Zoning Board of Appeals

Regular Meeting Agenda

Monday, December 15, 2014
7:00 p.m., City Hall Basement

Please note the change in location and date of this meeting.

City of South Haven

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes** – November 17, 2014
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business – None**
7. **Unfinished Business – 310 Eagle Street variances**
8. **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, November 17, 2014
7:00 p.m., City Hall Basement

City of South Haven

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

2. **Roll Call**

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

3. **Approval of Agenda**

   Motion by Bugge, second by Wittkop to approve the November 17, 2014 regular meeting agenda as amended to include the approval of the 2015 Meeting Calendar.

   All in favor. Motion carried.

4. **Approval of Minutes** – September 22, 2014

   Motion by Bugge, second by Wheeler to approve the September 22, 2014 minutes as revised to show Bugge was present.

   All in favor. Motion carried.

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

   None at this time.

6. **New Business – PUBLIC HEARINGS**

   a. **Don and Joan Hoyt of 922 Hazel Street are requesting a rear yard variance to enclose their rear porch resulting in a house setback of 15 feet where 25 feet is required.**

   Anderson noted that the request is to enclose the existing uncovered deck, reminding members that an uncovered deck may go closer to the lot line than space under a roof. The proposed covered porch will be fifteen feet (15') to the lot line instead of the required twenty-

five feet (25') feet. Anderson explained this as an unnecessary hardship request as the applicant desires to enclose the room to allow space for a caregiver and easier access to the house by a wheelchair ramp.

Joan Hoyt, the applicant, explained that her husband is ninety-two (92) years old and she is hoping to provide space for a live-in caregiver; a space that would allow her spouse to spend some time on the enclosed porch and when the time comes that there is need for a ramp, since the front porch and the side door are both close to the sidewalk, the best position for such ramp would be off the back deck which would come straight forward to the present parking space. Finally, Hoyt indicated that due to the heat from the west, she has put up a canvas pergola on the back deck during the warmer months to help keep their home cooler, and thinks the neighbors would appreciate something permanent instead of the canvas.

Bugge asked if the existing deck is on the first or second floor of the house to which Hoyt responded that it is on the first floor; the house has only one floor.

Lewis inquired about how many bedrooms the applicant's house has to which Hoyt responded that there are one large and two small bedrooms.

Lewis asked what exceptional circumstance exists on her property that does not apply to anyone else in the surrounding neighborhood. Hoyt responded that there is an elderly occupant, to which Lewis stated, "Anyone could have that."

Wittkop noted that the sketch included with the application indicates that the existing deck is twelve feet (12') x thirty feet (30') and wondered if the enclosure will include all of that area. Don Hoyt, applicant's contractor, indicated that the existing deck is twelve feet (12') by twenty-four feet (24') and the proposal is to put an enclosure measuring twelve feet (12') by eighteen feet (18') on top of the deck.

Bugge indicated that on the north property line there is twenty-two-and-a-half feet (22.5') from the side of the house to the property line. Hoyt noted that the variance request is for the back of the house; the side is not an issue. Bugge stated, "You do have room for an addition on the side without a variance."

Motion by Wittkop, second by Bugge to open the public hearing.
All in favor. Motion carried.

Lewis asked if anyone in the audience wished to speak.

Seeing none, motion by Bugge, second by Paull to close the public hearing.
All in favor. Motion carried.

Lewis stated he cannot find anything exceptional or extraordinary about this property.

Wittkop asked why an addition would not be able to be built on the north property line. Hoyt indicated that there are sliding glass doors on the rear of the house but no ingress on the side except an entry door; while parking is by the side entry door, the best place to gain

entry is from the deck. Hoyt explained that the floor of the deck is the same level as the floor inside the house so a wheelchair could easily go through.

