

**ZONING BOARD OF APPEALS  
MEETING AGENDA**

Thursday, August 20, 2015

7:00 p.m. City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI

**CALL TO ORDER**

**ROLL CALL**

**CONSIDERATION OF MINUTES**

Meeting minutes from July 16, 2015

**APPROVAL OF AGENDA**

**PUBLIC COMMENTS FOR ITEMS ON THE AGENDA**

There will be citizen comment time during each variance case being heard.

Citizens who wish to speak on *other matters on the agenda* may do so when called upon by the Chairman. Those people addressing the Board are required to give their name and address for the record and shall be limited to speaking for a maximum of five (5) minutes on a given matter.

**NEW BUSINESS**

1. **APPEAL #15.05** - Use Variance filed by Matthew Huggett, owner of 510 Warren from **§156.221 ACCESSORY STRUCTURES AND USES (A) (1); §156.051 PRINCIPAL PERMITTED USES; §156.052 LAND USES SUBJECT TO SPECIAL CONDITIONS** in order to build a storage shed for tools used for maintenance and upkeep of the property.
2. **APPEAL #15.06** - Dimensional Variance filed by Scott Harnden, owner of 401 E Mansion, from **§156.221 ACCESSORY STRUCTURES AND USES (G) and (D)** to build a two car garage in required and non-required side yard.

**OLD BUSINESS**

None

**PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Citizens who wish to address the Board on items *not on the agenda* may do so at this time. When called upon by the Chairman, please state your name and address for the record. Members of the public shall be limited to speaking for a maximum of five (5) minutes.

**REPORTS**

Planning Commission: Current minutes can be found online at [www.cityofmarshall.com](http://www.cityofmarshall.com)

City Council Liaison

Board Members

Staff Reports

Reminders

**ADJOURN**

## **FROM THE ZBA RULES OF PROCEDURE:**

### **6.4 PUBLIC PARTICIPATION**

Members of the public, both residents of the City of Marshall and others, are invited to address the Board during two portions of the regular ZBA agenda. Prior to the Board's discussion of regular agenda items, members of the public are invited to provide comment of items on the agenda. Comments unrelated to items on the agenda will be welcomed during a second "public comment" time noted later on the agenda. The Chair will first recognize any member of the public wishing to address the Board. Individuals will speak from the podium or a hand held microphone, state their name and address and limit their comments to a total of five (5) minutes during each of these "public comment" times. Members of the public will not routinely be involved in the Board's discussion or deliberation upon agenda items unless called upon by the Chair.

**MINUTES**  
**MARSHALL CITY ZONING BOARD OF APPEALS**  
**Regular Meeting Thursday, July 16, 2015**  
**7:00 P.M. – COUNCIL CHAMBERS**

**CALL TO ORDER**

This meeting was called to order by Chair Feneley at 7:05 p.m.

**ROLL CALL**

Members Present: Board Members Beach, Byrne, DeGraw, and Feneley

Members Absent: Board Members Karns, and Revore

Staff Present: Lisa Huepenbecker, Community Services Project Coordinator

Motion by Byrne, supported by DeGraw, to excuse the absences of Board Members Karns and Revore. On a voice vote; **Motion Carried.**

**APPROVAL OF MINUTES**

**Motion** by DeGraw, supported by Byrne, to accept the minutes of the April 16, 2015 regular meeting as submitted. On a voice vote; **Motion Carried.**

**APPROVAL OF AGENDA**

**Motion** by DeGraw, supported by Beach, to approve the agenda of the July 16, 2015 regular meeting as submitted. On a voice vote; **Motion Carried.**

**AUDIENCE PARTICIPATION**

No public comment.

**NEW BUSINESS**

Appeal #15.03 – Dimensional Variance filed by Marshall Excelsior at 1506 George Brown Drive from §156.181 Mixed-Use and Non-Residential Districts – I-1 (Research and Technical) required front yard setback of 50’.

