

# Zoning Board of Appeals

## Regular Meeting Agenda

Monday, October 26, 2015  
7:00 p.m., City Council Chambers



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – September 28, 2015
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business – Public Hearings
  - a) Phillip and Kimberly Roehm of South Haven are requesting the following variances for a new home planned at **77 Northshore Drive #19**: Front setback of 23 feet where 25 feet is required; Side setbacks are 10 feet and 8 feet where 12 feet on both sides is required; Lot coverage is 39.5% where 30% maximum is required. The parcel number for this property is 80-53- 701-011-01.
  - b) Richard Braunz, owner of **820 Green Street**, is requesting an east side setback variance of 1.7 feet. The proposed setback will be 10.3 feet where 12 feet is required. The property is currently vacant but the applicant is planning to move a house onto the site. The parcel number for this property is 80-53-470-039-00.
  - c) Woodham's Ford, **1111 La Grange Street**, is requesting a side yard setback and front and side landscaping variances as part of a large renovation project. The parcel number for this property is 80-53-615-025-00 and 80-53-615-009-00.

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

- d) Steve and Virginia Goble of Northville, MI are requesting a rear yard variance to construct a house at **429 Van Buren Street**. The proposed setback is 12.05 feet where 25 feet is required. The parcel number for this property is 80-53-006-015-00.

**7. Commissioner Comments**

**8. Adjourn**

RESPECTFULLY SUBMITTED,

Linda Anderson  
Zoning Administrator

## Zoning Board of Appeals

### Regular Meeting Minutes

Monday, September 28, 2015  
7:00 p.m., City Council Chambers



City of South Haven

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

#### 2. Roll Call

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

#### 3. Approval of Agenda

Motion by Paull, second by Stegeman to approve the September 28, 2015 agenda as presented.

All in favor. Motion carried.

#### 4. Approval of Minutes – August 24, 2015

Motion by Miller, second by Wheeler to approve the August 24, 2015 regular meeting minutes as written.

All in favor. Motion carried.

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

There were none.

#### 6. Old Business – Phillip Freeman of South Haven, MI is returning to the ZBA in his attempt to obtain a variance from Zoning Ordinance Section 2406 (Overlay Zone Landscaping) for his property at 807 Lagrange Street. Mr. Freeman was asked by the ZBA to present options for landscaping.

Motion by Paull, second by Stegeman to remove the item from the table.

All in favor. Motion carried.

Anderson noted that at the last meeting, Mr. Freeman was asked to come back with some ideas for landscaping. It was generally agreed at that meeting that the Zoning Board of Appeals was not going to require the removal of any concrete but was just looking for some landscaping to break up the view. Mr. Freeman came back with a plan, showing large potted plants, a tree and some flowering plants. Anderson thinks this is fine and wants to be sure there is something in the pots that will be there year around. Anderson noted, "This is admirable considering what he had to work with."

Anderson recommended that part of an approval would be that the fence be painted, straightened and existing landscaping cleaned up. Wheeler asked whether there were any specifics about the fence in the proposed plan to which Anderson responded that there were not, but the board can make the fence details part of the motion.

Philip Freeman, 18400 72<sup>nd</sup> Street, South Haven. Noted that the proposal he made is based on what Anderson suggested; that he went out and looked at the Vineyard and Joe's Bar & Grill and put together something comparable. Freeman indicated that there are six (6) pots about twenty inches (20") in diameter and about twenty inches (20") high and that he can plant something that will stay green all year round. Indicating the proposed tree at the corner of Willow and LaGrange, Freeman noted that he needs to verify that it is not in city property.

Lewis asked about along Willow, noting that the plan does not show anything along Willow. Freeman stated that he looked at the Vineyard and they do not have anything along the line to the north so he concentrated on LaGrange. Freeman noted that the good side of the fence is to the east.

Paull pointed out that the plan as presented has no barrier between Willow, a residential street, and the business. Wheeler noted there is a business across the street and asked whether they have plantings.

Paull noted that the philosophy of the overlay zone is to try to make things more attractive and soften the line between residential and business districts. While Paull stated that while he does not expect the paving to be torn up, there needs to be at least a couple of pots along Willow. Paull reiterated that the overlay zone was built to make the businesses more attractive in the entrance of the city and to residential areas. His suggestion is to add some pots along the line of Willow.

Freeman responded, "That's doable; not a problem."

Chuck Bodfish, business owner leasing subject property: "We were so busy the other day we had cars every which way, had cars everywhere, almost on the street. We would have a problem if we had that many cars very often. By this landscaping requirement, we are cutting the parking lot down rather badly."

Paull asked, "Isn't it an in and out business?" Bodfish responded that the dealerships are sending lot cars which are in addition to the regular customers. Bodfish also noted, "We have to figure out how to plow around the pots, too. Those pots will be so close to the road it

will be hard to plow; they'll be buried in snow. It's hard to mow that grass; it's so close to the road."

Lewis pointed out that the board is requiring a lot less than the actual overlay zone.

Miller asked if it would be helpful to cluster some of the pots and Bodfish agreed that perhaps along Willow that would work. Lewis suggested grouping pots around the light poles which Miller said might solve the issue with the parking. Lewis suggested along the west curb cut to break up the visual coming down Willow.

Philip Freeman. "Along LaGrange where the light poles are, which are not currently being used, would hanging baskets on the light poles work?" Anderson said that would be counter to city code to hang, tack or place anything on the city poles.

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

All in favor. Motion carried.

Miller noted that it appears to him that Mr. Freeman's application, as presented, meets his obligation in terms of the number of trees/pots. Lewis said the letter of the law is a twenty foot (20') green space so his obligation is what we say it is. Miller said at the last meeting it was suggested that ten [tree] units would satisfy the board.

Stegeman agreed and said he is ready to make a motion to approve. Lewis said he believes that putting them along the light poles on LaGrange looks very good. Stegeman pointed out that the city put those bump outs along the city streets which are always getting hit by plows and questioned whether that was good planning for a city in Michigan. Miller suggested that the board accept the application as presented with the agreement that the applicant can handle Willow Street by clustering some pots.

Motion by Miller, second by Stegeman to approve the proposed landscaping with the addition of pots on Willow as discussed.

Wheeler asked about the fence. Freeman showed a picture and suggested painting the fence as shown. After discussion, Lewis suggested adding to the motion that the fence be maintained with a paint or stain coat to keep it in good shape.

Sherry Bodfish indicated that the fence is not on their property, and wondered if they need to get permission of the property owner to maintain it. Freeman also stated that the fence is not on the subject property. Lewis suggested the requirement for the fence be removed. Paull reiterated that what is in the pots should be year-round green.

Lewis noted that it needs to be added that the extenuating circumstances of the size of the easements and the amount of paving makes it a hardship to comply with the requirements of the overlay zone. Paull added that if any substantial changes are made to the property the landscaping requirements in the overlay zone would start over at square one. Discussion ensued regarding substantial changes including such things as additions to the building, removal of paving or a new building.

In response to the discussion, Wheeler made a motion to amend Miller's motion giving consideration to the hardships specific to the property, with the addition of two potted plants on the Willow Street side and the stipulation that some of the plants in each pot be year-round plants and properly maintained. Stegeman seconded the motion.

A roll call vote was taken to approve the motion as amended:

Yes: Miller, Paull, Stegeman, Wheeler, Lewis

Nays: None

Motion carried.

## **7. Commissioner Comments**

Paull: We are struggling with the overlay zone. It seems to be the most frequent request we are getting. Let's be real careful as we consider these that some aspects of that zoning district are honored because it will make a difference to the look of the city.

Wheeler said we want to be sure to have each applicant "stretch" a little.

Anderson: Next month we have a really big agenda. Woodhams' Ford is coming in and they need two or three variances; we have two new houses going in both of which need variances. One of those is in the area over by Oak Court where there are fifty foot (50') lots with twenty-five foot (25') side setbacks. We may have a couple more applications on the way. Before that meeting we possibly are going to have an alternate appointed. If someone cannot make it to the meeting, the alternate will fill in as a voting member. The alternate will get the agenda, will attend the meetings and if needed will fill in.

Lewis noted that we used to have two alternates to which Anderson responded that there should be two alternates on this board and two on the Planning Commission. Anderson also asked board members to let her know if they think of someone who might be interested.

## **8. Adjourn**

Motion by Miller, second by Stegeman to adjourn at 7:32 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



**Agenda Item #6a  
Setback Variances  
77 Northshore Drive #19**

**City of South Haven**

**Background Information:** The applicant is asking for variances in order to build a single family residence on the property. This use is permitted in the RM-1 zone. The subject parcel is narrow and undersized for the RM-1 zoning district. The required setbacks would allow for a building envelope of 26' x 70'. If the lot were the size required for the RM-1 zone, the building envelope would be 42' x 82'.

Three (3) variances are sought: Two feet on the front side; 2' and 4' on the sides and a 9½% lot coverage variance.

The applicant argues that the depth and narrowness of the lot require a variance to construct a residence. The property size is not unlike that found in the R1-A zoning district. The difference here is that the R1-A zone allows side setback which are considerably smaller and a front setback of only 15 feet. The ZBA members will need to consider whether the requirements of the RM-1 district are too restrictive for this property.

**Recommendation:** The ZBA members will need to consider whether the requirements of the RM-1 district are too restrictive for this property given the space available.