Bugge said, looking at the space on the north side of the house, it would be possible to put a covered ramp off the existing deck without putting an enclosure on the deck, noting that this speaks to criteria #8 of the Zoning Ordinance criteria for a variance. Bugge noted that the proposed variance request is not a minimal solution to the existing situation and the commission has to meet the criteria according to law.

Lewis said the plan sounds great but . . .

Wittkop noted that there is room on the lot for an addition but maybe not in the place requested.

Lewis suggested going down through the nine criteria, all of which must be met for a variance to be approved.

1. **Not detrimental to the neighborhood.** There were several letters in support from neighbors.

2. **Will not impair the intent and purpose of the Ordinance**. The Zoning Ordinance intends for there to be certain setbacks, so this request falls down in that area.

3. **Exceptional or extraordinary circumstances of conditions which apply to the property in question which does not apply generally to other properties in the same zoning district.** Both Lewis and Bugge stated that they cannot see anything exceptional about this property.

4. **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.** Lewis and Bugge noted it is a single family home, which is typical in this neighborhood.

5. **Of a general or recurrent nature requiring formulation of a general regulation for such conditions or situations.** It was noted that the board of appeals has not been getting thousands of these requests.

6. **Applicant self-creation of the problem.** Lewis noted that he always has a problem with this one because the fact that the property owner is making a request makes it somewhat self-created. Bugge added that she does, too; it is an addition.

7. **Strict compliance with the ordinance would unreasonably prevent the owner from using the property for a permitted purpose.** Lewis indicated that he spoke to that already.

8. **That the variance requested is the minimum amount necessary to overcome an inherent inequality or mitigate hardship.** Bugge noted that the situation was such that there is not an inherent inequality or hardship.

9. **That the variance will relate only to property under the control of the applicant.** The board feels that the variance does relate only to this property at this time.

Lewis said if there is nothing else he will take a motion at this time.

Motion by Bugge to deny the variance request due to inability to meet all of the criteria described under the ordinance.

Wheeler asked if we need to list the reasons and Anderson responded affirmatively. Wheeler noted that Criteria #3, #4, and #6 since in theory the need for a variance is self-created as well as Criteria #7 and #8. Second by Wittkop.

Lewis called for further discussion. Wittkop commented that he feels that there are ways to solve the applicant's issues with a very minimum amount of variance required.

Lewis noted that a yes vote indicates denial of the variance.

A roll call vote was taken:

Yays: Bugge, Paull, Wheeler, Wittkop, Lewis
Nays: None

Motion carried.

b. William Fries, Jr. of Portage, MI is requesting a front yard variance to allow construction of a new house on an existing foundation in the R1-A zone. The applicant is also asking for lot coverage that exceeds the limit by 3.5%. The property is at 310 Eagle Street.

Anderson explained that this request includes a variance from required lot coverage and a front yard set-back variance, noting that the applicant would like to use primarily the same foundation or footprint. Anderson noted that the proposed deck on the new house would be three feet (3') from the front property line instead of the required nine feet (9') and the house setback to be nine feet (9') where it should be fifteen feet (15') and instead of forty percent (40%) lot coverage the coverage would be forty-and-three-half percent (43.5%).

Bugge requested that a large diagram be taped up to use during discussion. It was noted that the diagram is oriented with the north up. Anderson identified the location of Eagle Street; the lawn area; existing railroad ties and stone; proposed deck; existing foundation and detached garage.

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

All in favor. Motion carried.

William Fries, applicant and owner of 310 Eagle Street: Noted he currently owns a home in Portage but has been looking for a couple of years for a house in South Haven through realtor, Steve Earls. A retired schoolteacher, Fries grew up a farm kid fairly local to the area and has been going in and out of this port since the seventies ('70's). Fries wants to rebuild

the house at 310 Eagle from a non-conforming duplex to a single family home. Before purchasing 310 Eagle, Fries spoke to the Building Official, Ross Rogien, regarding open permits that had never been closed out, and did a walk-through with Arnie Bunkley from AB2 Architecture. Fries stated his original intent was not to tear the house down and he had Jim Byer, local contractor, go through it. Besides there were many things that were not according to code, it was discovered that to put a stairway in, someone had cut through a stringer. As a result, one of the rooms drops a foot from one end of the room to the other. Fries noted that the value is not in the house but in that lot and the view from the front of the house. The back has no view due to the retirement center's garage being in back of the house. Fries stated that this piece of property is very unique; he has heard the house has sentimental value and since it is an old structure it should be kept, but according to the professionals it is not worth restoring.