Staff reported Marshall Excelsior is requesting a dimensional variance for the required front yard setback in order to build additional office space. She reported the Planning Commission received the site plan for Marshall Excelsior at 1506 George Brown Drive at the regular July 8, 2015 meeting. The site plan will be reviewed and a decision will be made at the August 12, 2015 meeting. Staff also noted that this variance request has been specifically supported by the LDFA Board.

Jim Zuck, representative of Marshall Excelsior at 1506 George Brown Drive, stated that due to the company's continued growth, the current office space no longer suits their needs. The company plans to add technical and engineering staff and needs additional office space. He explained as the company has grown, they have maximized the use of their existing parcel with building additions, and they have purchased a nearby lot, which

(unofficial)

is being fully utilized. He explained there are no other options for expansion at this location without a variance. He noted that the property is located at the end of a cul-de-sac, which causes the building to be set back further than required of the surrounding properties. He pointed out that the variance would place the front of the building in line with neighboring façades.

**Motion** by Beach, supported by Byrne, to approve Appeal #15.03 for Dimensional Variances filed by Marshall Excelsior at 1506 George Brown Drive from §156.181 Mixed-Use and Non-Residential Districts I-1 (Research and Technical) required front yard setback of 50' by 30' leaving a required front yard setback of 20'.

Using the Dimensional Variance Worksheet, the board cited the following items pertaining to this variance:

- 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. **Board Members discussed that denial of variances would prohibit owner from using the property for a permitted purpose. The business is located in an industrial park and the need for additional office space aligns with the permitted use. If relief from the setback requirement is not granted, the petitioner would have not have the ability to accommodate the growth of the company and would have to consider relocation.**
- 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. **Board members remarked that the property owner would be done justice with the office addition. Due to the location of the cul-de-sac and subsequent setback requirements, a lesser variance than requested will not give substantial relief to the property owner.**
- 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. **Board Members discussed that the lot being located at the end of a cul-de-sac creates unique circumstances peculiar to the land or structures involved. The resulting setback requirement for this property is not applicable to neighboring lots.**
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. **Board Members discussed that the need for the requested variance is somewhat self-created. The original placement of the building was such that any additions to the front would require a variance.**
- 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. **Board Members noted that the area is an industrial park and the variance is not likely to cause any impacts on adjacent properties.**
- 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. **Board Members discussed that failure to grant the variance would prevent expansion at this location, and therefore the company may be required to relocate.**

(unofficial)

On a roll-call vote-ayes: Beach, Byrne, DeGraw, and Feneley; nays - None. **Motion Carried.**

Appeal #15.04 – Dimensional Variance filed by Lori Kline-Closson at 536 Cosmopolitan from §156.181 Mixed-Use and Non-Residential Districts – R-2 (Suburban Residential) required front yard setback of 30’.

Lori Kline-Closson, 536 Cosmopolitan, stated she is requesting a variance for the required front yard setback in order to add a front porch to her home. She explained that several years ago, the large tree that provided shade to the front of the house died, and she has since purchased a non-permanent pergola for shade to reduce cooling costs. She stated a front porch would be a permanent solution to shading the home, would enhance the aesthetics of the house and foster a sense of community and neighborhood security.

DeGraw inquired as to whether the porch would be screened-in or enclosed in any way that would obstruct the sight line on Cosmopolitan. Kline-Closson reported that the porch would be open.

Staff reported she had received signed comments from neighboring property owners as follows:

- Kyle and Kelly Brisson, 529 Cosmopolitan, stated they are in favor of a variance to construct a front porch at 536 Cosmopolitan.
- Matthew Schnaare, 538 Cosmopolitan, stated he supports the request for a variance and sees no adverse effects to the petitioner adding a front porch. He noted the petitioner has undertaken several projects to improve their home and has added to the beauty of the neighborhood.
- Bobbie and Ken Machata, 537 Cosmopolitan, stated they support the variance request and feel the porch will further enhance the aesthetics of the home.

