

Zoning Board of Appeals

Regular Meeting Agenda

Monday, October 31, 2016
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – July 25, 2016 Regular Meeting Minutes
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

NEW BUSINESS

6. A variance request has been submitted for the property at 346 Park Avenue for relief from zoning ordinance section 1800-1. The variance would allow parking on a driveway which is legally located in the required side setback area. The parcel number for the property is 80-53-833-007-01.

7. Board Member Comments
8. Adjourn

RESPECTFULLY SUBMITTED,

Linda Anderson
Zoning Administrator

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.

Zoning Board of Appeals

Regular Meeting Minutes

Monday, July 25, 2016
7:00 p.m., City Council Chambers



City of South Haven

1. Call to Order by Scott Boyd at 7:00 p.m.

2. Roll Call

Present: Carlson, Lewis, McAlear, Miller, Stegeman, Stimson, Boyd
Absent: None

3. Approval of Agenda

Motion by Stimson, second by Stegeman to approve the July 25, 2016 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – May 23, 2016

Motion by Miller, second by McAlear to approve the May 23, 2016 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

None at this time.

6. New Business – Public Hearing

Hanson Cold Storage of St. Joseph, MI is requesting the following two (2) variances for a proposed cold storage facility to be located at 1660 and 1800 Second Avenue:

- a) *A variance from the requirement in zoning ordinance section 1802-3 which requires loading areas to be located in side or rear yard and not facing the street. The applicant proposed load in the front of the building.*

b) A variance from the height limit of 40 feet (zoning ordinance section 1103) to construct the facility 60 feet in height.

Boyd asked for board questions or comments prior to opening the public hearing.

Stegeman asked if the requested sixty feet enough is or if they need more than that. Boyd noted that 60 feet is the minimum height requested.

Lewis said if we grant this we are acting as a legislative body instead of judicial. Boyd said Lewis' point is heard and noted, "This is the Zoning Board of Appeals for variance; if it a reasonable request and doesn't harm anyone else around it should be granted. This variance is mandatory for the business to operate."

Stimson requested Anderson's thought on Lewis' concern. Anderson stated the Zoning Board of Appeals is not a legislative body but they have the authority to grant variances from the zoning ordinance. The ZBA does not have the legislative power to actually amend the ordinances. Anderson also noted that granting this does not amend the zoning ordinance; we would be granting this for one applicant and that is all. That is what state law provides; to not grant the variance would be an unnecessary hardship. Anderson pointed out that this is the first time the board has gotten a height variance request for this particular reason. "Are they acting as legislative? In some manner perhaps, but only as the state law allows it."

Motion by Miller, second by McAlear to open the public hearing on a) A variance from the requirement in zoning ordinance section 1802-3 which requires loading areas to be located in side or rear yard and not facing the street. The applicant proposed load in the front of the building.

All in favor. Motion carried.

The applicant introduced himself as Andy Janson, President of Hanson Logistics, St. Joseph, Michigan and Jason Bransteter as Vice-President of design for Tippman Construction of Fort Wayne, Indiana.

Janson noted that Hanson Logistics have used Tippman on previous Hanson projects, explained they brought some drawings, Tippman has done all the preliminary and continued design work on the South Haven site. Referring to the drawings, Janson noted that on the left is the artist's rendering and to the right a view of the parcel, of which Hanson has purchased 25 acres.

Janson asked, "Why 60 feet? It is partly for economic reasons. These buildings are extremely costly to build and operate; it's more about cubic footage than square footage. This will be ammonia refrigeration, the taller we can go the more efficient and cost effective we can be, to make the project make sense. The why regarding

60 feet today is that is as tall as the forklifts and material handling equipment can handle.

In response to a question from the chair, Janson noted they have accommodated for the height. The 60 foot high part is about 300 feet back from the front yard. This is set way back. Lewis commented that he does not want to set a precedent for a 60 foot tall building right up to the road. The chair noted that Anderson did provide the answer; we are granting this property this variance. Lewis responded that it is also very important to come up with extraordinary reasons for granting the variance.

Boyd asked how many employees are anticipated to which Janson responded that Hanson is working closely with one of the world's largest food/fruit processors and packagers at this time. "They would have about one hundred employees and we have a similar facility in Hobart, Indiana and we are pushing 100 employees for our portion of the business; potentially 200 or more."

Stegeman asked if it is seasonal or year round. Janson stated it is mostly year round; it could spike during the harvest season.

Boyd asked if he should have these requests be separate to which Anderson responded that the board should certainly vote and give reasons for each item separately.

Boyd noted that request a). is for loading at the front of the building and asked for any questions or comments. Stimson asked why it is requested to have loading in the front. Janson responded that it is partly the logistics coming off the road and there is another proposed future addition in the back and putting the loading docks in the front would eliminate the need to cross employee parking with truck traffic. There is also residentially zoned land to the north (rear) side and the lights and noise of the loading docks could be intrusive to that development.

