

**City of Marine City
Zoning Board of Appeals
August 2, 2017**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, August 2, 2017 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Kim Weil at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Weil.

Present: Chairperson Weil; Commissioners Bassham, Gabler; City Commissioner Turner; Building Official Wilburn; City Manager Leven; and Deputy Clerk McDonald

Absent: Planning Commissioner Allan

Also in Attendance: City Attorney Robert Davis

Approve Agenda

Motion by Commissioner Gabler, seconded by City Commissioner Turner, to approve the Agenda, as presented. All Ayes. Motion Carried.

Approve Minutes

Motion by Commissioner Bassham, seconded by Commissioner Gabler, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held June 7, 2017, as presented. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #17-04 – Keith Robinson, 486 N. Belle River

Chairperson Weil announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed Variance Request by Keith Robinson, for property located at 486 N. Belle River. The Variance Request was to extend an existing carport (with a minimum side set back of 25”) toward the back of the home 27’ and toward the front of the home 9’ (per Ordinance 160.195).

Chairperson Weil opened the Public Hearing at 7:02 pm.

Applicant, Keith Robinson, addressed the Board and noted that he had spoken with his neighbor regarding his concerns of the effect of snow and rain water on surrounding properties should the Variance Request be approved. He mentioned that he would be willing to put plans in place while extending the carport in order to lessen the impact on neighboring properties.

Ed Bickley, 483 N. Belle River, stated that he was concerned about possible damage to his property should the variance be approved. He suggested that snow guards or a similar mechanism be installed on the carport roof.

Chairperson Weil closed the Public Hearing at 7:10 pm.

Building Official Wilburn stated that approving this Variance Request would be increasing an existing nonconformity.

Board Member Bassham mentioned that he had driven past the property during a rainstorm and noted that the water runoff was a legitimate concern for the neighbors to have.

The Board discussed the concerns that were brought before them, in addition to possible solutions, such as snow guards. Ensuring that proper mechanisms were installed was deemed important in order to approve the variance.

Motion by City Commissioner Turner, seconded by Commissioner Gabler, to approve the applicant's Variance Request; Appeal #17-04, as presented. All Ayes. Motion Carried.

Training – City Attorney Robert Davis

City Attorney Robert Davis started the Zoning Board of Appeals training by stating how important the Board was. He then spoke on the following topics:

- A motion must be well stated and thorough based on facts developed by the record.
- Board members should learn to think and work in reverse.
- The Circuit Court decides on a ruling based upon the materials provided: the record and motion. The Court can reverse, affirm, or modify the ZBA decision. Ensuring a complete record was made should be a priority.
- During the hearing, have applicant state what the variance was for. Ask questions and receive evidence. The applicant should state why he/she was in need of the variance; what was the hardship? Once the hearing is closed, no more evidence can be collected.
- Any approval granted should be the minimal relief necessary.

Adjournment

Motion by Commissioner Gabler, seconded by City Commissioner Turner, to adjourn at 8:23 pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald

Elizabeth McDonald
Deputy Clerk

Kristen Baxter

Kristen Baxter
City Clerk