**Support Material:**

Application  
Graphic of required setbacks  
Staff Findings of Fact

**ZONING VARIANCE REQUEST**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

**NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.**

Name: Phillip A. & Kimberle V. Roehm Date: Sept. 22, 2015

Address: 69 North Shore Dr. #19 Phone: 269-744-2051  
South Haven, MI. 49090

Address of Property in Question: 77 North Shore Dr. (Parcel # 80-53-701-011-01) Present Zoning of Property: RM-1

Name of Property Owner(s): Phillip A. & Kimberle V. Roehm

Dimensions and area of property 50' wide x 120' deep, 6,000 sqft

Dimensions of all buildings on the property (also shown on a diagram) Existing Garage 28x36 sqft / 1,008

Foot print of Proposed Home 30'x72' (2,160 sqft)

Setback measurements of all structures on the property (also shown on diagram) Variance Requested Front Yard 23', North & South Side Yards (House 10', Garage 8')

Coverage: Home 36% (Wall); Drip line 39.5% (12" roof overhang)

Present Zoning of Neighboring Properties to the :

North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): \_\_\_\_\_

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood. This property is part of the Water Edge Condominium Association and abuts the Oak Court neighborhood. The variances allow the construction of a home that would enhance the neighborhood and maintain green space like the other single family homes in the neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

The lot is narrow and smaller than the required size for a RM-1 zone home parcel. The Ordinance provides for setback variance when necessary for construction on the property.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

The lot is 50ft wide and 120ft deep. It is boarded on the south side by the private ~~drive~~ drive of Willow Court. The setback requirements inhibit the construction of a handicapped accessible home, with garage and off street parking from the private Willow Court drive.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The variances allow us to build a single family home that is being built for long term use and enjoyment, that will allow us to provide the potential needs of health or physical restrictions.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

The request is particular to this property due to the size and configuration of the lot. This 6,000 sqft lot is 69% of the required 8,712 sqft lots for a RM-1 zone. The requested setbacks of this variance are under the reflective percentages. The coverage percentages requested are slightly more.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The size and setbacks restrictions of this legal lot are not the creation of the owner.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

The strict compliance with zoning requirements cause unnecessary burden for the construction of a handicapped and wheelchair accessible home.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

*The minimal variances being requested allows the construction of a life long home with the ability to age in place. The granted variances still provide reasonable greenspace around a home which will enhance the neighborhood.*

9. That the variance will relate only to property under the control of the applicant

*The variances being requested, relate to this parcel only.*

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

*Phillip A. Roehm*  
Property Owner

*9-23-15*  
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

*Phillip A. Roehm*  
Applicant Signature

*9-23-15*  
Date

77 North Shore Dr 80-53-701-011-011

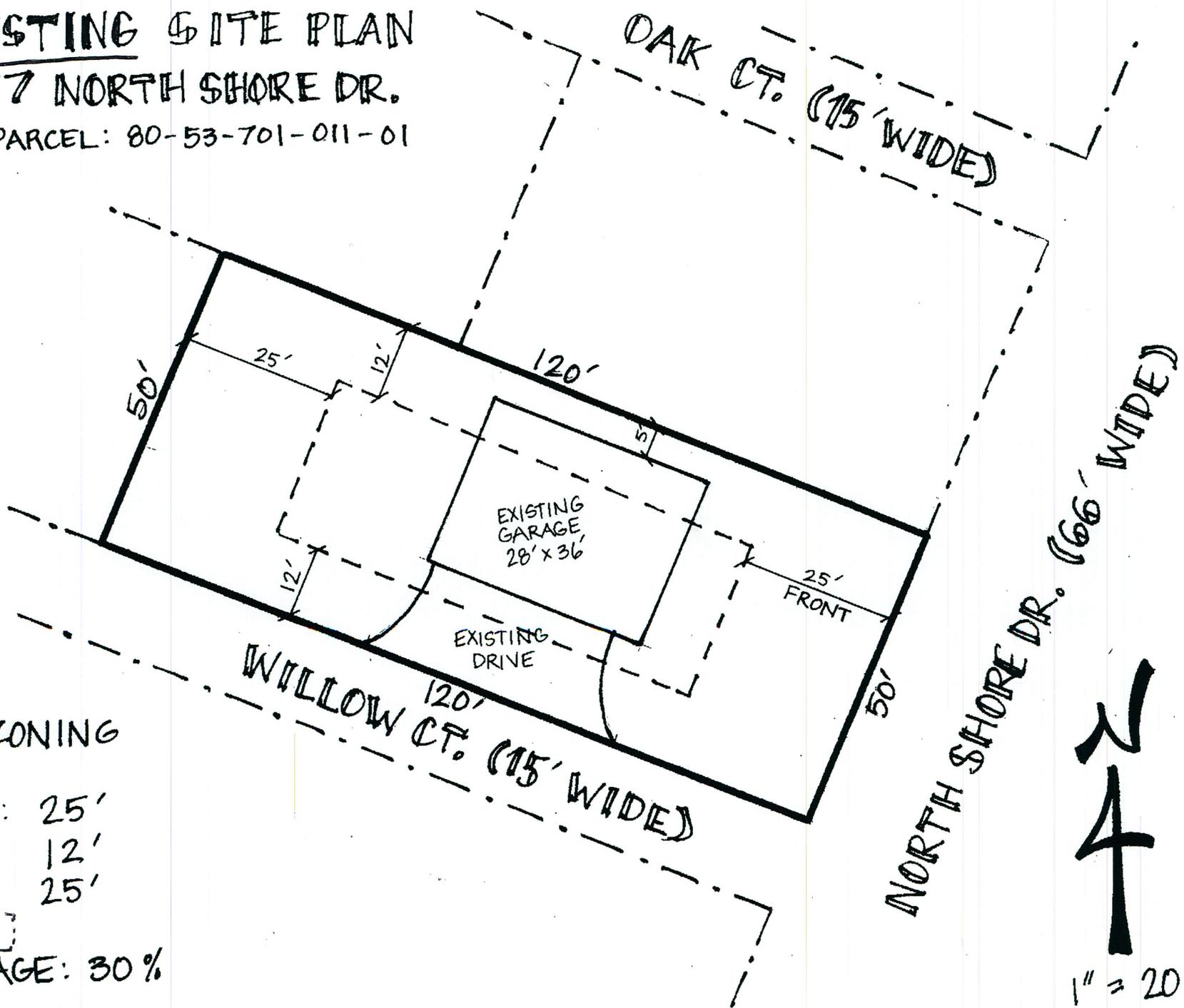


Lot: 6,000 SQ FT  
Buildable: 1,820 SQ FT  
30% Lot Coverage: 1,800 SQ FT

# EXISTING SITE PLAN

77 NORTH SHORE DR.

PARCEL: 80-53-701-011-01

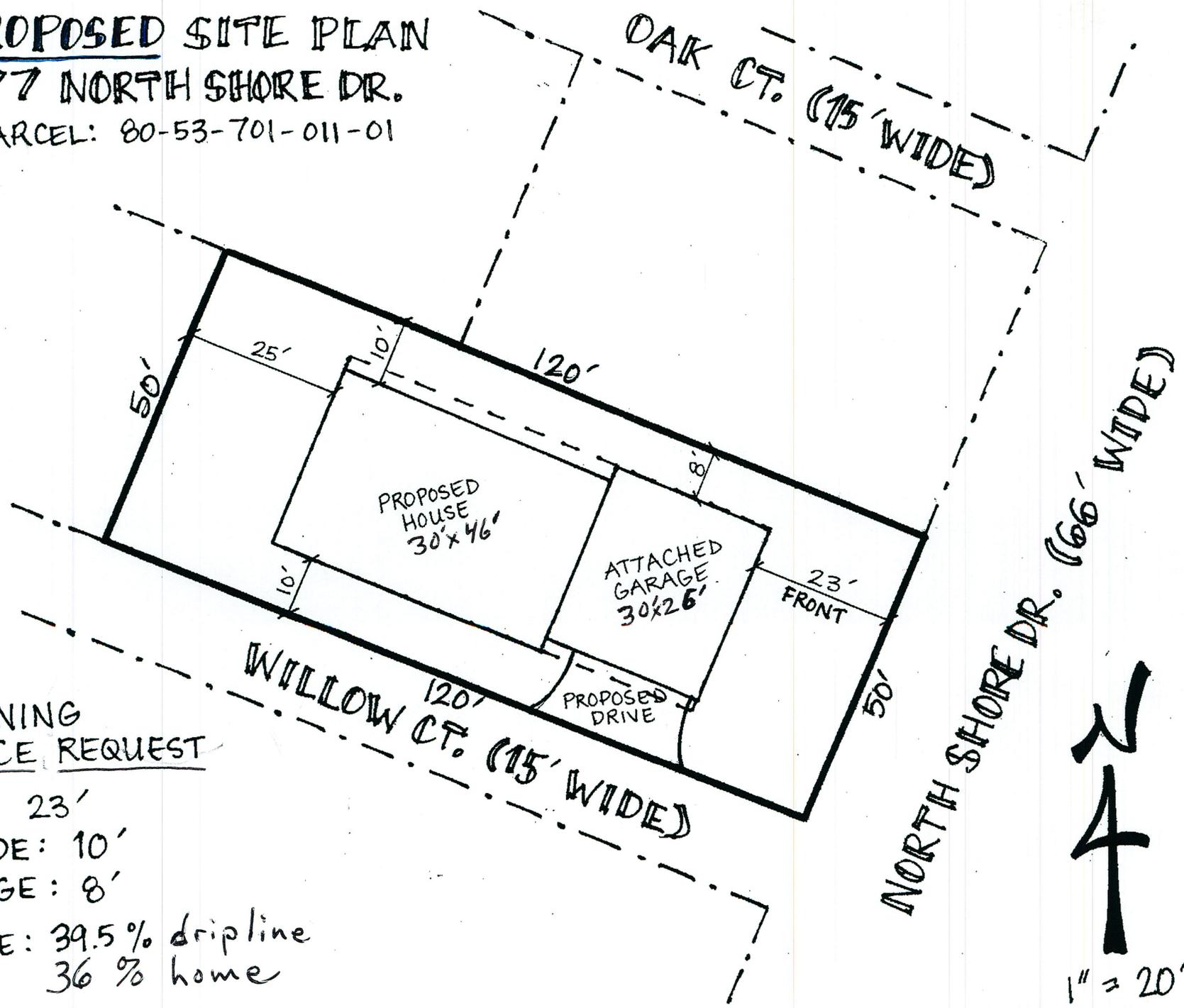


RM-1 ZONING

FRONT: 25'  
SIDE: 12'  
REAR: 25'

COVERAGE: 30%

PROPOSED SITE PLAN  
77 NORTH SHORE DR.  
PARCEL: 80-53-701-011-01



RM-1 ZONING  
VARIANCE REQUEST

FRONT: 23'  
N & S SIDE: 10'  
N GARAGE: 8'

COVERAGE: 39.5% dripline  
36% home

## STAFF FINDINGS OF FACT

### CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

**DATE:** October 26, 2015  
**ADDRESS:** 77 Northshore #19  
**ZONING DISTRICT:** RM-1 Multi family Residential  
**LOT DIMENSIONS:** 120 feet deep, 50 feet wide (RM-1 zone requires 66 feet of frontage)  
**LOT AREA:** 5000 sq. ft. (RM-1 zone requires 8712 sq. ft. minimum)  
**LOT COVERAGE:** Allowed – 30%, proposed – 39.5% (dripline measurement)  
**REQUIRED SETBACKS:** Front - 25 feet; Rear – 25 feet; Sides – 12 feet  
**PROPOSED SETBACKS:** Front – 23 feet on Northshore;  
Side (north) – 8'; Side (south) – 10'  
Rear – 25'

**VARIANCE REQUEST:** The applicant is asking for variances in order to build a single family residence on the property. This use is permitted in the RM-1 zone. The subject parcel is narrow and undersized for the RM-1 zoning district. The required setbacks would allow for a building envelope of 26' x 70'. If the lot were the size required for the RM-1 zone, the building envelope would be 42' x 82'.

Three (3) variances are sought: Two feet on the front side; 2' and 4' on the sides and a 9½% lot coverage variance.

#### DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

**This property is part of Water's Edge Condominium. Willow Court is part of that property and is not considered a public street according to the city engineer. Since this is largely a residential neighborhood, residential construction on this lot will not be detrimental to the surrounding neighborhood.**

2. Such variance will not impair the intent and purpose of this Ordinance.

**The ordinance provides for the variance process when relief is needed due to lot size or configuration. This is a case where lot size is smaller than required in the RM-1 zone and that is the applicant's cause for the variance application. This is the intent of the ordinance.**

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

**The applicant argues that the depth and narrowness of the lot require a variance to construct a residence. The property size is not unlike that found in the R1-A zoning district. The difference here is that the R1-A zone allows side setback**

**which are considerably smaller and a front setback of only 15 feet. The ZBA members will need to consider whether the requirements of the RM-1 district are too restrictive for this property.**

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

**Other properties in the zoning district (except those on Oak Court) have large enough lots to comply with the setback requirements. To deny this variance request would not deny all use of the property but it would require a smaller structure than desired.**

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

**As stated, most lots in the RM-1 zone are large enough to comply with the zoning requirements. The five (5) lots on Oak Court and the subject lot are notable exceptions. This is not a problem general to the zoning district or this area in the city overall.**

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

**This is an old lot of record and the applicant had little to do with the limited size. This is not a self-created problem except for the applicant's desire for a larger home than is allowed.**

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

**To strictly comply with the ordinance requirements would not result in the lot being unusable.**

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

**This is a consideration for the ZBA. It shall be determined that the lot size and setback requirements are placing an unnecessary burden on the owner's use of the lot.**

9. That the variance will relate only to property under the control of the applicant.

**This variance only applies to property at 77 North Shore which is owned by the Roehm's.**



**Agenda Item #6b  
Side Setback Variance  
820 Green Street**

**City of South Haven**

**Background Information:** Richard Braunz is proposing to move an existing house across Green Street for placement on his property at 820 Green Street. Mr. Braunz owns a double lot which will need to be split for this relocation. He already has a house on one half of the lot. The applicant is asking for a variance of 1.7 feet on the east side of the property to allow the relocation. He owns and lives in the house on that side. The house proposed for moving is owned by the city and was planned for demolition, not due to building condition but because of drainage issues on the property.

**Recommendation:** The ZBA members need to determine if the applicant has made a compelling argument for the variance and whether or not the situation is self-imposed.

**Support Material:**

Application  
Graphic of required setbacks  
Staff Findings of Fact

**ZONING VARIANCE REQUEST**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

**NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.**

Name: Richard Braunz

Date: 9-25-15

Address: 820 Green Street

Phone: 269-447-4289

Address of Property in Question: Same

Present Zoning of Property: R-1B

Name of Property Owner(s): Same

Dimensions and area of property 66' x 132' 8712 Sq. FT.

Dimensions of all buildings on the property ( also shown on a diagram) See Attached

Setback measurements of all structures on the property (also shown on diagram)

See attached

Present Zoning of Neighboring Properties to the :

North Street South R-1B East Street West R-1B

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): 403-2 Setback Variance

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

NO, IT COMPLIES ON ALL SIDES EXCEPT THE EAST SIDE AND I OWN THE ADJACENT PARCEL.

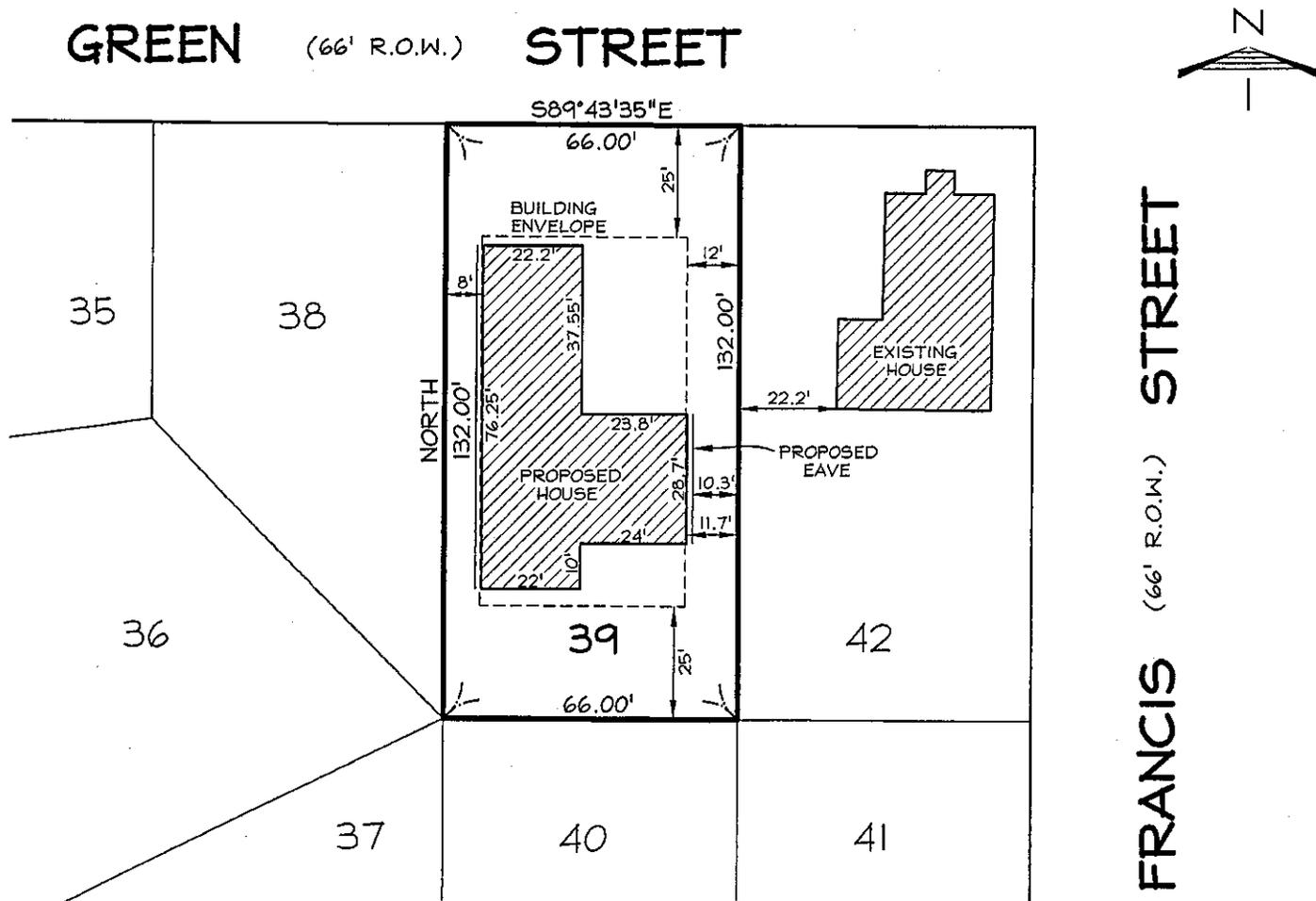
2. Such variance will not impair the intent and purpose of this Ordinance.

NO

# PROPOSED HOUSE LOCATION

**Furnished Description:** Situated in the City of South Haven, Van Buren County, Michigan.

Lots 39 and 42 in Crystal Springs Addition to the City of South Haven, Van Buren County, Michigan according to the plat thereof, as recorded in Van Buren County Records.



HOUSE - 2,374 Sq. Ft.  
 LOT TOTAL - 8,712 Sq. Ft.  
 PERCENTAGE OF COVERAGE - 27%

## MITCHELL & MORSE LAND SURVEYING

A DIVISION OF MITCHELL SURVEYS, INC.

234 VETERANS BLVD.  
 SOUTH HAVEN, MICHIGAN 49090  
 OFFICE: (269) 637-1107  
 FAX: (269) 637-1907

CLIENT **RICHARD BRAUNZ**

DATE 9-24-15 JOB No. 15-926 SHEET 1 OF 1

DWG. BY J. MITCHELL DWG. CK \_\_\_\_\_ DESC. BY \_\_\_\_\_ DESC. CK \_\_\_\_\_

BEING IN THE NE 1/4 SECTION 10, T 1 S., R 17 W.

**SOUTH HAVEN (CITY)** TWP. **VAN BUREN** Co., MICHIGAN

SCALE 1"=40' Book 416 PAGE 68 REVISION \_\_\_\_\_

EDWARD C. MORSE  
 PROFESSIONAL  
 SURVEYOR

GEORGE J. MITCHELL  
 PROFESSIONAL  
 SURVEYOR

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

YES, I AM MOVING AN EXISTING HOUSE. THIS IS NOT NEW CONSTRUCTION AND WE CANNOT CHANGE THE DIMENSIONS OF THE BUILDING. THEREFORE I NEED A VARIANCE BECAUSE THE EAVE FALLS INTO THE SETBACK AREA. (BEYOND THE ALLOWED 12 INCHES.) SEE DRAWING.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

YES, I OWN THE ADJACENT PARCEL AND WANT TO MOVE THIS HOUSE TO THIS PARCEL SO THAT I MAY LIVE THERE.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

NO, THIS IS A UNIQUE SITUATION WHERE AN EXISTING HOUSE IS BEING MOVED. ALSO, THE EXISTING HOUSE POSITION TO THE EAST LEAVES PLENTY OF SPACE BETWEEN BUILDINGS.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

I AM MOVING A HOUSE THAT THE CITY OTHERWISE WOULD HAVE SPENT MONEY TO DEMOLISH AND IN DOING SO, WE ARE REUSING BUILDING MATERIALS AND REDUCING THE IMPACT THAT NEW CONSTRUCTION HAS ON THE ENVIRONMENT.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

YES, I WILL NOT BE ABLE TO MOVE THIS HOUSE TO THIS PARCEL.

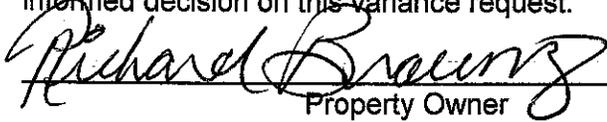
8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

YES ONLY ONE FOOT.

9. That the variance will relate only to property under the control of the applicant

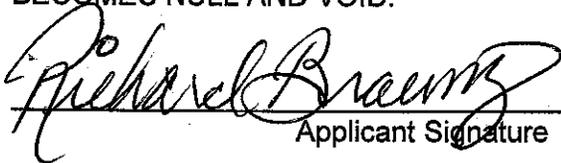
YES

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

  
Property Owner

9-25-15  
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

  
Applicant Signature

9-25-15  
Date

## **STAFF FINDINGS OF FACT**

### **CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS**

**DATE:** October 26, 2015

**ADDRESS:** 820 Green Street

**ZONING DISTRICT:** R1-A Single Family

**LOT DIMENSIONS:** 66'x132'

**LOT AREA:** .2 acres (8712 sq. feet)

**LOT COVERAGE:** 27%

**REQUIRED SETBACKS:** Front – 25'; Rear – 25'; Sides 8' and 12'

**EXISTING SETBACKS:** vacant

**PROPOSED SETBACKS:** Front – 25'; Rear – 25'; Sides 8' and 10.3'

**VARIANCE REQUEST:** Richard Braunz is proposing to move an existing house across Green Street for placement on his property at 820 Green Street. Mr. Braunz owns the double lot which will need to be split for this relocation. The applicant is asking for a variance of 1.7 feet on the east side of the property. He owns and lives in the house on that side. The house proposed for moving is owned by the city and was planned for demolition, not due to building condition but because of drainage issues on the property.