Using the Dimensional Variance Worksheet, the board cited the following items pertaining to this variance:

- 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. **Board Members discussed that the use of a front porch is permissible in this zoning district. Board Members also noted that the addition of a porch would be more visually suitable for the area than the current pergola.**
- 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. **Board Members discussed that the property owner, as well as adjacent property owners, will be done justice with this improvement to the home as it increases the value of the property and contributes to the beauty of the area.**
- 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. **Board Members discussed that the land and structures in the same district are very similar to the home’s current features.**
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant’s predecessors. **Board Members discussed that the need for the requested variances arises from the death of a shade tree and was not self-created by the applicant.**

(unofficial)

- 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. **Board Members discussed that while the approval of the variance will result in a departure from a uniform appearance of homes along this street, the line of sight is already obstructed from landscaping and foliage and this issue does not constitute an adverse impact to adjacent properties. Board Members noted that several neighboring property owners had contacted staff to express support for the variance.**
- 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. **Board Members discussed that failure to grant the variance would not cause more than a mere inconvenience to the applicant; however, the construction of a front porch is an improvement that adds to the value of the home.**

**Motion** by Beach, supported by DeGraw, to approve Appeal #15.04 – Dimensional Variance filed by Lori Kline-Closson at 536 Cosmopolitan from §156.181 Mixed-Use and Non-Residential Districts – R-2 (Suburban Residential) required front yard setback of 30’ by 11’ leaving a required front yard setback of 19’.

On a roll-call vote-ayes: Beach, Byrne, DeGraw, and Feneley; nays - None. **Motion Carried.**

#### Re-Elect Officers

**Motion** by DeGraw, supported by Byrne, to re-elect Feneley as Chair and DeGraw as Vice Chair of the Zoning Board of Appeals. On a voice vote; **Motion Carried.**

#### **OLD BUSINESS**

None

#### **PUBLIC COMMENT**

None

#### **REPORTS**

Staff invited Board Members to the Zoning and Sign Ordinance Work Session on July 29, 2015 from 6:00 P.M. to 8:00 P.M. in the City Hall Training Room.

Feneley reported that she has plans for an upcoming move but will continue to serve on the Zoning Board of Appeals at least through the spring of 2016.

#### **ADJOURN**

Meeting adjourned at 8:09 pm.

Respectfully submitted,

*Crystal Lane*

# CASE #15.05 STAFF REPORT

**Location:** 510 Warren

**Property Zoning:** R-2 Suburban Residential

**Owner:** Matthew Huggett

**Setback Distances §156.181:** 30' Front, 8'/15' Sides, 25' Rear

## VARIANCE HISTORY

No variance history.

## BACKGROUND

This case was noticed in accordance with the Michigan Zoning Enabling Act of 2006, section 125.3103: *Notice; publication; mail or personal delivery; requirements*. The newspaper published the notice on July 31, 2015; City Hall posted the notice on July 29, 2015; and notices were sent to all property owners within 300 feet also on July 29, 2015.



The applicant, Matthew Huggett, is requesting a Use Variance from:

- **§156.221 ACCESSORY STRUCTURES AND USES (A) General Standards.** Accessory structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building within the same zoning district. (1) No accessory structure or use shall be placed upon, occupied or utilized on a lot unless the principal building is occupied or utilized except as provided for in this chapter. No accessory structure shall be constructed upon or moved to any parcel of property until a principal building is under construction for which a building permit has been issued.

## **CASE #15.05 STAFF REPORT**

- **§156.051 PRINCIPAL PERMITTED USES** - In the R-2 District, no building, structure or land shall be used in whole or in part except for one or more of the specified uses.
- **§156.052 LAND USES SUBJECT TO SPECIAL CONDITIONS** - The specified uses shall be considered conditional, shall require special land use approval, and shall comply with any applicable special land use requirements.

Petitioner would like to build a storage shed for tools used for maintenance and upkeep of the property.

