Draft Village of Northport Zoning Board of Appeals November 7, 2019

Members Present: Chair- Jane Gale, Board members- Wetherbee, Stoffel, Cook, Myers 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.

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 Requirments. 4. Rear Yard.** Each lot shall have a minimum rear yard setback requirement of thirty (30) feet. Review Section 3.02 Setback requirements for garages and accessory buildings.

A Zoning Variance Request was filed for Anne Harper and Greg Nobles on Spetember 30, 2019 for the property located at 213 E. Fourth Street, Northport, MI 49670 parcel #042-450-081-00. The Harper's are requesting a 12' 4" variance of the rear 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:

Gregory Nobles explained that the variance would allow them to build a screened porch that would make the house more handicap accessible for family members.

C. Public Comment/ Correspondence:

Joe and Laura Thatcher- a letter in support of the project
Karl Wizinsky- a letter in support of the project

Zoning Administrator Bill Fuller reported a phone call from Suzy Moffet with concerns over her property and future variances.

D. Questions from the Board:

None

E. Applicant Rebuttal:

None

F. Closing of Public Hearing:

The Public Hearing was closed at 7:17 p.m.

G. Deliberation:

1. Acceptance of Facts and Findings:

The Facts and Findings were accepted as presented.

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 if 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.

Trustee Cook Moved, Supported by Trustee Gremel that all the Basic Conditions were met. 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.

Trustee Stoffel Moved, Supported by Trustee Myers to approve the variance based on Special Conditions A & B. Motion Carried. Variance Approved.

Adjournment: The meeting was adjourned at 7:21 pm

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