#### **DIMENSIONAL VARIANCE STANDARDS**

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

**This is a residential neighborhood and will likely remain so. If the variance is approved it would not change the character of the neighborhood as it exists. Staff does not find undue detriment to the neighborhood from the 1.7 foot variance.**

2. Such variance will not impair the intent and purpose of this Ordinance.

**It is the intent of the R1-A zoning district to provide area for single family homes on lots generally larger in size than those lots found in the R1-A zone. The subject parcel is at present vacant and the house proposed for demolition. Granting the variance will make use of both an existing structure and a vacant parcel. It will not impair the purpose of the ordinance.**

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

**There does not appear to be any inherent problem with the property. It is of typical size and configuration required in the R1-B zone. The only problem is that the house proposed for relocation is larger than allowed.**

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

**The primary “enjoyment” in this zoning district involves the owning of single family homes. If the variance is not approved someone may still build a residence on the property without needing a variance. Financial return is an issue only in that the applicant will likely sell or rent the house once completed.**

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

**This is an unusual situation. Staff does not recommend amending the setback requirements of the zoning ordinance to accommodate this situation.**

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

**The problem is not self-created except for the fact that the applicant desires to move an existing house onto property he already owns and the house was subsequently realized to be too wide for the lot.**

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

**Strict compliance would still allow a house to be constructed as witnessed by many lots and homes in the R1-B zone.**

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

**Since there is no inherent problem with the property, there is no response to this standard.**

9. That the variance will relate only to property under the control of the applicant.

**The variance request only involves the property owned by the applicant.**



**Agenda Item #6c**  
**Side Setback and Landscaping Variances**  
**1111 LaGrange Street**

**City of South Haven**

**Background Information:** Woodham's Ford, 1111 La Grange Street, is requesting a side yard setback and landscaping variances as part of a large renovation project. The parcel number for this property is 80-53-615-025-00 and 80-53-615-009-00.

The side yard setback involves a wall which is required for the corporate signage. It is not a *wall* in the traditional sense as it is not a structural wall but an architectural appurtenance to allow a corporate mandated sign.

The landscaping variances involve the property abutting LaGrange Street. The overlay ordinance requires a 25 foot greenbelt and the applicant is showing no greenbelt in the southern part of the road front (except along the building) and in the north section a greenbelt between 17 and 25 feet.

**Recommendation:** The ZBA members need to determine if the corporate requirements and existing structures are enough of a constraint on the property to grant a variance.

**Support Material:**

Application  
Concept drawings  
Staff Findings of Fact

**ZONING VARIANCE REQUEST**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

**NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.**

Name: Woodhams Ford Date: 10-5-15

Address: 1111 LaGrange Street Phone: 866-637-2137

Address of Property in Question: 1111 La Grange Street Present Zoning of Property: B-2/OVERLAY AREA C

Name of Property Owner(s): Ross Woodhams

Dimensions and area of property Please refer to attached Site Plan

Dimensions of all buildings on the property ( also shown on a diagram) \_\_\_\_\_

Please refer to attached Site Plan

Setback measurements of all structures on the property (also shown on diagram)

Front

Front: 33'-0", Front: 11'-7", Side: 222'-6", Rear: 72'-0"

Present Zoning of Neighboring Properties to the :

North B-2 South N/A East PB-1/B-2 West N/A

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): ARTICLE XXIV, SECTION 2405.1.a.I & SECTION 2406.1.c

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

Please see attached sheet(s) for answers to these standards.

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

9. That the variance will relate only to property under the control of the applicant

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

Ross A. Woodhams

Property Owner

10/5/2015

Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

Ross A. Woodhams

Applicant Signature

10/5/2015

Date

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

The building and landscaping improvements proposed in this project are major improvements to the existing site which is a series of unrelated buildings and uses on a site that is mostly asphalt with no landscaping or relief from hard surfaces. We are proposing over 6800 square feet of new permeable surface on the site. The portions of the buildings being removed at the street elevations create new open space that meets the corporate Ford requirements for development while setting back the facades and providing the opportunity to soften the buildings with plantings. The setback variance for the Lincoln signage wall required by Ford at the Aylsworth façade is display area only and does not enclose any indoor space within the setback.

2. Such variance will not impair the intent and purpose of this Ordinance.

The project proposes landscaping buffers to reduce the visual mass and scale of the building without impeding the owner's ability to do business and improve the overall character of the Business Loop 196 corridor overlay district. We propose to improve traffic safety by reducing the driveway curb cuts off La Grange from 4 to 2 and are diverting storm water on the site that previously flowed out to La Grange.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

The Ford corporate requirements set the standards for remodeling existing dealerships. Included in these requirements are brand signage sizing, locations and relative position between the brands. The position of the Lincoln signage that is proposed at this wing wall area was stipulated by Ford in order to advertise the brand properly. The encroachment is signage only and does not enclose any indoor space/use.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The renovation of the existing buildings in their current locations is a much more economical approach than full demolition and allows for the owner to continue the historical use of the property. Even with partial removal of the structures at the West elevations, there is not enough room for full landscape buffer development immediately in front of the buildings. We have provided the required buffer at the North end of the West elevation.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

The existing buildings on this site are closer to the setbacks than a majority of the uses in the Overlay district and present a unique condition.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The variances requested are due to the existing buildings positions as well as corporate requirements for development.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

As mentioned above the setback relief requested is for a corporately required signage wall.

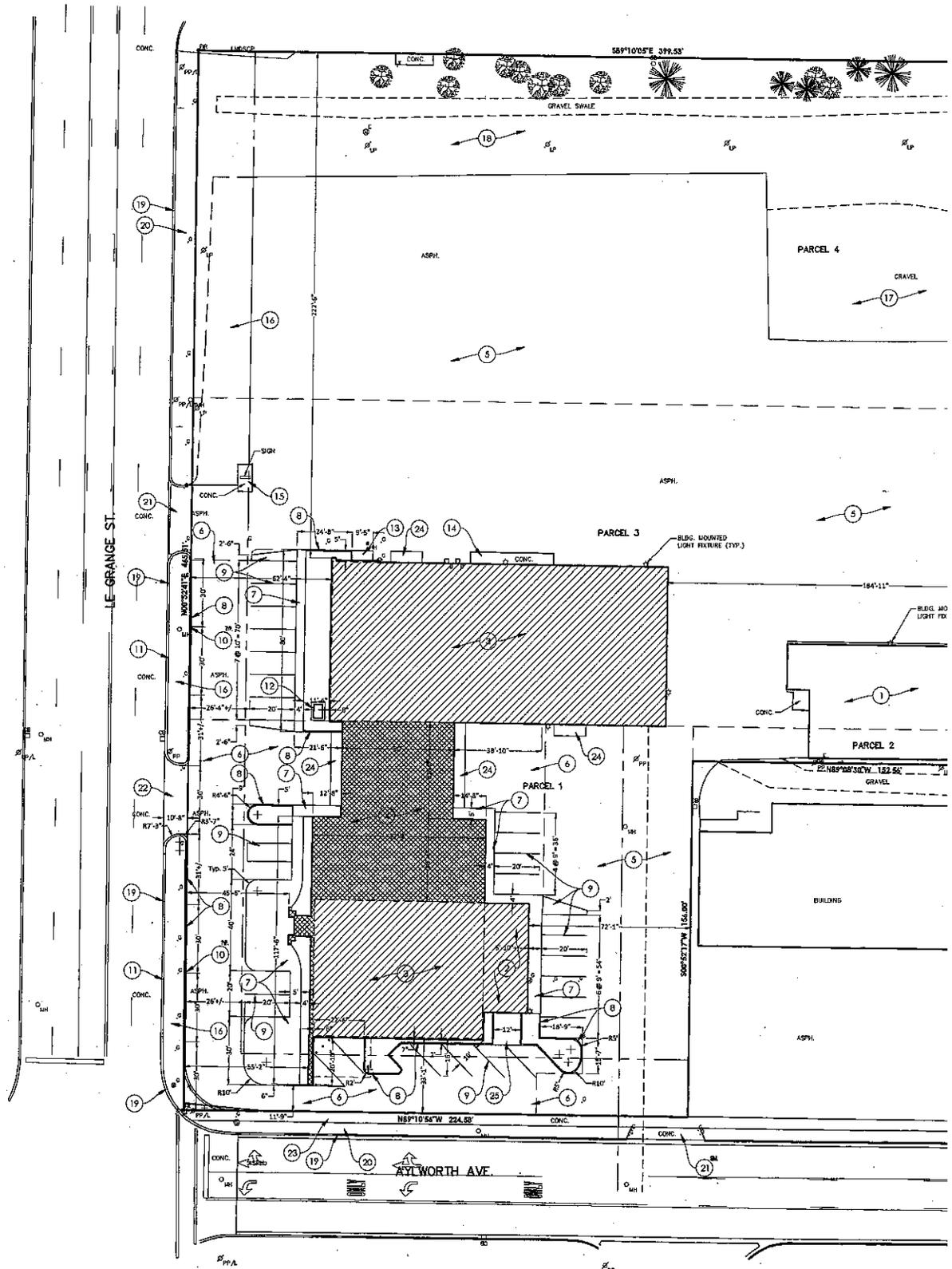
8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The proposed setback at Aylsworth allows for a one-way driveway between the wall and the road/setback curb so travel pattern is maintained around the site. We have maximized the potential landscaping in front of the building while maintaining corporate parking and lane requirements.

