

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 7:30 p.m.

A. Presentation of Case:

The Zoning Board of Appeals will consider a (CR-1) Variance request of the required Side Yard and Rear Yard setbacks. An application was submitted by Wendy Slade, for the property located at 211 N. Mill Street, Northport, MI 49670 parcel # 042-450-047-00. The application for a variance was filed on May 10, 2021. The details of the variance request are as follows;

Article 3, Sec. 3.02 Accessory Buildings and Garages:

Setbacks. All accessory buildings shall be subject to the same front yard setback requirements as the principal building in that district, except provided in this section. Side and rear yard setback requirements for accessory buildings and for garages (either attached or detached) shall be at least eight (8) feet from adjacent property lines.

- 1.) A request for a 7' variance of the required 8' side and rear yard setback is requested to install a 12'x 20' shed.

B. Applicants Presentation:

None

C. Zoning Administrator Report:

Interim Zoning Administrator Scott explained that due to a cement wall in the rear yard and concerns of being too close to the wall from neighbors Partick and Kay Thompson. Wendy Slade and Peter Davidson agreed to place the shed 6' from the rear yard lot line.

D. Public Comment/Correspondence:

Mimi Heberline, Shabwasung Street- supported the variance request.

Patrick Thompson, Third Street- questioned the height restrictions for an accessory structure.

Fred Steffens, 4th Street- noted that an accessory structure 200 sq. ft or less does not require a land use permit.

Karl Wizinsky, Park Street- wrote and email in support of the variance request.

E. Questions from the Board:

None

F. Applicant Rebuttal:

None

G. Closing of Public Hearing:

The Public Hearing was closed at 7:46 p.m.

H. Deliberation:

1. Acceptance of Findings and Fact:

Susan Ager Moved, Supported by Hugh Cook to accept the findings of fact. **Roll Call Vote:** Yeas (7) Nays (0) **Motion Carried.**

2. Basic Conditions:

- A. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
- B. Shall not permit the establishment within a District of any use which is not permitted by right within that Zoning District or any use of dimensional variance for which a conditional use permit is required.
- C. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the District in which the property of the applicant is located.
- D. Is not one where the Specific Conditions relating to the property are so general of recurrent in nature as to make the formulation of general regulations for such conditions reasonably practical.
- E. Will relate only to property that is under control of the applicant.

Steve Wetherbee Moved, Supported by Tom Gremel that all the Basic Conditions were met.

Roll Call Vote: Yeas (7) Nays (0) **Motion Carried**

3. Special Conditions:

- A. Where there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- B. Where there are exceptional or extraordinary circumstances of physical conditions such as narrowness, shallowness, shape or topography of the property involved or to the intended use of the property, that do not generally apply to other property uses in the same Zoning District. Such circumstances of conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
- C. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same Zoning District.

Tom Gremel Moved, Supported by Steve Wetherbee to approve the variance based on Special Conditions B.

Roll Call Vote: Yeas (7) Nays (0) **Motion Carried**

Variance Request:

Susan Ager Moved, Supported by Chris McCann to approve the variance request as modified 7' side yard variance and 2' rear yard variance, with the condition that the accessory structure will not exceed a 1 story height.

Roll Call Vote: Yeas (7) Nays (0) **Motion Carried**

Adjournment:

Chris McCann Moved, Supported by Hugh Cook to adjourn the ZBA meeting.
Roll Call Vote: Yeas (7) Nays (0) Motion Carried.

The meeting was adjourned at 7:53 pm

Jani L. Scott, Clerk

