

**CITY OF LUDINGTON  
BOARD OF ZONING APPEALS  
Minutes –September 20, 2005**

A regular meeting of the Ludington Board of Zoning Appeals was held on September 20, 2005 at the Ludington Municipal Building, 400 S Harrison St., Ludington, MI, and was called to order by Brian Purtee, Vice-Chairperson at 7:00 p.m.

PRESENT: Tom Tyron, Brian Purtee, John Markov, Gerry Fellows, Kirk Josvai and Bonnie Vaught.

ABSENT: (excused) Ken Vanderbilt and (absent) Joe Moloney

ALSO PRESENT: City Attorney, Roger Anderson and Recording Secretary Carol Ann Foote

ROLL CALL: The roll call gave the above results.

Brian Purtee, Vice-Chairperson, welcomed new members Kirk Josvai and Gerry Fellows.

AGENDA APPROVAL: A motion was made by Bonnie Vaught to approve the agenda, seconded by John Markov. Motion carried unanimously.

MINUTES: A motion was made by Bonnie Vaught to approve the minutes of September 8, 2004, as written, seconded by Brian Purtee. Motion carried unanimously.

PUBLIC HEARING:

To consider a request from Ann R. Bryant for a side yard variance of 2 ½ feet at the following described property: ADDITION NO. 2 LOTS 7 & 8 BLOCK 90, also known as 403 Second St.

Brian Purtee told the Board that Leon Vandawater had Power of Attorney for Ann R. Bryant and would be representing her during the public hearing.

Leon Vandawater, 202 E. Danaher, said that the variance was needed in order to split the two lots. The lot had been sold pending the variance. The buyer of the property is buying for speculation and does not intend to build. The existing porch is 2 ½ feet from the lot line and is not enclosed. It is becoming a burden for Ms. Bryant to keep up the lot. She also needs to make major repairs to the house. The only other alternative would be to cut of 2 ½ feet from the porch and this would be very expensive. It would be a hardship.

Tom Tyron asked what year the house was built. Ms. Bryant said it was built in the 1950's. Tom Tyron asked if a building permit was taken out. Ms. Bryant said that she bought the house twenty years ago and the porch was already there.

Brian Purtee asked Mr. Vandawater why he asked for a lineal variance. He explained that a lineal variance would mean a 2 ½ feet variance the entire length of the property. Mr. Vandawater said that all he needed was a variance for the porch. They do not want to tear the porch down.

Bonnie Vaught told the Board that she drove by the property and it appeared to be a poured concrete pad with a roof over it. She asked why the porch was the issue and not the retaining wall. Roger Anderson explained that the City did not look at retaining walls as structures; therefore they do not have to meet setbacks.

John Markov wanted to know when a survey was last done of the property. Mr. Vandawater said it was done in July.

Board of Zoning Appeals

Meeting Minutes

09/20/05

Bonnie Vaught said that the porch was not what she would call a porch. She stated that the roof did not look sturdy. She wanted to know why they could not make the roof 2 ½ feet shorter. Mr. Vandawater explained that part of the slab would be exposed. Bonnie Vaught said that she was having difficulty seeing it as a hardship. John Markov said that he felt that the original intent was for a carport. Ms. Bryant said that it was never used as a carport. Mr. Vandawater said that to take off part of the roof would create a hardship. There is also a hardship maintaining the lot.

Bonnie Vaught asked if they could stipulate an increased setback for the vacant lot. Increase the required 7 ½ feet by 2 1/12 feet. Roger Anderson said that you could make that stipulation, but it would have to be registered at the Register of Deeds office.

Public Hearing Closed.

The recording secretary reported that twenty-two notices were sent with one reply in favor. Mr. Vandawater also submitted three signatures in favor.

The Board went through the variance standards.

Practical Difficulty:

Tom Tyron said that he went through the alley, and it looked like everyone was in violation. If the porch had been there that long, it should have been caught during construction. Brian Purtee said that the City records did not show a permit for the porch. Roger Anderson commented that it was so long ago, there may not have been an ordinance in effect at the time. Tom Tyron said that the porch probably existed before the ordinance. Kirk Josvai stated that felt that the porch was not added on after construction of the house. Brian Purtee said that he felt that selling property is also a use of the property. He sees a practical difficulty because the lots cannot be split and sold as they are. Kirk Josbvai concurred with Brian. He feels that Ms. Bryant bought the property as is.

Practical Difficulty: Yes: 5 No: 1

Detrimental to adjacproy onncpr t thave b

d be exposed1 0 T com145 0bpracticaat96ficulty because t70o creomld,T com145 0g agactical 38ed that twenty

Board of Zoning Appeals  
Meeting Minutes  
09/20/05

Does hardship or practical difficulty involve more than personal inconvenience and financial hardship?

Brian Purtee stated that he felt that selling the property was a use. Buying property and selling it after twenty or thirty years is a use. He said that financial hardship does not come into it. Bonnie Vaught said that if the variance was not granted, the lot could not be sold. It was her understanding that proceeds from the sale would go to make repairs on the house. Without it, there would be a financial hardship. Roger Anderson explained that this was aimed at the land and not the people.

Does hardship or practical difficulty involve more than personal inconvenience and financial hardship? Roll Call Vote: Yes: Purtee, Tyron, Markov, Josvai No: Vaught, Fellows

Tom Tyron made a motion to grant a variance for a 2-½-side yard set back for the existing porch footprint, seconded by Kirk Josvai. Motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

None

COMMENT AND COMMUNICATIONS:

Kaye Holman addressed the Board and welcomed new members Kirk Josvai and Gerry Fellows. She commented that the Board should have dealt with lot seven of Ann Bryant's request, not lot eight. Brian Purtee said that they were trying to understand the big picture. Ms. Holman also stated that only two members of the Board were present at the last training session held by Larry Nix.

ADJOURNMENT:

Tom Tyron made a motion to adjourn the meeting at 8:00 p.m., seconded by Bonnie Vaught. Motion carried unanimously.

Respectfully submitted,  
Carol Ann Foote, Recording Secretary