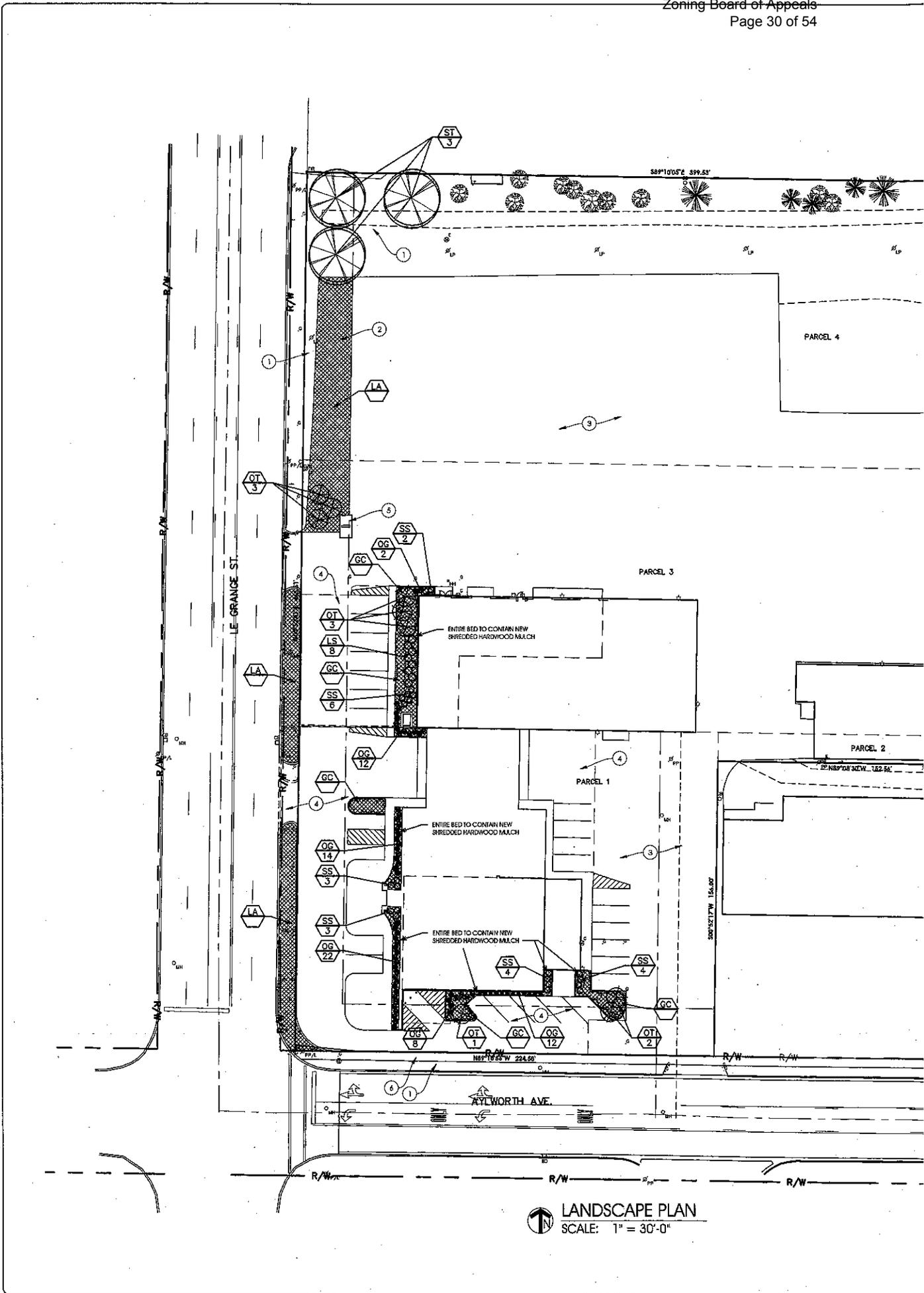
9. That the variance will relate only to property under the control of the applicant

Proposed landscaping and setback are limited to the property owned by Woodhams Ford.





 **PROPOSED SITE PLAN**  
SCALE: 1" = 30'-0"



 **LANDSCAPE PLAN**  
SCALE: 1" = 30'-0"







## STAFF FINDINGS OF FACT

### CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

**DATE:** October 26, 2015  
**ADDRESS:** 1111 La Grange  
**ZONING DISTRICT:** B-2 General Commercial w/Overlay Zoning  
**LOT DIMENSIONS:** 466' x 224' (area of construction)  
**LOT AREA:** 2.3 acres  
**LOT COVERAGE:** N/A in the B-2 zone

**PROPOSED SETBACK:** La Grange -33 feet; Aylworth – 11' 7"; Side – 222' 6"; Rear - 72 feet.

**VARIANCE REQUEST:** Woodham's Ford, 1111 La Grange Street, is requesting a side yard setback and front and side landscaping variances as part of a large renovation project. The parcel number for this property is 80-53-615-025-00 and 80-53-615-009-00.

The side yard setback involves a wall which is required for the corporate signage. It is not a *wall* in the traditional sense as it is not a structural wall but an architectural appurtenance to allow a corporate mandated sign.

The landscaping variances involve the property abutting LaGrange Street. The overlay ordinance requires a 25 foot greenbelt and the applicant is showing no greenbelt in the southern part of the road front (except along the building) and in the north section a greenbelt between 17 and 25 feet.

#### **DIMENSIONAL VARIANCE STANDARDS**

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

**This is a commercially zoned and planned area. The business has been located at this address for many years. The proposed improvements and renovations will improve the overall appearance of the property. The development will not be detrimental to the surrounding neighborhood.**

2. Such variance will not impair the intent and purpose of this Ordinance.

**This property is in the B-2 General Business Zone but is also included in the Corridor Overlay Zone. The purpose of the overlay zone is "to enhance the quality and compatibility of development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop through the City". As stated above, it is the intention of the city to, over time, to ameliorate certain conditions along the main thoroughfares leading into the city. The overlay zone calls for consistency in signs, more landscaping, improved exterior finishes and less parking. Setback requirements were often increased to allow more room for landscaping in the parking areas. The applicant has complied with most of the requirements but is asking relief for landscaping and side setback. Given the amount of landscaping proposed it appears the**

**applicant understands and tried to follow the ordinance intent to the extent possible.**

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

**The applicant states in the narrative that the wall extension is a requirement of Ford Motor Corporation. Staff believes this to be true and also notes that the wall is freestanding and not a building wall in the traditional sense. The landscaping may be justified to a large degree by the applicant's desire to renovate instead of demolish and rebuild. The applicant has added several large shade trees and ornamental trees to the front of the property and significant plantings along the building sides on LaGrange and Aylworth Streets. While this may not be the full amount of landscaping required, it is significant.**

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

**The right to develop and improve a property are rights of any property owner. This owner has operated in this location for many years and has the right to improve the property and keep the business and structures fresh and viable. Since this is a corporate affiliate, the Ford Motor Company also has certain requirements. There does not appear to be a financial motive other than the desire to maintain the business in a competitive environment.**

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

**This is an unusual situation. Staff does not recommend amending the zoning ordinance to accommodate this situation.**

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

**The problem is self-created only because the applicant is choosing to renovate rather than demolish and rebuild the property he already owns. Many of the improvements are corporate standards and not necessarily the owner's demands.**

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

**Without the requested variance, the applicant would have difficulty meeting some of the corporate standards which could be unnecessarily burdensome.**

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

**The applicant has moved the building back from the main street and has increased the amount of landscaping on the site. Staff finds the variance requested to be the minimum.**

9. That the variance will relate only to property under the control of the applicant.  
**The variance request only involves the property owned by the applicant.**



**Agenda Item #6d**  
**Rear Yard Setback Variance**  
**514 Center Street**

**City of South Haven**

**Background Information:** Steve and Virginia Goble are requesting a rear setback variance to allow 12.08 feet where 25 feet is required. The lot is encumbered with 2 diagonal easements which considerably reduce the usable lot area. The variance would allow a second garage stall on the property.

Graphics are provided with the request as well as a letter from the city engineer explaining the easements.

**Recommendation:**

This is a property with serious constraints due to the easements which existed before the applicant purchased the property. There are viable reasons for granting this variance.

**Support Material:**

Application  
Setback Plan  
Setback graphic  
Staff Findings of Fact

**ZONING VARIANCE REQUEST**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

**NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.**

Name: Steve and Virginia Goble Date: September 21, 2011

Address: 355 Orchard Drive, Northville, MI Phone: (248) 921-5500

Address of Property in Question: 429 Van Buren Street Present Zoning of Property: R-1A

Name of Property Owner(s): Steve and Virginia Goble

Dimensions and area of property Frontage: 75.00 Ft. Depth: 100.00 Ft.

Dimensions of all buildings on the property ( also shown on a diagram) see diagram "B"

Setback measurements of all structures on the property (also shown on diagram) see diagram "A"

Present Zoning of Neighboring Properties to the :

North R-1A South R-1A East R-1B West R-1A

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): Section 402, R-1A Area Requirements, Paragraph # 3

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

see attachment

2. Such variance will not impair the intent and purpose of this Ordinance.

see attachment

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

*See attachment*

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

*See attachment*

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

*See attachment*

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

*See attachment*

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

*See attachment*

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

*See attachment*

9. That the variance will relate only to property under the control of the applicant

*See attachment*

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

\_\_\_\_\_

Property Owner

\_\_\_\_\_

Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

\_\_\_\_\_

Applicant Signature

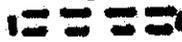
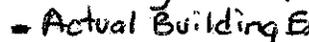
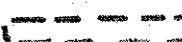
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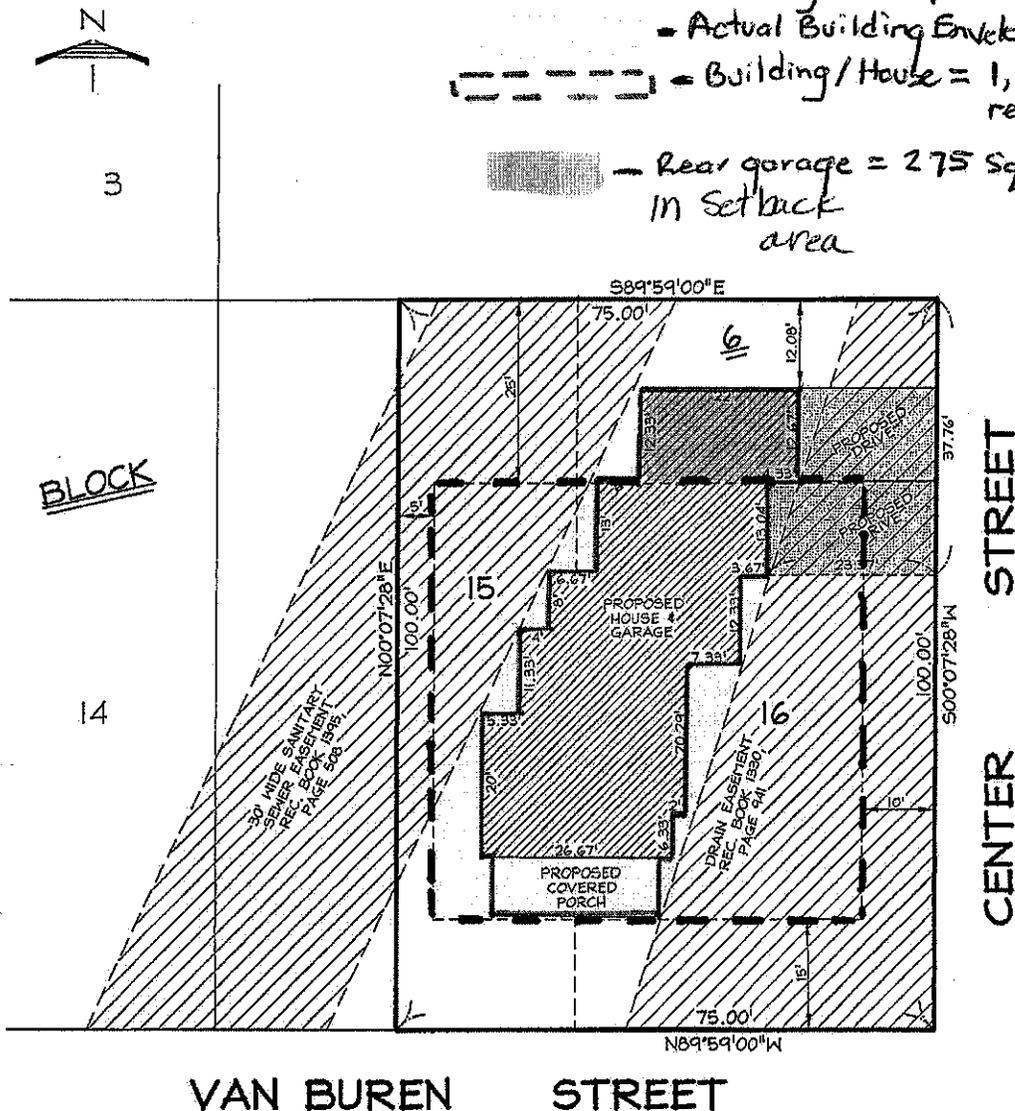
Date

