

# AGENDA

## REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS, TO TAKE PLACE ON TUESDAY, AUGUST 18, 2020, 6:30 P.M.

***This meeting will be held electronically due to the COVID-19 pandemic.***

The meeting will be broadcasted live on ATT U-Verse Channel 99; MGTV Channel 188 and online at [Cityofmidlandmi.gov/video](http://Cityofmidlandmi.gov/video)

To join via videoconference, go to:

<https://zoom.us/join> | **Webinar ID:** 879 7143 6402 | **Password:** 411305

To join via telephone, dial:

US: +1 301 715 8592 or +1 312 626 6799 | **Webinar ID:** 879 7143 6402 | **Password:** 411305

1. **Roll Call**

2. **Approval of the Minutes**

a. **Regular Meeting July 21, 2020**

3. **Public Hearings**

- a. **Petition No. 20-03 – Winterstein Builders:** for an area/dimensional variance to permit construction of a residential home addition at property located at 115 Helen Street. The applicant is requesting a five (5) foot variance from the side yard setback for the existing detached garage; with the proposed addition, the detached garage will be within the side yard rather than the rear yard. Detached garages in the side yard must meet the principle side yard setback of eight (8) feet in the RA-1 Single Family Residential zoning district. The current detached garage is only three (3) feet from the side lot line.
- b. **Petition No. 20-06 – Jean Wolfe:** for an area/dimensional variance to permit the construction a detached garage at property located at 1410 Lincoln Street. The applicant is requesting a variance of 2.5 ft. from the required six (6) ft. side yard setback. The property is zoned RB Multiple Family Residential. Single-family residential must have side yard setbacks totaling 14 ft. with one side being no less than five (5) feet. The opposing side yard setback is eight (8) feet.
- c. **Petition No. 20-07 - Becca Scherting:** for an area/dimensional variance to permit the construction of a six (6) ft. privacy fence at property located at 1115 Ashman Street. The applicant is requesting to build the new fence two (2) ft. from the side street lot line. The property is zoned RA-4 One and Two Family Residential which requires a side street setback of 15 ft. This is a variance request of 13 ft.

**Public Hearing Process**

1. Staff presentation and overview of petition
2. Petitioner presentation
3. Public comments in support of the petition
4. Public comments in opposition to the petition
5. Opportunity for petitioner rebuttal and final comments
6. Closing of public hearing
7. Deliberation and possible decision by the Zoning Board of Appeals

4. **Old Business**

5. **Public Comments (not related to items on the agenda)**

6. **New Business**

7. **Decision Sheet Signatures**

a. **No. 20-04**

8. **Adjournment**

**REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS,  
TO TAKE PLACE ON TUESDAY, JULY 21, 2020, 6:30 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

***This meeting was held electronically due to the COVID-19 pandemic.***

<https://zoom.us/join> | Webinar ID: 880 5246 0483 | Password: 337664

**1. Roll Call**

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

**ABSENT: Board Member** – None

**OTHERS PRESENT:** Grant Murschel, Director of Planning & Community Development;  
and eleven (11) others.

- 2. Election of Officers:** Grant Murschel, Director of Planning & Community Development brought the meeting to order. A motion was made by Siemer to elect Daryl Poprave to a second term as Chairman, seconded by Green.

Vote on the motion:

Yeas: Danielsen, Green, Poprave, Mead and Siemer

Nays: None

Motion carries 5-0.

*Poprave begins to chair the meeting from this point forward.*

Motion was made by Siemer to elect Roger Mead as Vice Chair, seconded by Green.

Vote on the motion:

Yeas: Danielsen, Green, Poprave, Mead and Siemer

Nays: None

Motion carries 5-0.

**3. Approval of the Minutes**

It was moved by Mead and supported by Siemer to approve the meeting minutes of the regular meeting dated February 18, 2020 as presented.

Vote on the motion:

Yeas: Danielsen, Green, Poprave, Mead and Siemer

Nays: None

Motion carries 5-0.

**4. Public Hearings**

- a. **Petition No. 20-04** – Allied Signs on behalf of Planet Fitness: for an area/dimensional variance to permit the construction of two (2) 292 sq foot wall signs totaling 584 sq feet at 6840 Eastman Avenue. The applicant is requesting a variance of 359 sq. ft. The property is zoned RC Regional Commercial which permits a maximum of 225 sq. ft. by right for the subject building.

Murschel gave the staff presentation for Petition No. 20-04.

Danielsen inquired about future tenants of the second portion of the store will need to ask for a variance as well. Mr., Murschel indicated that would have to be done.

Green inquired about how the sign size was determined. Mr. Murschel indicated that this was determined but a visibility study via sign experts. Some other locations have smaller signs due to scale of the building.

Petitioner Jim Fields with Allied Signs, Flint MI: Mr. Fields spoke about the lack of availability of ground signage on the parcel. He also indicated that the signs will be internally illuminated.

Brian Reif with Planet Fitness: Petitioner stated that the existing signage on the old building is 15,000 Sq ft, the new request would result in 30,000 sq ft.

Comments in Support: None.

Comments in Opposition: None.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 6840 Eastman
2. 225 Sq Feet signage permit by right
3. Applicant is requesting 2 Signs total 584 Sq ft
4. Property is zoned RC Regional Commercial
5. Property is divided into two parcels, second space unoccupied
6. Eastman Ave is 526 ft away from building
7. No communications ahead of the meeting
8. 2 signs one on west side of the building 340 sq ft South facing sign is 182 sq ft
9. Previous signage was 438 sq ft
10. No ground signs available
11. Property is located east of Eastman south of Joe Mann
12. The Speed limit is 45 MPH on Eastman Ave
13. Prior tenant had signage on all three sides of the building
14. Entrances on both Eastman Ave and Joe Mann Blvd.
15. Variance request total is 359 sq ft

Mead noted that the circumstances are different as we are looking for life support for the mall. This property needs more signage to be visible. This is substantial justice for the request.

Siemer stated that larger signs are needed due to the setback of the building.

Danielsen notes that this request meets standards A, B, C and D

Green notes that A is a yes or no question, and for that he cannot support the request.

Mead commented that he supports this petition based on his review of the criteria.

Poprave has concerns about the second space, and the fact that they will require a variance for any signage.

Green made a motion to approve one (1) use variance for Petition No. 20-04 based on the findings of fact. Mead seconded the motion.

Vote on the motion:

Yeas: Danielsen, Poprave, Mead and Siemer  
Nays: Green

Motion carries 4-1.

5. **Old Business**

6. **Public Comments (not related to items on the agenda)**

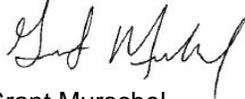
7. **New Business**

8. **Decision Sheet Signatures**  
**No. 20-01 & No. 20-02**

9. **Adjournment**

Mead made a motion to adjourn the meeting, motion seconded by Siemer. The meeting was adjourned at 7:41 p.m.

Respectfully submitted,



Grant Murschel  
Director of Planning & Community Development

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



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Report No. 20-03

Date: August 12, 2020

### STAFF REPORT TO THE ZONING BOARD OF APPEALS

SUBJECT: Area/Dimension Variance  
PETITIONER: Winterstein Builders  
LOCATION: 115 Helen Street  
PROPOSED: An area/dimensional to permit construction of a residential home addition.  
ZONING: RA-1 Single Family Residential

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#### PETITION SUMMARY

The applicant is requesting an area/dimensional variance to permit construction of a residential home addition at property located at 115 Helen Street. The applicant is requesting a five (5) foot variance from the side yard setback for the existing detached garage; with the proposed addition, the detached garage will be within the side yard rather than the rear yard. Detached garages in the side yard must meet the principle side yard setback of eight (8) feet in the RA-1 Single Family Residential zoning district. The current detached garage is only three (3) feet from the side lot line.

*For aerial view of property and zoning map please see attached pages.*

#### REVIEW CRITERIA FOR DIMENSIONAL VARIANCES

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- A. **Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

**Petitioner’s response:** See attached.

**Staff commentary:** The site is currently being used as a residential dwelling with a detached garage, which is a permitted purpose. It could be consider unnecessarily burdensome for the property owner to have to move the detached garage in order to accomplish the addition to the dwelling unit.

- B. **The variance will do substantial justice to the applicant, as well as to other property owners.**

**Petitioner’s response:** See attached.

**Staff commentary:** The variance will allow for the building addition to take place which will provide additional living space to the applicant. The building addition is proposed to be in compliance with the setbacks; however, it will trigger the existing detached garage to be non-conforming. If approved, the resulting addition would not have a negative impact on the surrounding property owners as the addition would not encroach the setback and the detached garage would remain in the same location as it has for many years.

- C. **The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**

**Petitioner’s response:** See attached.

**Staff Commentary:** The proposed variance appears to be the minimum as it is the product of maintaining the existing location of the detached garage.

**D. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?**

**Petitioner's response:** See attached.

**Staff Response:** Staff has not identified any unique circumstances peculiar to the property. There are many other properties across the city in the same zoning district that have detached garages closer to the side lot line than what is permitted for a principal structure. Other properties immediately adjacent either have attached garages or garages already compliantly in the side or rear yards.

**E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.**

**Petitioner's response:** See attached.

**Staff Response:** The detached garage was built many years ago. One could argue that the need for the variance is the result of the building addition needing to be located to the rear of the dwelling in order to be compliant with the side yard setback of the property. By changing the back plane of the dwelling, the detached garage now becomes part of the side yard rather than the rear yard. The option to make an addition to the front of the home is not possible due to the fact that it would encroach on the front yard setback.

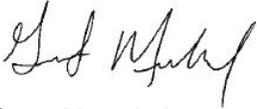
**ACTION REQUIRED**

An affirmative vote of a majority of ZBA members is necessary to approve this variance request.

**PUBLIC COMMENTS TO DATE**

As of August 14, 2020, City staff has received two (2) communications in support of this petition.

Respectfully Submitted,



Grant Murschel  
Director of Planning & Community Development



**AREA OR DIMENSION (NON-USE) VARIANCES  
ZONING BOARD OF APPEALS  
Criteria for Approval**

**The Zoning Board of Appeals may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:**

- a. How will strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome?

The Owners would like to add a 10'x9' screened in porch to the rear of the new addition on the house. ~~The screened porch will cross the plane of the garage, but the addition will not.~~

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- b. How will a variance do substantial justice to the applicant, as well as to other property owners?

The porch will allow the owners to sit outside without without the worry of rain, bugs, etc. It will increase the value & usage of the home.

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(Continued on reverse side)

- c. Is the variance requested the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners?

It will not affect other households, as it is only in their backyard.

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- d. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?

There are no peculiar circumstances

*The addition to the home would not require a variance, but the sun porch would*

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- e. Has the problem and resulting need for the variance been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors?

Yes, the zoning ordinance has created the need for this variance.

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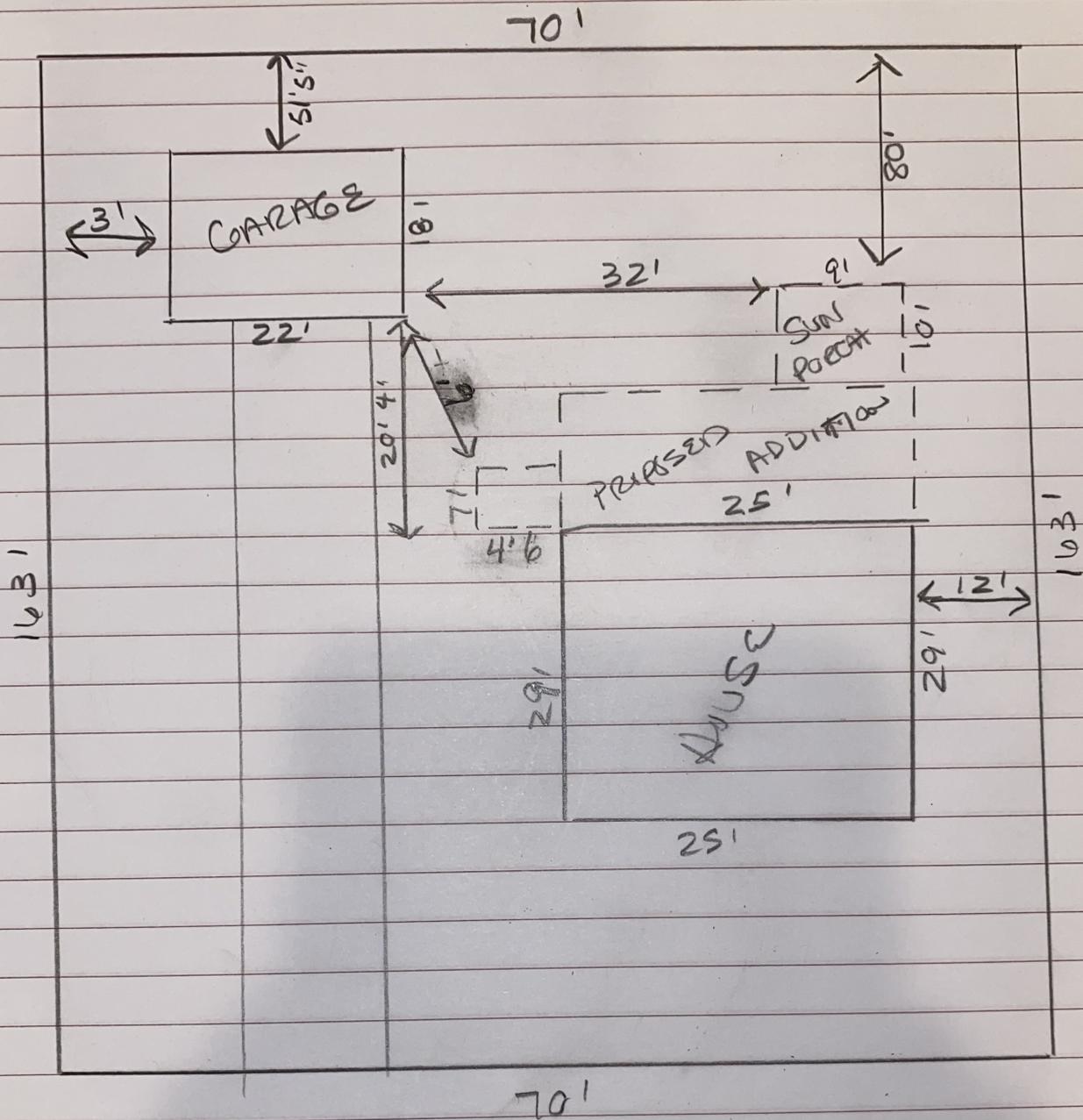
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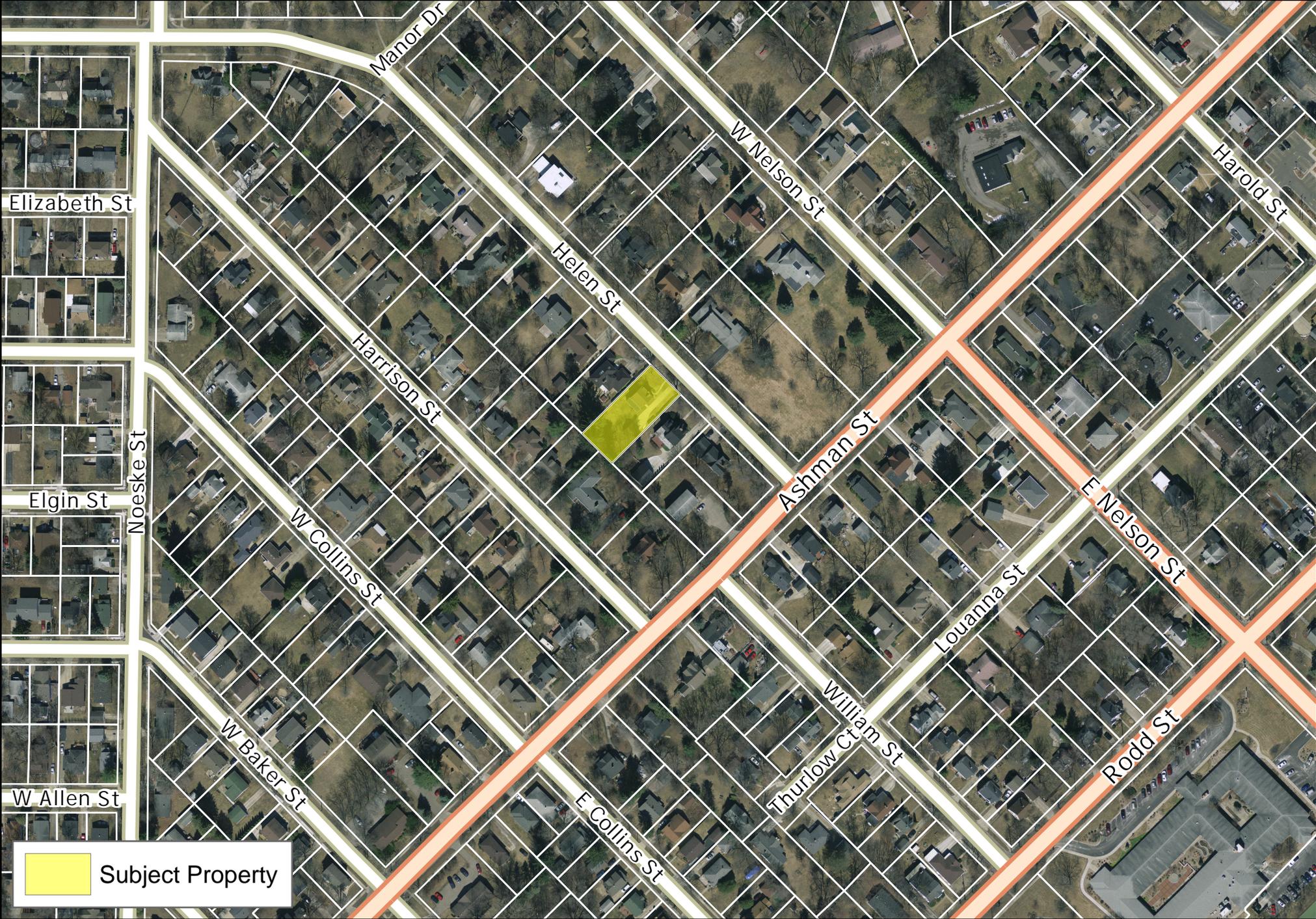
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115 Helen St.

