CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes –January 15, 2002

A regular meeting of the Ludington Board of Zoning Appeals was held on January 15, 2002 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, Kathy Saxton and Val Gorzynski

ABSENT: Bonnie Vaught (excused), Leon Vandawater (excused), Brian Purtee

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

ROLL CALL: The roll call gave the above results.

Chairman Tyron welcomed the new members of the Board.

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

MINUTES: A motion was made by Ken Vanderbilt to approve the minutes of September 18, 2001, seconded by Kaye Holman. Motion carried unanimously.

PUBLIC HEARING:
To consider a request from Mr. and Mrs. James E. Shorts for a 20 ft. front yard setback variance in order to construct a garage on a through lot at the following described property: QUEVILLON'S ADDITION LOT 5 BLOCK 15, also known as 709 N. Rath Ave.

Mr. Shorts addressed the Board and explained that he needed this variance in order to build a garage due to the fact that he has a through lot. When all the setbacks were considered he would not have the room.

Kaye Holman asked if he, in effect, had two front yards. Mr. Shorts explained that a through lot does not have a rear yard. He also said that the barn that was there now would be removed.

Chairman Tyron said that it was a unique lot because it did not have an alley.

Mr. Shorts said that he put on an addition and a deck. If he were to meet the setbacks, the garage would be against his deck.

Chairman Tyron asked how large the lot was. John Healy told him it was 60 X 145.

John Healy explained through lots to the Board. He said that the way the Ordinance states, it has two fronting streets. John Markov said that it was confusing to have two fronting streets. It was very unusual.

Close Public Hearing

Chairman Tyron read the Standards:

A. Practical difficulties: Ken Vanderbilt agreed that there were practical difficulties because the lot was unique. John Markov, Kaye Holman and Kathy Saxton said that there were practical difficulties.
B. Detrimental to adjacent properties or surrounding neighborhood: Kaye Holman and Kathy Saxton both said that no, it would not be detrimental. Chairman Tyron said that he saw a little problem with the neighbors backing out, but not major.

C. In Harmony with the Intent of the Ordinance: Kathy Saxton asked, what is the purpose of the ordinance setback? Tom Tyron said there were practical difficulties.
D. Hardships: Kaye Holman said that it was a personal inconvenience. Ken Vanderbilt said that it did not involve more than a personal inconvenience.

Kaye Holman made a motion to deny the variance, because it did not involve more than a personal inconvenience, seconded by Kathy Saxton.

John Markov said that he felt that each one has to be taken individually. Tom Tyron said the property was unique. Ken Vanderbilt said that he was having a problem with number six. He has three front yards, and you have to take that into consideration. Kathy Saxton agreed.

Motion to deny the variance was opposed unanimously.

Ken Vanderbilt made a motion to grant the variance due to the uniqueness of the property, having three front yards, and not being able to use it like everyone else, seconded by John Markov. Motion carried unanimously.

To consider a request from Leo Goulet for a 1 ½ foot side yard setback variance and a variance for an accessory building with no principal dwelling in order to construct a singe family residence with an attached garage at the following described property: FOREST HILLS ADDITION LOT 17 AND THE W 10 FT OF LOT 16, also known as 905 Manitou Lane.

Mr. Goulet explained to the Board that he needed this variance in order to attach a residential building to the existing garage. He said that he probably would not be in this situation if he would have pinched three inches off 903 (Manitou Lane). He said that it was a structure that could be used comfortably with the size of the lot, beside the 18 inches that it crowds on the west side. It would be beneficial to do that, rather than move the structure or tear it down. I'm trying to get a fair market value for the lot also. That would factor into it.

Tom Tyron stated that he had a unique parcel of land, also. Kathy Saxton wanted to know if the garage was with that parcel. Mr. Goulet explained that the garage was built 13 years ago. Ken Vanderbilt asked if it went with the lot behind it. Mr. Goulet said that it went with 906 Seminole. He said that if things went right, he would split that parcel.

John Healy stated that the garage was still with the 906 Seminole parcel. They had not done the split yet. The reason for the appeal is so the building can stand-alone in order to make a property split. It is still a part of the parent parcel, 906 Seminole.

Ken Vanderbilt asked when he intended to build. Mr. Goulet said that hopefully he would start in the spring when the weather broke.

The Recording Secretary reported that thirty notices were sent with two responses in favor. It was also reported that forty-two notices were sent out for the previous issue with no response.

Variance for building:

A: Practical Difficulties: The board agreed that there were practical difficulties.
B. Detrimental to adjacent property and neighborhood: Kaye Holman stated that it would be good for the neighborhood. Kathy Saxton said not it would not be detrimental.
C. In Harmony with Ordinance: Ken Vanderbilt, said that it would be.
D. Hardships: Chairman Tyron said that it made sense what he was doing. Ken Vanderbilt said that it sure didn't make sense to tear down a garage to put up another.

Kathy Saxton made a motion to support both variances requested, seconded by Kaye Holman.

Val Gorzynski ski said that he would like a time limit on the building of the house so they would not end up with a garage and no house.

Kaye Holman made a motion to amend the previous motion to include a time limit that the house must be started within seven months, seconded by Kathy Saxton.

Val Gorzynski said that he would like to go a year.

Kaye Holman made a motion to amend the previous amendment to change the time limit that the house must be started to one year, seconded by Kathy Saxton.

Kaye Holman made motion to add to the previous amendment that if the house is not started in one year, the existing building must be removed or razed, seconded by Tom Tyron.

The motion to grant both requested variances with the condition that the building of the house be started within one year carried unanimously.

The motion to the amendment that if the house was not started in one year, the existing building must be moved or razed carried unanimously.

NEW BUSINESS:
Election of Officers:
John Markov made a motion to keep Tom Tyron as Chairman and Kaye Holman as Vice-Chair, seconded by Ken Vanderbilt. Motion carried unanimously.

Ken Vanderbilt made a motion to hold the meetings on the third Tuesday of the month, 5:30 p.m. at the Ludington Municipal Building, seconded by Tom Tyron. Motion carried unanimously.

PUBLIC COMMENT:
None

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

Respectfully submitted,
Carol Ann Foote, Recording Secretary