# PROPOSED HOUSE LAYOUT

**Furnished Description:** Situated in the City of South Haven, Van Buren County, Michigan.

Lot 16 and part of Lot 15, Block 6 of the Original Plat of the Village (Now City) of South Haven described as: Beginning at the Southeast corner of Lot 16; thence North 89° 59' 00" West along the South line of Lots 16 and 15 a distance of 75.00 feet; thence North 00° 07' 28" East 100.00 feet to the North line of Lot 15; thence South 89° 59' 00" East along the North line of Lots 15 and 16 a distance of 75.00 feet to the Northeast corner of Lot 16; thence South 00° 07' 28" West on the East line of said Lot, 100.00 feet to the place of beginning.

-  - Building Envelope = 3,600 Sq. Ft.
-  - Actual Building Envelope Less Easements: 2,500 Sq. Ft.
-  - Building/House = 1,831 Sq. Ft. includes rear garage and porch
-  - Rear garage = 275 Sq. Ft. in setback area



*2490 Coverage*

<b>MITCHELL &amp; MORSE LAND SURVEYING</b>		234 VETERANS BLVD. SOUTH HAVEN, MICHIGAN 49090	
A DIVISION OF MITCHELL SURVEYS, INC.		OFFICE: (269) 637-1107 FAX: (269) 637-1907	
CLIENT <b>STEVE GOBLE</b>			
DATE	9-10-15	JOB No.	15-913
SHEET	1	OF	1
DWG. BY	J. MITCHELL	DWG. CK	
DESC. BY		DESC. CK	
BEING IN THE <u>NW 1/4</u> SECTION <u>10</u> , T. <u>1 S.</u> , R. <u>17 W.</u>			
<b>SOUTH HAVEN (CITY) TWP. VAN BUREN CO., MICHIGAN</b>			
SCALE	1"=20'	BOOK	FILE
PAGE	FILE	REVISION	

EDWARD C. MORSE  
PROFESSIONAL SURVEYOR

GEORGE J. MITCHELL  
PROFESSIONAL SURVEYOR

**1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.**

There is no adjacent home to the rear of the property or to the East of the property as it has two street fronts ... one along Center Street and one along Van Buren Street. The West property is the home we owned prior to building out this lot and the proposed home is similar in size and continues the streetscape of Van Buren Street. This variance requested will only apply to this property address and will not impact other properties in the area. The lot is located on the northeast corner of Van Buren and Center Streets and is 75 feet wide by 100 feet deep. The lot is zoned R-1A. **No** other property in the area has the restrictions and is encumbered by two easements for public utilities: a 30 foot-wide easement granted to the City of South Haven for sanitary sewer and a 40 foot wide easement granted to Van Buren County for the Petersen County drain. See the letter from Larry Halberstadt, City Engineer, explaining the details around this property and how the easements create a condition described in Section 2205.3 of the zoning ordinance (exceptional or extraordinary circumstances or conditions apply to the property in questions or to the intended use of the property that do **NOT** apply generally to other properties in the same zoning district). Together, these two easements reduce the buildable area of the lot and no other adjacent property in the surrounding neighborhood will be impact by granting this variance to the rear setback dimension of 25 feet. The requested rear setback is approximately 12.5 feet (see diagram "A" – Survey from Mitchell & Morse)

**2. Such variance will not impair the intent and purpose of the Ordinance.**

It is assumed that the intent of the ordinance is to create separation between lots. Presently, there is no structure to the North of the property and after brief conversations with the local builder; it may remain vacant and unbuildable due to the continuation of the sanitary easements on that property. The variance request is unique to this property only and is due to the limited building-envelope created by the two public utilities easements, both cutting across the lot at an angle which causes the buildable area to be a unique wedge shape. The request for a variance does not impair the intent/purpose of the setback requirements as a request of this nature would be unlikely based on such rare public utilities.

**3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property.**

The easements located on the property and described above create an exceptional or extraordinary circumstance described in Section 2205.3 of the zoning ordinance. The lot located on the northeast

corner of Van Buren and Center Streets is 75 feet wide by 100 feet deep. This lot size exceeds to minimum standards of the Lot Area and Width requirement for the R-1A zoning by 2,500 square feet. However, because this lot is encumbered by the two easements, it reduces the buildable area of the lot by the following:

***See Mitchell & Morse Survey Dated 9-10-15***

429 Van Buren Street	Square Feet	Comparison
Size of Lot (75'x100') -- parcel 80-53-006-015-00	7,500 (exceeds standard)	> 2,500 sq ft than standard lot of 5,000
Buildable Envelope (Including Easements)	3,600 - black dashed line	-
Maximum Lot Area (40% of 7,500)	3,000	24% -
Building Envelope (Excluding Easements & Front Setback For Porch)	2,500 - yellow area	900 sq ft smaller or 25% less than buildable envelope area
Unique House Structure Fit Within Building Envelope Including the Porch and Garage	1,831 - red outline of the house	50% coverage to Buildable 61% coverage to Max Lot

Data provided by Mitchell & Morse Land Surveying

These two easements reduce the buildable area and available placement of the structure. To further complicate the lot, both of the utilities cross the lot at an angle, which causes the buildable area to be a unique wedge shape. After many attempts to place a similar home directly to the west of this property and maintain the streetscape presence, the unique house structure only occupies about 50% (1,831 / 3,600) and 61% of the maximum area (1,831 / 3,000) of the buildable area because of the easement constraints. This lot coverage is less than 62% of a standard or normal building square footage for a lot this size (Max Lot Area 40% of 7,500). An additional 275 square feet would be outside the building envelope to accommodate the single-garage. These physical conditions created a very distinctive challenge for us as property owners of this land. We feel we have placed the house such that it would maximize the limited building envelope and would require a variance to accommodate the second single-garage.

- Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

We began working with the City in 2012 to alleviate all constraints on this lot to ensure it was buildable. Efforts included obtaining and filing variances with the county drain commission, securing what was believed to be the actual building envelope, working with the City to prepay water and sewage cost (approximately \$17,000) so that the new city street on Center would not have to be disrupted when we began building 2 months later. Efforts have been made to work with the City of

that would not infringe upon the easements crossing the lot. In order to build a modest and similar size home to others in the vicinity including the one directly to the west, constructing this home to include a rear garage seems appropriate. This variance only pertains to the rear garage that is 22' x 12 2/3' across the 75' width of the lot and at the rear of the property (see diagram "B" – Architect Home Plans)

- 5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.**

This is a one-in-kind piece a property in the City of South Haven and a similar variance request like this will not exist. What makes this situation unique is the two easements running through both sides of the property caused by public utilities over which we have no control and by definition will not be recurrent in nature. Given the limited available space to construct any dwelling, we are building a modest home that only takes 1,366 sq. ft. of the lot. A normal lot of 7,500 sq. ft. would allow coverage of up to 3,000 sq. ft. This modest home is only 45.5% of what would be a normal home on this size lot. Because of the very limited and constrained building envelope, the options for a home are very limited and our proposal fits within those constraints.

- 6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.**

The issue is not self-created; because of the limited building-envelope, laying out an appropriate size house was tricky at best and took many hours of work by an architect to best fit the house within the building constraints. Without the easements causing the constraints, there was more than adequate room to construct a home without any variance on this lot.

- 7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.**

The strict compliance to the rear setback on the property will make it difficult to construct a modest home with space for a two-car garage. The portion of the home for which the variance is required is the one-stall garage. This portion of the structure is the shortest and narrowest portion of the building and trying to conform to the setback would be oppressive to the plans and is already a modest size home that would fit on the lot compared to similar homes in the area. By reference, the home next door at 421 Van Buren is identical in size and function; within 100 square feet.

**8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.**

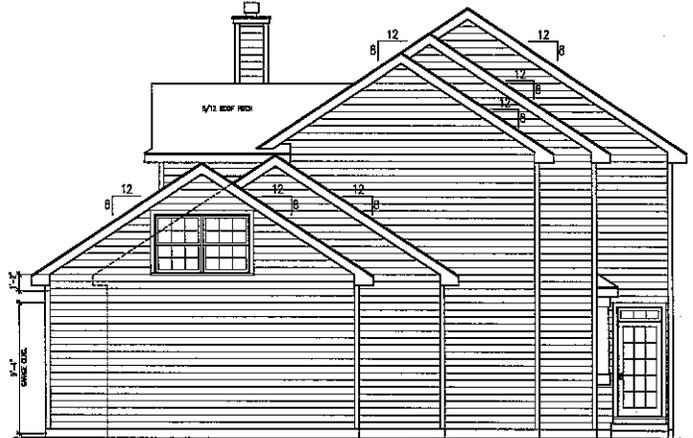
The variance requested only pertains to the rear garage that is 22' x 12 2/3' across the narrowest part of the lot not interfered by the easements and is located at the rear of the property (see diagram "B" – Architect Home Plans). The actual functional garage opening is the minimal size for any single garage spanning a 9' wide by 8' tall garage door.

**9. That the variance will relate only to property under the control of the applicant**

This variance will only relate this property. Steve and Virginia Goble only own this lot (parcel# 80-53-006-015-00). Steve and Virginia Goble have a substantial investment in South Haven community starting in 2006 buying the property at 419 Van Buren and rehabbing it, then building and new home at 421 Van Buren and now desiring to add a property that will generate significant taxes for the City on 429 Van Buren. We have developed and upgraded three properties from 419 Van Buren to Center Street (including the proposed property). We constructed a new home at 421 Van Buren Street in 2008 and recently sold it in June 2015 in anticipation of constructing the home at 429 Van Buren. The intent is to build this home and enjoy the great features of being in the City of South Haven. We have been a supporter of the City and the community for over ten years.



