CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes – July 18, 2000

A regular meeting of the Ludington Board of Zoning Appeals was held on, July 18, 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 and Ken Vanderbilt

ABSENT: Greg Dykstra, Gerry Ponko, Virginia Scott and Bev Gavigan

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

ROLL CALL: The roll call gave the above results.

MINUTES: A motion was made by Brian Purtee seconded by Bob Erikson, to approve the minutes of the meeting of June 20, 2000, with corrections. Motion carried unanimously.

PUBLIC HEARING: Consideration of a request from Mr. & Mrs. Nathan A. Smith, Jr. for a variance from the total number of accessory buildings allowed according to Zoning Ordinance #23-00, Section 500.4:2, **Accessory Buildings in Residential Districts**, at 607 N. Lakeshore Dr., PART OF GOVT LOT 3, SEC 9, T18N, R18W,DESC AS COM AT A PT 317.5 FT N OF SE COROF SEC 9 & S 84 DEG 33 MIN W 33.15 FT TO W R/W LINE OF LAKESHORE DR, TH N 80 FTALG W LINE OF LAKESHORE DR, TH S 84 DEG33 MIN W 383.85 FT TO THE SHORE OF LAKEMICH, TH S 18 DEG 11 MIN 14 SEC E 81.65 FT ALG SHORE OF LAKE MICH., TH N 84 DEG33 MIN E 359.25 FT TO P.O.B., EXCEPT ANYPART TAKEN, USED OR DEEDED FOR ROAD PURPOSES. .68 ACRE MORE OR LESS

Nathan Smith, 607 Lakeshore Drive, told the Board that he needed additional storage space. He admitted that he had made a mistake by putting up the existing storage shed without a permit. He explained that he had one building in the front that was grandfathered and also an attached garage. With the 8 X 8 storage building, he has a total of 764 square feet, 22 x 22, 12 x 18, and 8 x 8. He did not realize that an attached garage counted as an accessory building.

Brian Purtee told the Board that attached or detached it was the same. Was there a practical difficulty?

Bob Erikson asked why the original storage building in the front? Mr. Smith explained that it looked to be a maintenance building that was put there a long time before he was in the house.

Tom Tyron closed the public hearing.

The recording secretary reported that there were 22 notices sent out with 4 replies of no opposition.

Kaye Holman asked Inspector Healy to explain the meaning of a practical difficulty. Brian Purtee asked him to explain the expansion of non-conformity.

Bob Erikson told the Board that from a practical standpoint, he could see why he had the building there. Kaye Holman disagreed. She said that he could build under the deck. Mr. Smith explained that the way the hill came down, he would have to dig it out and it would cause erosion problems.

Brian Purtee stated that he did not see this as a practical difficulty, but a personal inconvenience. Bob Erikson said that with kids on the beach you would want safety equipment close by. Kaye Holman said that she felt that it could be hung on the deck on the post.

Ken Vanderbilt said that apparently he needs more storage. The building is there. Even if he had an 8 X 8 building next to the house, there is still a problem. Kaye Holman said that she did not see a practical difficulty.

Tom Tyron stated that there were 4 letters from neighbors that did not have a problem with the building. Bob Erikson said that he felt that it was in keeping with the intent of the Ordinance.

Kaye Holman wanted to know what was going to happen when others come for the same kind of variance. Tom Tyron said that they would handle it one by one. Brian Purtee said the bottom line was that Mr. Smith needed more storage space. He said that this would set precedence, but anyone else would have to prove a practical difficulty. Brian Purtee asked Inspector Healy if they could put a condition that it would have to be 8 X 8, if the variance was granted. Inspector Healy told him that conditions could be placed.

Bob Erikson said that the practical difficulty did involve more than person inconvenience and financial hardship. He felt that safety was a requirement.

Tom Tyron made a motion to grant the variance.

Ken Vanderbilt made a motion to amend the motion on the floor to grant the variance and limit the size of the building to 8 X 8, seconded by Bob Erikson.

Kaye Holman asked if they could ask the Smiths to change the color of the building. Brian Purtee said that he thought that would be exceeding their authority. Bob Erikson said that he thought it was unobtrusive as it was.

There was a vote on the motion to grant the variance and limit the size of the building to 8 X 8. Motion carried with 4 yes votes (Vanderbilt, Erikson, Tyron, and Purtee) and 1 no vote (Holman).

OLD BUSINESS:
None

NEW BUSINESS:
Ken Vanderbilt asked Inspector Healy to check on training sessions for the Board.

Bob Erikson wanted to know about the Conflict of Interest Ordinance that was sent to the Board.

ADJOURNMENT: A motion was made by Kaye Holman seconded by Ken Vanderbilt, to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 6:20 p.m.

Respectfully submitted,
Carol Foote, Recording Secretary

Tom Tyron, Chairperson