Fries noted that as he speaks he will pass around some photographs. Fries noted that the photographs indicate the elevations of both 310 and 314 Eagle driveways, among other things. Wittkop asked if it is a shared driveway to which Fries said, "No, but what is unique, is that 310 sits kind of on a corner lot, to the west is the housing commission and their cement block wall. According to the architect, the house was built just before or just after the 1900s, based on certain saw cuts." Fries stated that if you look at almost all the houses on the block they are on ground level but as they approach the housing commission they become extremely elevated. Sometime in the late 1960s, the owners created the railroad tie wall and gravel was installed. Fries noted that if that soil were removed it would change the plane of the neighbor's driveway.

Fries referenced Art XXII, Section 2205 of the Zoning Ordinance which states that the Zoning Board of Appeals may not grant a variance . . . unless certain conditions exist. Fries stated that every one of these factors exists. The board will need to find reasonable evidence that all of the standards have been met. Fries addressed all nine of the criteria:

1. **Not detrimental to adjacent properties and surrounding neighborhood**. For us to redo this would only improve the surrounding area, not just that lot, according to the applicant.

   Lewis asked if the cement wall is on the applicant's property or on the Housing Commission property to which Fries responded that it is on Housing Commission property.

2. **Variance will not impair the intent and purpose of the Ordinance.** Fries stated that situations like his are exactly the reason this ordinance exists.

3. **Exceptional or extraordinary circumstances.** Fries stated that the unique circumstances are that no one else on Eagle Street has an elevated lot with all this soil up against the cement wall owned by the Harbor Commission. Fries also noted that this condition was not self-created; the slope of the lot and the wall create unique physical conditions regarding the shape and topography of the lot.

4. **Necessary for preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district. Financial return shall not of itself be deemed sufficient to warrant a variance.** Fries said that the deck on

the front of the house is what brings the value to that lot; to not be able to enjoy the view from that lot would decrease value. The Wards (neighbors) support this because it will bring value to their lot.

5. **Not general or of a recurrent nature.** According to Fries, this property is unique; is not recurring; has unusual slope compared to any adjoining properties.

6. **Need for variance not self-created.** Fries stated that the need for this variance is not self-created in any way; "this condition has existed since that home was built there and again, comes back to the uniqueness of that lot between the Housing Commission wall and the cement driveway at 314 Eagle Street."

7. **That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent owner from using the property for a permitted purpose.** Fries stated, "If a variance is denied, we really are not being allowed to use it for what it was designed for, it's permitted use."

8. **Variance requested is the minimum amount necessary to mitigate the hardship**. Fries stated that this is the minimum we can do to try to preserve that piece of property and keep the property as it was originally intended to be used.

9. **Variance only relates to property under the control of the applicant**. "Yes, it's my only piece of property". It is the uniqueness of that piece of property; it's unlike any other on Eagle Street. It's kind of locked in between the cement driveway and that cement wall. Mr. Fullar said he thinks that cement wall was built in the '70's, according to Fries, who stated that the Housing Commission would like to repair that wall but has been kind of waiting to see what will happen with this variance request.

Fries concluded, "This is a duplex; it's non-conforming." Fries would like to bring this structure back to a single family home; a single-family residence; a homestead. Noted that he sat on a board of review, understands that all the pieces have to fit, and stated that situations like his are exactly why variances are written.