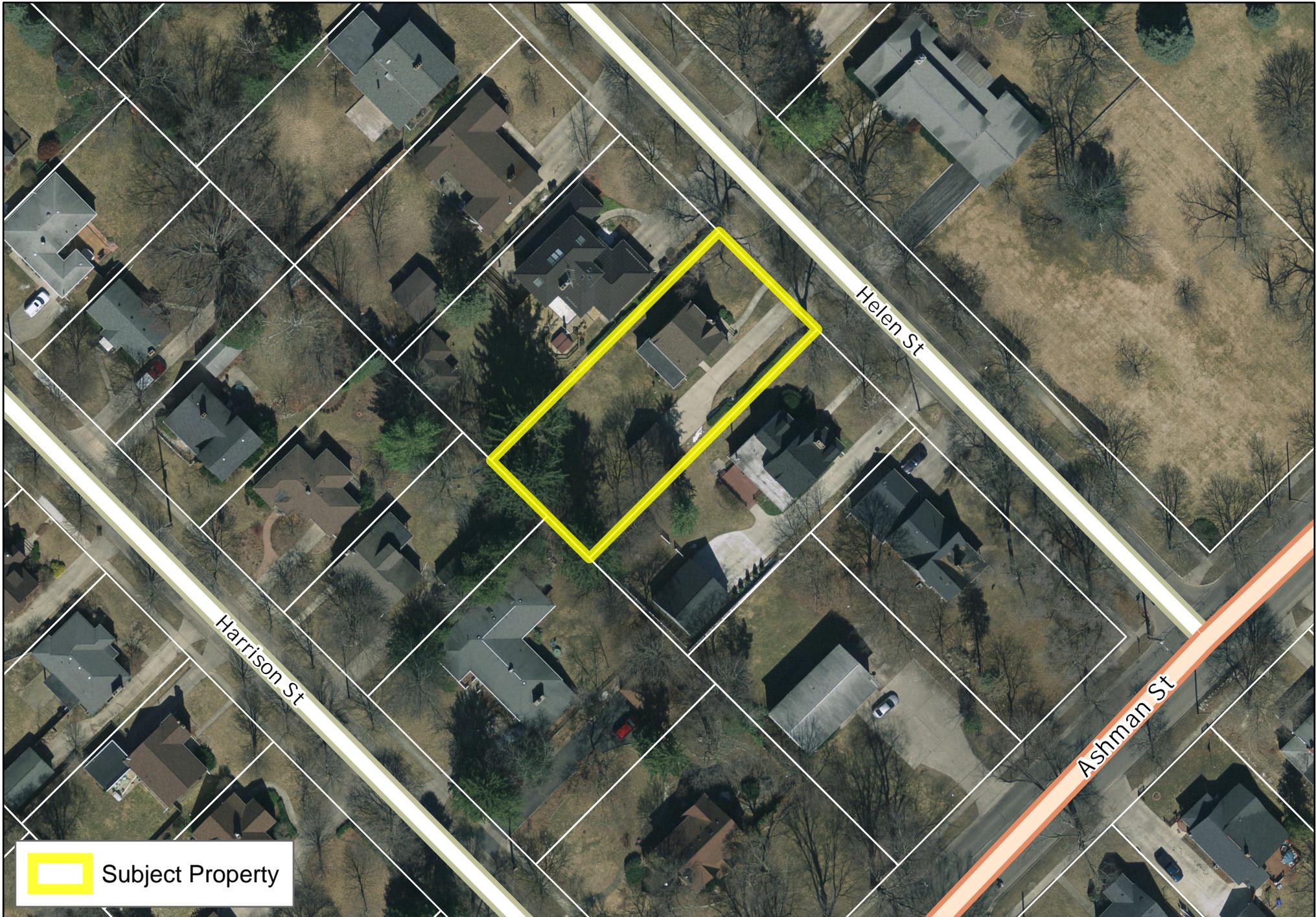
# ZBA # 20-03 | Winterstein Builders

> 115 Helen St



# ZBA # 20-03 | Winterstein Builders

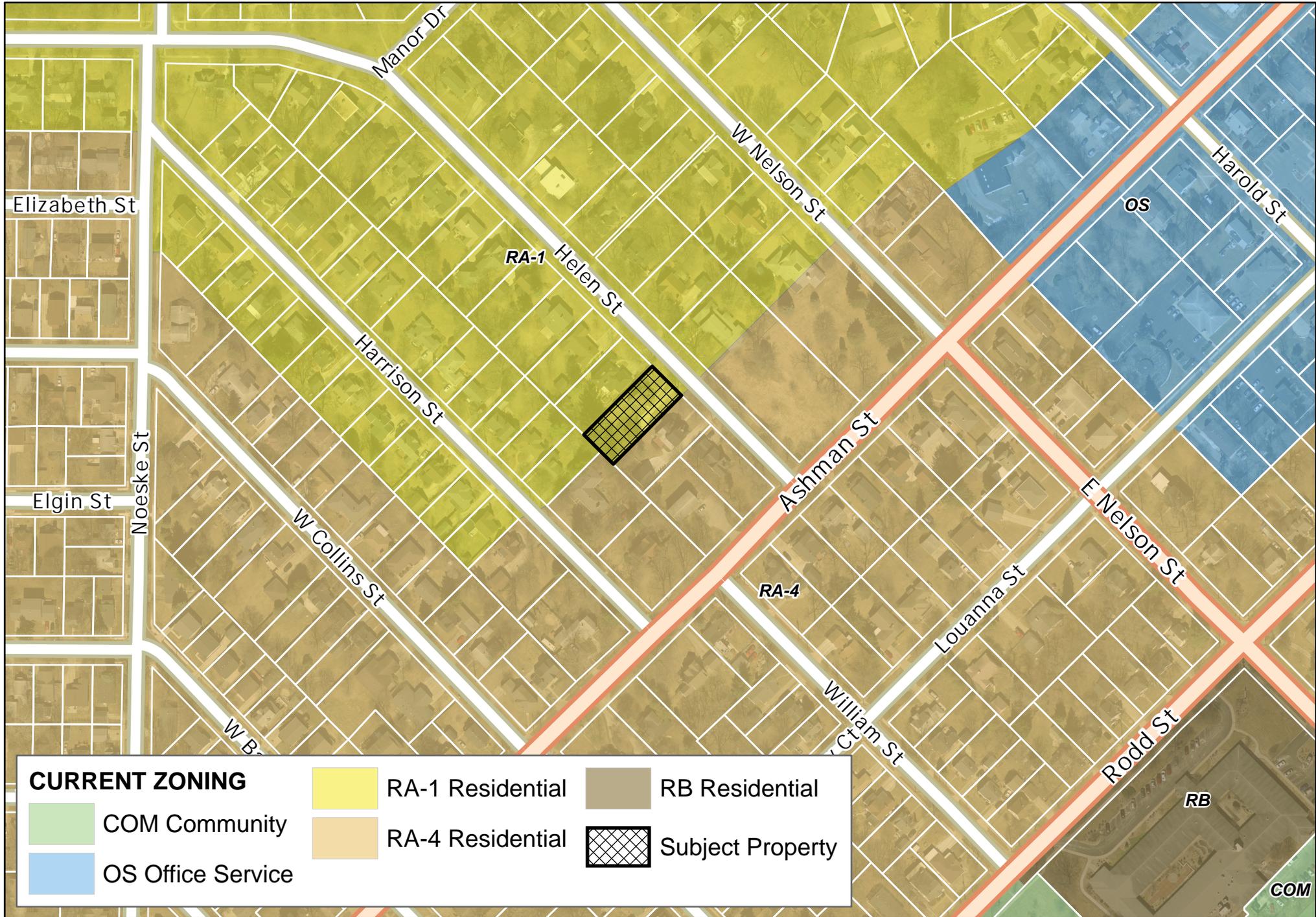
> 115 Helen St



Subject Property

# ZBA # 20-03 | Winterstein Builders

> 115 Helen St



**From:** [Murschel, Grant](#)  
**To:** [Guentensberger, Rachel](#)  
**Subject:** FW: Full support for ZBA # 20-03 Winterstein Builders  
**Date:** Friday, August 14, 2020 8:53:59 AM

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Hi Rachel –  
For the ZBA packet today.  
Thanks!

**Grant Murschel**

Director of Planning & Community Development  
City of Midland !333 West Ellsworth Street !Midland, Michigan 48640  
(989) 837-3381 !fax (989) 837-5733  
[GMurschel@Midland-MI.org](mailto:GMurschel@Midland-MI.org) ![CityofMidlandMI.gov](http://CityofMidlandMI.gov)

**From:** Susan Greminger [mailto:[smgreminger@gmail.com](mailto:smgreminger@gmail.com)]  
**Sent:** Thursday, August 13, 2020 11:17 PM  
**To:** Murschel, Grant <[gmurschel@midland-mi.org](mailto:gmurschel@midland-mi.org)>  
**Subject:** Full support for ZBA # 20-03 Winterstein Builders

We fully support the Petition No. 20-03 requesting a variance for a side yard setback at 115 Helen Street. We added an attached garage to our house at 205 Helen Street a number of years ago and fully appreciate the difficulties in meeting A1 setback requirements in older city lots that are only 70 feet wide. Investments like the proposed in older neighborhoods like ours let people stay in Midland rather than forcing them to move into townships outside Midland and will boost all the home values in our neighborhood.

Susan and Douglas Greminger  
205 Helen Street  
[smgreminger@gmail.com](mailto:smgreminger@gmail.com)

**From:** [Murschel, Grant](#)  
**To:** [Guentensberger, Rachel](#)  
**Subject:** Fw: zba #20-03  
**Date:** Thursday, August 6, 2020 3:22:52 PM  
**Attachments:** [image001.png](#)

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For the ZBA case file..  
Thanks, Rachel

GM

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**From:** Kelly GreystoneHomes MI <kelly@greystonehomesmi.com>  
**Sent:** Thursday, August 6, 2020 2:02 PM  
**To:** Murschel, Grant  
**Subject:** zba #20-03

Grant, we received your hardcopy letter regarding a variance request for a garage at 115 Helen St. We support this request. Thank you.



**Kelly J. Wall, Builder**

Greystone Homes LLC | Greystone Kitchen & Bath LLC  
6408 W. Wackerly | Midland MI 48642

Office: (989) 835-6965 [www.greystonehomesmi.com](http://www.greystonehomesmi.com) | [www.greystonekitchenandbath.com](http://www.greystonekitchenandbath.com)



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Report No. 20-06

Date: August 12, 2020

### STAFF REPORT TO THE ZONING BOARD OF APPEALS

SUBJECT: Area/Dimension Variance  
PETITIONER: Jean Wolfe  
LOCATION: 1410 Lincoln  
PROPOSED: An area/dimensional to permit construction of a detached garage.  
ZONING: RB Multiple Family Residential

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#### PETITION SUMMARY

