CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes – October 17, 2000

A regular meeting of the Ludington Board of Zoning Appeals was held on, October 17, 2000 at the Ludington Senior Center, 308 S. Rowe St., Ludington, MI, and was called to order by Tom Tyron, Chairperson at 5:30 p.m.

PRESENT: Tom Tyron, Kaye Holman, Brian Purtee, Bob Erickson, Gerry Ponko and Ken Vanderbilt, and Virginia Scott

ABSENT: Greg Dykstra and Bev Gavigan

ALSO PRESENT: Building Inspector, John Healy and Recording Secretary Carol A Foote

ROLL CALL: The roll call gave the above results.

AGENDA APPROVAL: A motion was made by Bob Erikson seconded by Virginia Scott to approve the Agenda, as written. Motion carried unanimously.

MINUTES: A motion was made by Ken Vanderbilt seconded by Bob Erikson, to approve the minutes of the meeting of August 15, 2000. Motion carried unanimously.

PUBLIC HEARING: Consideration of a request from Dawn M Rebitzke for a side yard setback variance of 3 ft. in order to construct a handicap ramp at the following described property:
VILLAGE OF PERE MARQUETTE E 1/2 OF LOT 16 BLOCK 2, also known as 921 Pine St.

Pam Anes, 923 Pine St., explained that the there was twenty-two feet from the side of their house to the sidewalk on the East Side. If Mrs. Rebitzke puts in the ramp, there would be no room. She feels like the front of the house would be the ultimate spot. It would be a real inconvenient spot on the side. She is opposed to her request.

Dawn Rebitzke, 921 Pine St., stated that with the ramp on the side, it would not be much different than it was now. The ramp would go over the sidewalk.

Harry Anes, 923 Pine St., told the Board that with the ramp, it would be butted right into their property line. We will have no privacy. This variance is supposed to be five feet. There is no way to get a five-foot variance from our property line to where they want to put it.

Public Comments Closed

Kaye Holman said that she did not have enough information. She cannot visualize what they are talking about.

Tom Tyron stated that he was by the property, and felt they were awfully close.

Bob Erikson wanted to know how difficult it would be to move it to the front.

Mrs. Rebitzke explained that she had received three estimates to put it in the front, but that was before they decided to put a driveway in on the other side.

Bob Erikson stated that he was confused on the whole issue. It appears to him that she is already encroaching on the neighbor's property.

Kaye Holman made a motion to table this issue until the next meeting seconded by Virginia Scott. Motion carried unanimously.

Consideration of a request from David and Deborah McCarthy for:

1. A variance from the total number of accessory buildings allowed (the current ordinance allows two), in order to construct a 26 X 24 detached garage.
2. A variance of 144 sq. ft. over what is allowed for accessory buildings (the current ordinance allows 1200 sq. ft. for two buildings), in order to construct a third accessory building. At the following described property: LAWNDALE PARK ADDITION LOTS 4 & 5, BLOCK 6 & N 1/2 OF ADJ VACATED ALLEY, also known as 1010 Mitchell St. .

David McCarthy, 1010 Mitchell St., explained to the board that with his vehicles and snowmobile trailers that he needs additional storage. He showed the board a colored map of his property and the surrounding properties. He said that right now his property is on two separate tax bills, but would combine them if it were necessary to get the variance. He said that now they were in a good position to do this. He explained the size and construction plans of the 26 X 24 building that they were proposing.

Closed Public Hearing

The Recording Secretary reported that there were seventeen notices sent, with no response.

Ken Vanderbilt wanted to know if this was going to be on a separate lot. Mr. McCarthy explained that it was just on a separate tax bill and they would join them if necessary. John Healy explained that they did not look at contiguous lots as separate.

Bob Erickson asked John Healy to explain why this request was necessary. Mr. Healy explained that they wanted an extra accessory building.

Kaye Holman said that she was real uncomfortable with the extra building. She was all set to ask them to remove their smaller building.

Bob Erickson stated that he had been by the property and agreed with Mr. McCarthy's thinking. It was a real nice piece of property. The 8 X 12 building in the back was not intrusive, and did not see that this building would be intrusive.

