

**REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS,
TO TAKE PLACE ON TUESDAY, AUGUST 18, 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,

ABSENT: Board Member – Mead

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development;
and six (6) others

2. Approval of the Minutes

It was moved by Siemer and supported by Green to approve the meeting minutes of the regular meeting dated July 21, 2020 as presented.

Vote on the motion:

Yeas: Danielsen, Green, Poprave and Siemer

Nays: None

Motion carries 4-0.

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.

Murschel gave the staff presentation for Petition No. 20-03.

Petitioner:

Becky Winterstein 5071 Oakbrook Ct, Saginaw MI: Ms. Winterstein spoke about the reasons behind the need for the variance.

Comments in Support:

Marcus James 113 Helen Street, neighboring property owner is in support of this petition.

Comments in Opposition: None.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 115 Helen.
2. Property is zoned RA-1, zoning to the east is RA-4.
3. The proposed screened-in porch measures 9' x 10'.
4. The lot size 70' x 163'.
5. Proposed porch is 80 ft from the rear property line.
6. Distance from the porch to the rear yard setback is 51 ft.

7. Two (2) written communications in support, none in opposition.
8. Variance request is needed due to placement of the screened sun porch, not the remaining addition to the house.
9. Garage is currently detached and complies with setback requirements.
10. Home was built in 1934.
11. The distance between the house and garage is greater than 6 ft.
12. The house is built to the front setback requirement, so there is no allowance for an addition to front of the home.
13. No work on the house expansion has begun at this time.
14. The house is located on the southwest side of Helen Street.
15. The speed limit on Helen Street is 25 MPH.
16. One comment in support during the public hearing.
17. Variance request total is 5 ft.

Siemer stated that the petition is in line with the criteria and the alternative would be overly burdensome to the property owner.

Danielsen notes that moving the garage to become compliance would be impractical and a burden to the homeowner.

Green and Poprave both agree that this petition is in compliance with the criteria.

Green made a motion to approve Petition No. 20-03 based on the findings of fact. Siemer seconded the motion.

Vote on the motion:

Yeas: Danielsen, Poprave, Green and Siemer

Nays: None

Motion carries 4-0.

- 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.

Murschel gave the staff presentation for Petition No. 20-06.

Petitioner:

Lonnie Bromic Tenant at 1410 Lincoln Street: Petitioner states the need to comply with the size allowance for the garage would require a custom built garage and would not be cost effective for the applicant.

Comments in Support: None.

Comments in Opposition: None.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 1410 Lincoln Street.
2. Property is zoned RB Multiple Family Residential.

3. Variance requested is 2.5 ft from the required 6 ft of side yard setback for construction of a detached garage.
4. The house is located in the east side of Lincoln Street.
5. One (1) written communication in support, none in opposition.
6. The speed limit on Lincoln Street is 25 MPH.
7. The garage is 20' x 40', 800 sq. ft.
8. The house is in compliance with all other setback requirements.
9. The house was built in 1934.
10. The house is 765 sq. ft.
11. The garage will have a stormwater and downspouts gutter system installed.
12. The detached garage meets all size requirements in 3.03 B3 of the City of Midland Zoning ordinance.

Danielsen notes that this request meets criteria, Siemer also supports the petition.

Green supports the petition, Poprave noted that the garage request does substantial justice to the property owner.

Green made a motion to approve variance for Petition No. 20-06 based on the findings of fact. Danielsen seconded the motion.

Vote on the motion:

Yeas: Danielsen, Poprave, Green and Siemer

Nays: None

Motion carries 4-0.

- 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

Murschel gave the staff presentation for Petition No. 20-07.

Green wondered if the fencing would create a clear vision issue. Murschel indicated that it would create a possible line of site issue nearing the driveway.

Comments in Support: None.

Comments in Opposition: None.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 1115 Ashman Street.
2. Property is zoned RA-4.
3. Applicant is requesting a 6 ft. tall fence
4. A 4 ft. fence is permitted in the proposed location.
5. The lot size is approximately 7,200 sq. ft.
6. No comments have been received in support or opposition.
7. The speed limit is 25 MPH on Reardon Street and 30 MPH on Ashman Street.

Siemer stated that property is slightly elevated and adding a 6 ft fence will add significant vision issues that could be solved with a 4 ft fence.

Green notes that the petitioner can construct the 4 ft fence with no variance and no safety issue, so he cannot support the request.

Danielsen agrees with both Siemer and Green regarding the safety issue. He understands the petitioner's request for extra privacy but that can be obtained with a 4 ft fence as well.

Poprave has concerns with pedestrian safety and he does not see a unique circumstance present to approve this request.

Siemer made a motion to approve Petition No. 20-07 based on the findings of fact. Danielsen seconded the motion.

Vote on the motion:

Yeas: None

Nays: Green, Siemer, Poprave, and Danielsen

Motion denied 0-4.

4. Old Business

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

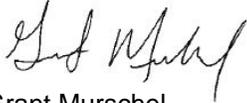
6. New Business

7. Decision Sheet Signatures

8. Adjournment

Siemer made a motion to adjourn the meeting, motion seconded by Green. The meeting was adjourned at 7:57 p.m.

Respectfully submitted,



Grant Murschel
Director of Planning & Community Development

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