

**REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS,  
TO TAKE PLACE ON TUESDAY, APRIL 19, 2022 6:30 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

**1. Roll Call**

**PRESENT: Board Members** – Green, Siemer Mead, Danielsen, and Keil

**ABSENT: Board Member** – None

**OTHERS PRESENT:** Grant Murschel, Director of Planning & Community Development; Ryan Smith, Community Development Planner and two (2) others.

**2. Approval of the Minutes**

It was moved by Siemer and supported by Keil to approve the minutes of the regular meeting dated March 15, 2022.

Vote on the motion:

Yeas: Green, Siemer Mead, Danielsen, and Keil

Nays: None

Absent: None

Motion carries 5-0.

**3. Public Hearings**

- a. **Petition No. 22-04 – Richard Houser:** for an area/dimensional variance to permit the reconstruction of a previously existing non-conforming accessory structure located at 1402 Michigan Street.

Murschel gave the staff presentation for Petition No. 22-04.

Danielsen asks if attaching the garage would place the accessory structure/primary structure non-compliant. Murschel answered that attaching the garage would make it conforming, but is burdensome to the applicant.

Green asked if there are any intersection/driveway setbacks required (i.e. Maple and Michigan St).

Murschel states there are requirements in the Residential districts however the engineering department would not like to see driveways close to intersections.

**Petitioner (s):**

**Richard Houser, 1402 Michigan Street, Midland, MI:**

Mr. Houser explained that the status is a rental. Demo has been done by the owner, fencing is going to be replaced no matter what. Property owner plans on doing the work himself. There is a giant tree that would need to be removed which would not make neighbors happy.

Mr. Houser states that the house was built in 1939, believes the accessory structure is built more recently like 70's maybe.

Danielsen asks if the roofline orientation would be the same. Houser explains that due to the load bearing walls the orientation of the roofline would be the same.

**Comments in Support:** None

**Comments in Opposition:** None

Green closed the public hearing.

Findings of Fact:

1. The property is located at 1402 Michigan Street
2. The property is zoned RB – Residential B Multiple Family
3. Zoning of surrounding properties are RB – Residential B Multiple Family with RC Regional

Commercial farther north and east

4. Two (2) comments showing no opposition were received ahead of this meeting.
5. Property size is .22 acres
6. The property is currently used as a single family home.
7. Detached garage recently destroyed by fire and situated in the front yard
8. House was built in 1939
9. Two letters have been received stating no objection
10. Driveway is on Michigan Street, and the setback of 6 ft from west lot line 30 ft from the Michigan Street lot line and less than six feet from the principal structure.
11. Maple street is defined at the front lot line, and front yard
12. Michigan Street is defined as the side yard.
13. Applicant has agreed to replace the fence per the city of midland requirements
14. 2 letters showing no objection to the request
15. The driveway is located on the Michigan street side
16. If the garage were to be attached, it would not serve the owners well due to the floor plan of the existing house.

Danielsen made a motion to approve Petition No. 22-04 based on the findings of fact, Keil seconded the motion.

Keil believes the staff recommendations include a lot of words that make the application fit all 5 criteria of approval.

Mead agrees that the staff commentary are satisfactory in pointing out the fitment of the criteria of approval

Danielsen believes the only practical location of the garage is where it once was before the fire damage. This hardship was created by the sheer definition of the front yard in the ZO

Siemer believes the denial of this variance would cause an unnecessary burden. The house was fine 83 years ago before the ZO defined the front yard along Maple St.

Green supports approving the petition due to the unnecessary burden that would be caused by strict compliance to the zoning ordinance

Vote on the motion:

Yeas: Green, Siemer Mead, Danielsen, and Keil

Nays: None

Absent: None

Motion approved 5-0

4. **Old Business:** None
5. **Public Comments (not related to items on the agenda):** None
6. **New Business:** None
7. **Decision Sheet Signatures**

a. 22-03

8. **Adjournment**

It was moved by Siemer and seconded by Keil to adjourn.

Vote on the motion:

Yeas: Green, Siemer Mead, Danielsen, and Keil

Nays: None

Absent: None

Motion carries 6-0.  
Green adjourned the meeting at 7:08 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is written in a cursive, flowing style.

Grant Murschel  
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE ZONING BOARD OF APPEALS