Boyd asked if those present in the audience had any questions.

Dave Paull, Park Avenue. Stated that he really has two questions having to do with environmental issues. "Is there any plan on using alternative energy sources and secondly, a bit concerned about ammonia refrigeration although I know it has been done for decades safely and wonder if they had considered alternatives."

Boyd said neither of those questions is a concern for this group but are suitable for the planning commission, so he will move forward with the zoning variances.

Doug Gritter, Pine Creek Construction, owner of possible residential development adjacent to the subject property. Stated he has heard many potential developments for his property in discussion but nothing in full plan works, but certainly will have in the future. "I'm in favor of the development; I have not seen the drawings and wish

they'd been available sooner." Gritter expressed that he is totally in favor of request a) from a residential standpoint. "I do have a couple of questions and comments. I thought what was going to happen was to be on the entire acreage. What I see is a development on part of the property." Janson clarified that they own part of the acreage and the other portion is owned by another entity.

Motion by Lewis, second by McAlear to close the public hearing on Request a): a variance regarding the loading dock.

All in favor. Motion carried.

Motion by Lewis, second by Stimson to grant the variance from the requirement in zoning ordinance section 1802-3 to allow loading in the front yard for property located at 1660 and 1800 2nd Avenue, opposite of the residential district and facing the industrial district. This variance will protect any future residential development on the north side of the property.

All in favor. Motion carried.

Lewis called a point of order, stating there needs to be a roll call vote.

A roll call vote was taken.

Yays: Carlson, Lewis, McAlear, Miller, Stegeman, Stimson, Boyd
Nays: None

Motion carried.

Boyd entertained a motion to open the public hearing for b) A variance from the height limit of 40 feet (zoning ordinance section 1103) to construct part of the facility 60 feet in height.

Motion by Miller, second by McAlear to open the public hearing on this section of the request.

All in favor. Motion carried.

Doug Gritter, Pine Creek Construction. "This is of greater concern to us, as any of you would anticipate, as a residential developer." Gritter noted that the request makes the height one-third in excess of the allowed zoning; that is very significant. "Not saying I'm against it; I like this development; I like this but I'm concerned that my residential property be protected." Gritter noted that on the back by the roadway there is a retaining wall which was installed prior to Pine Creek being part of litigation and being involved. Gritter also pointed out that there is a significant stepdown from the red dotted line (on the provided drawing) into the development. "It creates

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another 10 feet of height difference. Now you are essentially going to 70 feet which would be a very considerable concern if this were residential.” Gritter wants some assurance of somehow, some way, a requirement for proper screening. Gritter realizes this is a Planning Commission issue and wants to make that concern noted.

Boyd stated that Gritter’s concerns are noted.

Gritter reiterated that he does appreciate the development and would like to work with these gentlemen on the screening process. Gritter suggested a possible 20 foot screened offset, berm, trees, etc.

Motion by Stegeman, second by Stimson, to close the public hearing on variance b).

All in favor. Motion carried.

Miller is curious about the setback brought up by Pine Creek Construction at the rear street. Brandstetter referred to the aerial view drawing and stated it is 100’ to the first section, which is one story, and 162’ from the street to the 60’ wall of the building.

Miller noted that because we are abutting residential, the zoning does address that, and he thinks Anderson can address that.

Lewis asked how tall the gray part is, if it is future, could it be the same height of 60 foot. Anderson noted the applicants would have to come back again to the ZBA. Lewis wondered if that was true according to our Zoning Ordinance, thinking of the setback laws we have.

Miller said to carry his thought further that he would like to commend both parties here. “You sound like real reasonable people and I see no reason why you folks can’t get together and solve much of the screening issue without coming back to the Zoning Board of Appeals or before Planning Commission.” Miller also feels there is no further need to discuss screening at this meeting and sees a unique situation which requires a 60 foot building which is a 20 foot variance.

Motion by Miller, second by McAlear, to allow the variance from the height limit of 40 feet (zoning ordinance section 1103) to construct the facility 60 feet in height at the property located at 1660 and 1800 2nd Street.

The exceptional circumstances for this variance involve the particular engineering requirements for large scale freezer storage facilities. This is not a request likely to be seen on any regular basis.

Boyd called for a roll call vote.

Yays: Stimson, McAlear, Miller, Stegeman, Carlson, Boyd

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Nays: Lewis

Motion carried.

7. Commissioner Comments

Lewis: Commented on the size of the pots at the auto detailing shop and suggested in the future specify the size of the pots.

Anderson agreed that “We weren’t specific; we were thinking of half barrels and they put in those pots and that was disappointing. We gave examples of places that had them but we didn’t tell the applicants that half barrels were what we expected.”

Stegeman: Commented positively on the trees at the Woodhams project. All agreed it was an attractive project.

8. Adjourn

Motion by Miller, second by McAlear to adjourn at 7:44 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6 346 Park Avenue Driveway Parking Variance

City of South Haven

Background Information: On May 26, 2016, permits were issued for a new single family home at 346 Park Avenue. No garage was proposed for the property but the driveway was of a size to accommodate the required four (4) parking spaces. The driveway is situated on the property line, as is allowed.

A resident later questioned whether the zoning ordinance allows parking on a driveway within a minimum side-yard setback. Staff explained that since driveways are permitted on the lot line and garages are not required, it has been the policy of the city for several years to allow driveway parking regardless of the driveway location. On the other hand, staff also noted that the resident's contrary interpretation of the ordinance was plausible.

The applicant is now seeking a variance from Section 1800-1 of the zoning ordinance, to the extent that provision prohibits the proposed parking arrangement for the site. In connection with the application, City staff has compiled documentation confirming that parking in driveways in the side setback area is common in the general vicinity of this property and throughout the City. This documentation is included in the packet.

Recommendation: Staff recommends that the ZBA members review all attached documents and allow the variance on the grounds that it follows longstanding city policy and is not detrimental to the neighborhood. Further, staff is recommending that the planning commission and city attorney begin drafting an amendment to Section 1800-1 to clarify when parking is allowed in residential setbacks.

Please note, given the zoning administrator's initial approval of the parking arrangement for the site and given the prevalence of similar parking arrangements in the city, city staff has agreed to present this application on behalf of the property owner.

Support Material:

- Application
- Staff Findings of Fact
- Assistant City Manager's Memorandum
- Driveway distances to property lines
- Driveway pictures
- Letter to citizen

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: City of South Haven

Date: 10.18.2016

Address: 539 Phoenix

Phone: 269-637-0775

Address of Property in Question: 346 Park Ave

Present Zoning of Property: RIA

Name of Property Owner(s): Michael Gonzalez

Dimensions and area of property 65'x100' (less 225²ft); 6270²ft total

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

32'x45'

plan

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

Front 22'; Sides 10' and 5'; Rear 37.5"

Present Zoning of Neighboring Properties to the :

North RIA

South RIA

East RIA

West RIA

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): 1800-1

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 attached staff Findings of fact

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.

on file

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.

[Signature]

Applicant Signature 10-18-14
Date

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: October 31, 2016
ADDRESS: 346 Park Avenue
ZONING DISTRICT: R1-A Single Family Residential
LOT DIMENSIONS: 65'x100' (85' at minimum area lot depth)
LOT AREA: 6270 square feet
LOT COVERAGE: 23%
REQUIRED FRONT SETBACK: 15 feet
REQUIRED REAR SETBACK: 25 feet
REQUIRED SIDE SETBACK: Total 15 feet

VARIANCE REQUEST: The applicant is asking for relief from zoning ordinance section 1800-1 to the extent it prohibits parking on a driveway in the setback area. The practice of allowing parking on driveways in setback areas has long been the practice in the city, but some have raised concerns as to whether it is permitted under the zoning ordinance.

Documentation of this practice is provided in this agenda packet.

DIMENSIONAL VARIANCE STANDARDS
City of South Haven Zoning Ordinance Section 2205:

STAFF FINDINGS OF FACT

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

The applicant proposes to build a single family home on the property. Building and zoning permits were issued. The driveway is proposed as the parking area as is common since garages are not required in the city. This variance will not be detrimental to surrounding neighbors.

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

Single family homes are permitted in the R1-A zone and this request does not impair that intent.

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 exceptional circumstance is that plans for the residence were developed with the understanding that the requisite parking could be provided on a driveway within the minimum setback is permitted, given the prevalence of such arrangements in the area and in the city as a whole. Further, the lot is fairly narrow.

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.

Evidence is included in this agenda packet showing that what is being requested is common throughout the city and has been for many years. To now require that this owner be denied this type of parking arrangement would be to deny a use of the property enjoyed by many others in the city.

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 situation is unlikely to recur for the reasons stated in paragraph 3 above.

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 in that the applicant is choosing to build a new house. However, the parking plans were initially approved by the zoning administrator based on the city's past practices with respect to stacked residential parking.

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 need to make arrangements for parking that would not be on the property or move the house which was lawfully permitted by the city as proposed. This would be unnecessarily burdensome considering that others have had this right.

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 parking area is the only place where the requisite number of parking spaces could feasibly be provided on the site.**

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.



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

October 20, 2016

TO: Zoning Board of Appeals
FR: Kate Hosier, Assistant City Manager
RE: Driveway Variance

In response to an inquiry into the driveway arrangement at the new construction at Park Avenue and Oak Street, city staff conducted an investigation into the driveway setbacks for the north side of the city to see how frequently driveways and the parking of cars occur in the side setbacks of properties.

Attached to this memo are pictures and measurements for all single family residential properties north of Dyckman Avenue on North Shore Drive, Park Avenue, Wells Street, Oak Street and Brockway Avenue. In breaking down the numbers, staff concluded the following:

- There is a total of 196 single family residential properties with driveways.
- The average distance between a driveway and property line is 9.5 feet.
- However, 82 properties (42% of the 196 homes) had driveways with their closest point to the property line being less than 3 feet as required by the code.
- Additionally, there are 44 driveways (22% of the 196 homes) that are gravel/grass which are not allowed under the code.
- Finally, there are 99 driveways that are either less than 3ft from the property line and/or are gravel which equals 50% of the 196 homes.

Staff only investigated driveway setbacks on the north side of the city and found 42% out of compliance. A city-wide investigation may yield a higher percentage of driveway allowing parking in the property setbacks.

Address	Distance	Type
Brockway Ave 117	4	Paved
Brockway Ave 118	0	Paved
Brockway Ave 121	0	Paved
Brockway Ave 201	15	Gravel
Brockway Ave 205	4.5	Paved
Brockway Ave 209	4	Gravel
Brockway Ave 211	2	Paved
Brockway Ave 213	2.5	Paved
Brockway Ave 218	2	Paved
Brockway Ave 221	9.5	Paved
Brockway Ave 222	0.5	Gravel
Brockway Ave 225	6	Paved
Brockway Ave 226	5	Paved
Brockway Ave 229	0	Paved
Brockway Ave 230	0	Gravel
Brockway Ave 231	0	Paved
Brockway Ave 232	2.5	Gravel
Brockway Ave 233	2.5	Paved
Brockway Ave 246	34.5	Paved
Brockway Ave 253	34.5	Paved
Brockway Ave 258	26.5	Paved
Brockway Ave 260	38	Paved
Brockway Ave 266	28.5	Paved
Brockway Ave 278	17	Paved
Brockway Ave 281	78.5	Paved
Brockway Ave 306	6	Gravel
Brockway Ave 310	4	Gravel
Brockway Ave 319	7	Paved
Brockway Ave 350	17	Gravel
Brockway Ave 360	11.5	Paved
Lena Dr 500	58	Paved
North Shore Dr 234	17	Paved
North Shore Dr 252	7.5	Paved
North Shore Dr 258	0	Paved
North Shore Dr 260	0	Gravel
North Shore Dr 269	7.5	Paved
North Shore Dr 270	0	Paved
North Shore Dr 276	0	Paved
North Shore Dr 277	9	Paved
North Shore Dr 282	15	Paved
North Shore Dr 301	4	Paved
North Shore Dr 303	0	Gravel
North Shore Dr 310	5.5	Paved
North Shore Dr 317	17.5	Gravel
North Shore Dr 322	3	Paved
North Shore Dr 324	2.5	Paved

North Shore Dr 325	0	Paved
North Shore Dr 327	3	Paved
North Shore Dr 330	4.5	Paved
North Shore Dr 333	6	Paved
North Shore Dr 334	2	Paved
North Shore Dr 336	0	Paved
North Shore Dr 337	0	Paved
North Shore Dr 341	5.5	Paved
North Shore Dr 345	3	Paved
North Shore Dr 346	3	Paved
North Shore Dr 348	5	Paved
North Shore Dr 352	4.5	Paved
North Shore Dr 354	2	Paved
North Shore Dr 401	0	Paved
North Shore Dr 404	4	Paved
North Shore Dr 409	0	Gravel
North Shore Dr 410	0	Gravel
North Shore Dr 416	3	Paved
North Shore Dr 420	0	Paved
North Shore Dr 423	2.5	Paved
North Shore Dr 425	4.5	Paved
North Shore Dr 426	3	Paved
North Shore Dr 427	8	Paved
North Shore Dr 429	5	Paved
North Shore Dr 431	0	Gravel
North Shore Dr 432	3	Gravel
North Shore Dr 434	33	Paved
North Shore Dr 437	0	Paved
North Shore Dr 439	3	Paved
North Shore Dr 441	5.5	Paved
North Shore Dr 443	8.5	Paved
North Shore Dr 501	3.5	Paved
North Shore Dr 504	0	Paved
North Shore Dr 504	0	Paved
North Shore Dr 508	15.5	Paved
North Shore Dr 508	42	Paved
North Shore Dr 524	14	Paved
North Shore Dr 527	8	Paved
North Shore Dr 527	110	Paved
North Shore Dr 548	0	Gravel
North Shore Dr 550	0	Paved
North Shore Dr 551	9	Paved
North Shore Dr 551	57	Paved
North Shore Dr 555	44	Paved
North Shore Dr 566	6	Paved
North Shore Dr 575	0	Gravel
North Shore Dr 577	0	Paved

