

**City of Marine City
Zoning Board of Appeals
April 4, 2018**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, April 4, 2018 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Weil at 7:30pm.

The Pledge of Allegiance was led by Chairperson Weil.

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

Absent: Planning Commissioner Allan

Communications

Received:

- ZBA Training Follow-Up

Motion by City Commissioner Turner, seconded by Chairperson Weil, to receive and file the Communication. All Ayes. Motion Carried.

Approve Agenda

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

Approve Minutes

Motion by City Commissioner Turner, seconded by Commissioner Bassham, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held March 7, 2018, as presented. All Ayes. Motion Carried.

Public Comment

None.

Unfinished Business

None.

New Business

Public Hearing ~ Appeal #18-02 – William & Amy Tranchemontagne, 330 North Market Street

Chairperson Weil announced that the Zoning Board of Appeals would conduct a Public Hearing to receive public comments for and against the proposed Variance Request by William & Amy Tranchemontagne, for property located at 330 North Market Street. The Variance Request was to increase the size of an existing shed from 6' x 10' to 7' x 16'.

Chairperson Weil opened the Public Hearing at 7:34pm.

Applicant William Tranchemontagne approached the Board and stated that the reason they requested the variance was due to the fact that the current shed was not large enough to store all of their equipment and they were looking to improve their home. He also stated that the shed was grandfathered in since it was an existing nonconformity.

The Board inquired about the existing concrete slab and whether it would be increased for the proposed shed.

The applicant stated that the shed would be extended towards the driveway and be temporarily removed in order for the foundation to be lengthened to fit the new shed size.

Commissioner Bassham questioned if the shed was always in the current location.

The applicant confirmed that it was in that location when they purchased the home.

Commissioner Cottrell inquired if there was a rat wall and how close the shed was to the neighbor at 326 North Market Street.

The applicant responded that he was unsure if there was a rat wall and that he believed the shed would be approximately three feet or less from the neighbor's lot line.

Chairperson Weil read the following letters aloud in regard to the Variance Request:

- Mildred Kubiak, 326 North Market Street – spoke in favor of approving the Variance as it would allow them adequate storage for their equipment and she felt it would not block anyone’s view.
- Jay Saph, 344 North Market Street – spoke in opposition of the Variance as he felt that they needed to comply with current zoning requirements and the Board should not approve a Variance that would make it even less compliant. He felt that the purchasers knew what they were buying and it was their obligation to research zoning laws prior to the purchase.

The Board asked if a building permit would be needed to increase the shed. Building Official Wilburn stated that a structure 120 square feet and under did not require a building permit, but required a zoning permit.

City Commissioner Turner said that the applicants had a unique circumstance due to living on the water and the street side being considered the back of the house.

Kayla Emery, 331 North Market Street, questioned why the variance was being considered since their previous requests had been denied. She stated that the proposed shed would not meet current code and that the applicants knew what they bought when they purchased the home. She felt that it was their responsibility to check into zoning requirements before buying a home. She also said that in her opinion the application didn’t show how close the shed would be to the neighbor at 326 North Market Street.

Chairperson Weil responded by stating that each case needed to be treated individually.

Chairperson Weil closed the Public Hearing at 8:04pm.

Commissioner Cottrell stated that he was concerned about how close the proposed structure was to the applicant’s house as well as the neighbor at 326 North Market Street.

Commissioner Bassham said he was concerned with reducing the setbacks as it was already an existing nonconformity. He reminded the Board that the Variance stayed with the property.

Motion by City Commissioner Turner, seconded by Chairperson Weil, to approve Appeal #18-02 based on the record as a whole including the application, Building Official Wilburn’s report, the applicant testimonial, and the unique circumstance presented.

Roll Call Vote.

Ayes: Weil, Vercammen, Turner

Nays: Bassham, Cottrell

Motion Carried.

Other Business

None.

Adjournment

Motion by City Commissioner Turner, seconded by Commissioner Bassham, to adjourn at 8:11pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald

Elizabeth McDonald
Deputy Clerk

Kristen Baxter

Kristen Baxter
City Clerk