CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes –July 16, 2002

A regular meeting of the Ludington Board of Zoning Appeals was held on July 16, 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, Bonnie Vaught, Brian Purtee and Leon Vandawater

ABSENT: Val Gorzynski and Kathy Saxton

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 Ken Vanderbilt to approve the agenda, seconded by Kaye Holman. Motion carried unanimously.

MINUTES: A motion was made by Bonnie Vaught to approve the minutes of April 16, 2002, with the following corrections: "*The Board voted unanimously to accept the proposed settlement,* ***copy attached to the official minutes (on file),*** *with the five conditions,* and change "sustained" to "abstained" seconded by John Markov. Motion carried unanimously.

PUBLIC HEARING:

To consider a request from Sherman Oaks Manor for a six-foot rear yard setback variance in order to construct an uncovered deck at the following described property:

PART OF NW 1/4 NE 1/4 SEC. 14 T18N R18W,COM AT N 1/4 CORNER OF SAID SEC 14, TH EALONG N SEC LINE 1244.38 FT, TH S 00 DEG 28 MIN 10 SEC W ALONG W'LY R.O.W. LINEOF NELSON RD 332.20 FEET, TH SE'LY ALONGTHE ARC OF CURVE TO THE LEFT 101.22 FT,RADIUS 584.7, DELTA 9 DEG 55 MIN 06 SEC, CHORD BEARS S 04 DEG 29 MIN 23 SEC EAST101.09 FEET TO PT OF BEG, TH SE'LY ALONGARC OF CURVE TO LEFT 57.78 FEET, RADIUS584.70, DELTA 5 DEG 39 MIN 44 SEC, CHORD BEARS S 12 DEG 16 MIN 48 SEC E 57.76 FT,TH SE'LY ALONG ARC OF CURVE TO THE RIGHT137.24 FEET, RADIUS 504.70, DELTA 15 DEG34 MIN 49 SEC, CHORD BEARS S 07 DEG 19 MIN 15 SEC E 136.82 FEET, TH S 00 DEG 28MIN 10 SEC W 251.83 FT, TH S 90 DEG WEST454.85 FEET, TH N 00 DEG 41 MIN 38 SEC E444.0 FEET, TH N 90 DEG E 421.82 FEET TO THE POINT OF BEGINNING. 4.575 ACRES M/L, ALSO KNOWN AS 601 NELSON RD.

The recording secretary reported that twenty-six notices were sent, with no response.

Melissa Thompson, 1424 N Ivanhoe, presented pictures of the proposed site to the Board. She explained that they would not be taking out any trees or bushes. They were using a space that was open. She pointed out the different views from the deck site. She said that the average age of their residents was 75-92. They would like to have a place to gather outside. The deck would extend from the dining room. It would enhance the look of the back area. Mr. Rodriguez, maintenance supervisor, would be building the deck.

John Markov asked how many residents would be involved. Ms. Thompson said that they had forty-six apartments and about sixty residents. Mr. Markov asked how much above land the deck would be. Mr. Rodriguez said that it would be straight out from the dining room.

Bonnie Vaught asked where the deck would be in conjunction with the rock that was there. Mr. Rodriguez said that it would be about two feet from the rock. She asked if that rock was already there or was it placed there purposely. Mr. Rodriguez said that the rock was left over from the original construction. She asked if the dining facility or deck could be used privately. Ms. Thompson told her that it was a common area and could not be reserved.

Tom Tyron wanted to know if they could take eight feet off the deck and comply. John Healy told him that they could take off six feet leaving a ten-foot set back. Mr. Tyron asked if there had been any consideration to go wider. Ms. Thompson said that you would not want to do that because of wheel chairs and access. She said that with the slope, they did not want to infringe on anyone's patio.

Brian Purtee asked Ms. Thompson why the written description said that it would go all the way to Safe Harbor Credit Union's property, but the drawing states a four-foot set back. Ms. Thompson said that they originally thought they would have to go all the way, but they were able to come back four feet. Mr. Purtee asked if 16 X 40 would comply with the ordinance. Ms. Thompson said it would. Kaye Holman asked what was wrong with going 16 X 40. Ms. Thompson explained that if you restrict it too much, all the residents would not be able to go out there. Most of our residents are in wheel chairs or walkers. We really want the area to put bench seats around and to put tables and chairs where they can get around. If it were too narrow, you would have a disaster. We need the space. Mr. Tyron said that the deck seemed big, but he had never thought about those aspects of it.

Brian Purtee told Ms. Thompson that they would like her to prove a practical difficulty. Tell them why they could not build a deck that would conform to the ordinance. Ms. Thompson said that if you were to come see how many wheel chairs and how much space was needed, maybe during a dinnertime. If you have it too narrow you would not have the ability to get people in and out and move around.

Bonnie Vaught asked how much space was required for a handicapped person. Kaye Holman told her that it was a six-foot circle.

Tom Tyron closed the public hearing.

Standards:

1. Practical difficulty: Kaye Holman said yes, there were practical difficulties. With the older generation, with wheelchairs, etc. more space was needed. John Markov agreed that when you get older, you needed more space to get around.
2. Detrimental to surrounding property: Tom Tyron said that according to the letter they received from the Credit Union, they had no problems with the deck.
3. General Intent of the Ordinance: Bonnie Vaught said that it did meet the general intent of the ordinance. Tom Tyron said that they had special circumstances.
4. Inconvenience/Financial gain: Tom Tyron and Kaye Holman said that there was no personal inconvenience or financial gain involved.

John Markov made a motion to approve the request from Sherman Oaks for a rear yard set back variance as submitted in order to construct a 40 X 22 ft. deck, seconded by Kaye Holman. Motion carried unanimously.

NEW BUSINESS:
None

PUBLIC COMMENT:
None

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

Respectfully submitted,
Carol Ann Foote, Recording Secretary