North Shore Dr 601	0	Paved
North Shore Dr 603	0	Paved
North Shore Dr 605	5	Paved
North Shore Dr 612	6	Paved
North Shore Dr 615	0	Gravel
North Shore Dr 616	3	Paved
North Shore Dr 617	0	Gravel
North Shore Dr 620	11	Paved
North Shore Dr 622	58	Paved
North Shore Dr 627	0	Gravel
North Shore Dr 629	0	Gravel
North Shore Dr 701	31	Gravel
North Shore Dr 711	3	Paved
North Shore Dr 717	12.5	Gravel
North Shore Dr 722	15	Paved
North Shore Dr 722	27	Paved
North Shore Dr 726	2.5	Paved
North Shore Dr 731	12	Paved
North Shore Dr 735	6	Paved
North Shore Dr 736	4	Paved
North Shore Dr 740	10	Paved
North Shore Dr 746	6.5	Paved
North Shore Dr 749	0	Paved
North Shore Dr 749	1	Gravel
North Shore Dr 749	13	Gravel
North Shore Dr 749	51	Gravel
North Shore Dr 771	4	Paved
North Shore Dr 778	38	Paved
Oak St 115	0	Paved
Oak St 119	0	Gravel
Oak St 120	37.5	Paved
Oak St 202	2.5	Paved
Oak St 205	2.5	Paved
Oak St 209	18.5	Paved
Oak St 216	0	Gravel
Oak St 216	5	Gravel
Oak St 218	2	Paved
Oak St 220	0	Paved
Oak St 222	2.5	Paved
Oak St 223	0	Gravel
Oak St 224	0	Paved
Oak St 240	12.5	Paved
Oak St 240	33.5	Paved
Oak St 242	0	Gravel
Oak St 244	0	Gravel
Oak St 246	0	Paved
Oak St 248	0	Paved

Oak St 253	2.5	Paved
Oak St 255	4.5	Paved
Oak St 259	3	Paved
Oak St 261	0	Paved
Oak St 266	0	Paved
Oak St 402	0	Gravel
Oak St 403	27	Paved
Oak St 404	0	Gravel
Oak St 406	0	Gravel
Oak St 420	0	Gravel
Park Ave 220	2.5	Paved
Park Ave 231	2	Paved
Park Ave 234	3.5	Paved
Park Ave 240	32	Gravel
Park Ave 245	14	Gravel
Park Ave 246	7	Paved
Park Ave 251	12	Paved
Park Ave 252	2.5	Paved
Park Ave 257	0	Gravel
Park Ave 258	19	Paved
Park Ave 263	0	Paved
Park Ave 264	12	Paved
Park Ave 269	0	Paved
Park Ave 270	12	Paved
Park Ave 273	2.5	Paved
Park Ave 276	3	Paved
Park Ave 280	12.5	Paved
Park Ave 281	5	Paved
Park Ave 287	0	Paved
Park Ave 288	5	Paved
Park Ave 294	3.5	Paved
Park Ave 294	15	Gravel
Park Ave 305	25.5	Paved
Park Ave 310	14.5	Paved
Park Ave 310	17.5	Paved
Park Ave 314	24.5	Paved
Park Ave 315	2	Gravel
Park Ave 317	2.5	Paved
Park Ave 325	17	Paved
Park Ave 332	21.5	Paved
Park Ave 340	2	Paved
Park Ave 341	2.5	Paved
Park Ave 345	4	Gravel
Park Ave 405	4	Gravel
Park Ave 409	0	Gravel
Park Ave 413	0	Paved
Park Ave 417	0	Paved

Park Ave 426	52	Paved
Park Ave 430	3	Paved
Park Ave 437	5	Paved
Park Ave 444	3	Paved
Park Ave 445	10.5	Paved
Park Ave 446	67	Paved
Wells St 113	0.5	Paved
Wells St 211	0	Paved
Wells St 213	19.5	Paved