### **CASE ANALYSIS**

Use Variances are outlined in §156.406 (A) and state that the overwhelming reason for the variance should be a finding of unnecessary hardship, as stated below:

- (1) **The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the ZBA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.**

*Staff Comment: The property in question is currently undeveloped, but it does not restrict it from being developed with a permitted use.*

- (2) **The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.**

*Staff Comment: The variance is in regards to the specific parcel and is not in reference to the zoning in comparison to surrounding parcels. All properties within noticing requirements are of the R-2 (Suburban Residential) district or PSP (Public/Semi-Public) district.*

- (3) **The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the chapter and zoning district will be preserved, and the essential character of the area will be maintained.**

*Staff Comment: The proposed use will not alter the character of the community. They are requesting a storage building without a primary residence. It will not restrict the future development of the land into a residential use.*

- (4) **The hardship is not the result of the applicant's actions. Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-**

**CASE #15.05**  
**STAFF REPORT**

created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

**Staff Comment:** *The variance request was partially self-created in that they planted multiple apple trees that require upkeep and maintenance, but the need for a storage space even for simple property and lawn care would be not be considered a self-created hardship.*

Zoning Board of Appeals  
Variance Application

32.3 West Michigan~ Marshall, MI ~ 49068  
Residential \$50.00 Commercial \$100.00



Pd. 50.00  
cash  
7/27/15

Petitioner Name MATTHEW HUGGETT

Address 804 MONTGOMERY ST. Phone (269) 967-4397

Property address for which you are seeking a variance: 510 WARREN

Are you the owner?  Yes  No (If not, please attach owners contact information)

Current Zoning RESIDENTIAL Current Use ORCHARD

Zoning of abutting parcels RESIDENTIAL

Plot Plan Attached

According to ordinance, you must include a plot plan of the site, drawn to scale, with a north-arrow, all lot lines shown, street right of ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements.

Dimensional Variance or  Use Variance

Reasons for variance attached  
Please see back of sheet for appropriate ZBA criteria.

Non-refundable Fees Paid

\*The ZBA meets on the 3<sup>RD</sup> Thursday of each month.

Application must be received by the date listed on the back of this sheet to be heard on the next scheduled meeting.

I understand that I am expected to attend the ZBA Public Hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain a permit before commencing work.

Signature of Petitioner  Date 7.26.15

Signature of Owner  Date 7.26.15

Questions concerning these requirements should be directed to Natalie Dean, Director of Community Services, at: (269) 781-3985 x 1505

Zoning Board of Appeals,

I am asking for a variance approval on 510 Warren street. My brother Brian Huggett and I have planted twelve apple trees and need proper shelter for our tools. An ideal shelter would sit at the back of the property, and be of no burden to the surrounding parcels. It will likely house a lawn mower, and the necessary tools to maintain a healthy orchard. Not having a shed on this property thus far has been a disadvantage in keeping up with lawn maintenance, as we hope to uphold a beautiful and functional Orchard.

Thank you for your time, if there are any questions or concerns please contact me personally. If granted I look forward to the opportunity this variance approval will bring.

