

Members Present: Chair- Jane Gale, Board members- Wetherbee, Harper, Cook, McCann, Ager and Gremel

Absent: None

Staff: Joni Scott- Clerk, Bill Fuller-Zoning Administrator

The Public Hearing of the Zoning Board of Appeals (ZBA):

The public hearing began at 7:05 p.m.

Commissioner Harper Moved, Supported by Commissioner Gremel to approve the November 7, 2019 ZBA meeting minutes as presented. Roll Call Vote: Yeas (7) Nays (0) Motion Carried.

A. Presentation of Case:

The ZBA public hearing is being held to consider a (R-2) variance of the Ordinance requirement, **Section 10.04 Dimensional Requirements. 4. Front Yard.** Each lot shall have a minimum front yard setback requirement of twenty (20) feet. Review Section 3.02 Setback requirements for building or structure.

A Zoning Variance Request was filed for John and Paige Hanley for the property located at 226 E. Fifth Street, Northport, MI 49670 parcel #042-150-001-01. The Hanley's are requesting a 12' 9" variance of the front yard setback. The public hearing has been published in the Leelanau Enterprise and all property owners within 300 feet were notified. All requirements as referenced in Act 207 of 1921 have been fulfilled.

B. Applicants Presentation:

John Hanley explained the uniqueness of their property what would be the typical side yard is considered his front yard because it faces 5th Street and the entrance to his home. The Hanley's clearly understood that their front yard faces the 5th Street access point to the Bay for Village residents. Hanley also stated that he and his wife Paige plan to make this their primary residence and that the proposed covered porch would be esthetically pleasing.

C. Zoning Administrator Report:

Findings of Facts:

1. The proposed residence and property are in the (R-2) Village Residential District.
2. The original Land Use Permit request was denied for the following:

Village of Northport Zoning Ordinance 2006

Section 10.04 Dimensional Requirements.

3. Front Yard. Each lot shall have a minimum front yard setback requirement of twenty (20) feet. *Review Section 3.02 Setback requirements for building or structure.*
3. Per Mansfield Land Use Consultants, location of the north proposed covered porch (see Sheet 1 of 1) will require a 12.9-foot variance.
4. The proposed covered porch in the front yard setback area adds architectural interest to the Fifth Street Elevation. It does not create additional activity to Fifth Street but provides a cover for the adjacent bedroom and office space.
5. The active residence entrance will be that presently proposed for the driveway (West Elevation) of the building structure.

D. Public Comment/Correspondence:

Fred Steffens, 4th Street- explained how the 20' setback was originally intended to allow for off street parking. Steffen stated that he supported approving the variance.

Greg Nobles, 4th Street- disagreed with the Zoning Administrator's statement that approving this variance would not set a precedent. Nobles asked the Board to be careful, and to think about the character of the community and the impact on the environment.

Virginia Foley, 5th Street- stated that they are opposed to the variance and feel that the Hanley's should build in the boundaries that are set fourth in the zoning ordinance.

Steve and Wendy Kilgren, read by Will Harper- they support the opposition for the variance and believe that the approval would set a dangerous precedent for the Village of Northport.

Laura Cavendish, Plum Lane- appreciated the Hanley's concern for keeping the 5th Street public access open to the public, but is concerned with how future owners may feel about the access being in their front yard.

Guy and Carol Dame, 5th Street- stated that they are opposed to the variance and feel that the Hanley's should build within their boundaries and possibly push the house back.

Pam Steffens, 4th Street- supports the variance stating that it would bring a sewer hookup fee and tax revenues to the village. Steffens also stated that most of the comments made were over their view being blocked.

Anne Harper, 4th Street- stated that she is opposed to the variance request, and that she is concerned about the floodplain and the village's responsibility to maintain access to the Bay for everyone who lives in the village and cannot afford to buy property on the lake front. Harper suggested adding some legal statements to protect the access to the bay that would go with the property. Harper noted that the Hanley's also have plans to add a two-story accessory structure with bedroom and bathroom space which should also be considered on a lot of this size.

6- Letters Opposing the Variance.

Anne Harper, Greg Noble, Suzy Moffet, Ted and Virginia Foley, Joe Thatcher, Vickie Slot

1- Letter Michael Geisert, PS- regarding building above the floodplain.

E. Questions from the Board:

Susan Ager- asked the Hanley's if there were other ways to add architectural interest to the north side of the house without adding a porch and stating that she felt unwilling to grant the variance to a standing ordinance simply for architectural interests. Ager supported the comments that approving the variance would be setting a precedent and didn't understand why they would break the rule for something that an architect could design easily.

Mr. Hanley- responded by explaining that the porch was not just for architectural design, and that it would be utilized as livable space that they plan to use. Hanley explained that their request for a variance was due to "what would typically be considered their front yard (i.e., facing the bay) is considered a side yard which is limiting their buildable space. Hanley noted that a precedent had already been set in 2019 when a neighbor of his was granted a variance for adding a covered porch, which he did not contest.

Will Harper- stated that the Zoning Administrator noted incorrectly, that the nearest property owner was Suzy Moffet. Harper noted that the adjoining property owners name was John Holster and questioned whether or not he had been notified of the public hearing.

Zoning Administrator Bill Fuller responded that Mr. Holster was notified and that when he made his original comments during the Findings of Fact, he was referring to the owner of the closest structure, which is Suzy Moffet.

Harper- questioned the side-yard referenced as limiting the Hanley's buildable space, suggesting that they could compensate by not building out on the west side of their property.

Zoning Administrator Fuller- explained that the porch would be a minimum of 30' from the edge of the road surface.

F. Applicant Rebuttal:

Mr. Hanley clarified that their home will not be 3 stories it will be only 1 ½ stories high and that they look forward to moving to Northport.

G. Closing of Public Hearing:

The Public Hearing was closed at 8:09 p.m.

H. Deliberation:

1. Acceptance of Findings and Fact:

Steve Wetherbee Moved, Supported by Susan Ager to accept the findings of fact.

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