

**ZONING BOARD OF APPEALS  
UNAPPROVED MINUTES**

**October 27, 2016**

Call to Order:

Chairman Paul Jackson called the Zoning Board of Appeals meeting to order at 7:00 PM.

Roll Call: Jayne Graham, Paul Jackson, Bob King, Paul Long, Ralph Manting, Dorothy Burch

PRESENT: Paul Jackson, Bob King, Ralph Manting, Jayne Graham and Dorothy Burch

EXCUSED: Paul Long

ABSENT: None

ALSO PRESENT: Mark Sweppenheiser, Zoning Administrator

There were 1 person(s) in the audience.

Moved by Bob King, seconded by Ralph Manting, to approve the minutes of the October 13, 2016 ZBA meeting.

Motion passed unanimously

Public Comment Not Related to Items on the Agenda: None

Public Hearing:

Chairperson Jackson opened the Public Hearing at 7:02 PM to consider a variance request at 1491 Catherine Street. The applicant submitted an application to the ZBA requesting relief from Section 4.1:7

Staff Report

The applicant, Bill Routley, is requesting a non-use variance to construct a garage at 1491 Catherine Street. The applicant is requesting a one and a half (1.5) foot variance to construct a garage one and a half (1.5) feet from the property line. The variance will be for an accessory structure to be built in the rear yard.

The zoning for the parcel is R-1 and the required setback for an accessory structure located in the rear yard is three (3) feet. The City owns the adjacent parcel to the north.

An aerial photo with delineated property lines has also been provided, accuracy is estimated at plus or minus one (1) foot.

When considering a non-use variance, the applicant must show the ZBA the following:

1. The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or

**The ordinance restrictions would prevent the orderly construction of the garage in relationship to the house and existing drive.**

2. The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or

**The variance would do justice to both the applicant and surrounding property owners by allowing increased property values and storage for the applicant.**

3. The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or

**The unique circumstance is the long narrow lot and existing location of the house and driveway.**

4. The alleged practical difficulty has not been created by any person presently having an interest in the property.

**The practical difficulty has not been created by the applicant.**

Staffs recommends approval of the requested variance of one and a half (1.5) feet from section 4.1:7 of the Zoning Ordinance to allow the applicant to construct a new accessory garage in the required setback at 1491 Catherine Street.

Applicant's Statement:

Bill Routley, property owner of 1491 Catherine Street Big Rapids MI 49307, stated that his main objective when requesting the variance was to be given the ability to construct a garage in a location that would not require him to drive around the side of his house.

**Chairperson Paul Jackson called for those who wished to speak in support of the request – None**

**Chairperson Paul Jackson called for those who wished to speak in opposition of the request – None**

**Chairperson Paul Jackson called for any written or telephonic correspondence received by staff – None**

Applicant Rebuttal - None

**Chairperson Paul Jackson closed the public hearing and went into fact finding at 7:05 PM.**

Fact Finding

Ralph Manting asked Mark Sweppenheiser why the City denied Mr. Routley's request to have the adjacent parcel of land declared as surplus property so he could purchase the property, which would have made a Zoning variance unnecessary. Sweppenheiser stated that Mr. Routley was only interested in purchasing ten (10) feet of the available lot. Splitting ten feet off the lot would have made the remainder of the property a non-conforming lot that no one else could have developed. In addition, if the land were sold as surplus, it would have been subject to the bid process and there was no guarantee that Mr. Routley would have been the highest bidder.

The board agreed to accept the staff explanation of the following four requirements of the fact finding:

With a non-use variance, one or more of the following requirements must be met.

1. The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or
2. The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or
3. The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or

4. The alleged practical difficulty has not been created by any person presently having an interest in the property.

## **MOTION**

Motion was made by Ralph Manting, seconded by Jayne Graham, to grant the request for a non-use variance at 1491 Catherine Street by providing the applicant relief from Section 4.1:7 of the City of Big Rapids Zoning Ordinance and allow a one and a half foot (1.5) variance to the required setback.

Yeas: Jayne Graham, Paul Jackson, Bob King, Ralph Manting and Dorothy Burch.

Nays: None

Motion passed.

## Other business:

Introduction of the new Zoning Board of Appeals alternate member, Dorothy Burch.

There being no further business to come before the board, the chair declared the meeting adjourned at 7:11 PM.

Respectfully submitted,

Stacey Johns  
Secretary