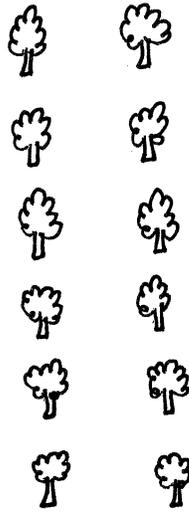
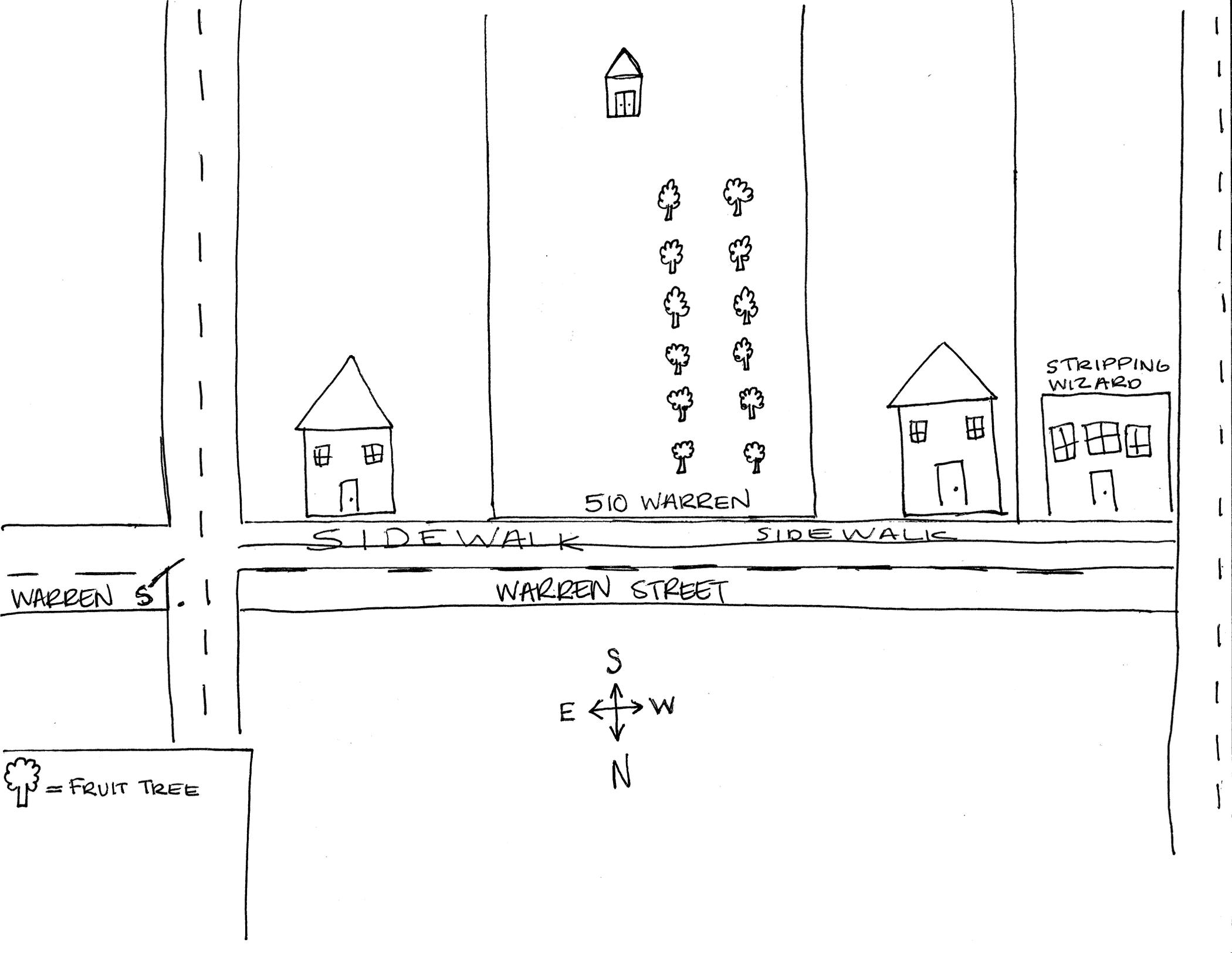
Regards,

Matthew Huggett

Matthew Huggett

Cell Phone- (269)967-4397

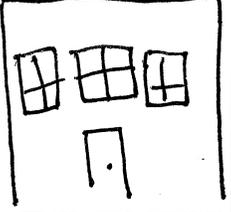
Email- [Spiritwaffle@hotmail.com](mailto:spiritwaffle@hotmail.com)



510 WARREN



STRIPPING WIZARD

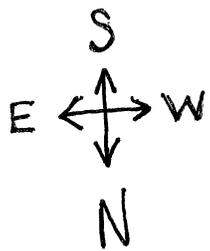


SIDEWALK

SIDEWALK

WARREN S.

WARREN STREET



 = FRUIT TREE



Dear Property Owner:

The City of Marshall Zoning Board of Appeals will hold a public hearing on Thursday – August 20, 2015, at 7:00 p.m. IN THE COUNCIL CHAMBERS OF TOWN HALL located at 323 West Michigan Avenue, Marshall, MI 49068, to hear public comments on **APPEAL #15.05** - filed by Matthew Huggett, owner of 510 Warren for a Use Variances from:

- **§156.221 ACCESSORY STRUCTURES AND USES (A) General Standards.** Accessory structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building within the same zoning district. **(1)** No accessory structure or use shall be placed upon, occupied or utilized on a lot unless the principal building is occupied or utilized except as provided for in this chapter. No accessory structure shall be constructed upon or moved to any parcel of property until a principal building is under construction for which a building permit has been issued.
- **§156.051 PRINCIPAL PERMITTED USES** - In the R-2 District, no building, structure or land shall be used in whole or in part except for one or more of the specified uses.
- **§156.052 LAND USES SUBJECT TO SPECIAL CONDITIONS** - The specified uses shall be considered conditional and shall require special land use approval and shall comply with any applicable special land use requirements.

Petitioner would like to build a storage shed for tools used for maintenance and upkeep of the property.



The Zoning Board of Appeals under certain circumstances may grant a variance to the Zoning Regulations upon presentation of sufficient evidence to support the variance request.

Any property owner, their representative, or any interested person is invited to attend the meeting to be held as noticed above. Written response can be sent to or hand delivered to the attention of the Zoning Board of Appeals, 323 W. Michigan Ave., Marshall, Michigan 49068.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a City program, service, or activity should contact Lisa Huepenbecker at the Public Services Building, 900 S. Marshall Ave., by calling (269) 781-3985 x1507, or by emailing [lhuepenbecker@cityofmarshall.com](mailto:lhuepenbecker@cityofmarshall.com), 3 days prior the scheduled meeting or event.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

[cityofmarshall.com](http://cityofmarshall.com)

<b>ADDRESS</b>	<b>CITY/STATE/ZIP</b>	<b>OCCUPANT</b>
505 FAIR ST	MARSHALL, MI 49068	OWNER/OCCUPANT
507 FAIR ST	MARSHALL, MI 49068	OWNER/OCCUPANT
509 FAIR ST	MARSHALL, MI 49068	OWNER/OCCUPANT
523 FAIR STREET	MARSHALL, MI 49068	OWNER/OCCUPANT
527 FAIR STREET	MARSHALL, MI 49068	OWNER/OCCUPANT
428 LOCUST	MARSHALL, MI 49068	OWNER/OCCUPANT
503 MAPLE	MARSHALL, MI 49068	OWNER/OCCUPANT
511 MAPLE	MARSHALL, MI 49068	OWNER/OCCUPANT
450 S MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
507 S MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
516 S MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
526 S MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
606 S MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
613 S MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
506 WARREN	MARSHALL, MI 49068	OWNER/OCCUPANT
510 WARREN	MARSHALL, MI 49068	OWNER/OCCUPANT
516 WARREN	MARSHALL, MI 49068	OWNER/OCCUPANT
521 WARREN	MARSHALL, MI 49068	OWNER/OCCUPANT
522 WARREN	MARSHALL, MI 49068	OWNER/OCCUPANT
616 WASHINGTON	MARSHALL, MI 49068	OWNER/OCCUPANT

# CASE #15.06 STAFF REPORT

**Location:** 401 E Mansion

**Property Zoning:** MFRD (Multiple Family Residential)

**Owner:** Scott Harnden

**Setback Distances §156.181:** 40' Front, 10'/30' Sides, 30' Rear

## VARIANCE HISTORY

No variance history.