**LEFT SIDE ELEVATION**  
 SCALE: 1/4"=1'-0"



**REAR ELEVATION**  
 SCALE: 1/4"=1'-0"



**RIGHT SIDE ELEVATION**  
 SCALE: 1/4"=1'-0"



**FRONT ELEVATION**  
 SCALE: 1/4"=1'-0"

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**ELEVATIONS**  
 A NEW RESIDENCE FOR  
 STEVE & VIRGINIA GOBEL  
 SCOTTSBLUFF, NEBRASKA



REVISION DATES
9-8-15

JOB NUMBER:  
 19013

DRAWN BY:  
 BB  
 DRAWING #:  
 19013-E  
 ISSUE DATE:  
 7-18-15

SHEET  
 2  
 OF  
 5



# City of South Haven

## Department of Public Works

DPW Building • 1199 8<sup>th</sup> Ave. • South Haven, Michigan 49090  
Telephone (269) 637-0737 • Fax (269) 637-4778

### MEMORANDUM

To: Linda Anderson, Zoning Administrator

Cc: Brian Dissette, City Manager

From: Larry Halberstadt, PE, City Engineer

Date: September 28, 2015

RE: Variance Request for 429 Van Buren Street (Parcel 80-53-006-015-00)

Steve and Virginia Goble have requested a dimensional variance to the rear setback for a new home that they desire to construct at the address noted above. Specifically, they are requesting a variance to the rear setback dimension of 25 feet. The requested rear setback is approximately 12.5 feet.

The lot owned by the Gobles is located on the northeast corner of Van Buren and Center Streets and is 75 feet wide by 100 feet deep. The lot is zoned R-1A. The lot size exceeds the minimum standards of the Lot Area and Width requirements for the R-1A zone by 2500 square feet and 25 feet, respectively. However, this lot is encumbered by two easements for public utilities: a 30 foot wide easement granted to the City of South Haven for sanitary sewer and a 40 foot wide easement granted to Van Buren County for the Petersen County Drain. Together, these two easements reduce the buildable area of the lot by 3,889 square feet. Thus, only 3,611 square feet are available for placement of the building. To further complicate the matter, both of the utilities cross the lot at an angle, which causes the buildable area to be a unique wedge shape.

Based upon my review of this situation, it appears that the easements located on this property create an exceptional or extraordinary circumstance or condition as described in Section 2205.3 of the zoning ordinance.

Ideally, the City and County Drain Commissioner would undertake a public utility relocation project that would move their respective utilities off private property and into the public road right-of-way of Van Buren and Center Streets. This relocation would likely exceed \$1,000,000 and would take 6-12 months to design, permit and construct. The County Drain Commissioner does not have available funding to complete their portion of the work without the levy of a special assessment on all upstream property owners. In addition, the City Sewer Fund is supported wholly by fees for services charged to City customers. This fund does not have sufficient reserve available to undertake this project during the current fiscal year.

The Gobles have already made a concerted effort to work with City staff to understand the limitations of developing this lot with a new single family home that would not infringe upon the easements crossing the lot. As a result of these conversations, they have worked with an architect to develop a uniquely shaped home that will fit between the two easements. The home appears

**Memorandum**

September 28, 2015

Variance Request for 429 Van Buren Street

Page 2 of 2

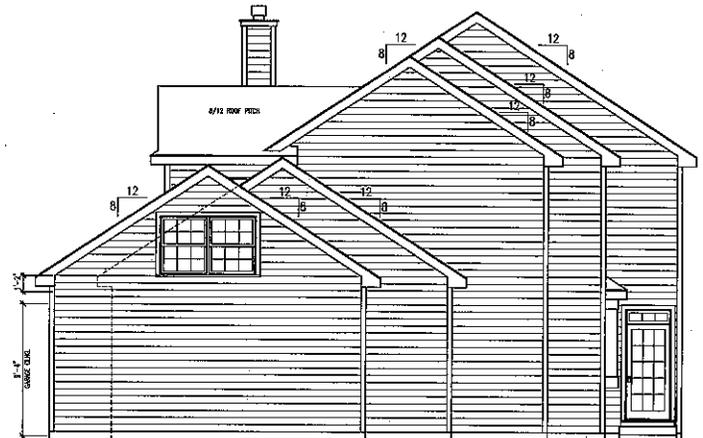
to be of modest size with four bedrooms, 2½ bathrooms, and one living space. The portion of the home for which the variance is required is a one story tall garage. This portion of the structure is the shortest and narrowest portion of the building. The Gobles have already made a sizeable investment in the South Haven community by constructing a new home at 421 Van Buren Street in 2008. The Goble's sold that home earlier this year in anticipation of constructing the home at 429 Van Buren Street.

**Recommendation**

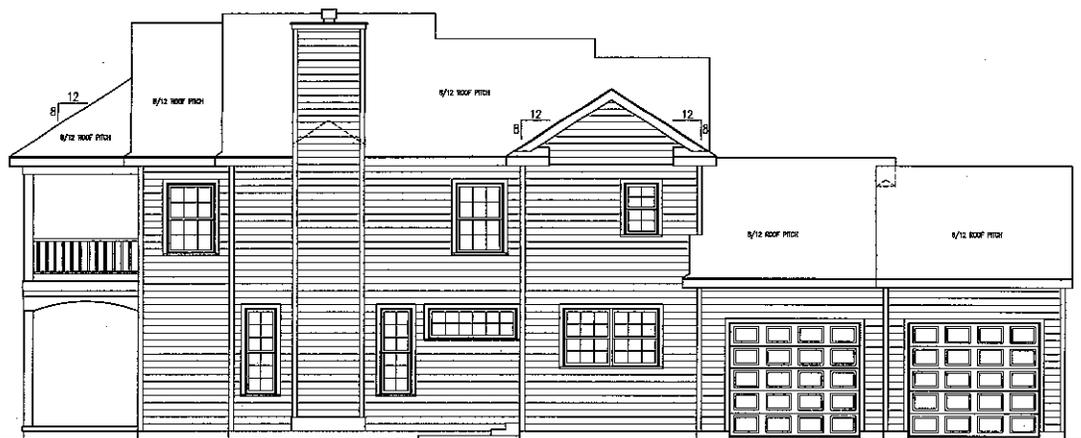
I am requesting that you please provide a copy of this memorandum to the Zoning Board of Appeals to assist them in their review of the dimensional variance request.



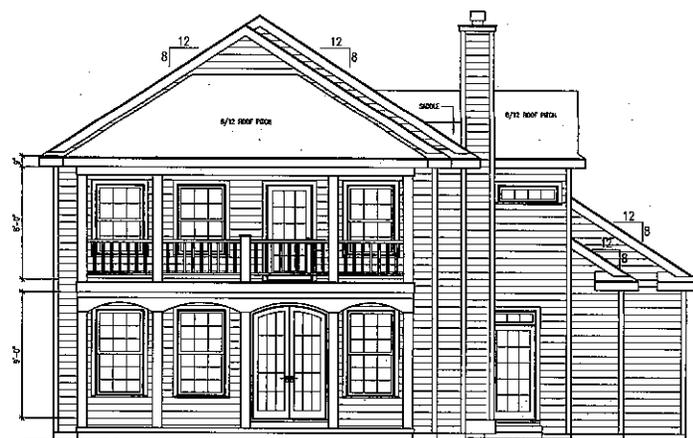
**LEFT SIDE ELEVATION**  
 SCALE: 1/4"=1'-0"



**REAR ELEVATION**  
 SCALE: 1/4"=1'-0"

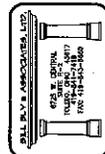


**RIGHT SIDE ELEVATION**  
 SCALE: 1/4"=1'-0"



**FRONT ELEVATION**  
 SCALE: 1/4"=1'-0"

ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SOUTH HAVEN ZONING ORDINANCES AND THE SOUTH HAVEN ZONING BOARD OF APPEALS DECISIONS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH HAVEN AND THE SOUTH HAVEN ZONING BOARD OF APPEALS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH HAVEN AND THE SOUTH HAVEN ZONING BOARD OF APPEALS.



