CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes –August 20, 2002

A regular meeting of the Ludington Board of Zoning Appeals was held on August 20, 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, Ken Vanderbilt, John Markov, Bonnie Vaught, Brian Purtee, Kathy Saxton and Leon Vandawater

Val Gorzynski, alternate, was also present. Since there was a full board, he took a seat in the audience.

ABSENT: Kaye Holman

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 John Markov to approve the agenda, seconded by Kathy Saxton. Motion carried unanimously.

MINUTES: A motion was made by Bonnie Vaught to approve the minutes of July 16, 2002, as written, seconded by Ken Vanderbilt. Motion carried unanimously.

PUBLIC HEARING:
To consider a request from Michael C. Sobanski to allow the construction of a 34' X 52' garage (1,768 sq. ft.). The maximum allowed by Zoning Ordinance 23-00, Article 500.4, is 816 sq. ft. VILLAGE OF PERE MARQUETTE LOT 15 BLOCK 5 EXCEPT N 33 FT FOR ST. PURPOSES, also known as 813 E Melendy.

Michael C. Sobanski, 813 E. Melendy, told the Board that he wanted to construct the 34' X 52' garage for storage of his equipment, boats and toys to keep them out of the line of sight and secure. He showed the Board a sketch of what was on his property and how he would like to fit everything in. He said times were changing and everyone has more stuff, toys than a few years ago.

Tom Tyron told Mr. Sobanski that he needed to prove practical difficulties and hardships. A reason why we should grant you this. Not that you just need more storage. Do you have a compelling reason why you need a bigger garage, other than storage?

Mr. Sobanski told him that he would like to keep his things secure and safe. He said he knew the crime rate was going up. Mr. Tyron asked him if he had problems in the neighborhood with things coming up missing. He said that he sees people are walking around more at night. He just had a buddy whose car was stolen in a period of an hour and a half. He said that the longevity of his boat and camper would be better inside.

Tom Tyron asked if he planned to run a commercial venture out of this. Mr. Sobanski said not at all.

Brian Purtee asked if there were any other accessory buildings. Mr. Sobanski said there was one currently that would be demolished. He said he knew the current size seemed excessive, but that is why he bought where he bought. So he would have room. The total area was only 6.71%of the backyard.

Bonnie Vaught said the in that area, not including the lots on Ludington Ave., there are 50 lots in that area that far exceed what was considered a normal lot size. She said she drove around the area and saw only homes with garages with 2 or 3-car size. It doesn't appear that others had built over-sized accessory buildings.
Are you aware of anything else within the City Limits? Mr. Sobanski said maybe one on Pine St.

Leon Vandawater said that according to the floor plan it looks like that there would be space for a small fishing boat and a canoe. Is there any reason you could not make the garage smaller and have that on top of something or maybe hang them up? Mr. Sobanski said that, yes, he could hang them up, but he also does a lot of woodworking on the side, for his enjoyment. Mr. Vandawater stated that it looked like he had enough space for every piece of equipment that he had. Is this much space really required? Mr. Sobanski said that he felt that it was what he would like.

Tom Tyron asked if he built a garage, hooked to the house, could he have another one. John Healy said that he could have two accessory structures up to 1,200 sq. ft.

Kathy Saxton asked Mr. Sobanski if he had considered a garage attached to his house with an upstairs? Mr. Sobanski said that he wanted to keep his house separate from his garage.

Tom Tyron stated that it was a very large lot and it was frustrating that he could only go by size by ordinance, but the Board was bound by ordinance, not matter what the size of the lot. Unless you can prove to us that you have some practical difficulties here that you need this, frankly storage is not enough, in my opinion.

Chuck Sobanski stated that in the public interest of all people, the standard 24 X 24 is not adequate anymore. He said he had a 24 X 24 garage. He has a truck that takes almost the full length of the garage. Houses are getting bigger and bigger. The normal is no longer the norm.

Tom Tyron said that that was probably correct, terms of the ordinance, but they only enforce the ordinance. He said that they should take this, depending on the outcome, to the Planning Commission. People are getting more stuff; maybe we should take a look at it.