The applicant is requesting an area/dimensional variance to permit the construction of a detached garage at property located at 1410 Lincoln Street. The applicant is requesting a variance of 2.5 ft. from the required six (6) ft. side yard setback. The property is zoned RB Multiple Family Residential. Single-family residential must have side yard setbacks totaling 14 ft. with one side being no less than five (5) feet. The opposing side yard setback is eight (8) feet.

*For aerial view of property and zoning map please see attached pages.*

#### REVIEW CRITERIA FOR DIMENSIONAL VARIANCES

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- A. **Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

**Petitioner’s response:** See attached.

**Staff commentary:** The site is currently being used as a residential dwelling with a detached garage, which is a permitted purpose. The applicant is wanting to construct the garage adjacent to the principal structure at a size that cannot accommodate both the required setback distance from the house (6 ft.) and the side yard setback of six (6) feet.

- B. **The variance will do substantial justice to the applicant, as well as to other property owners.**

**Petitioner’s response:** See attached.

**Staff commentary:** The variance will allow for the new, large garage addition therefore doing justice to the property owner. The variance could provide justice to other property owners by allowing this property owner to store more things within the interior of a closed in space.

- C. **The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**

**Petitioner’s response:** See attached.

**Staff Commentary:** The proposed variance appears to be the minimum as it will allow for a 20 ft. wide garage which is a standard size.

- D. **What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?**

**Petitioner's response:** See attached.

**Staff Response:** Staff has not identified any unique circumstances peculiar to the property. There are many other properties across the city in the same zoning district that have detached garages closer to the side lot line than what is now permitted, especially in older areas of the city. That being said, this property is zoned for multiple family purposes and the standards are written with residences of more than one (1) in mind.

- E. **The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.**

**Petitioner's response:** See attached.

**Staff Response:** It could be argued that the resulting need is due to the desire for the property owner to have a larger garage than what can fit on the lot given the required setback distances. The house is compliant with current ordinance standards for side yard setbacks but given the relative small nature of the lot, it is difficult for a standard-sized detached garage to be built on the property.

#### **ACTION REQUIRED**

An affirmative vote of a majority of ZBA members is necessary to approve this variance request.

#### **PUBLIC COMMENTS TO DATE**

As of August 14, 2020, City staff has received one (1) communication in support of this petition.

Respectfully Submitted,



Grant Murschel  
Director of Planning & Community Development

**AREA OR DIMENSION (NON-USE) VARIANCES**  
**ZONING BOARD OF APPEALS**  
**Criteria for Approval**

The Zoning Board of Appeals may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- a. How will strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome?