Lewis commented that the applicant's proposal is to bring the house back further and make it more compliant. Lewis asked about lot coverage, as did Bugge, who stated that it looks like it would be at forty-three percent (43%) lot coverage while now the lot coverage is thirty-eight percent (38%). Anderson corroborated that according to assessing records thirty-eight percent (38%) is the existing lot coverage.

Fries said he thinks it will be less lot coverage because the footprint of the house will be smaller and the existing garage also contributes to the lot coverage. Fries said the house right now is about thirty-six feet (36') wide while what he is proposing is thirty-two feet (32') wide. In the other direction, Fries noted that the foundation would be less at thirty-two feet (32') by fifty feet (50'). Bugge noted that those figures do not count the back of the house. Fries said the square footage is very, very close, but the concern is that we would also be able to remove some of the front which would open that to the neighbors to see the view. Fries indicated that quite a bit of square footage will be removed during this project.

Wittkop asked about the covered porches, noting that the deck only comes off the lower level. Fries said the top level porch/balcony only comes out six feet (6'). Bugge pointed out that the existing house is not a rectangle; a portion of the actual building comes out and is under the roof. "So, Bugge said, indicating the diagram, "the orange part is coming off but the actual house will be coming out to the same spot."

Wittkop asked how this house projects in comparison to other houses on Eagle Street to which Anderson's response was that on both sides of the street the typical house is very close to the street. Bugge noted that the actual house goes out beyond the front of the neighbor's house, even though it is open porch.

After discussion, Bugge said, "Your illustration wasn't adding up properly. The new house is fifty-six feet (56') deep, while the original house foundation is at fifty feet (50'). Fries said that is probably where my extra lot coverage is. Again, Fries stressed that he wants to bring the structure back to a single family home and use that property for what it is used for; he is trying to make it less non-conforming.

Bugge asked which parts of the foundation Fries is planning on keeping to which Fries response was, "If we can we will keep the side on the east, toward the driveway, the rest is crumbling so we plan to replace the foundation that is in poor shape."

Chuck Fullar, South Haven Housing Commission Director: Noted that he just responded to the mailing; this request has no impact on the Housing Commission. Fullar stated granting the variance would improve the neighborhood, as far as he can tell.

Steve Gross, Broker, Shores of South Haven: "This is currently a duplex and although Otto and Elliot (previous owners) used this house as a weekly rental it could still be used as a weekly rental for up to twelve (12) people for most of the summer. The city would probably like to move away from that activity; there is not enough parking. In this situation, along Eagle Street, the highest and best use of this property is to go back to single family. Even with the variance, there is a real advantage to the demolition of the old, downsizing and bringing in something nicer. Gross believes Fries has met the ordinance criteria and he personally supports it.

Kathy Wagaman, South Haven Chamber of Commerce. Lived on Eagle Street until a few weeks ago. Lived across from this location for about eleven (11) years; she has heard of the plans and looked them over. Wagaman stated, "First of all, it fits very nicely with that neighborhood, and over time the housing is changing, the one next door was torn down and rebuilt. As you see this evolve, the esthetics of the street has improved and some of these properties have been preserved; many are quite old and showing their age. Any time we have a household become a year round household it is a good thing. Wagaman noted that tourists are important but year round residences are much more important to the economy of our community. Feels this is an individual who will contribute greatly to our community; he plans to get involved. Having lived by the Housing Commission, I think this would be great for the Housing Commission and the neighborhood.

Tom Jager, 316 Eagle Street. Stated that he and his wife just moved in; "Welcome, Bill, to the neighborhood." Jager stated, "We looked at 310 and 316 Eagle Street; we sat on the deck; loved the view, but when we walked into it he said, 'This is a tear down; this is more

than I can deal with." Jager feels the variance makes sense because it takes something that is not conforming and makes it less so.

Chuck Fullar, Director, Housing Commission. Spoke regarding weekly rentals, noting that across the street from the senior housing on Indiana Avenue is a rental about which there are regular complaints from the residents at the senior housing. There are rentals that are full-time rentals that stabilize the neighborhood. Noted that anything that stabilizes the neighborhood is a good thing.