Public Hearing was closed.

The recording secretary reported 34 notices were sent with no written response.

Ken Vanderbilt said that you could almost say it was a practical difficulty because of the size of the lot.
He has a unique situation, different than most of the City.

Brian Purtee said that one of the standards was to serve the purpose and intent of the ordinance. When you read the ordinance, it states that accessory buildings shall not exceed 25% of the rear yard. 25% of his rear yard is bigger than my entire lot. I think we should give it consideration under the intent standard.

Bonnie Vaught said that there were at least 50 lots in that area that were large, and I think that takes away the uniqueness of his property. Brian Purtee said to have a lot that size and to say that we are going to hold him to the same standards and to utilize so much of this lot, from that stand point I think we need to give this some consideration.

Kathy Saxton asked if the area of lot coverage could be interpreted in two different ways. Brian Purtee said that the ordinance is written to cover everybody and it is written in a general way. We someone comes to us with something unusual, if there is something different about their property, not their fault. Ken Vanderbilt said that the size of the lot was one part of the consideration. Tom Tyron said that there was no doubt that the lot was adequate for that size of building, just specifically what the ordinance says. He said that they should consider that this is special circumstance because of the lot size.

Bonnie Vaught stated that if you looked at the overall appearance of the area, if this was granted, her concern is that the accessory building would far exceed in square footage the house itself. She checked the records and the footprint of the house itself is 1,340 sq. ft. You have 420 sq. ft. more in the accessory building than the house itself, and I think there is a serious imbalance there. She felt like there would be concern with the Planning Commission that the accessory building not be larger than the primary residence.

Tom Tyron said that if this was granted, and he decides to sell, someone might want to come in a run a business out of it. So when you are granting a variance like this, it goes with the property forever.

Ken Vanderbilt stated that even if you proved practical difficulty, it is still there for personal convenience. Personal convenience is not a practical difficulty.

Leon Vandawater said that you would also be setting precedence. People wanting to store more things.

Variance Standards:

Practical Difficulties:
Brian Purtee said that it was a disadvantage. Applying the same standards of the ordinance to this lot.

Detrimental to Neighboring Properties/Surrounding Neighborhood:
Ken Vanderbilt, no. Bonnie Vaught, no.

In Harmony with and serves intent of Ordinance:
Kathy Saxton said that the Ordinance might be conflicting because of the size of the lot. Tom Tyron said that in terms of percentage of lot this more than meets it, but in terms of square feet it doesn't. Kathy Saxton stated that it could be interpreted either way.

Hardships include more than personal inconvenience/financial hardships:
Bonnie Vaught, no. Kathy Saxton said there might be if there was evidence of increased crime. She lives on the same side of Ludington Ave. and her daughters vehicle was broken into and a $1,500 stereo system taken. Ken Vanderbilt said that there were other options. When he had a boat, he paid for storage. Kathy Saxton said that would be a financial hardship. Brian Purtee said that a garage is almost always to overcome a personal inconvenience.

Tom Tyron said that from a common sense point of view, I would be all for it in the terms of the size of the lot. But from a variance point of view I am torn. I also know that once we grant it, the whole neighborhood is opened up to it.

Kathy Saxton said it was evident with thirty-four notices going out, the neighbors were not paying attention or they did not care.

Mike Sobanski presented five letters in favor from his surrounding neighbors.

Brian Purtee made a motion to grant the variance for the construction of a 34' X 52' garage (1,768 sq. ft.). at 813 E Melendy, seconded by John Markov. The motion carried with the following vote:
L Vandawater, no J Markov, yes K Vanderbilt, no B Purtee, yes Tom Tyron, yes K Saxton, yes B Vaught, no

<u>NEW BUSINESS:</u>
None

PUBLIC COMMENT:
Mike Sobanski asked the Board what would happen to the ordinance now. Tom Tyron told him it would be the same. It would be up the Planning Commission to change it.

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

Respectfully submitted,
Carol Ann Foote, Recording Secretary