

**CITY OF BRIDGMAN
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 27, 2020
6:30 PM**

The regular meeting of the Bridgman City Zoning Board of Appeals was held on February 27, 2020 at City Hall, 9765 Maple St., Bridgman, Michigan and called to order by Chair Parsons at 6:30 p.m.

MEMBERS PRESENT: Mike Mendus, Steve Parsons, Thomas Buckley, Stacy Stine, Joan Hurray

MEMBERS ABSENT: None

STAFF PRESENT: City Clerk Holm, Zoning Administrator Mattner

Pledge of Allegiance was led by the board.

APPROVE/AMEND AGENDA

Chair Parsons added under the Public Hearing section G. Close Public Hearing

Motion by Member Buckley, seconded by Member Hurray to approve the agenda for February 27, 2020 as presented with the addition under the Public Hearing – G. Close Public Hearing, **motion carried unanimously.**

HEARING OF CITIZENS

- No one wished to be heard.

APPROVE MINUTES

Motion by Member Mendus, seconded by Member Buckley to approve the February 7, 2019 minutes as presented, **motion carried unanimously.**

PUBLIC HEARING

Chair Parsons opened the public hearing at 6:31 p.m.

Purpose of the Hearing

The petitioner would like to build a 1 1/2 stall garage and is requesting a variance pertaining to the City of Bridgman Zoning Ordinance Article II.5, Section 2.06 Site Development Standards. The minimum side yard setback in Residential Lake District is 12ft. Petitioner is requesting a 9ft

variance reducing the side yard setback to 3ft. The property is located at 9368 Tulip Lane, Bridgman, MI 49106, with the following property tax code: 11-56-0113-0151-14-8.

Presentation by the Petitioner

Tom Misener explained the layout of his property, and where he would like to install a small garage embedded into the dune itself. Building the garage into the dune 6-7 ft would not only aesthetically look good for himself and the neighbors but would help with the drainage from the roof be mitigated instead of the run-off going across Tulip Lane. The neighbor directly to the north who would be the most affected, wrote a letter in support of the request which is part of the packet. He has talked to a few other neighbors and they don't see a problem with the request either.

Member Buckley had concerns with the dune stability if the garage were to be built into the dune. He also inquired about the front yard setbacks at that location.

Zoning Administrator Mattner explained that if this variance is granted, the petitioner still needs to go through the State for a Critical Dune permit and the County for a Soil and Erosion permit. They would be the ones to address any concerns with the stability of the dune. Tulip Lane was added at a later time to allow access to those properties from Dunewood. He checked with Wightman Engineering and Tulip Lane is more of a private road where the front yard setbacks wouldn't apply.

Public Comments

- No one wished to be heard.

Correspondence

- Chair Parsons stated that there was one letter from Mr. and Mrs. Barry Pienton who are the neighbors immediately to the north of the property that was included in the packet.

Close the Public Comments Section

Chair Parsons closed the public comment section at 6:48 p.m.

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

- The board members went through the pictures provided in the packet and asked the applicant a few questions.
- Member Stine stated if the garage is moved up towards the concrete pad, it would make it inaccessible. She asked where the location of the garage door would be, and Mr. Misener stated it would face Tulip Lane.
- Member Hurray asked what will happen in the future if the neighbors sell the house and the new neighbor is not ok with that location of the garage if the variance is approved. Chair Parsons stated the variance would go on record for the property.
- Member Buckley asked about the process of notifying all the neighbors. Clerk Holm stated under the Zoning Enabling Act, a notice must be published no less than 15 days

before a public hearing. There must also be a letter sent out to the property owners within 300 ft of the applicant, which has all been done.

Close the Public Hearing

Chair Parsons closed the public hearing at 6:54 p.m.

NEW BUSINESS

Consideration of the request for the property located at 9368 Tulip Lane with the following tax code: 11-56-0113-0151-14-8. The board went through and discussed the following:

In reaching a determination the ZBA shall follow **Article 8.08, Zoning Board of Appeals**, of the Zoning Ordinance, which specifies the following:

B. Variances. The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds, based on competent material and substantial evidence, that all of the following standards are met:

1. *That the variance is necessitated by unique or unusual circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, topography, surface water or other extraordinary conditions not typically found on similar properties.*
Roll Call Vote: All yeas that this passes
2. *That the need for the variance is not based on the applicants' personal circumstances or economic hardship.*
Roll Call Vote: All yeas that this passes
3. *That the variance is not necessitated by, nor the result of, actions or negligence of the applicant or current or previous property owners.*
Roll Call Vote: All yeas that this passes
4. *That the requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.*
Roll Call Vote: All yeas that this passes
5. *That the requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use for which a special land use permit is required.*
Roll Call Vote: All yeas that this passes
6. *That the requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.*
Roll Call Vote: All yeas that this passes

7. *That the conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.*
Roll Call Vote: All yeas that this passes
8. *That the requested variance shall relate only to property that is under control of the applicant.*
Roll Call Vote: All yeas that this passes
9. *That there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.*
Roll Call Vote: All yeas that this passes
10. *That strict compliance with the requirements of the ordinance under appeal would unreasonably prevent the property owner from using the property for a permitted use.*
Roll Call Vote: All yeas that this passes
11. *The requested variance is the minimum variance that will make possible the reasonable use of the land.*
Roll Call Vote: All yeas that this passes

Motion by Member Buckley, seconded by Member Hurray to grant the variance request by Tom and Sarah Misener to build a 1 1/2 stall garage and is requesting a variance pertaining to the City of Bridgman Zoning Ordinance Article II.5, Section 2.06 Site Development Standards. The minimum side yard setback in the Residential Lake District is 12ft. Petitioner is requesting a 9ft variance reducing the side yard setback to 3ft. The property is located at 9368 Tulip Lane, Bridgman, MI 49106, with the following property tax code: 11-56-0113-0151-14-8,

Voice Vote:

Yeas: Mendus, Hurray, Stine, Parsons, Buckley

Nays: None

Motion carried, variance granted.

Appointment of Vice-Chair and Secretary

Member Buckley nominated Member Hurray as Vice-Chair. No further nominations.

Motion by Member Mendus, seconded by Member Buckley to appoint Member Hurray as Vice-Chair, **motion carried unanimously.**

Member Hurray nominated Member Mendus as Secretary. No further nominations.

Motion by Member Stine, seconded by Member Hurray to appoint Member Mendus as Secretary, **motion carried unanimously.**

ADJOURNMENT

Motion by Member Stine, seconded by Member Mendus, to adjourn the meeting at 7:05 p.m., **motion carried unanimously.**

Allyson Holm, City Clerk/Recording Secretary

Mike Mendus, Secretary