

**CITY OF BRIDGMAN
ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 2, 2017
7:00 PM**

The regular meeting of the Bridgman City Zoning Board of Appeals was held on March 2, 2017 at City Hall, 9765 Maple St., Bridgman, Michigan and called to order by Chair Parsons at 7:00 p.m.

MEMBERS PRESENT: Mike Mendus, Josh Paquette, Vince Rose, Steve Parsons, Hannah Anderson, Tom Buckley, Mike Pedde

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Ganum, City Clerk Holm, Building Official Rogien

Pledge of Allegiance was led by the board.

Chair Parsons had the board members go around and introduce themselves. Two new members have been appointed to the board since the ZBA last met.

APPROVE/AMEND AGENDA:

Motion by Member Anderson, seconded by Member Pedde to approve the agenda for March 2, 2017 as presented, **motion carried unanimously.**

HEARING OF CITIZENS:

No one wished to be heard.

APPROVE MINUTES:

Motion by Member Anderson, seconded by Member Mendus to approve the September 14, 2016 minutes with as presented, **motion carried unanimously.**

PUBLIC HEARING 1:

Chair Parsons opened the first public hearing at 7:02 p.m.

Chair Parson read the following aloud for the Rathgeb variance request:

Petitioner is requesting a variance from the City of Bridgman Zoning Ordinance, Section 10.28 which states: *Every principle building and use shall be located on a lot having frontage on a public street. A minimum of 80% of the lot frontage shall access (abut and adjoin the right-of-way) of the public street.* The owner seeks to build a new single-family dwelling with accessory building on the existing 4 acre parcel which was split off from the parent parcel in 1978. In doing so, this created a land locked piece with access only via an easement through Lake Twp. To Linke Road. The property is located on Gast Road with the following property tax code: 11-56-0017-0026-06-4.

Presentation by the petitioner

Petitioner was not in attendance.

Public Comments

No one wished to be heard.

Correspondence

Chair Parsons read the letter from Rolland Oselka. (Letter attached to minutes)

Close the public comments section

Chair Parsons closed the public comments section at 7:07 p.m.

Session for Commission to ask questions and address the Chair on the petition

The following was discussed by the board:

- The Rathgeb's intent is to have this variance request approved and then sell the property. If the sale does not go through, having the variance in place will allow them to build themselves or have their children build in the future.
- The water and sewer utilities would be coming from the Lake Charter Township.
- The small piece of property connecting the 4 acre parcel and Linke Road is also owned by the Rathgeb's. The City requires that driveways must be paved. To help minimize noise and dust, the board should put a stipulation in granting the variance that the whole driveway must be paved.
- Down the road, if there were interest in putting up more than one single-family home, that person would have to come back before the ZBA to do so. Our current Zoning Ordinance states that there is only one single-family home per parcel of land.
- The City's Zoning Ordinance addresses accessory buildings, so that does not need to be stipulated in the motion to grant the variance.

Chair Parsons closed the public hearing at 7:23 p.m.

Chair Parsons re-opened the public hearing at 7:23 p.m.

Chair Parsons went through Section 16.03 of the Zoning Ordinance for the board to reach its determination:

- Whether the location, use, nature, intensity of operation, and congestion and density of population will be in conflict with the principal permitted uses of the District or with the purposes of this Ordinance.*
The board did not see an issue with this or the surrounding area.
- Whether the available sewage disposal and water supply facilities will be adequate and safe.*
The water and sewer will be coming from the township. If a septic is to be installed, would have to conform to State law per County guidelines.
- Whether the lot size and yard area will be in harmony with the orderly and proper development of the District.*
The size of the property is 4 acres so there will not be any setback issues.
- Whether adequate access to the building or use will be provided by either existing roads (public or private) or roads to be constructed.*
The access/driveway will come off Linke to the house.
- Whether the building or use will be objectionable to nearby properties and their owners by reason of traffic, noise, vibration, dust, blowing sand and erosion, disposal of waste or sewage, fumes, smoke, air pollution, fire hazard, or bright flashing lights.*
It will be a single-family dwelling, the driveway must be paved, and the waste and sewage will be dealt through the Township.

F. *Whether the building or use will discourage or hinder the appropriate development and use of lands and buildings in the general vicinity.*

There will be one house that will conform to the City zoning restrictions which are more stringent than the Township. Have the North property line be used as the front yard as far as setbacks.