*Size of garage/storage space needed requires a larger structure that requires a variance of 3.5 foot setback on south side.*

- b. How will a variance do substantial justice to the applicant, as well as to other property owners?

*Variance will benefit property owner by allowing a structure sufficient for parking and storage while improving property values for neighborhood.*

(Continued on reverse side)

c. Is the variance requested the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners?

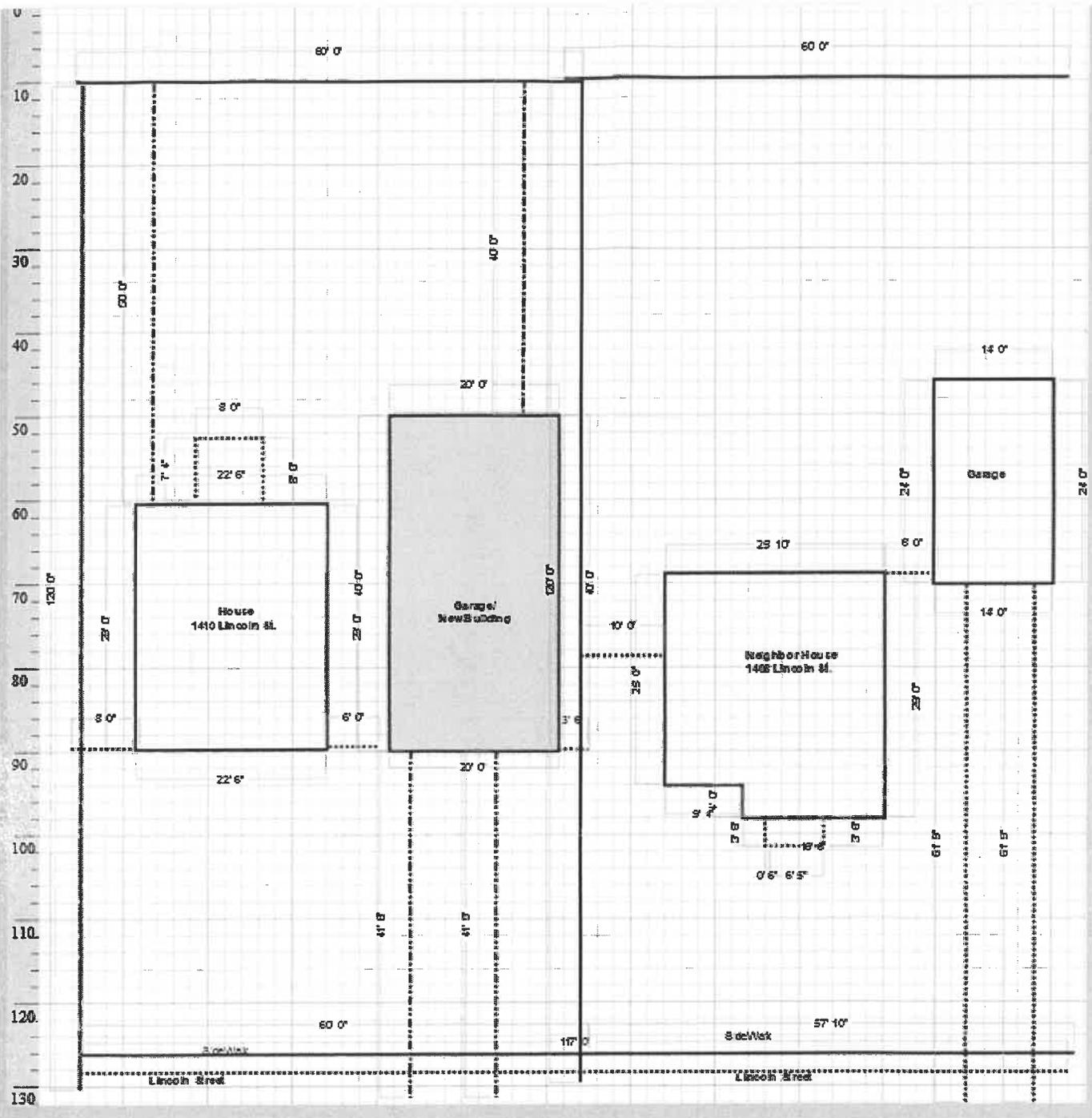
*yes*

d. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?

*Due to unique placement of house on lot we are requesting a variance of 3.5 feet to accommodate the necessary placement of new structure for parking/storage.*

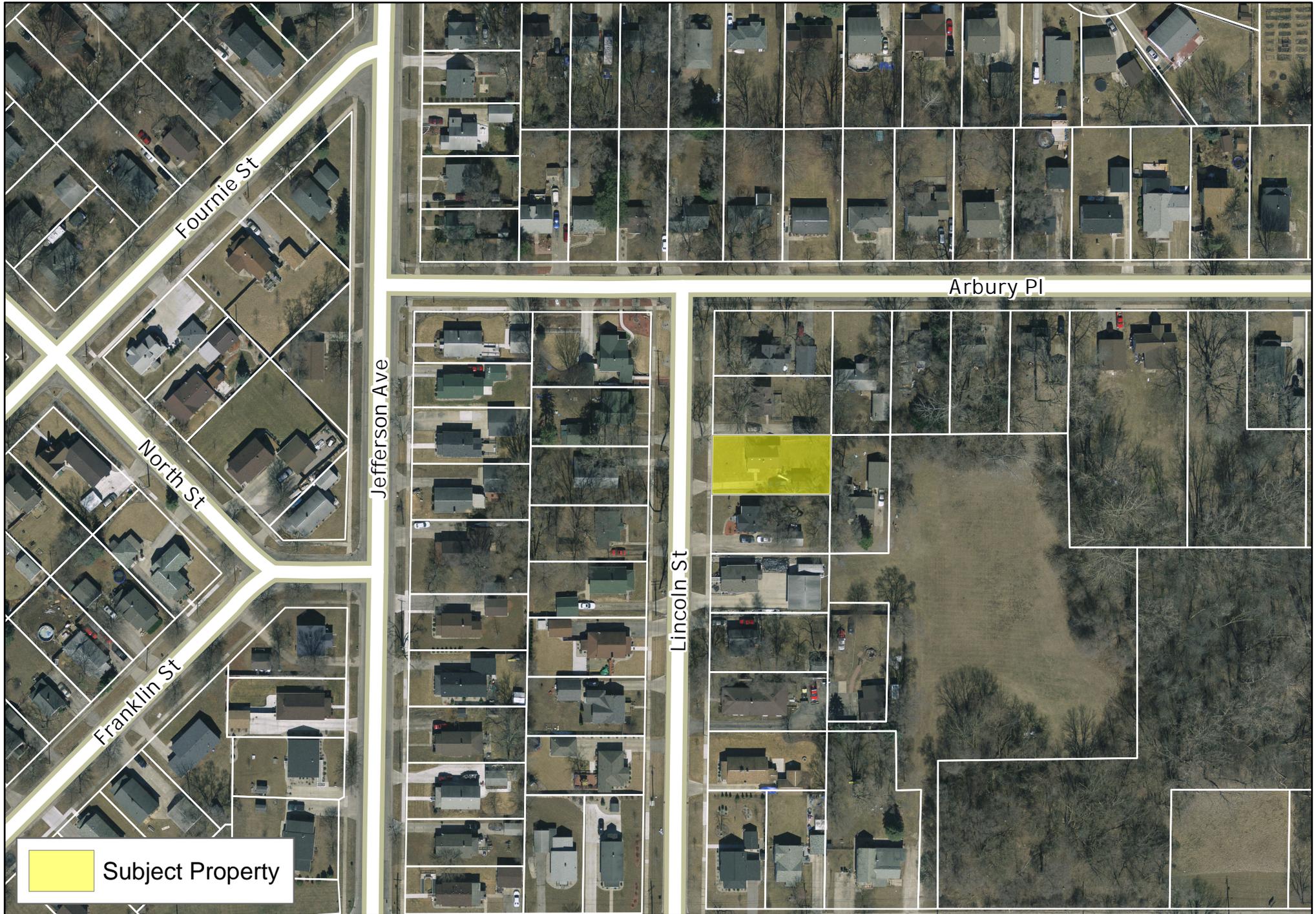
e. Has the problem and resulting need for the variance been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors?

*yes*



# ZBA # 20-06 | J Wolfe

> 1410 Lincoln Street



 Subject Property

# ZBA # 20-06 | J Wolfe

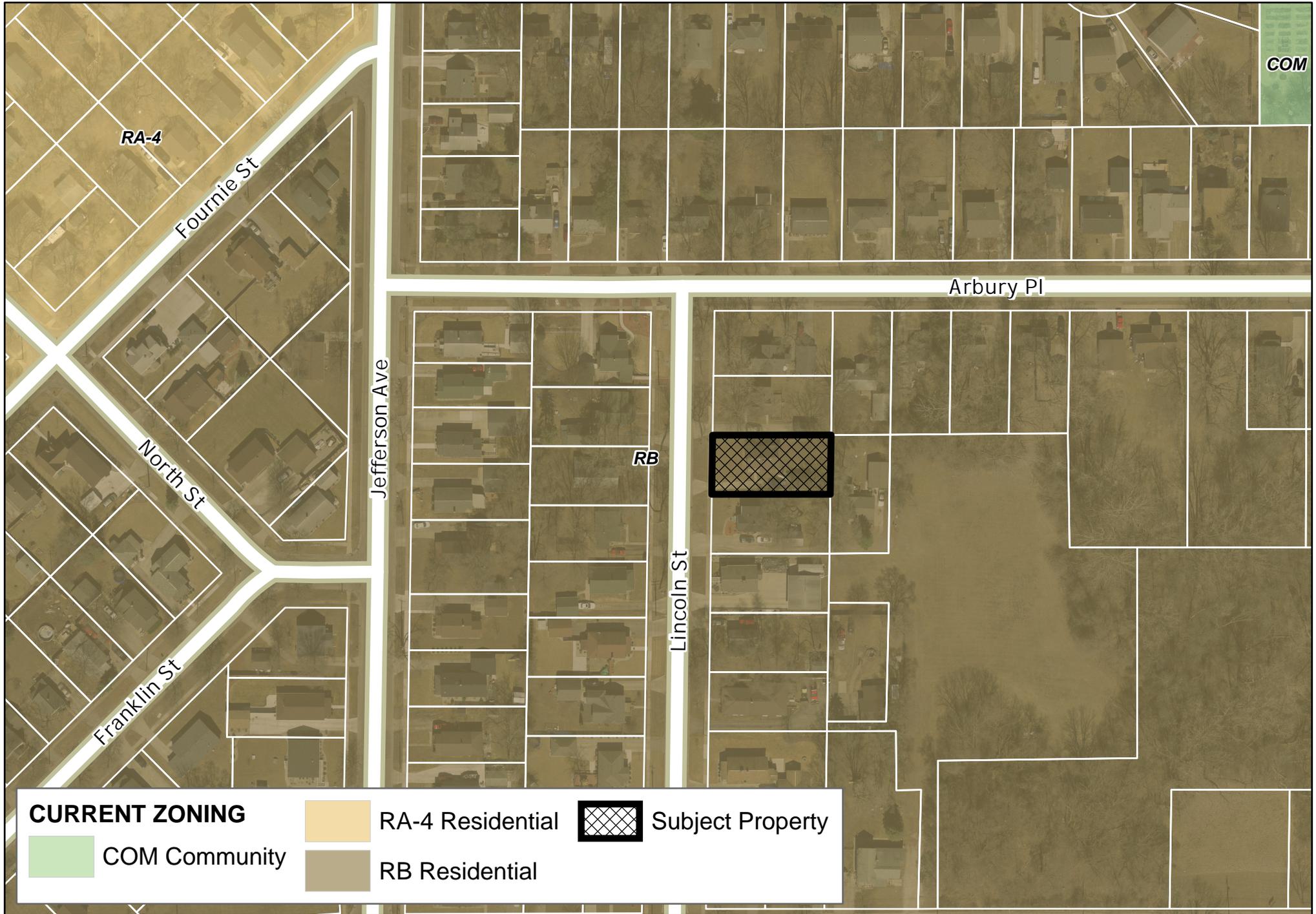
> 1410 Lincoln Street



Subject Property

# ZBA # 20-06 | J Wolfe

> 1410 Lincoln Street



Zoning Board of Appeals  
City of Midland  
333 W. Ellsworth St.  
Midland, MI 48640

David Halls  
1409 Lincoln St.  
Midland, MI 48640

davidhalls021@gmail.com

Petition no. 20-06  
Aug. 18, 2020 6:30pm. Hearing

Aug. 4, 2020

I say if the property owner on the border of the variance request does not object then let them build the garage. The six foot setback is arbitrary and we should not stop someone from improving his real estate without good reason. The buildings in the neighborhood are old and many don't meet current standards anyway so one more won't hurt.

David Halls





## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Report No. 20-07

Date: August 12, 2020

### STAFF REPORT TO THE ZONING BOARD OF APPEALS

SUBJECT: Area/Dimension Variance  
PETITIONER: Becca Scherting  
LOCATION: 1115 Ashman Street  
PROPOSED: An area/dimensional to permit construction of a six (6) ft. privacy fence.  
ZONING: RA-4 One and Two Family Residential

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#### PETITION SUMMARY

The applicant is requesting an area/dimensional variance to permit the construction of a six (6) ft. privacy fence at property located at 1115 Ashman Street. The applicant is requesting to build the new fence two (2) ft. from the side street lot line. The property is zoned RA-4 One and Two Family Residential which requires a side street setback of 15 ft. This is a variance request of 13 ft.

*For aerial view of property and zoning map please see attached pages.*

#### REVIEW CRITERIA FOR DIMENSIONAL VARIANCES

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- A. **Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

**Petitioner’s response:** See attached.

**Staff commentary:** The site is currently being used as a residential dwelling. While many residential dwellings have fenced in yards many others do not. The applicant has the potential to have a fenced in back yard that is compliant with setback requirements but it will be smaller than what is desired.

- B. **The variance will do substantial justice to the applicant, as well as to other property owners.**

**Petitioner’s response:** See attached.

**Staff commentary:** The variance will allow for a larger fenced in yard for the property owner; however, the privacy fence as proposed will be very close to the sidewalk on Reardon Street. This will result in impacts to the site lines along Reardon Street and will have an imposing effect on the sidewalk.

- C. **The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**

**Petitioner’s response:** See attached.

**Staff Commentary:** The proposed variance appears to be the minimum as indicated by the applicant. The applicant could build a fence in the proposed location but this fence could only be built at 4 feet in height.

- D. **What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?**

**Petitioner's response:** See attached.

**Staff Response:** Staff has not identified any unique circumstances peculiar to the property. There are many other properties across the city in the same zoning district that are located on corner lots. Many of these properties have a rear detached garage that fronts onto the side street.

- E. **The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.**

**Petitioner's response:** See attached.

**Staff Response:** It could be argued that the resulting need is due to the desire of the property owner to have a larger fenced in back yard than what is otherwise required. Compliance with the zoning ordinance would allow for a fenced in back yard but it would result in a much smaller fenced in area.

#### **ACTION REQUIRED**

An affirmative vote of a majority of ZBA members is necessary to approve this variance request.

#### **PUBLIC COMMENTS TO DATE**

As of August 14, 2020, City staff has not received any communication in support or opposition of this petition.

