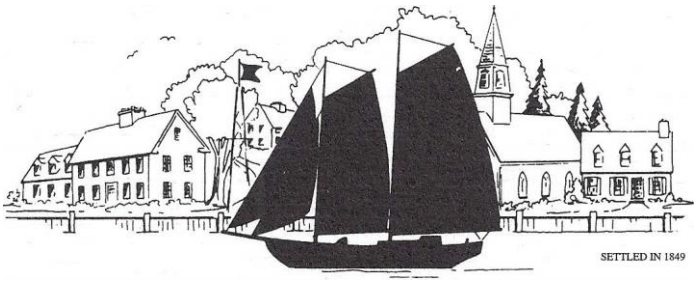
Village of Northport



116 W. NAGONABA, P.O. BOX 336 NORTHPORT, MI 49670, (231) 386-5182, FAX (231) 386-5184

March 4, 2021

Northport Village Zoning Board of Appeals
Via ZOOM
116 W. Nagonaba Street
Northport, Michigan 49670

Re: Front Yard Variance Request (rev2)
226 East Fifth Street (PI# 042-150-001-01)
Northport, Michigan

Dear Chair Gale and Zoning Board of Appeals Members:

This is a request from Mr. and Mrs. John (Paige) Hanley seeking a front yard setback variance of 12.9 feet. The required front yard setback is 20 feet.

All the required fees have been paid. The original forms and request are on file in the Village Office for public review.

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 10.9-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.

Section 20.09 <u>Variances:</u> The Zoning Board of Appeals shall have the power to authorize a variance provided **all** the BASIC CONDITIONS are met and **one** of the SPECIFIC CONDITIONS.

1. Basic Conditions.

    a. Will not be contrary to the public interest or the intent and purpose of this Ordinance. *The purpose of the variance request is to create an interesting elevation to the public street and not a blank wall with flat openings. With a walk out for the two adjoining rooms.*
    b. Shall not permit the establishment within that Zoning District or any use or dimensional variance for which a conditional use permit is required. *This is **not** a request for a conditional use which deals with a use not permitted in the R-2 Residential District.*
    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. *The proposed covered porch will not create an adverse effect on adjacent properties. The proposed covered porch will architecturally enhance the two-story appearance of the north elevation of the proposed residence that is adjacent to Fifth Street.*
    d. Is not one where the Specific Conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical. *This is a specific request for a covered porch to the proposed residence and is **not** general in nature.*
    e. Will relate only to property that is under control of the applicant. *This a specific variance request for 226 East Fifth Street which is owned by John and Paige Hanley.*

2. Special Conditions. When **all** of the foregoing Basic Conditions can be satisfied, a variance may be granted when any **ONE** of the following Special Conditions can be clearly demonstrated.

    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. *The practical difficulties of this particular parcel are the required yard setbacks. Normal setbacks in the Village R-2 District are 20 feet front yard; side yard a total of 20 feet with one side being not less than 8 feet; rear yard 30 feet. This is a waterfront property and the side yard to the east (water) becomes 40 feet per Northport Village required setbacks from the water. The Owners loose approximately 1400 square feet of buildable area with the Village imposed water setback.*
    b. Where there are exceptional or extraordinary circumstances or 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 or uses in the same Zoning District. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of the Ordinance. *The physical condition is the water location to the east and the Village required 40 foot set back from the normal high-water mark.*

c. Where such a variation is necessary for the preservation of a substantial property right possessed by other properties in the same Zoning District. *All future building sites in the Village, on the bay, shall require the 40-foot set back from the normal high-water mark to forestall properties on said water from requiring riprap to protect future waterfront construction.*

Copies of the proposed residence and site plan are attached for your perusal.

Sincerely,

/s/William C Fuller, Zoning Administrator

Cc: Village Clerk
Village Liaison
John and Paige Hanley.
All sent electronically.