CITY OF NORTON SHORES
ZONING BOARD OF APPEALS
September 25, 2019

A regular meeting of the Norton Shores Zoning Board of Appeals was called to order on Wednesday, September 25, 2019, at 4:00 p.m. in the Large Conference Room, Norton Shores City Hall, 4814 Henry Street.

Present: Chairperson Hegarty, Board Members Carroll, Hill, Otto, and Philips; also, Enrika McGahan, Ted Woodcock, and Shelly Stibitz

Absent: Board Members Maniates and White

19-A11 Minutes

Board Member Otto moved to approve the minutes of the September 4, 2019 Zoning Board of Appeals meeting. The motion was supported by Board Member Philips and carried unanimously.

19-A12 Variance Request – 2228 Columbus Ave., Patterson

The City Clerk certified the September 4, 2019 mailing and September 6, 2019 publication of the public notice.

A public hearing was held. Applicant Gary Patterson, 2228 Columbus Ave., described his request to have a covered open porch constructed that extends 8' from the house and spans the entire 36' width of the residence. The contractor Rick Hines, Schmidt Roofing, added that it will have a 1' overhang and stairs off the side and the entire project will only result in a 2' variance. Francis Theilbar, 2216 Columbus, spoke in support of the request and Mrs. Karen Patterson further explained their desire to improve their property.

Board Member Otto moved to grant a Variance to allow Gary Patterson to construct a 288 square foot front porch that is 20.5 feet from the front property line, a variance of 4.5 feet from the minimum of 25 feet as allowed by City Ordinance on the premises at 2228 Columbus Avenue based on the following practical difficulties in carrying out the strict letter of the Ordinance: 1) The Variance is in harmony with the general purposes and intent of the Ordinance because the property is small; 2) The Variance will result in an improvement to the property and neighborhood; and 3) The Variance will not substantially change or affect the character of the neighborhood because similar porches exist. The motion was supported by Board Member Hill and carried unanimously.

19-A13 Variance Request – 40 E. Farr Road, Kowalk

The City Clerk certified the September 4, 2019 mailing and September 13, 2019 publication of the public notice.

A public hearing was held. Applicant Michael Johnsen, 2258 Warren Avenue, spoke as the builder for the property owner Jeffrey Kowalk. The homeowner plans to have a home built on the property at 40 E. Farr Road and would like to first build an accessory building on the seven-acre parcel that will be used to store large vehicles and personal items. Mr. Johnsen referred to adjoining properties that have much bigger accessory buildings than the requested variance.

Board Member Hill moved to grant 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 based on the following: 1) The Variance is in harmony with the general purposes and intent of the Ordinance because the structure will be consistent with the lot size and type; 2) There are practical difficulties in carrying out the strict letter of the Ordinance in that a smaller structure will not function as the applicant wants; and 3) The Variance will not substantially change or affect the character of the neighborhood because similar sized accessory buildings already exist in the area. The motion was supported by Board Member Otto. Board Member Philips asked that approval be amended to include the following: Not more than 30% of the accessory structure shall be used for personal storage. The remainder of the structure shall only be used for storage and staging of construction materials and equipment until such time as the proposed home located on the property is complete and the City issues an Occupancy Permit for the home structure. The property owner, Jeffrey Kowalk, was asked and responded that he would like to be able to use 50% of the accessory building's space during the home's construction for personal use. Board Member Carroll made a motion to change the amended approval from 30% personal storage to 50% personal storage allowed. Board Member Hill agreed and the amended motion carried unanimously.

19-A14 Board Member Carroll moved to grant 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 based on the following: 1) That the Variance will not have an effect upon increased population density and thus generated on available governmental facilities; 2) The Variance will not substantially change or affect the character of the neighborhood; and 3) The Variance will not be a substantial detriment created for adjoining property owners. The motion was supported by Board Member Otto and carried unanimously.

General Comments:

Sam Wakefield, 610 Wilson Road, asked the Board to explain what constitutes a burden for the purpose of granting a variance. Mr. Wakefield explained that he has a 26-acre parcel and is hoping to build a 2,000 square foot accessory building. Board Members advised Mr. Wakefield to follow the application process.

Meeting adjourned at 4:34 p.m.

Shelly Stibitz, City Clerk