Respectfully Submitted,



Grant Murschel  
Director of Planning & Community Development

**ZONING BOARD OF APPEALS  
Application Form**

Date May 15, 2020

PROPERTY ADDRESS: 1115 Ashman Midland, Michigan

LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_

TAX ID NUMBER (parcel code): 14 16 60 086 \_\_\_\_\_

APPEAL FROM ARTICLE(S): 7, Section(s) \_\_\_\_\_

TYPE OF APPEAL:

AREA/DIMENSION \_\_\_\_\_ USE VARIANCE

INTERPRETATION \_\_\_\_\_ ADMINISTRATIVE REVIEW \_\_\_\_\_

BRIEF DESCRIPTION OF REQUEST: Extension of Fence line 10 feet from back corner of house

Lot Area:      Lot Depth:      Lot Width:      Existing Zoning of Parcel     

**APPLICATION FEE: \$125.00 payable to the City of Midland**

APPLICANT SIGNATURE: Becca Scherting

NAME: Becca Scherting

MAILING ADDRESS 1115 Ashman St Midland Mi

PHONE NUMBER (989)245-4020

E-MAIL ADDRESS [schertingB@cintas.com](mailto:schertingB@cintas.com)

**AREA OR DIMENSION (NON-USE) VARIANCES  
ZONING BOARD OF APPEALS  
Criteria for Approval**

**The Zoning Board of Appeals may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:**

- a. How will strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome?

Compliance with current restrictions restricts the backyard use and privacy square footage by 400 to 500 square feet and detracts from the uniformity and looks of the property

- b. How will a variance do substantial justice to the applicant, as well as to other property owners?

Extension of the fence by 10 feet from back corner of house on the W Reardon Street side would improve the aesthetics and uniformity of the fence, yard and house. With this extension this still provides 10 feet of clearance to the sidewalk and about 25 feet to curb on W. Reardon Street. The extension of the fence improves aesthetics, uniformity of the home, and provides privacy that all benefit the other property owners and homeowner to help increase the value of home.

(Continued on reverse side)

- c. Is the variance requested the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners?

Yes...

- d. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?

Height and use of stockade fence are consistent with neighbor's fence on Ashman.

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- e. Has the problem and resulting need for the variance been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors?

Yes

3-05

R:\Zoning Board of Appeals\Area-Dimension Criteria.doc





129'

W Reardon St

50'

Ashman St

69'

120.12'

1115

60'

120.12'

1111

60'

120'

120.12'

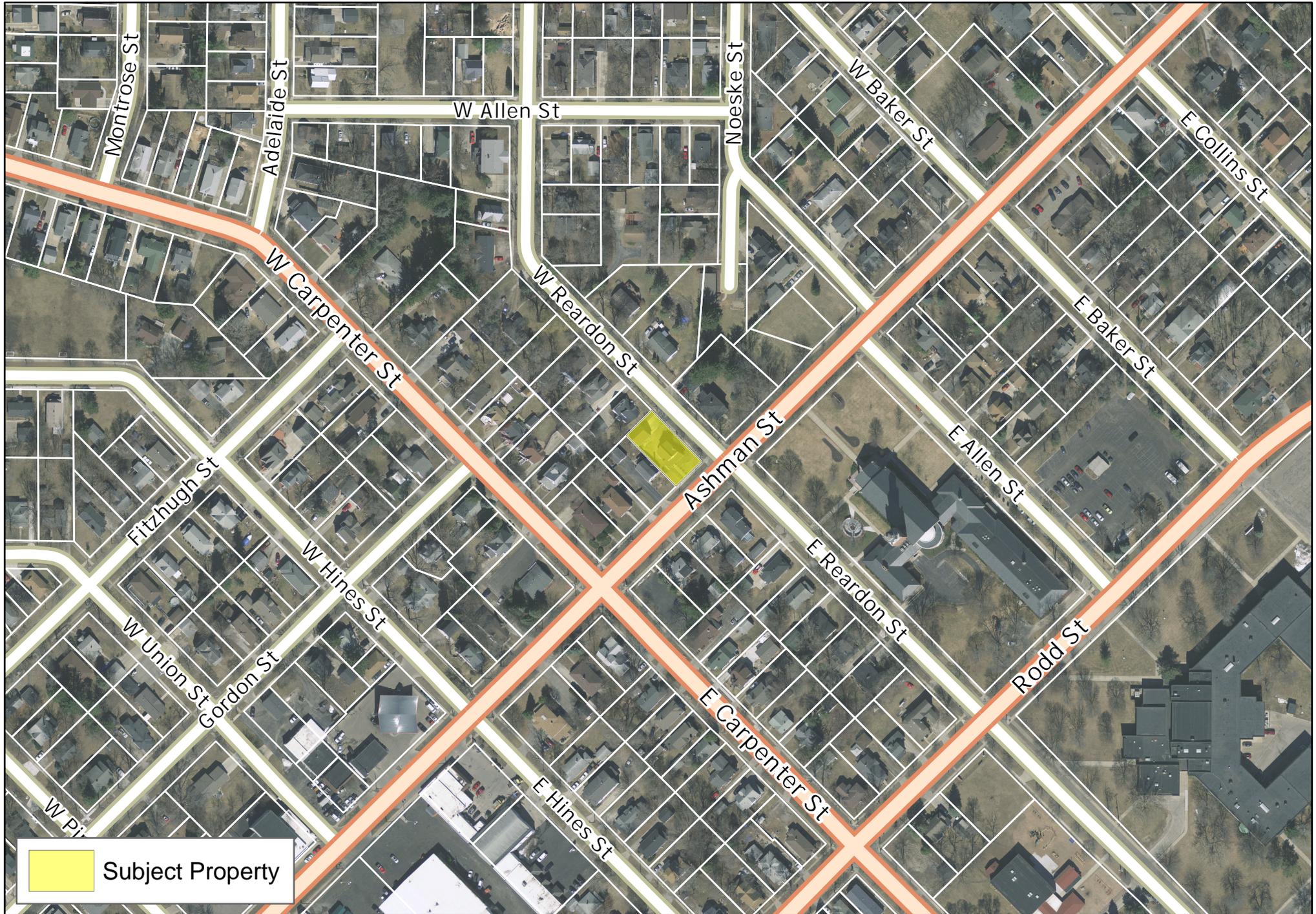
130'

60'