Anderson informed that three (3) letters came in support of this variance today and stated from whom those letters came.

Bugge asked if the applicant is building the house right up to the garage but not connecting the two. Fries replied affirmatively, noting that according to the building official, this complies better with the ordinance.

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

All in favor. Motion carried.

Lewis asked, based on the averaging of adjacent properties, how this house, as proposed, conforms to that. Anderson noted that even with the averaging of the houses on either side, this dwelling unit still cannot be closer than ten feet (10') from the lot line. In this case the house would be nine feet (9') from the lot line as opposed to the required fifteen feet (15'). Anderson noted that this zoning district has the least amount of setback requirement.

Bugge asked if the setback will be measured to the roofline and pointed out that with a roof over the deck/porch, it is part of the house. Wheeler asked if this will change the lot coverage. Anderson noted that an uncovered deck is not counted in lot coverage. Anderson said a second floor balcony has different requirements than a deck. Bugge noted that he will measure to the roof. Fries asked whether the top porch was a deck, the balcony is over top of the lower deck. Bugge would like confirmation on where we are measuring the setback. Anderson noted that she understood the house was just going out to the original foundation line, and the covered portion counts as part of the house. Wittkop said the house as proposed is nine feet (9') from the property line. Fries said the railroad ties are set back three feet (3').

Bugge said she is not comfortable making a decision until there is final drawing that actually allows the board to determine what the actual setbacks are. Anderson and Lewis both understand her feeling. Lewis said regarding the variance in general, the only problem he has is the front. The issue in question is the front; the board would like better information on existing lot coverage, and what is proposed, along with setbacks. Bugge feels it would be better if we knew what he really wanted. Wittkop said he'd like to see better information because the variance must be granted on a specific number.

Discussion ensued of tabling this matter until the next meeting and getting more information to the board so they can vote on it. Anderson explained that both the wall and the roof need to be determined, so the lot coverage and the setback can be determined exactly.

Anderson suggested continuing the item, noting that if the actual proposal is a lot different than what has been advertised, at the next meeting they can deny and close this item, and then work on the new proposal.

Motion by Bugge to continue the item to the next meeting. Second by Wheeler.

All in favor. Motion carried.

c. O'Sullivan Builders, on behalf of owners Bryan and Carol Williams, are requesting side yard and rear yard variances for their property at 415 Walnut. The north side variance would allow a setback of 7' 3 1/8" where 8 feet is required. The rear yard variance would allow a setback of 22' 3 ¾" where 25 feet is required. The parcel number for the property is 80-53-897-019-00.

Anderson noted that Bryan & Carol Williams are making this request. Their house is on an angle on the property and they want to add on. Their property abuts Maple Avenue, a private unimproved street. Anderson checked with the city engineer and the city does not have any intention of improving or maintaining this street. It is still a private street, however, so we had to count that when determining the setback. The addition encroaches into the side and rear yard setbacks of this property.

Bugge asked what the setback is from an unimproved street. Anderson explained that this is a twenty-five feet (25') wide street. We are far enough from Walnut Street, measured from the middle of the road back, and the drawing shows a ten foot (10') setback. After questions, O'Sullivan said the request does indicate an eight foot (8') setback and he believes the background information is correct, but the drawing shows ten foot (10'), and it should be eight foot (8').

Anderson informed that on this request for variance five (5) letters of support were received and they were forwarded to the board via email.

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

All in favor. Motion carried.

Matt O'Sullivan, Representative of the Applicant, Building Contractor, in response to a question by Paull regarding where the utilities are located, stated that the utilities are under Walnut Street, not under the unimproved street.

O'Sullivan, on behalf of the owners, stated that they bought the property a few years ago planning to do some improvements and sell it eventually. But after coming here a few times over the years, they decided to retire here, and bring their children and grandchildren here. O'Sullivan noted that the applicant submitted answers to all of your questions.

Bugge asked if this house is on water and sewer; O'Sullivan said, "Yes, on water and sewer, not septic and well."

Sullivan stated that he doubts if the owner was aware of the unimproved street, and he was unaware of how the house sits on the property, all was discovered as he had the lot staked during his planning to expand the home.

Lewis asked what would happen if we forced them to conform to the setbacks and O'Sullivan responded that the planned bedroom space is not large, but small and appropriate, and if you determined not to allow them to add the bedrooms, they would be adding hallways, not bedrooms, and there is no use in adding hallways.

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

All in favor. Motion carried.

Wheeler, looking at proposed plan and wondering if the rotation on this house, slanted on the property, questioned whether that would fit under the category of unusual circumstances. "If this house were straight we wouldn't have to consider this to do an addition," Wheeler noted. Lewis and Paull responded yes, these are unusual circumstances. Lewis commented that there is a street that is not a street, so there are significant unusual circumstances. Bugge said the angle of the house does create a different problem, however, she sees that on the side it would be a minimal reduction in footage to make it comply with the side setback, so you would still be slightly over on the back. Lewis stated that because of that he has no problem with the rear variance request.

Motion by Wheeler to approve the variance request based on unusual circumstances including the orientation of the structure on the property and the unimproved street. Second by Paull.

A Roll Call vote was taken:

Yays: Paull, Wheeler, Wittkop, Bugge, Lewis
Nays: None.

Motion carried.

d. Kenneth Hogan of 44 Grand Boulevard is requesting a variance to construct an accessory building that will be 21 feet in height at the peak where 16 feet is the maximum allowed. The parcel number for the property is 80-53-819-007-10.

Anderson noted that the applicant is asking for a garage that will exceed the height allowed. The applicant would like to go to twenty-one feet (21') in height instead of sixteen feet (16') stating that they need extra storage space which the extra height will grant. Anderson noted that the house is a duplex and the proposed garage will be on the part of the property owned by the Hogan's'. Anderson informed that she got four (4) letters of support, including one from the owner of the other half of the duplex. There was also one letter in opposition received today from a neighbor who said they consider the request very large and that the request should not be granted. Anderson quoted, "The sender feels the requested amount is too much and would make too much difference in the area. It is too tall and would have a significant negative impact on the neighborhood." Anderson informed that the board has the four (4) letters in support in their packet. The opposition letter was received that day.

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

All in favor. Motion carried.

Linda Hogan, Co-applicant: She and her husband purchased the property as summer residents, retired about four (4) years ago. “We need a garage for sure; storage would be really important as there is no storage in our house.” The Hogans would like the garage to match the architectural features of the houses in the neighborhood, most of which are all three (3) stories tall and next to us is a house on a hill so looks almost four (4) stories tall. Hogan: We felt it would look much more attractive if it were similar in height, a taller one (1) car garage, rather than a lower two (2) car garage.

Wittkop asked Anderson about the houses being three (3) stories. Lewis interjected, “Or two-and-a-half (2.5). Anderson said we do allow two-and-a-half (2.5) stories with a maximum peak height of 40’. By zoning definition, the half story needs to be located between the eave and peak on a peaked roof house. Some new houses are sloping the roof specifically so they get that half story completely under the roof.

Mike Riston, Contractor. Noted that the applicants restored this old resort, which has a 12/12 roof pitch so a lower pitch will look silly; a 3/12 will look silly, the pitch won’t match historically at all and if you have that kind of pitch you don’t have any storage. On the exterior, Riston wants to try to fit it to the era of when the home was built. Wants to keep it looking like it has been there for a long time.

Lewis asked if the pitch of the garage would be the same as the house. Riston responded that “Yes, the house has a 12/12 pitch; very unique, with an octagon turret and a round turret.”

