

**ESCANABA ZONING BOARD OF APPEALS
ROOM C101, CITY HALL, ESCANABA, MI
AUGUST 29, 2012**

A Special Meeting of the Escanaba Zoning Board of Appeals was held on Wednesday, August 29, 2012, at 6:00 p.m. in Room C101, City Hall, 410 Ludington Street, Escanaba, MI 49829

PRESENT: Board Members Brian Black, Ralph Blasier, James Hellerman, Jon Liss, and Philip Strom.

ALSO PRESENT: City Council Member Brady Nelson, Blaine DeGrave, Officio, and Katie Rydquist, Confidential Secretary.

The meeting was called to order at 6:00 p.m. by Acting Chairperson Brian Black.

ROLL CALL:

Katie Rydquist, Confidential Secretary, conducted the roll call. All of the Members of the Zoning Board of Appeals were present for the meeting.

Approval/Corrections to the September 14, 2010 and September 23, 2010 Zoning Board of Appeals' meeting minutes

A motion was made by Board Member James Hellerman and seconded by Board Member Philip Strom to approve the September 14, 2010 and the September 23, 2010 Zoning Board of Appeals' Meeting Minutes.

Ayes were unanimous.

Approval/Adjustments to the Agenda

None.

Conflicts of Interest Declaration

None.

UNFINISHED BUSINESS

1. **Election of Officers**

Acting Chairperson Brian Black asked for nominations to fill the Chairperson and Vice Chairperson positions on the Escanaba Zoning Board of Appeals.

A motion was made by Board Member Philip Strom and seconded by Board Member James Hellerman to nominate Acting Chairperson Brian Black as Chairperson of the Escanaba Zoning Board of Appeals.

Basic Conditions (305.4 and 305.5)

Any variance granted from this Zoning Code shall meet the following basic conditions:

- A. The spirit of the Zoning Code shall be observed, public safety secured and substantial justice done.
- B. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- D. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.
- E. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Code.
- G. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
- H. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.

Practical Difficulties and Unnecessary Hardships (305.6)

In order to determine if there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of this Zoning Code, the following shall apply:

Dimensional Variance (305.6.1.) - A practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other properties or uses in the same zoning district.

Background

Mr. DeGrave said the applicant is filing an application for zoning land use approval for property that currently has an existing structure on it. Under the request, the applicant is proposing to build a breezeway in an area that had been used as a deck leading into the home. The proposed area of the breezeway shall occupy the same sq. ft. area of the lot that the deck had occupied. Due to the unique size of the property, the applicant is seeking a variance to Front and Side Yard Requirements and the Area Percentage Requirements, which would allow him to repair the home and build the breezeway addition to the structure.

Mr. DeGrave stated that all fees and notification requirements of the Zoning Ordinance have been accommodated.

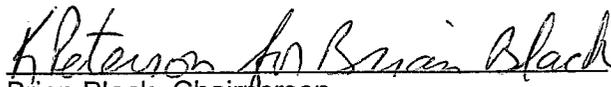
Staff Comment

Due to the unique size of the parcel and the fact that the proposed breezeway will replace what had already been a deck leading in to the home, staff believes a variance would be in line with

Adjournment

A motion was made by Board Member James Hellerman and seconded by Board Member Jon Liss. The meeting adjourned at 6:20 p.m.

Ayes were unanimous.



Brian Black, Chairperson
Escanaba Zoning Board of Appeals



Blaine DeGrave, Ex-Officio
City of Escanaba