Tom Tyron said that what helped him on it was the other lot with the ROW through it. It cannot be utilized. It will not interfere with the neighbors. It looks to me like if a man has that much property, he should be able to utilize it.

Kaye Holman said that it was his choice to have that much property, and the ordinance was very specific as far as two buildings. Tom Tyron stated that he had a problem with the ordinance anyway.

Brian Purtee said that maybe they should see about getting the ordinance changed.

Ken Vanderbilt agreed with Kaye Holman. He felt like they should stay as close as they could to the intent of the ordinance.

Tom Tyron read the standards:

1. Practical Difficulty: Holman, Purtee, Erikson- No
2. Detrimental to surrounding properties: Erikson, Tyron, Vanderbilt- No
3. Variance serves the intent of Ordinance: Holman, Vanderbilt, Purtee-No
4. More than Personal Difficulty or Financial Hardship: Holman, Purtee-No Bob Erikson stated that if it was his land, he would be upset if he could not build an accessory building on that additional lot. Kaye Holman said that was true, but that was not the Ordinance. Tom Tyron said that was why they were there, sometimes the Ordinance was vague on these kind of situation.

Kaye Holman made a motion to deny the variance, supported by Ken Vanderbilt. The motion failed 3 in support, Holman, Vanderbilt, Purtee, 4 in opposition, Tyron, Ponko, Scott, Erikson.

Kaye Holman made a motion to amend her motion to deny to state that the first variance be granted under the condition that the existing 8 X 12 shed was removed, seconded by Ken Vanderbilt. The motion failed 3 in support, Holman, Vanderbilt, Purtee, 4 in opposition, Tyron, Ponko, Scott, Erikson.

Jerry Ponko made a motion seconded by Bob Erikson to grant the first variance to allow an additional 26 X 24 garage be built. Motion carried, 4 in support, Tyron, Ponko, Scott, Erickson, 3 in opposition, Holman, Purtee, Vanderbilt.

Jerry Ponko made a motion seconded by Bob Erikson to grant the second variance to allow an additional 144-sq. ft. for an accessory building. Motion carried, 4 in support, Tyron, Ponko, Scott, Erickson, 3 in opposition, Holman, Purtee, Vanderbilt.

Consideration of a request from John P. and Lisa M. Cooney for a rear yard setback variance of 24.5 ft. in order to construct an attached garage at the following described property:
ADDITION NO. 4 N 60 FT OF LOT 20 BLOCK 11, also known as 322 N Lakeshore.

Kevin Motyka spoke as Dr. and Mrs. Cooney's representative. He explained that they needed a setback variance. The existing house will be going through numerous changes. The house was going to be moved forward 5 feet. House does meet the intent of the zoning ordinance. The effects of the neighbors will be non-existent. There are numerous garages in the surrounding area that are in the same situation.

Dr. John Cooney, 322 N. Lakeshore, explained to the board that moving the house forward anymore would cause them to have to remove the maple tree in the front. He also pointed out that the three houses in the north end of the block were set back in a line. If they went forward any further, their view would be obstructed.

Public Comments Closed.

The Recording Secretary reported that twenty-seven notices were sent with two responses in favor.

Tom Tyron read the standards.

1. Practical difficulty: Purtee, Erikson – Yes
2. Detrimental to surrounding property: Vanderbilt- No
3. Serves intent of ordinance: Holman, Scott- Yes
4. More than personal difficulty or financial hardship: Tyron-Yes

A motion was made by Bob Erikson seconded by Brian Purtee to approve the variance. Motion carried unanimously.

OLD BUSINESS:
None

NEW BUSINESS:
None

COMMENTS AND COMMUNICATIONS:

Tom Tyron announced to the Board that a letter of resignation had been received from Bev Gavigan. Brian Purtee had agreed to take her position as a regular member, with City Council approval. The City Council will also appoint a new alternate member.

Tom Tyron suggested that they refer the accessory building issue back to the Planning Commission. The Board discussed this and decided to table it for a month.

ADJOURNMENT: A motion was made by Ken Vanderbilt seconded by Kaye Holman, to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 6:50 p.m.

Respectfully submitted,
Carol Foote, Recording Secretary

Tom Tyron, Chairperson