269 North Shore Dr – 7.5 Ft from Property Line



301 North Shore Dr – 4 Ft from Property Line



277 North Shore Dr – 9 Ft from Property Line



303 North Shore Dr – 0 Ft from Property Line



317 North Shore Dr – 17.5 Ft from Property Line



327 North Shore Dr – 3 Ft from Property Line



325 North Shore Dr – 0 Ft from Property Line



333/337 North Shore Dr – 6 Ft & 0 Ft from Property Line



341/345 North Shore Dr – 5.5 Ft & 3 Ft from Property Line



409 North Shore Dr – 0 Ft from Property Line



401 North Shore Dr – 0 Ft from Property Line



423 North Shore Dr – 2.5 Ft from Property Line



425 North Shore Dr – 4.5 Ft from Property Line



429/431 North Shore Dr – 5 Ft & 0 Ft from Property Line



427 North Shore Dr – 8 Ft from Property Line



437 North Shore Dr – 0 Ft from Property Line



439 North Shore Dr – 3 Ft from Property Line



443/501 North Shore Dr – 8.5 Ft & 3.5 Ft from Property Line



441 North Shore Dr – 5.5 Ft from Property Line



527 North Shore Dr – 110 Ft from Property Line



527 North Shore Dr – 8 Ft from Property Line



551 North Shore Dr – 9 Ft from Property Line



551 North Shore Dr – 57 Ft from Property Line



555 North Shore Dr – 44 Ft from Property Line



575 North Shore Dr – 0 Ft from Property Line



605 North Shore Dr – 5 Ft from Property Line



577/601/603 North Shore Dr – 0 Ft from Property Line



615/617/627/629 North Shore Dr – 0 Ft from Property Line



701 North Shore Dr – 31 Ft from Property Line



717 North Shore Dr – 12.5 Ft from Property Line



711 North Shore Dr – 3 Ft from Property Line



731 North Shore Dr – 12 Ft from Property Line



735 North Shore Dr – 6 Ft from Property Line



749 North Shore Dr – 0 Ft from Property Line



749 North Shore Dr – 1 Ft from Property Line



749 North Shore Dr – 51 Ft from Property Line



749 North Shore Dr – 13 Ft from Property Line



778 North Shore Dr (Duplex) – 38 Ft from Property Line



771 North Shore Dr – 4 Ft from Property Line



746 North Shore Dr – 6.5 Ft from Property Line



740 North Shore Dr – 10 Ft from Property Line



726 North Shore Dr – 2.5 Ft from Property Line



736 North Shore Dr – 4 Ft from Property Line



722 North Shore Dr – 27 Ft from Property Line



722 North Shore Dr – 15 Ft from Property Line



620 North Shore Dr – 11 Ft from Property Line



622 North Shore Dr – 58 Ft from Property Line



616 North Shore Dr – 3 Ft from Property Line



612 North Shore Dr – 6 Ft from Property Line



550/548 North Shore Dr – 0 Ft from Property Line



566 North Shore Dr – 6 Ft from Property Line



524 North Shore Dr – 14 Ft from Property Line



508 North Shore Dr – 15.5 Ft from Property Line



432 North Shore Dr – 3 Ft from Property Line



508 North Shore Dr – 42 Ft from Property Line



426 North Shore Dr – 3 Ft from Property Line



420 North Shore Dr – 0 Ft from Property Line



410 North Shore Dr – 0 Ft from Property Line



416 North Shore Dr – 3 Ft from Property Line



352 North Shore Dr – 4.5 Ft from Property Line



348 North Shore Dr – 5 Ft from Property Line



336 North Shore Dr – 0 Ft from Property Line



346 North Shore Dr – 3 Ft from Property Line



334 North Shore Dr – 2 Ft from Property Line



330 North Shore Dr – 4.5 Ft from Property Line



322 North Shore Dr – 3 Ft from Property Line



324 North Shore Dr – 2.5 Ft from Property Line



282 North Shore Dr – 15 Ft from Property Line



276 North Shore Dr – 0 Ft from Property Line



258 North Shore Dr – 0 Ft from Property Line



270/260 North Shore Dr – 0 Ft from Property Line



252 North Shore Dr – 7.5 Ft from Property Line



234 North Shore Dr – 17 Ft from Property Line



245 Park Ave – 14 ft from property line



231 Park Ave – 2 ft from property line



251 Park Ave – 12 ft from property line



257 Park Ave – 0 ft from property line



269 Park Ave – 0 ft from property line



263 Park Ave – 0 ft from property line



273 Park Ave – 2.5 ft from property line



281/287 Park Ave – 5 & 0 ft from property line



315 Park Ave – 2 ft from property line



305 Park Ave – 25.5 ft from property line



317 Park Ave – 2.5 ft from property line



325 Park Ave – 17 ft from property line



345 Park Ave – 4 ft from property line



341 Park Ave – 2.5 ft from property line



405 Park Ave – 4 ft from property line



409 Park Ave – 0 ft from property line



437 Park Ave – 5 ft from property line



413/417 Park Ave – 0 & 0 ft from property line



445 Park Ave – 10.5 ft from property line



444 Park Ave – 3 ft from property line



426 Park Ave – 52 ft from property line



430 Park Ave – 3 ft from property line



205 Oak St – 2.5 ft from property line



332 Park Ave – 21.5 ft from property line



310 Park Ave – 14.5 ft from property line



314 Park Ave – 24.5 ft from property line



310 Park Ave – 17.5 ft from property line



211 Wells St – 0 ft from property line



294 Park Ave – 15 ft from property line



213 Wells St – 19.5 ft from property line



294 Park Ave – 3.5 ft from property line



288 Park Ave – 5 ft from property line



276 Park Ave – 3 ft from property line



280 Park Ave – 12.5 ft from property line



270 Park Ave – 12 ft from property line



264 Park Ave – 12 ft from property line



252 Park Ave – 2.5 ft from property line



258 Park Ave – 19 ft from property line



234 Park Ave – 3.5 ft from property line



220 Park Ave – 2.5 ft from property line



246 Park Ave (North St) – 7 ft from property line



240 Park Ave (North St) – 32 ft from property line



287 Park Ave – 0 ft from property line



310 North Shore Dr – 5.5 ft from property line



120 Oak St – 37.5 ft from property line



113 Wells St – .5 ft from property line



354 North Shore Dr – 2 ft from property line



404 North Shore Dr – 4 ft from property line



119 Oak St – 0 ft from property line



115 Oak St – 0 ft from property line



253 Oak St – 2.5 ft from property line



255 Oak St – 4.5 ft from property line



261 Oak St – 0 ft from property line



259 Oak St – 3 ft from property line



403 Oak St – 27 ft from property line



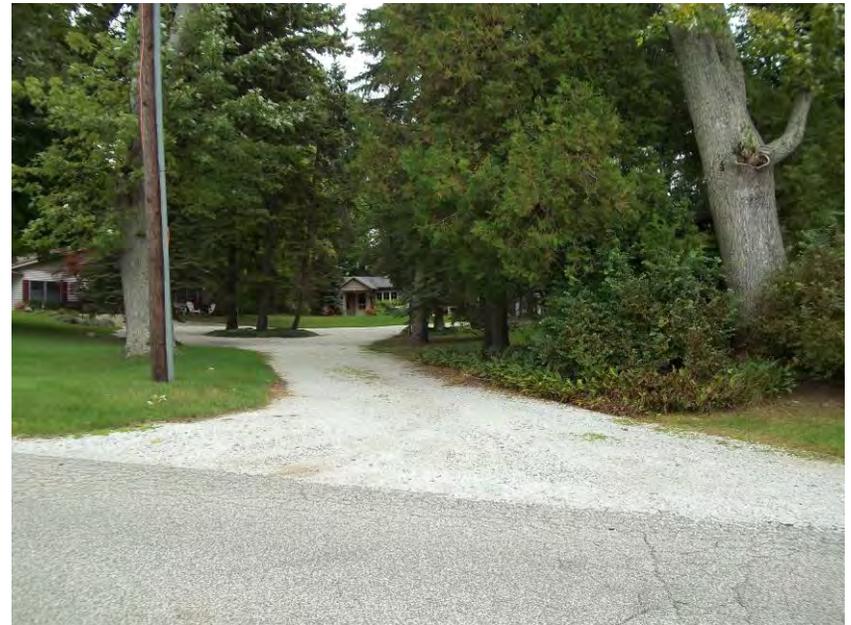
278 Brockway Ave – 17 ft from property line



420 Oak St – 0 ft from property line



446 Oak St – ? ft from property line (under construction)



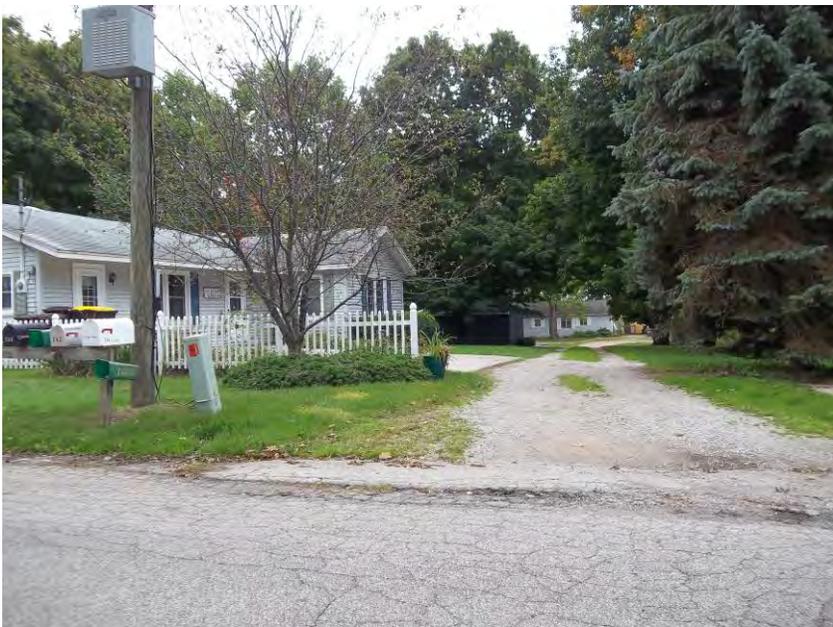
402/404/406 Oak St – 0 ft from property line