1101

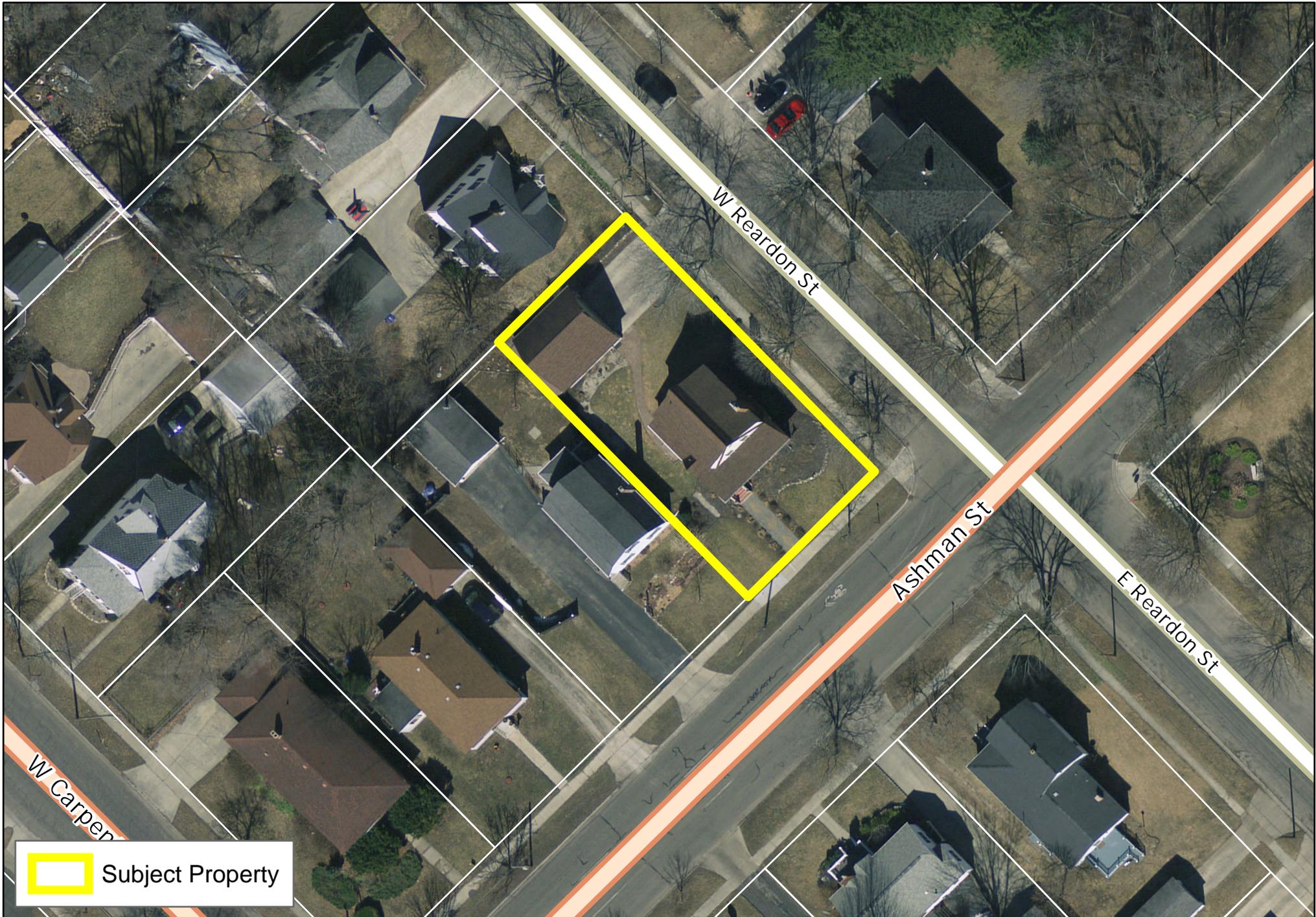
# ZBA # 20-07 | B Scherting

> 1115 Ashman Street



# ZBA # 20-07 | B Scherting

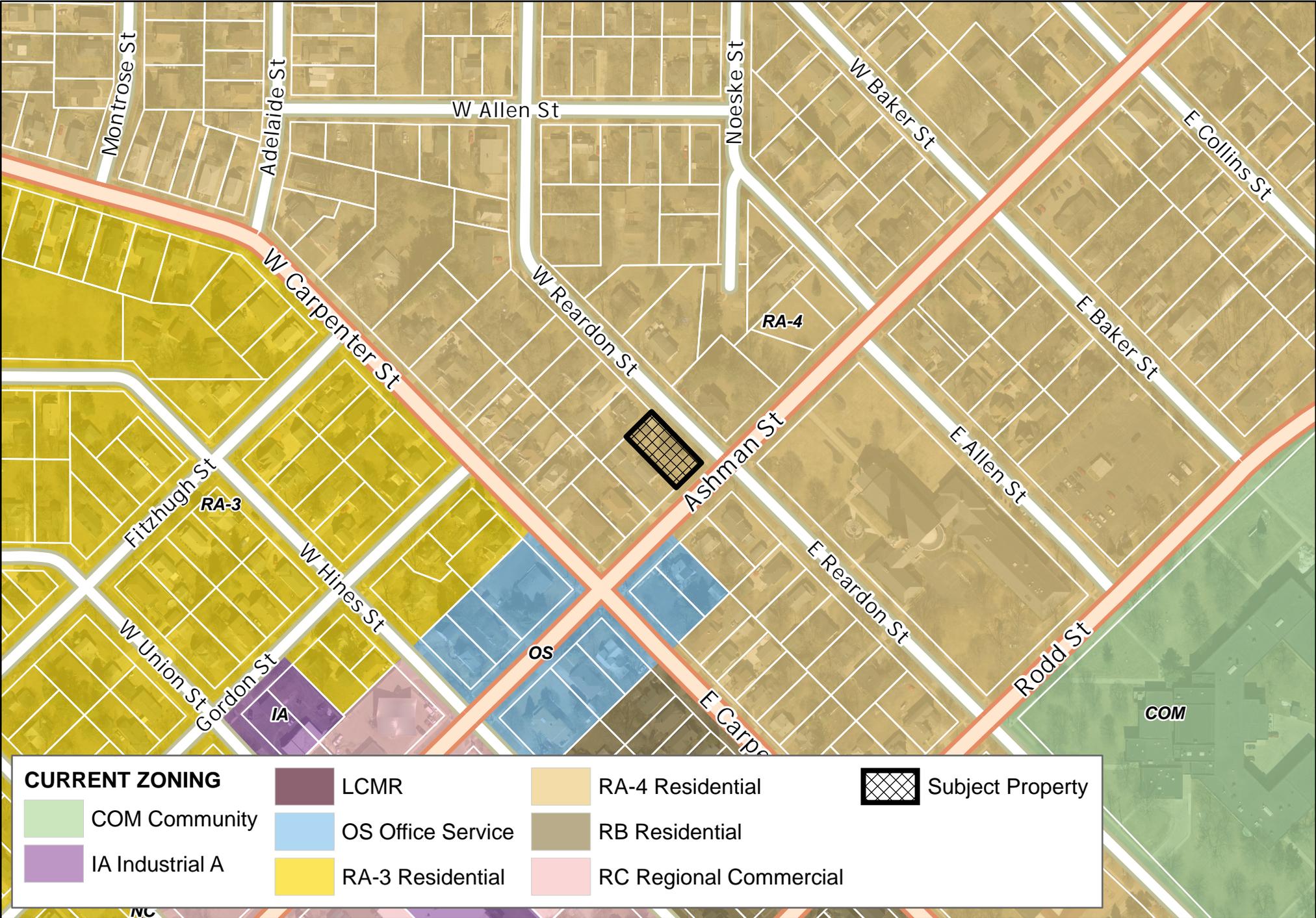
> 1115 Ashman Street



 Subject Property

# ZBA # 20-07 | B Scherting

> 1115 Ashman Street





PLANNING DEPARTMENT  
HEARING DATE: 07/21/2020  
CITY OF MIDLAND, MICHIGAN  
PETITION NO: 20-04

## ZONING BOARD OF APPEALS

The petition of Allied Signs on behalf of Planet Fitness, 6840 Eastman Avenue for an appeal from the requirements of Article 5.00 of the Zoning Ordinance, said regulations and requirements being invoked by the Building Inspector in his determination, for one (1) area/dimensional variance X, to permit a construction of two (2) 292 sq foot wall signs totaling 584 sq feet at 6840 Eastman Avenue. The applicant is requesting a variance of 359 sq. ft. The property is zoned RC Regional Commercial which permits a maximum of 225 sq. ft. by right for the subject building.

Findings of fact were identified by the board for the use variance request:

Findings of Fact:

1. Property is located at 6840 Eastman
2. 225 Sq Feet signage permit by right
3. Applicant is requesting 2 Signs total 584 Sq ft
4. Property is zoned RC Regional Commercial
5. Property is divided into two parcels, second space unoccupied
6. Eastman Ave is 526 ft away from building
7. No communications ahead of the meeting
8. 2 signs one on west side of the building 340 sq ft South facing sign is 182 sq ft
9. Previous signage was 438 sq ft
10. No ground signs available
11. Property is located east of Eastman south of Joe Mann
12. The Speed limit is 45 MPH on Eastman Ave
13. Prior tenant had signage on all three sides of the building
14. Entrances on both Eastman Ave and Joe Mann Blvd.
15. Variance request total is 359 sq ft

**Motion:** Green made a motion to approve one (1) use variance for Petition No. 20-04 based on the findings of fact. Mead seconded the motion.

Poprave called for a vote on the motion by Green, supported by Danielsen for variance Petition No. 20-03.

Danielsen: Yes  
Poprave: Yes  
Mead: Yes  
Green: No  
Siemer: Yes

The motion to approve this petition was approved by a vote of 4-1.

All permits necessary for prosecution of the work shall be obtained within six months from the date.

LOT 5 MIDLAND MALL SUBDIVISION