**ELEVATIONS**  
 A NEW RESIDENCE FOR  
 STEVE & VIRGINIA GOBEL  
 SOUTH HAVEN, MICHIGAN

REVISION DATES:  
 9-8-15

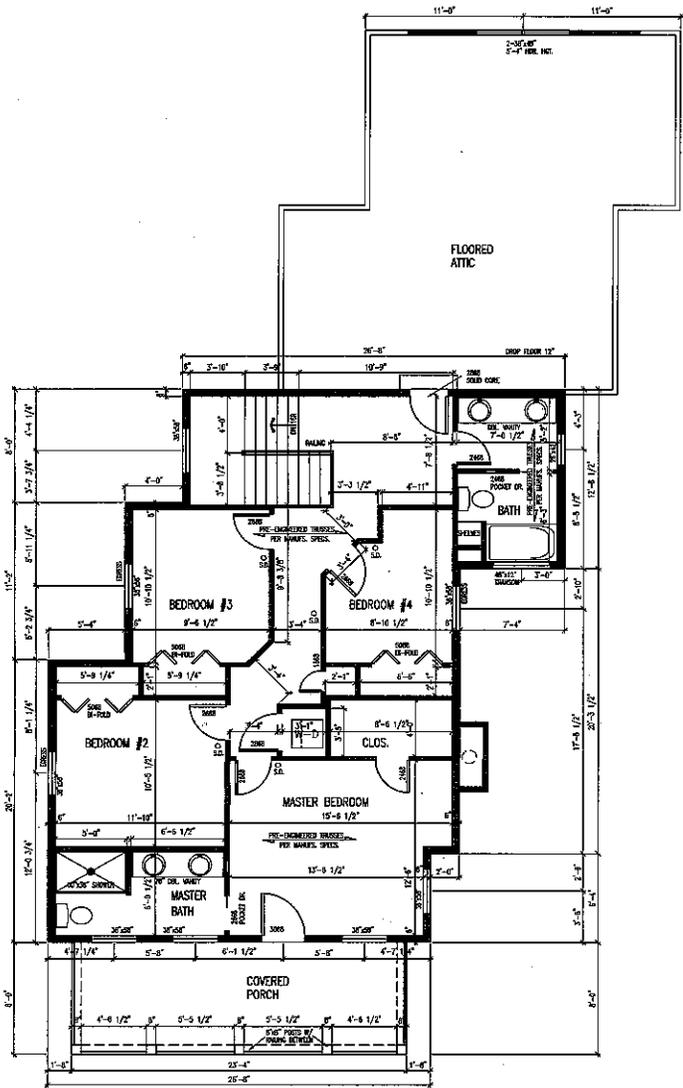
JOB NUMBER:  
 19013

DRAWN BY:  
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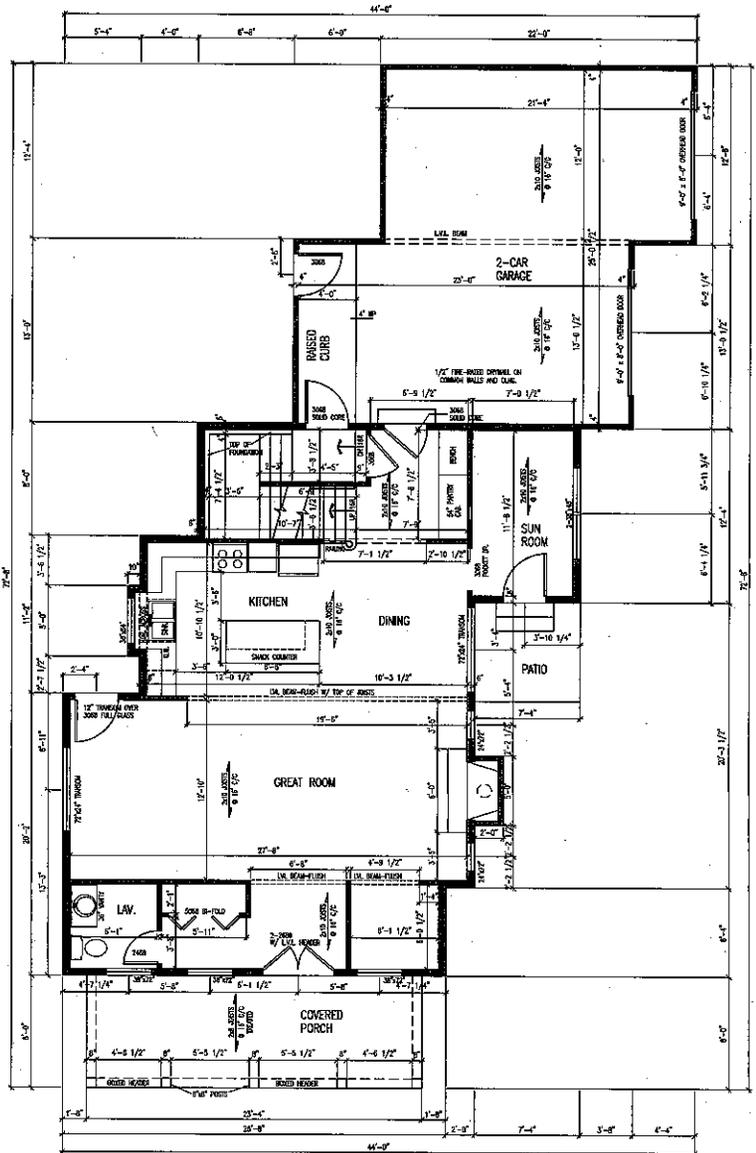
DRAWING #:  
 19013-E

ISSUE DATE:  
 7-18-15

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 OF  
 5



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



**FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

THIS SET OF PLANS IS TO BE USED IN CONNECTION WITH THE ZONING BOARD OF APPEALS. THE ZONING BOARD OF APPEALS IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREIN.

ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

**FIRST FLOOR PLAN**  
**A NEW RESIDENCE FOR**  
**STEVE & VIRGINIA GOBEL**  
 SOUTH HAVEN, MICHIGAN

REVISION DATES
9-8-15

JOB NUMBER:  
**19015**

DRAWN BY:  
**EBB**

DRAWING NO.:  
**19015**

ISSUE DATE:  
**7-18-15**

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 OF  
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# PROPOSED HOUSE LAYOUT

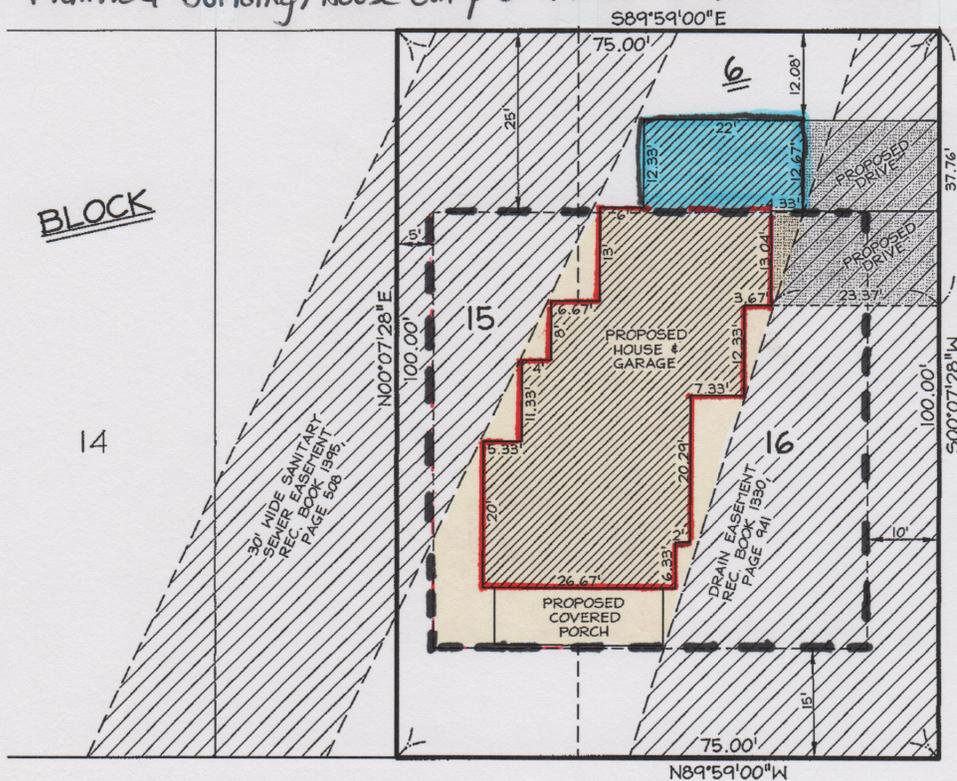
**Furnished Description:** Situated in the City of South Haven, Van Buren County, Michigan.

Lot 16 and part of Lot 15, Block 6 of the Original Plat of the Village (Now City) of South Haven described as: Beginning at the Southeast corner of Lot 16; thence North  $89^{\circ} 59' 00''$  West along the South line of Lots 16 and 15 a distance of 75.00 feet; thence North  $00^{\circ} 07' 28''$  East 100.00 feet to the North line of Lot 15; thence South  $89^{\circ} 59' 00''$  East along the North line of Lots 15 and 16 a distance of 75.00 feet to the Northeast corner of Lot 16; thence South  $00^{\circ} 07' 28''$  West on the East line of said Lot, 100.00 feet to the place of beginning.



- Building Envelop = 3,600 Sq.ft.
- Possible Building Envelopless Easements = 2,500 Sq.ft.
- Building/House = 1,366 Sq.ft.

- Total Lot Size = 7,500
- Can only cover 40% of 7,500 or 3,000 Sq. ft.
- Planned Building/House only = 45.5% (1,366/3,000)



**VAN BUREN STREET**

- Garage Variance = 275 Sq.ft.

<b>MITCHELL &amp; MORSE LAND SURVEYING</b>		234 VETERANS BLVD. SOUTH HAVEN, MICHIGAN 49090 OFFICE: (269) 637-1107 FAX: (269) 637-1907	
A DIVISION OF MITCHELL SURVEYS, INC.			
CLIENT <b>STEVE GOBLE</b>			
DATE	9-10-15	JOB No.	15-913
		SHEET	1 OF 1
DWG. BY	J. MITCHELL	DWG. CK	DESC. BY
			DESC. CK
BEING IN THE <u>NW 1/4</u> SECTION <u>10</u> , T <u>1 S.</u> , R <u>17 W.</u>			
<b>SOUTH HAVEN (CITY) TWP. VAN BUREN Co., MICHIGAN</b>			
SCALE	1"=20'	BOOK	FILE
		PAGE	FILE
		REVISION	
		EDWARD C. MORSE PROFESSIONAL SURVEYOR	
		GEORGE J. MITCHELL PROFESSIONAL SURVEYOR	

514 Center St 80-53-006-015-00



## **STAFF FINDINGS OF FACT**

### **CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS**

**DATE:** October 26, 2015

**ADDRESS:** 429 Van Buren

**ZONING DISTRICT:** R1-A

**LOT DIMENSIONS:** 75' x 100'

**LOT AREA:** .17 acres (7500 sq. feet)

**LOT COVERAGE:** 40% maximum

**REQUIRED SETBACKS:** Front – 15'; Rear – 25'; Sides – 15' total (3' minimum)

**EXISTING SETBACKS:** Vacant

**PROPOSED SETBACKS:** Front – 15'; Rear – 12'; Sides – 10' and 5'

**VARIANCE REQUEST:** Steve and Virginia Goble are requesting a rear setback variance to allow 12.08 feet where 25 feet is required. The lot is encumbered with 2 diagonal easements which considerably reduce the usable lot area. The variance would allow two garage stalls on the property.

#### **DIMENSIONAL VARIANCE STANDARDS**

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

**This is a residential neighborhood and the applicants are seeking to construct a single family home on a difficult lot. Staff does not find undue detriment to the neighborhood.**

2. Such variance will not impair the intent and purpose of this Ordinance.

**The ordinance provides for zoning relief in cases where there exists a barrier to a legal use due to an inherent problem with the property. The applicants have demonstrated such a condition. This request is consistent with the intent of the ordinance.**

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

**This property has significant issues that do create a hardship on compliance. The lot size is 7500 square feet which is 2500 square feet over the ordinance minimum for the zone. Unfortunately, the lot has 2 large easements crossing on the diagonal. While the lot may be 7500 square feet, only 1713 square feet are available for building. The applicants have sited the house within the buildable area but a second, attached garage is encroaching into the setback area slightly less than 13 feet. The ZBA needs to determine if the easements as they are situated are adequate hardship to grant the variance for the second garage.**

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district

and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

**Financial return is likely not at issue in this case. This is a lot with encumbrances but there is still room for a modest size home. The applicant is using the available space well but would like a second garage stall. Staff believes that the property owner would not be deprived of a property right by not granting the variance but it may be the case that the easements do create a hardship that, if not present, would allow the addition of the second garage.**

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

**This is an unusual situation. Staff does not recommend amending the zoning ordinance to accommodate this situation.**

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

**The problem is not self-created except in terms that the applicant would like extra garage space.**

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

**Whether the 2 easements unreasonably prevent the owner from full residential use that is unnecessarily burdensome is a decision for the ZBA.**

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

**Two parking spaces are required for each residential unit. While this does not necessarily mean garage space, the applicant would like to store 2 cars in a garage. Whether this exceeds the minimum is a decision for the ZBA.**

9. That the variance will relate only to property under the control of the applicant.

**The variance request only involves the property owned by the applicant.**