Linda Hogan stated, “We want it to look like a carriage house”. Bugge wondered about connecting the house and garage because all these issues could go away. Hogan feels it would look awkward to attach the “carriage house” to the house. Riston said the Hogans and their neighbors have spent a lot of money over the years to keep this and other homes historic. This area of town is historic and he likes to keep it that way.

Bugge pointed out that the board has to look at the criteria even though it is “not necessarily what we would like to go by.”

Wheeler said we can only deal with what we have in front of us. Riston thought lot coverage came into play; limits everyone to what they could add on their property to be storage. Paull stated that the zoning district in that neighborhood did not have maximum coverage limits.

Bugge wondered when the 16’ roof height was adopted. Maybe it is something the Planning Commission needs to review. Anderson said she seems to remember that it was adopted in the 80’s.

Linda Hogan wants to maintain the historic feel in this project. Bugge said if we go to a higher one we would have people putting apartments over garages.

Wittkop says he was on the Planning Commission at that time and he can't remember why that roof height was adopted. There were a couple of comments regarding trying to prevent people from putting apartments over garages.

Riston explained that the garage is only eighteen feet (18') wide, so the actual peak of the garage is not going to be very large. Wittkop noted this is about the fourth (4th) request like this he remembers. Lewis remembers one the board denied because the garage was going to be high and the house was not.

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

All in favor. Motion carried.

Lewis said it sounds simple to attach the two structures, and then this would all go away.

Motion by Wittkop, second by Wheeler to grant the variance because it is in Monroe Park; we really have very few setback requirements in that area; setbacks are within three feet (3') almost everywhere. Paull said it is architecturally similar to surrounding structures so will not be detrimental to the neighborhood. Wheeler noted that he does not see the variance impairing the intended purpose of the ordinance.

Bugge is not comfortable with this although she fully agrees with what they say; agrees there are some extraordinary circumstances, even if it is a stretch. Bugge thinks a variance is not necessary for preservation of the applicants' enjoyment of the property and there are other ways to achieve it.

Lewis commented that he encourages opposition, because it may help, maybe not in this matter, but in future matters.

A Roll Call vote was taken:

Yays: Paull, Wheeler, Wittkop, Bugge, Lewis
Nays: None

Motion carried.

The ZBA members asked the Planning Commission to look at this height issue.

7. Other Business – Approve 2015 Meeting Calendar

Motion by Wheeler, second by Wittkop to approve the 2015 Meeting Calendar amending the December meeting from the 21st to the 14th due to the holiday.

All in favor. Motion carried.

8. Member Comments

There were none.

8. Adjourn

Motion by Wittkop, second by Wheeler to adjourn at 8:55 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Agenda Item #7
310 Eagle Street Variances

City of South Haven

Background Information: William Fries, Jr. of Portage, MI came before the ZBA at the November 2014 meeting seeking variances for front setback and lot coverage (refer to that agenda packet for details). It was understood in the application that the existing nonconforming two-family house was planned for demolition to allow the construction of a single family home. The proposed deck on the new house would be three (3) feet from the front property line where nine (9) feet is required and the house setback was proposed for nine (9) feet where fifteen (15) feet is required. The applicant was also asking for lot coverage that exceeds the limit by .8% (35.8%).The ZBA decision in this matter was tabled so the applicant could clarify what constituted the front line of the proposed house and thus the front setback that is actually being asked.

The applicant has submitted another plan which shows the front line of the house and the deck and the setback for both. The setbacks presented are the same as found in the original application but it has been clarified that the balcony and related roofline establish the front of the house.

