

MINUTES
THE CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS (ZBA)
DOUGLAS CITY HALL
86 W CENTER STREET, DOUGLAS, MI
November 22, 2016, 7:00 P.M.

1. **Call to Order:** Schumacher called the meeting to order at 7:01 P.M.
2. **Roll Call:** Members present: Schumacher, Kutzel, Greenwood, Pullen
Members absent: Burdick; also present: Lisa Imus, City Planner
3. **Approval of Minutes**
Motion by Pullen with support from Kutzel to approve the ZBA meeting minutes of April 26, 2016 as presented. Motion carried by unanimous voice vote.
4. **Agenda Changes/Additions/Deletions**
Motion by Kutzel with support from Pullen to approve the ZBA agenda of November 22, 2016 as amended. Amended item: Add section 4.5 Election of ZBA Officers

4.5 Election of ZBA Officers

Motion by Pullen with support from Kutzel to nominate Schumacher as Chair. Motion carried by unanimous voice vote.

Motion by Kutzel with support from Greenwood to nominate Pullen for Vice Chair. Motion carried by unanimous voice vote.

Motion by Pullen with support from Greenwood to nominate Kutzel for Secretary. Motion carried by unanimous voice vote.

5. New Business

A. Public Hearing regarding variance requests for 357 Ferry Street

Schumacher made a motion, with support from Pullen, to open the public hearing at 7:06 pm. Motion carried by unanimous voice vote.

Mr. Andrew Mulder, attorney for applicant, explained the applicant was asking for two non-use variances. The first variance is from the minimum lot frontage requirement of sixty six (66) feet in the R-4 zoning district to 26' and the second, a non-use variance from the minimum width of a single family dwelling of twenty four (24) feet to fifteen (15) feet. Mulder continued that the variance requests were being sought in order to demolish the current home and build a new single family residence at the property located at 357 Ferry Street (PP# 03-59-016-025-00) in the City of the Village of Douglas. Gary Haisma, applicant, explained the details of the structure and the need for the variance. He explained that the home was built in the 1960's and that ceiling is a low 7' 6", that it did not have a bedroom or

closet and had a flat roof. He then shared pictures of the current home and proposed home. Mulder explained that the current home has practical difficulties that could be remedied with the variances. It is a nonconforming lot/structure that is plagued by encroachments. The lot is non-conforming due to the existing lot width, and would not accommodate a regulation size home with the required setbacks. The home is under the required 1,000 minimum sq. ft. requirement for a single family home. The North side of the home encroaches onto the neighbor's property and it does not have the required lake setback of 50'. Mulder explained if the variances were granted, the new home would eliminate encroachments and meet all required setbacks.

Imus read written correspondence with concerns from Kathryn Handly, 306 Singapore Ct. who expressed concerns about the loss of her view if the home was built closer to the lake than hers. Neighbors Dwight and Jim McDonald asked questions and stated as long as their views are not blocked and the home at 357 Ferry complies with the 50' lake front setback they would not object to the variances.

Schumacher made a motion, with support from Pullen, to close the public hearing at 7:42. Motion carried by unanimous voice vote.

B. Variance request from Mr. Gary Haisma of 357 Ferry Street

Members discussed distinguishing facts about the lot. It was an original platted lot which has always been non-conforming. The structure is an existing non-conforming structure that encroaches on the neighboring property, was litigated, and was required to obtain the easements.

Through discussion, it was determined by the Planning Commission that there were genuine practical difficulties because of the unique physical conditions on the lot that did not result from the actions of the applicant, nor were economic. The variances being sought were harmonious with the intent of the ordinance, and would not cause a substantial adverse effect on surrounding property. Strict compliance with the ordinance would unreasonably prevent the homeowner from using the lot as a residential lot, and the applicant was requesting the minimum amount of changes necessary to overcome the properties challenges.

Motion by Pullen with support from Kutzel to approve the request for variance from the required 66' lot frontage to allow for a 25.86' lot frontage at 357 Ferry Street, with the condition that the structure be built only in the area where the property has a minimum of 30' in width. Motion carried by unanimous roll call vote. Variance granted.

A second motion was made by Kutzel with support from Greenwood to approve the variance request from the standard 24' width requirement for structures in the R4 District to allow construction of a residence with a 15' width as set forth by petitioner with condition that the requirement in Section 16.08 of the Douglas Zoning Ordinance permitting up to 3'

yard encroachments not be allowed on the north or south sides on any structures being built now or in the future (Encroachments would only on the front (west) and back (east)). Motion carried by unanimous roll call vote. Variance granted.

Kutzel stated this was a special case and they granted the minimum possible. Greenwood commented that neighbor input is crucial to account for everyone's interests.

6. Public Comment: None

7. **Adjournment:** Motion by Kutzel, with support from Greenwood, to adjourn meeting. Meeting adjourned at 8:15 P.M.

MINUTES
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ZONING BOARD OF APPEALS (ZBA)
DOUGLAS CITY HALL
86 W. CENTER STREET, DOUGLAS, MI
January 26, 7:00 P.M.

1. **Call to Order:** The meeting was called to order at 7:08 P.M. by Chairperson Schumacher.
2. **Roll Call:** Members present-Schumacher, Pullen, Kutzel, Burdick
Members absent-Greenwood
Also present-Lisa Imus, city planner
3. **Approval of Minutes:** Motion by Pullen with support from Kutzel to approve the ZBA meeting minutes of August 25, 2015 as amended. Motion carried by unanimous voice vote.

Amended items: In New Business, last paragraph, replace ADA section 32-210 with ADA section 28 CFR Part 35.130(b)(7). Also make correction to same paragraph and replace "all variance standards apply" with "that the applicant would qualify for consideration".

Motion by Pullen with support from Kutzel to approve the ZBA meeting minutes of December 22, 2015 as amended. Motion carries by unanimous voice vote.

Amended item: Correct spelling of Schumacher.

In New Business, motion for shed variance, add "from the lot line" after "to deny the 6' variance".

4. **Agenda Changes/Additions/Deletions:** Motion by Pullen with support from Kutzel to approve the ZBA agenda of January 26, 2016 as presented. Motion carried by unanimous voice vote.
5. **New Business-None**
6. **Public Comment-None**
7. **Adjournment:** Motion by Burdick with support from Kutzel to adjourn the meeting. Meeting adjourned at 7:36 P.M.