Motion by Member Anderson, seconded by Member Pedde to grant the Rathgeb variance request for the property with the parcel # 11-56-0017-0026-06-4, which stipulates the following:

- To allow one single-family house to be built;
- The entire access/driveway shall be paved from Linke Road to the house;
- An agreement between the City of Bridgman and Lake Township regarding the water and sewer service will need to be in place. In the event that does not happen, a septic system can be installed in accordance with the county law; and the
- The north property line shall be used for the front yard setbacks for the property

Roll call:

Yeas: Mendus, Paquette, Rose, Parsons, Anderson, Buckley, Pedde

Nays: None

Absent: None

Abstain: None

Motion carried unanimously.

Chair Parsons closed the first public hearing at 7:50 p.m.

PUBLIC HEARING 2:

Chair Parsons opened the second public hearing at: 7:50 p.m.

Chair Parsons read the following aloud for the Cook variance request:

Petitioner is requesting a variance from the City of Bridgman Zoning Ordinance, Section 3.03(2), to construct a residence with a covered porch, attached garage, septic system, and driveway within the Dune Overlay Zone, for which the porch does not meet the minimum side yard setback of 12 feet. The petitioner desires to construct the porch a distance of 8 feet from the northerly lot line, thereby requiring a variance of 4 feet. The property is located on Lot 57, Hillcrest Drive, Dunewood No. 1, Bridgman, Michigan with the following property tax code: 11-56-1700-0057-02-0.

Presentation by the petitioner

Robert Cook introduced himself and his wife. He has been working with Building Official Rogien and with Eric and Gaye with Prism for some time now trying to figure a way to build a house on the property he owns. Mr. Cook grew up in the City of Bridgman and is currently living in Fort Wayne, Indiana. They want to sell their house and build a house here in Bridgman to live full time and be a part of the community. He explained the site and what they would like to build. There is a balance to meet all the criteria to build between the City's Ordinances and the Critical Dune Laws. They wanted to build a larger porch on their house, but didn't want to ask for too large of a variance from the City.

Public Comments

No one wished to be heard.

Correspondence

None.

Close the public comments section.

Chair Parsons closed the public comments section at 8:00 p.m.

Session for Commission to ask questions and address the Chair on the petition.

The board discussed the following:

- The variance request is for building a porch onto their house, not for the actual structure.
- Consideration for a larger variance for the porch to be built 2 feet larger.
- The topography of the lot and the location of the house and porch to be built.

Chair Parsons went through Section 16.03 of the Zoning Ordinance for the board to reach its determination:

A. *Whether the location, use, nature, intensity of operation, and congestion and density of population will be in conflict with the principal permitted uses of the District or with the purposes of this Ordinance.*

Meets all of the requirements.

B. *Whether the available sewage disposal and water supply facilities will be adequate and safe.*

All applications have been approved and it meets the requirements.

C. *Whether the lot size and yard area will be in harmony with the orderly and proper development of the District.*

Meets all of the requirements.

D. *Whether adequate access to the building or use will be provided by either existing roads (public or private) or roads to be constructed.*

Meets all of the requirements.

E. *Whether the building or use will be objectionable to nearby properties and their owners by reason of traffic, noise, vibration, dust, blowing sand and erosion, disposal of waste or sewage, fumes, smoke, air pollution, fire hazard, or bright flashing lights.*

Meets all of the requirements.

F. *Whether the building or use will discourage or hinder the appropriate development and use of lands and buildings in the general vicinity.*

Meets all of the requirements.

Motion by Chair Parsons, seconded by Member Rose to grant the variance request by the Cooks for the property at Lot 57, Hillcrest Drive, Dunewood No. 1 with the property tax # 11-56-1700-0057-02-0 for a 6' side yard setback instead of an 8' setback, granting a 6' variance,

Roll call:

Yeas: Paquette, Rose, Parsons, Anderson, Buckley, Pedde, Mendus

Nays: None

Absent: None

Abstain: None

Motion carried unanimously.

Chair Parsons closed the second public hearing at 8:15 p.m.

ADJOURNMENT

Motion by Member Anderson, seconded by Member Mendus, to adjourn the meeting at 8:15 p.m.,
motion carried unanimously.

Allyson Holm, City Clerk/Recording Secretary