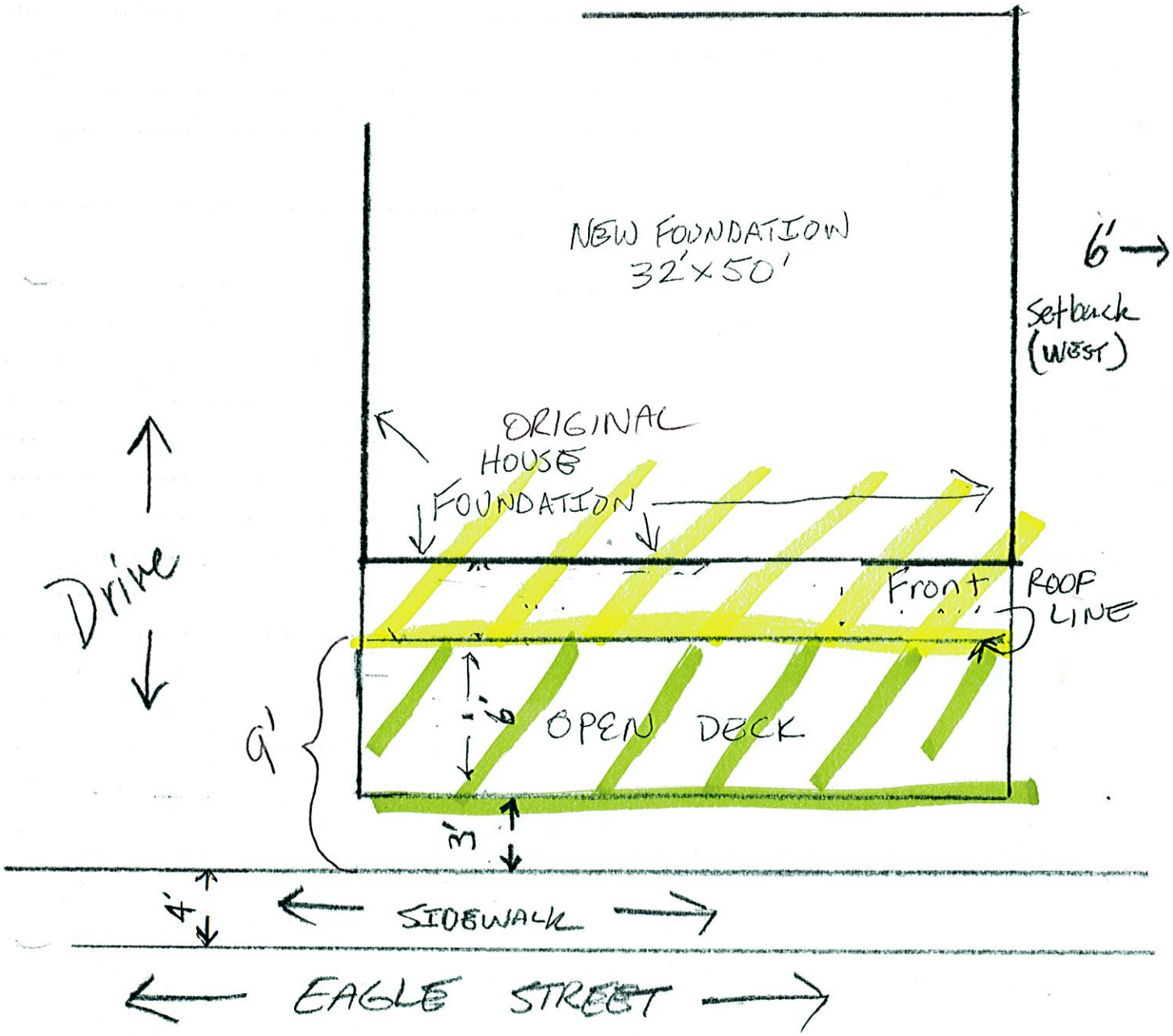
Recommendation: Staff recommends that the ZBA members review the revised drawing and visit the property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance. Staff does not find a problem with the approval of this request.

Support Material:

Revised plan

Lot size 5000²ft
House size 1792²ft = 35.8%

Distance from house foundation to rear lot line = 38'8"

Garage = 24'x24'

Distance from garage to rear lot line = 14'8"