CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes – July 17, 2001

A regular meeting of the Ludington Board of Zoning Appeals was held on 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, Joe Moloney, Brian Purtee, Bonnie Vaught, Ken Vanderbilt

ABSENT: Greg Dykstra, Kathy Saxton (excused), and Christine Warne (excused)

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

ROLL CALL: The roll call gave the above results.

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

MINUTES: A motion was made by Brian Purtee seconded by Joe Moloney, to approve the minutes of the meeting of April 17, 2001 with the addition of Ken Vanderbilt in attendance of the April meeting. Motion carried unanimously.

PUBLIC HEARING:
Consideration of a request from Craig Hansen for a variance of 5% (300 sq. ft.) from the allowed 35% of lot coverage in order to build a 10 X 15 (150 sq. ft.) addition to the existing dwelling at the following described property: ORIGINAL PLAT S 20 FT OF LOT 2 & N 20 FT OF LOT 3 BLOCK 15, also known as 205 N Lewis St.

Recording Secretary, Carol A Foote, reported there were thirty-six notices sent with no response.

Craig Hansen, 205 N. Lewis St., told the Board that since his lot was only 40 ft. he did not have the square footage a 60 ft. lot would have. A 60 ft. lot would have 2,900 sq. ft. of coverage in my neighborhood. My lot, being only 40 ft., can only have 1,940 sq. ft. of coverage. I feel that I am being treated a little unfairly because of my lot size. I am asking for consideration for an additional 5% of coverage to bring me a little closer to what I feel is normal for my neighborhood and the City of Ludington.

Brian Purtee asked, with the structures that he already had there, wasn't he already over the allowed coverage? John Healy explained that the uncovered deck did not count towards the allowed coverage. He said that the existing deck would be removed to put in the addition. Kaye Holman stated that he was already over the percentage allowed. Mr. Hansen said that he was now at about 37%. Bonnie Vaught asked how close he was to the North property line. Mr. Hansen said that he was three feet from the line. That was where it was existing when he bought it. Tom Tyron asked how long he lived there. Mr. Hansen stated that he had lived there for twenty-one years. He did not know about the lot coverage when he bought it. Bonnie Vaught asked Mr. Hansen if he had considered two stories. Mr. Hansen told her that as far as expense wise, that was a little unrealistic for him. Mr. Hansen told the Board that with teenagers living at home, the living space was crowded. It would be for convenience for the family. With a typical Michigan basement, his options are limited.

Public hearing closed.

Tom Tyron read the variance scorecard.

Type: Dimensional Variance

Practical Difficulties: Ken Vanderbilt said that the lot was smaller. Brian Purtee said that he did not see a practical difficulty. He was already over the allowed percentage. It was not a unique lot. There were other lots in the City that size.

Kaye Holman made a motion to deny the request for an additional 5% of lot coverage, seconded by Brain Purtee.

Joe Moloney asked for more of an explanation of Practical Difficulty. Brian Purtee explained that it must be a unique situation, such as a pie shaped lot, etc.

Motion carried unanimously to deny the request.

Consideration of a request by Dan and Dori Astrowski for a seven foot (7 ft) side yard setback variance in order to have a shade trellis over the existing deck at the following described property QUEVILLON'S ADDITION LOT 9 BLOCK 9 , also known as 603 New William St.

Tom Tyron told the Board that he had a conflict of interest and turned the chair over to Kaye Holman.

Kaye Holman read a letter from Dori Astrowski regarding a shade trellis that was constructed on their property.

Dori Astrowski submitted pictures of the trellis. She stated that there had been a misunderstanding with John Healy, and they had already put it up. Mr. Astrowski said that they had moved in the house 45 years ago and just about everything was there already. Mrs. Astrowski said the fence was a wire fence when they moved there and they switched it to a wood fence in the seventies. Bonnie Vaught asked when the deck was put on. Mrs. Astrowski stated that it was poured in 1978 and three years ago had the wood put on. The neighbors that this would most effect are here, and we have their approval.

Recording Secretary, Carol A Foote, reported there were 49 notices sent with no response.

Mrs. Astrowski stated that they had no intention of ever closing it in; they just need shade on the deck.

Ken Vanderbilt asked if they had secured permits for the fence. Mrs. Astrowski said that they had a permit to build the back porch. She stated that the contractor had gotten the permits for everything. Bonnie Vaught asked what was everything. Mrs. Astrowski said that she assumed the contractor had a permit for everything. Ken Vanderbilt asked if they had a permit for the fence when they changed it. Mr. Astrowski said definitely yes. Ken Vanderbilt asked if they got a permit when they put the trellis up. Mrs. Astrowski said that she was told that as long as it was freestanding, they did not need a permit. She said that John Healy said that he did not remember the call. We did not ask him to come out, just believed what he said. I am probably at fault, John is at fault.

Bonnie Vaught said that the trellis did not look freestanding. Mrs. Astrowski pointed out the post and said that it was not attached to the roof. Kaye Holman said that it was right on the lot line. The issue was not that it was free standing. Even if there were no cover, it would still have to be set back five feet.
Brian Purtee stated that even if there had not been a misunderstanding, they would have had to follow the ordinance. Mr. Astrowski said that they would have done something else. Joe Moloney asked if they

could go the other way to have shade. Mrs. Astrowski said that you have to have the whole thing covered for shade. Mr. Astrowski said, not only that, there is $5,000 up there.

Phil Ruschkewicz, 210 W. Tinkham, said that he thought it was a big improvement. It does not affect us at all.

Mary Rschkewicz, 210 W. Tinkham, said that it was nice for them. It was very pretty, a welcome change. It cut the view to the store.

Public hearing closed.

Kaye Holman read the variance scorecard.

Practical difficulties:

Joe Moloney said no. Brian Purtee said no. Ken Vanderbilt said that it was very beautiful, but strictly for their convenience, no practical difficulty.

Bonnie Vaught made a motion to deny the request for a 7 ft. side yard setback variance seconded by Joe Moloney. Motion carried unanimously to deny the request.

OLD BUSINESS:
None

PUBLIC COMMENT:
Craig Hansen asked to speak with Brian Purtee after to meeting to explain to him the unique situations that would create a practical difficulty. Joe Moloney said that he would like to discuss it too.

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

Respectfully submitted,
Carol Ann Foote, Recording Secretary

Tom Tyron, Chairman