266/248 Oak St – 0 ft from property line



240 Oak St – 33.5 ft from property line



246/244 Oak St – 0 ft from property line



240 Oak St – 12.5 ft from property line



224 Oak St – 0 ft from property line



220 Oak St – 0 ft from property line



222 Oak St – 2.5 ft from property line



218 Oak St – 2 ft from property line



216 Oak St – 0 ft from property line



118 Brockway Ave – 2 ft from property line



216 Oak St – 5 ft from property line



434 North Shore Dr – 33 ft from property line



504 North Shore Dr – 0 ft from property line



121 Brockway Ave – 0 ft from property line



117 Brockway Ave – 4 ft from property line



201 Brockway Ave – 15 ft from property line



205 Brockway Ave – 4.5 ft from property line



213 Brockway Ave – 2.5 ft from property line



209/211 Brockway Ave – 4 & 2 ft from property line



221 Brockway Ave – 9.5 ft from property line



225 Brockway Ave – 6 ft from property line



229 Brockway Ave – ft from 0 property line



225 Brockway Ave – 5 ft from property line



231 Brockway Ave – 0 ft from property line



233 Brockway Ave – 2.5 ft from property line



281 Brockway Ave – 78.5 ft from property line



253 Brockway Ave – 34.5 ft from property line



319 Brockway Ave – 7 ft from property line



500 Lena Dr – 58 ft from property line



350 Brockway Ave – 17 ft from property line



360 Brockway Ave – 11.5 ft from property line



306 Brockway Ave – 6 ft from property line



278 Brockway Ave – 17 ft from property line



260 Brockway Ave – 38 ft from property line



266 Brockway Ave – 28.5 ft from property line



258 Brockway Ave – 26.5 ft from property line



246 Brockway Ave – 34.5 ft from property line



222 Brockway Ave – .5 ft from property line



232 Brockway Ave – 2.5 ft from property line



218 Brockway Ave – 2 ft from property line



446 Park Ave – 67 ft from property line



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

October 20, 2016

Elaine Herbert
140 North Shore Drive
South Haven, MI 49090

RE: Off-street parking concerns

Dear Ms. Herbert,

I am writing in response to your email dated September 19 regarding a single-family home that is currently under construction near the intersection of Park Avenue and Oak Street. City staff and the City attorney have investigated the concerns raised in your email, and this letter is intended to summarize their findings.

One of the concerns raised in your email is that the plans for the home were not submitted to the committee established by the City's new short-term rental ordinance. We have determined that the plans were not required to be submitted to the committee under the relevant provisions of the ordinance. Pursuant to Section 10-244(d)(3) of the City Code, the committee's sole function is to review applications to increase the maximum occupancy of a residence in a mixed-use area of the City (i.e., the RM-1, R-2, and B-3 zoning districts) above the baseline level provided in the ordinance. This particular property is located in the R-1A district, and therefore is not within the committee's purview. Further, the property owner has not, at least to this point, registered the property for short-term rentals. Accordingly, the provisions of the ordinance requiring review by the committee do not apply to this property or circumstance.

Your email also raises several concerns regarding the proposed off-street parking spaces for the property, which will consist of 4 spaces in a straight line up a driveway that is approximately 9 ½ feet wide. We have determined that the zoning ordinance does not prohibit "stacked" parking up a driveway for a single-family home. Instead, Section 1800(3) of the Zoning Ordinance allows the requisite parking spaces to be provided by way of a "parking strip, parking bay, driveway, garage or combination thereof." Zoning officials have historically interpreted this provision as allowing spaces in a straight-line driveway to be counted toward the parking requirement for single-family homes, since the occupants can presumably coordinate with one another to access any car that might be needed.

In addition to the concern regarding stacked parking, you expressed concern that the off-street parking spaces provided on the property are too narrow. Your email suggests that the

zoning ordinance requires off-street parking spaces for residential properties to be a minimum of 20 feet. However, the zoning ordinance does not provide any specific dimensions for residential parking spaces. In enforcing the parking ordinance, the zoning administrator has administratively determined that the off-street parking spaces for residential properties must be a minimum of 9 feet in width. The parking provided on this particular property satisfies the 9-foot requirement.

Finally, your email expresses concern that required off-street parking spaces cannot be provided within a minimum side-yard setback. Upon review of the zoning ordinance, we understand how you are interpreting it in that manner. However, for a number of years, City officials have not interpreted the ordinance in that manner and there are numerous examples in the general vicinity of this property and throughout the City where parking and driveways have been placed within the setbacks. An effort is underway to clarify this provision in the ordinance. In the meantime, alerted to your interpretation, the city, on behalf of the property owner, is seeking a dimensional variance that will be considered at the October 31 meeting of the Zoning Board of Appeals.

I hope this letter sufficiently addresses your concerns. If you have any further questions, please do not hesitate to contact me at 269-637-0750 or bdissette@south-haven.com.

Regards,

A handwritten signature in black ink, appearing to read 'B. Dissette', with a stylized flourish at the end.

Brian Dissette
City Manager
(269) 637-0750
bdissette@south-haven.com