R-1 for residential uses.)		(Same as R-1)	(Same as for C-1)			25 feet

(A) Where both public water and sanitary sewer are available.

(B) Where public water is available or within 1 mile of any public water main as measured along a public highway.

(C) Where neither public water nor public sewer is available and where the distance to public water is greater than 1 mile as measured along public roads.

(1) 40' set back on all State Trunklines and County primary roads in R-1, R-2 and C-1 districts. January 6, 1955

To: Zoning
City of Norton Shores

From: Rick Slater / Ben Demuro

Address: 3705 Farmwood Dr
Muskegon, MI

Construction Project: Add Covered front porch

The following is being submitted for zoning approval. It is realized the front set backs in place according to current city ordinance would be out of compliance for new and additions. If approved, an architectural set of drawings will be submitted for building / electrical permit review.

The basics of construction shall include concrete foundation, treated lumber decking and open timber trusses. If approved, we anticipate completing this project summer 2020.

Please contact me if further information is required.

Contractor: Renovations By Rick

Rick Slater

616-298-6443

18781 Greenwood Ct

Spring Lake, MI 49456

FOR CITY USE

Planning Commission Date _____
Z.B.A. Date 7/15/20
Date Received 6/15/20

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 4:00 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) Ben DeMuro

Address(s) 3705 Farmwood Drive, Norton Shores, MI 49441

Phone(s) 231-730-0712

II. Location of Property

Street name and number:

3705 Farmwood Drive

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-3 Single Family Residential District which requires a minimum front yard setback of thirty (30) feet, Article Eight of the Zoning Ordinance. Applicant wishes to reduce the front yard setback to twenty two (22) feet. Therefore, applicant requests a variance from the minimum thirty (30) foot setback.

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 a variance is not granted, Applicant will be deprived of reasonable use of owned property/structure. Neighboring properties have similar dimensional setbacks as requested in variance. Property is also unique to the neighborhood as no other structure exists directly across the roadway. See also, response to Article V, Item 6.

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?
Variance requested will reduce the minimum front yard setback from thirty (30) to twenty two (22) feet which is approximately a 22% reduction.

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

3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?
There will be no substantial change to the character of the neighborhood. Neighboring property currently has a deck within the setback. Variance request is not detrimental but rather, entirely consistent with neighboring properties.

4. Can the difficulty be obviated by some feasible method, other than a variance?
The difficulty cannot be avoided by another feasible method other than a granted variance.

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?
Justice will be served by allowing the requested variance.

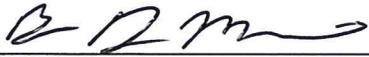
6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?
Plight of landowner is due to the unique dimensions of property. A majority of the property area is unbuildable to the rear of the existing structure. Due to the lot elevations, structure was built close to existing front yard setback limiting structural additions.

- 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	
		
Signature of Owner if If different than petitioner	Date	