

# Zoning Board of Appeals

## Regular Meeting Minutes

Monday, May 18, 2015  
7:00 p.m., City Hall Basement



City of South Haven

### 1. Call to Order by Lewis at 7:00 p.m.

### 2. Roll Call

Present: Bugge, Miller, Paull, Wheeler, Lewis  
Absent: Boyd

### 3. Approval of Agenda

Motion by Paull, second by Bugge to approve the May 18, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – April 27, 2014

Motion by Bugge, second by Paull to approve the April 27, 2014 regular meeting minutes as clarified.

All in favor. Motion carried.

### 5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

### 6. New Business – Public Hearings

- a. *Haraldur and Grace Borgfjord, 9802 Sunnywood Drive, Kalamazoo, are seeking a variance to build a residence at 302 Michigan which will have 50% lot coverage where 40% lot coverage is the maximum allowed. The site plans indicate that the setbacks comply with the zone requirements for R1-A. The applicants state that they would like to build a home which is large enough to accommodate future barrier-free needs.*

Anderson noted there was some discussion about the indication of two fronts and two sides and Bugge pointed out that the ordinance states that you have to have a rear yard. If the

applicant were to make one of the side yards be a rear yard the setback requirements cannot be met. This lot is larger than other lots in that zone and the Borgfjords noted they prefer to have the larger house. There was one letter of opposition from a neighbor who felt this plan did not fit the character of this area.

Discussion ensued among the board regarding the Zoning Ordinance requirement of a rear yard. Lewis clarified that if we granted this variance for lot coverage the setback requirements would not be met.

Motion by Miller, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Grace Borgfjord, 9802 Sunnywood Drive, Kalamazoo. Thanked the members for being here tonight. Distributed a handout regarding the history of the parcel. Noted that the applicants both live and work in Kalamazoo and are planning for the next phase of life. Stated this has been a journey because she wanted a smaller home and lot and her husband did not want a condo. Noted this will be a permanent residence in which will provide stability in the neighborhood; many of the other houses are seasonal rentals. Requested the board's consideration to allow them to move forward.

Lewis asked if the stairway on the plan goes to a basement to which Borgfjord responded that it does and noted there is no second story.

Lewis questioned the rear yard issue. The Borgfjord's builder stated that he thought there would be two front and two side yards which Anderson noted was a misunderstanding. Regarding a question by the builder regarding whether the discrepancy could be part of the discussion tonight, Lewis responded, "No, it was advertised as just the lot coverage variance." Wheeler suggested that the board's hands may be tied. Lewis noted that if the board granted the fifty percent (50%) lot coverage variance the applicants would still need a variance for a rear yard setback.

Wheeler questioned whether the request for a second variance would be a full submission and a new fee, to which Anderson responded that she would not charge another fee due to a plausible misunderstanding of ordinance requirements. Anderson said the variance would need to be on the south side. Lewis asked if the two side yard setbacks are in compliance and Anderson responded, "Yes, the setbacks are three feet (3') and fifteen (15') so they actually have three (3) feet extra there."

Miller asked if it would be appropriate to ask the applicants to reconsider and resubmit with the appropriate rear yard and consider both requests at the same time. Lewis noted that the board can always grant a variance less than requested but "we don't know what that variance would be at this time." Lewis suggested continuing this request until the applicant can determine what they want to do.

After a question from the builder, Anderson noted that in this case the rear yard would be opposite the driveway. The Borgfjord's builder asked if the fifty percent (50%) variance were granted tonight, then the applicants should still continue to ask for the setback variance. Wheeler still feels it would be better to look at it all at one time. Bugge noted it needs to be reconfigured regardless.

Kathleen Craig, 312 Michigan Avenue. Identified herself as a neighbor and stated she met with the applicants yesterday. Was thrilled to hear, regardless of lot coverage or variances that it is going to be a permanent residence as 312 Michigan Avenue is the only permanent residence on that side of the block. Stated she is a little surprised at what seems to be a rigid attitude towards variances because when she looks around South Haven every new build seems to be over 50% lot coverage.

Motion by Paull, second by Wheeler to close the public hearing.

All in favor. Motion carried.

Motion by Bugge, second by Miller to continue this item after Item 6b to allow the applicants time to privately discuss the matter.

All in favor. Motion carried.

Motion by Wheeler, second by Paull to continue this item until later in the agenda.

All ayes.

*b. Ben Brush of South Haven is requesting a driveway variance from zoning ordinance section 1716, 1-c to allow construction of an industrial driveway which will be closer than 200 feet to an existing driveway on the property. The address for the property is 1400 Kalamazoo Street and the property owner of record is Bernard Pero.*

Anderson explained that the building in question has been in the Industrial Park and for a long time used for boat storage. The applicant is looking for a place to do large engine repair and has worked with our building official and the fire marshall to work out the requirements for fire safety. The applicant needs to be able to drive the trucks around rather than having them back up onto the street. They want to have a second driveway and the city engineer said it would not be a problem since it is in the Industrial Park and there is not going to be a constant stream of deliveries.

Miller asked if the driveway proposed is on the north side to which Brush responded that the proposed driveway is on the east side.

Bugge asked if the two existing driveways are nonconforming and a brief discussion ensued.

Motion by Miller, second by Bugge to open the public hearing.

Ben Brush, C. R. 689, South Haven. Stated he needs to grow his business and has outgrown the current building. Explained that to utilize the building he needs to drive the trucks into the building and on out rather than backing out over two hundred (200) feet. Explained the flow through the lot and building. There would be five or ten trucks a day that would come through. Noted he has four full time mechanics, plus himself and his wife.

Bugge asked what he is working on, the cab or the trailer. Brush responded that he works on both. Bugge asked what happens to the trucks when he is done with them and pulls them out. Brush explained the way he plans to lay the property out for the site plan.

Bugge asked questions about the radius needed to make a turn to which Brush answered he does not know the exact radius but it would be no different than turning at an intersection. Brush also noted that if his request is turned down he is not going to buy the building.

Motion by Wheeler, second by Miller to close the public hearing.

All in favor. Motion carried.

Lewis thinks it is a good reuse of this building and has no objections. Wheeler commented that he is ready to vote on this any time. Lewis reminded that the motion should include reasons.

Motion by Wheeler that we approve the variance request by Ben Brush because it is a good use of the property.

During the boards' discussion of the nine standards, the following were identified:

This is not a self-created problem.

Approval of the driveway will not be detrimental to the adjacent property.

This request is not of a general or recurrent nature.

It is the minimum variance needed.

The motion by Wheeler was amended as follows:

Motion by Wheeler to approve the variance request by Ben Brush because it is a good reuse of the property; it is not a self-created problem; it is not detrimental to the adjacent property; this is not a general or recurrent situation and is the minimum variance needed. Second by Miller.

All in favor. Motion carried.

***6a. Borgfjord Variance Request Revisited.***

After a brief discussion with the Borgfjords and their builder the board agreed to continue Item 6a and the following motion was offered:

Motion by Wheeler, second by Paull to continue Item 6a to the next regular meeting. Any changes made to the original variance will need to be readvertised

All in favor. Motion carried.

**7. Commissioner comments**

Lewis: Wittkop resigned. A new board member is being appointed at City Council tonight.

There were no other comments.

**9. Adjourn**

Motion by Paull, second by Miller to adjourn at 7:39 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary