

**City of Marine City
Zoning Board of Appeals
November 1, 2017**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, November 1, 2017 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Kim Weil at 7:02pm.

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

Motion by Chairperson Weil, seconded by Commissioner Gabler, to excuse Planning Commissioner Allan from the meeting. All Ayes. Motion Carried.

Approve Agenda

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

Approve Minutes

Motion by Board Member Gabler, seconded by City Commissioner Turner, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held October 4, 2017, as presented. All Ayes. Motion Carried.

Public Comment

Kayla Emery, 331 North Market Street, spoke in opposition of approving the proposed variance request. She stated that she felt the applicant's reason for requesting a variance was not a unique situation or hardship. She expressed concern about crowding and declining property values should the variance be granted.

Unfinished Business

Appeal #17-06 – William & Amy Tranchemontagne, 330 North Market Street

The Commission reviewed additional information that was supplied by the applicants at the start of the meeting.

Building Official Wilburn stated that she had no change in recommendation for the Commission. She noted that if the Commission approved the request they would be approving an existing nonconformity and a zero lot line.

Applicants, William and Amy Tranchemontagne, addressed the Commission with the following additional information from the packet submitted at the beginning of the meeting:

- The proposed carport was requested to protect their vehicles from the elements.
- They stated that they had varying medical conditions, which they felt was a hardship.
- They had reached out to area real estate companies and received letters that stated the property values of homes near theirs would not decrease should the variance request be approved.
- They felt that the view would not be obstructed for the property owner of 331 North Market Street.
- Revised drawings depicted a possible solution to remedy the build-up of snow and rain between the applicant's home and 326 North Market Street. The proposed changes would channel rain into an existing gutter system on the home.

Commissioner Bassham spoke in opposition of approving the variance request due to the fact that there would still be a zero lot line. Additionally, he felt that despite the revised drawings, snow and rain would still accumulate between the applicant's home and the neighbor's, 326 North Market Street. He noted that the City Attorney had discussed situations such as this during the recent training session. He stated that an existing nonconformity should not be approved just because it had been in the past.

City Commissioner Turner stated that he was sympathetic to the applicant's medical issues, but that they were not relevant to the variance request. He noted that the Commission's decision was supposed to be based on the hardship stated on the original application. He agreed with Commissioner Bassham that an existing nonconformity should not be approved.

Motion by Commissioner Bassham, seconded by City Commissioner Turner, to deny Variance Request Appeal #17-06, due to the existing nonconformity at the applicant's address of 330 North Market Street. Ayes: Commissioner Bassham, City Commissioner Turner. Nays: Chairperson Weil, Commissioner Gabler. Motion Failed.

The Commission decided to table the item in order to consult the City Attorney on how to proceed.

New Business

None.

Other Business

None.

Adjournment

Motion by Commissioner Gabler, seconded by City Commissioner Turner, to adjourn at 7:45pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald

Elizabeth McDonald
Deputy Clerk

Kristen Baxter

Kristen Baxter
City Clerk