

MINUTES

REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS TUESDAY, NOVEMBER 15, 2022 AT 6:30 P.M., COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. Roll Call

PRESENT: Green, Mead, Keil, Danielsen, Sajbel

ABSENT: None

OTHERS PRESENT: Jacob Kain, Director of Planning and Community Development, Ryan Smith, Community Development Planner, and two (2) others

2. Approval of the Minutes

Mead moved to approve the minutes of the July 19, 2022 meeting. Keil seconded.

Vote on the motion:

Yeas: Green, Mead, Keil, Danielsen, Sajbel

Nays: None

Motion carries 5-0.

3. Public Hearings

- a. **Petition No. 22-06 – Tammy Denniston:** for an area/dimensional variance to permit a rear setback of 14 feet for an existing single family dwelling located at 515 Hutchison Lane. The minimum rear setback in the RA-1 zoning district is 30 feet.

Smith gave the staff presentation for Petition No. 22-06.

Petitioner: Tammy Denniston, 9346 Southeast County Line Road, St. Louis, Michigan.

Ms. Denniston testified to her desire to rehabilitate the property and the need for this variance to receive building permit approval to do so.

Comments in Support: One (1) received prior to the meeting.

Comments in Opposition: None

Green closed the public hearing.

Findings of Fact:

1. The property is located at 515 Hutchison Lane.
2. The property is zoned Residential A-1.
3. Zoning of surrounding property is also Residential A-1.
4. Speed limit on Hutchison is unposted.
5. There is one comment in support.
6. There is no comment in opposition.
7. Property size is 9,900 square feet. Typical properties in this zoning district are 12,000 square feet.
8. The current home is 773 square feet with a detached garage that is 444 square feet and was built in 1954, while it was still part of Homer Township.
9. The house is a single family home.
10. The house was flooded during the 2020 flood.
11. The house has been abandoned for over 12 months.
12. The property fronts on a private road which encroaches on the property by 16.5 feet for the right of way, which reduces the allowable footprint for a new structure.
13. The construction of a new house would cost more than 50% of the current house value.
14. The size of the lot is consistent with the surrounding properties.

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15. The variance request is for the approval of a rear setback of 14 feet.
16. The subject property is narrow and wide.

Danielsen moved to approve Petition No. 22-06 based on the findings of fact. Mead seconded.

Vote on the motion:

Yeas: Green, Mead, Keil, Danielsen, Sajbel

Nays: None

Motion approved 5-0.

- b. Petition No. 22-09 – David Dowker:** for an area/bulk variance to permit a width of 14 feet for a reconstructed single family dwelling located at 648 Lambert. No side of a footprint of a residential building may be less than twenty feet.

Smith gave the staff presentation for Petition No. 22-09.

Petitioner: Dave Dowker, 648 Lambert Road, Midland, Michigan.

Mr. Dowker testified that he had previously requested and received the same variance requested. However, due to delays in obtaining approval from the State of Michigan Department of Energy, Great Lakes, and the Environment (EGLE), he was unable to secure a building permit within six months of approval. He noted that he now has an EGLE permit and hopes to begin reconstruction of his home pending approval of this variance.

Comments in Support: None

Comments in Opposition: None

Green closed the public hearing.

Findings of Fact:

1. The property is located at 648 Lambert Road.
2. The property is zoned RA-2 Single Family Residential.
3. Zoning of surrounding property RA-2 Single Family Residential and Homer Township Zoning.
4. Speed limit on Lambert is 35 MPH.
5. No written comment in support was received ahead of the meeting.
6. No written comment in opposition was received ahead of the meeting.
7. Property size is 21,778.63 sq. ft.
8. The property is historically used as residential but is currently vacant.
9. The base flood elevation of the subject property is 616 ft., so the new foundation of the building needs to be raised to 617 ft.
10. EGLE requirements necessitate the variance request since the home cannot be rebuilt on the existing footprint due to City of Midland zoning ordinance.
11. The property is located in the Floodway as well as the 100 Year floodplain.
12. Property is located in the City of Midland with Homer Township located directly across the street.
13. The variance request is for six (6) feet.
15. The property was annexed into the City of Midland more than 25 years ago.
14. The trailer is vacant at this time.
15. The home is located in a north to south orientation.

Danielsen moved to approve Petition No. 22-09 based on the findings of fact. Mead seconded.

Vote on the motion:

Yeas: Green, Mead, Keil, Danielsen, Sajbel

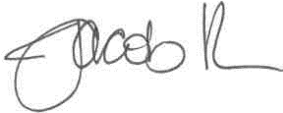
Nays: None

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Motion approved 5-0.

4. **Old Business:** None
5. **Public Comments (not related to items on the agenda):** None
6. **New Business:**
 - a. 2023 Meeting Schedule
Mead moved to approve the 2023 Meeting Schedule. Sajbel seconded.
Motion approved unanimously.
 - b. Board members discussed meeting notification preferences. Staff indicated that board members will be notified via email of the meeting status immediately following the submittal deadline.
7. **Adjournment**
Green adjourned the meeting at 7:20 p.m.

Respectfully submitted,



Jacob Kain, AICP
Director of Planning & Community Development

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