

CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes –October 21, 2003

A regular meeting of the Ludington Board of Zoning Appeals was held on October 21, 2003 at the Ludington Municipal Building, 400 S Harrison St., Ludington, MI, and was called to order by Tom Tyron, Chairperson at 5:30 p.m.

PRESENT: Tom Tyron, Kaye Holman, Ken Vanderbilt, John Markov, Brian Purtee, and Bonnie Vaught.

ABSENT: Leon Vandawater (excused) and Val Gorzynski (excused)

ALSO PRESENT: Recording Secretary Carol Ann Foote

ROLL CALL: The roll call gave the above results.

AGENDA APPROVAL: A motion was made by Ken Vanderbilt to approve the agenda, seconded by Kay Holman. Motion carried unanimously.

MINUTES: A motion was made by Brian Purtee to approve the minutes of October 15, 2002, as written, seconded by Kaye Holman. Motion carried unanimously.

PUBLIC HEARING:

Consideration of a request by David and Lynne Mattice for a 3 ½ ft. side yard setback variance in order to construct a 10 x 27 deck at the following described property:

KASSON'S ADDITION COM AT INTERSECTION OF PROJECTED E LINE OF LOT 4, BLOCK 1 WITH THE N LINE OF E LUDINGTON AVE, TH N 115 FT, TH W 50 FT, TH S 115 FT TO N LINE OF E LUDINGTON AVE TH E 50 FT TO THE P.O.B.; BEING PART OF LOT 4, BLOCK 1; SUBJECT TO EASEMENT FOR I/E OVER DRIVEWAY LOCATED ON E'LY BNDRY, also known as 705 ½ Ludington Ave.

The recording secretary reported that forty-six notices were sent with one response in favor.

Lynn Mattice, 705 ½ E. Ludington Ave., pointed out that she had made one mistake in her application. The property pointed out as 703 E. Ludington should have been 707 E. Ludington. She explained that their property was very unique. She explained the history of their parcel and told the board that they had a shared driveway. They would like a place to sit out in the yard, but had no area for a deck. She said that the deck would extend west from the home by ten feet and north from the porch to the rear 27 feet. That would be approximately 1 ½ feet from the center lot line.

Tom Tyron explained that a practical difficulty needed to be proven. Mrs. Mattice said that the only deck that they could build within the setbacks would be four feet wide. It would be impossible to even put a chair and grill on that. The other option would be a fence, and that would not look good. Mr. Tyron asked her if they knew the limits of the lot when they purchased it. Mr. Mattice explained that when his mother passed away, they took the house.

Bonnie Vaught asked how wide the existing porch was and if that would be in addition to the 10 feet. Mrs. Mattice said that the existing porch was six feet, but it was an entry way only. Bonnie Vaught stated that this was a unique piece of property.

Ken Vanderbilt asked if this would be a non-conforming structure. Attorney Anderson said that the structure was not non-conforming, but maybe the lot. He explained the conditions of a non-conforming structure.

Public Hearing was closed.

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Tom Tyron read the standards of the variance:

1. Do practical difficulties or unnecessary hardships exist? Unanimous yes.
2. Will the variance be detrimental to adjacent properties? Unanimous no.
3. Is the variance in harmony with and serves the general intent and purpose of this Ordinance? Unanimous yes.
4. Does the alleged hardships or practical difficulties include more than personal inconvenience and financial hardship? Unanimous yes.

Kaye Holman made a motion to approve the request for a 3 ½ ft. side yard setback in order to construct a 10 x 27 uncovered deck with the stipulation that only a uncovered deck be built, seconded by Brian Purtee. Motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

- a) Elect Officers (President, Vice- President)
- b) Set Meeting Time, Date and Place

Brian Purtee made a motion to postpone election of officers and setting time, dates and place until 2004, seconded by Bonnie Vaught. Motion carried unanimously.

PUBLIC COMMENT:

ADJOURNMENT:

Bonnie Vaught made a motion to adjourn the meeting at 6:15 p.m., seconded by Ken Vanderbilt. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary