
ZONING BOARD OF APPEALS MINUTES

December 19, 2024
Regular Meeting - 7:00 PM

1) **CALL TO ORDER**

IN A REGULAR SESSION held on Thursday, December 19, 2024 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Zoning Board of Appeals was called to order by Chair Fisher-Short.

2) **ROLL CALL**

Roll was called:

Present: Chair Fisher-Short, Byrne (arrived at 7:06PM), Hill, Karns

Also Present: Director of Community Development Strange and Deputy Clerk Cary

Absent: Stewart, alternate Wolfersberger

3) **PLEDGE OF ALLEGIANCE**

4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.

Moved by Karns, supported by Hill to amend the agenda on a voice vote: **Motion carried.**

Moved by Karns, supported by Hill to approve the amended agenda to add Section B. 2025 Meeting Dates under Item 9. Reports and Recommendation/New Business on a voice vote: **Motion carried.**

5) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.

A. Approve October 3, 2024 Meeting Minutes

Moved by Art Hill, supported by Jeff Karns to Approve of October 3, 2024 Meeting Minutes.

On a voice vote: **Motion carried.**

6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.

none

7) **PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION**

none

8) **OLD BUSINESS**

none

9) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**

A. 315 N Madison - Deck

Director of Community Development Strange stated at 315 N Madison a deck was found under construction without a permit. The contractor was notified, and a permit was pulled. However, the deck construction remains within the setback. The residence is zoned as R-3 Traditional Residential, which is the same zoning as the adjacent properties, and has a 25'-0" setback. The stairs are allowed to extend into the setback, but the landing is about 2' too deep and the adjacent platform is 5'-0" too deep. She noted that the adjacent properties are also built in the setback.

The Owners have submitted their Variance Application and associated information. Photos of the existing condition are included. The formal request from the city is that the deck should be modified by reducing the deck depth and landing depth to meet current zoning requirements unless the ZBA is amicable to the request. Permit fee should be doubled.

Richard Huggett stated he is the owner of 315 N Madison. He stated that the letter is signed by his neighbors. His neighbors have been really receptive to the new deck. When he pulled the permit, he knows that the deck does not go out any further than his neighbors. His deck kept in line with the aesthetics of the porches in the neighborhood.

Ryan Valentine spoke about the deck. The new porch provides more a function for the homeowners and their family. The new porch is larger and safer than the previous porch. The previous porch didn't have any rails, and the steps were a little dilapidated that would need replacing at some point of time. The current upper level of the porch is larger area to sit or stand. The steps cascade down on each side and in the front, which allows the homeowners more access to their driveway and access to the lower level of the deck. The lower-level deck will be the main gathering area. Safety was a factor in the build, to have steps and a handrail for whoever goes up the stairs. The adjacent properties seem like most if not all of the porches are within that set back by a foot or two. There is even a garage across the street that is well within the set back. Constructing this the setback wasn't even in his radar. After the fact he understands that there is a setback in that area. The design of the porch was not to make it any different than any other neighbor, it's not going to extend out any further. It provides a better feel to the homeowner's house and to the neighborhood. In the springtime the homeowners are planning on staining the porch and doing some landscaping.

Fisher-Short asked what is the square footage of the deck. Just wondering just how much of the deck would have to come off to be complainant.

Mr. Valentine stated that the upper portion is just under two feet within the set back with the width being about ten feet. That is about 20 square feet or so. The lower level is about five feet into the setback. There would be some work to make that within the setback, but it is not impossible. He is more than willing to pay the fine of the permit.

Fisher-Short with looking at the factors with the dimensional variance:

1. Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

2.The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

Hill thinks the deck blends in very nicely. And is general aesthetically pleasing.

Karns stated when he went to look at the location if felt right in line with everything else. It didn't feel out of the ordinary for the surrounding neighborhood.

Fisher-Short the fit factor weighs heavily in favor of it but that is the only one that is working in favor of it.

6.The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

Fisher-Short the fit factor weighs heavily in favor of it but that is the only one that is working in favor of it.

Karns asked if we received any letter that opposition it.

The city did not receive any letters from the public.

Karns asked in regard to the railings, does eliminate the railing requirement.

Mr. Valentine stated it does not. The height of the upper portion is only thirty inches.

Director of Community Development Strange stated that the rail is not required by code since it is not tall enough.

Moved by Art Hill, supported by Jeff Karns to approve the dimensional variance for the deck on 315 N Madison. On a roll call vote:

Ayes: Justin Fisher-Short, Russ Byrne, Art Hill, Jeff Karns

Nays: None

Abstain: None

Motion carried.

B. 2025 Meeting Dates

Karns asked about when terms are ending.

Director of Community Development Strange stated that she will include an assessment of what board members terms will be ending soon at the January meeting. In the meantime, since we know we might be losing some people, if there is anyone that might know of someone to bring on that would be greatly appreciated.

Moved by Art Hill, supported by Russ Byrne to approve the presented schedule of meetings for the Zoning Board of Appeals meeting for 2025. On a voice vote: **Motion carried.**

- 10) PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.

none

- 11) BOARD REPORTS**

none

- 12) ADJOURNMENT**

The meeting was adjourned at 7:21PM

Respectfully submitted by,

Brandie Cary
Deputy Clerk