## BACKGROUND

This case was noticed in accordance with the Michigan Zoning Enabling Act of 2006, section 125.3103: *Notice; publication; mail or personal delivery; requirements.* The newspaper published the notice on July 31, 2015; City Hall posted the notice on July 29, 2015; and notices were sent to all property owners within 300 feet also on July 29, 2015.



The applicant, Scott Harnden, is requesting a Dimensional Variance from:

- §156.221 ACCESSORY STRUCTURES AND USES
  - o (G) Accessory structures shall be erected in a rear yard, except an accessory structure may be allowed in a non-required side yard when setback a minimum of 75 feet from the front lot line and meets the side yard setback for the district in which it is located as specified in §156.180.

## **CASE #15.06 STAFF REPORT**

- (D) An accessory structure having a two foot overhang shall be subject to the following:
  - (2) Be located closer than ten feet to any principal building measured from the foundation.

Petitioner would like to build a two car garage in required and non-required side yard.

### **CASE ANALYSIS**

Dimensional Variances are outlined in §156.406 (A) and state that the overwhelming reason for the variance should be a finding of unnecessary hardship, as stated below:

(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.

**Staff Comment:** *The MFRD district does not have a high percentage of garages, however many principal residential uses do throughout the city regardless of zoning designation. The garage is a permitted accessory use within the MFRD district, and is only in conflict due to dimensional restrictions.*

(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.

**Staff Comment:** *A lesser variance could be considered that would allow a smaller garage. The two car garage being proposed will bring the property coverage to the maximum allowed percentage.*

(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.

**Staff Comment:** *The property is a corner lot that must consider two of the four sides as front yards and the other two as side yards. Accessory structures are generally permitted in rear yards, but corner lots do not have rear yards so the extended front yard setback (75') is required in order to place one in the side yard. The property is only 66' wide, so any accessory structure would require a variance no matter the size to meet the 75' setback.*

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

**CASE #15.06**  
**STAFF REPORT**

**Staff Comment:** *The need is only self-created by the lack of upkeep of the previously placed non-conforming garage that caused its structural failure a couple winters ago. The need for a variance in order to place a new garage outside of ordinance regulations is not self-created.*

(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.

**Staff Comment:** *A structure as large as that which is being proposed will certainly affect adjacent properties. Due to the majority of their neighbors having two story homes, the petitioner would be permitted to build up to 25' which could exacerbate any nuisance.*

(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.

**Staff Comment:** *The variance would restrict the ability for storage outside of the primary structure which could create the less favorable visible outdoor storage issue. Financial return is not a factor in the need or want to build this structure.*

Zoning Board of Appeals  
Variance Application

32.3 West Michigan~ Marshall, MI ~ 49068  
Residential \$50.00 Commercial \$100.00



pd \$50  
7-27-15  
CHK# 842188

Petitioner Name SCOTT K. HARNDEN

Address 401 E. MANSION ST. Phone (269) 245-2589

MARSHALL, MI (49068)

Property address for which you are seeking a variance: SAME

Are you the owner?  Yes  No (If not, please attach owners contact information)

Current Zoning MSRD Current Use SINGLE FAMILY

Zoning of abutting parcels \_\_\_\_\_

\_\_\_\_\_ Plot Plan Attached

According to ordinance, you must include a plot plan of the site, drawn to scale, with a north-arrow, all lot lines shown, street right of ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements.

Dimensional Variance or \_\_\_\_\_ Use Variance

Reasons for variance attached  
Please see back of sheet for appropriate ZBA criteria.

Non-refundable Fees Paid

\*The ZBA meets on the 3<sup>RD</sup> Thursday of each month.

Application must be received by the date listed on the back of this sheet to be heard on the next scheduled meeting.

I understand that I am expected to attend the ZBA Public Hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain a permit before commencing work.

Signature of Petitioner \_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner Scott Harnden Date 07/27/15

Questions concerning these requirements should be directed to Natalie Dean, Director of Community Services, at: (269) 781-3985 x 1505

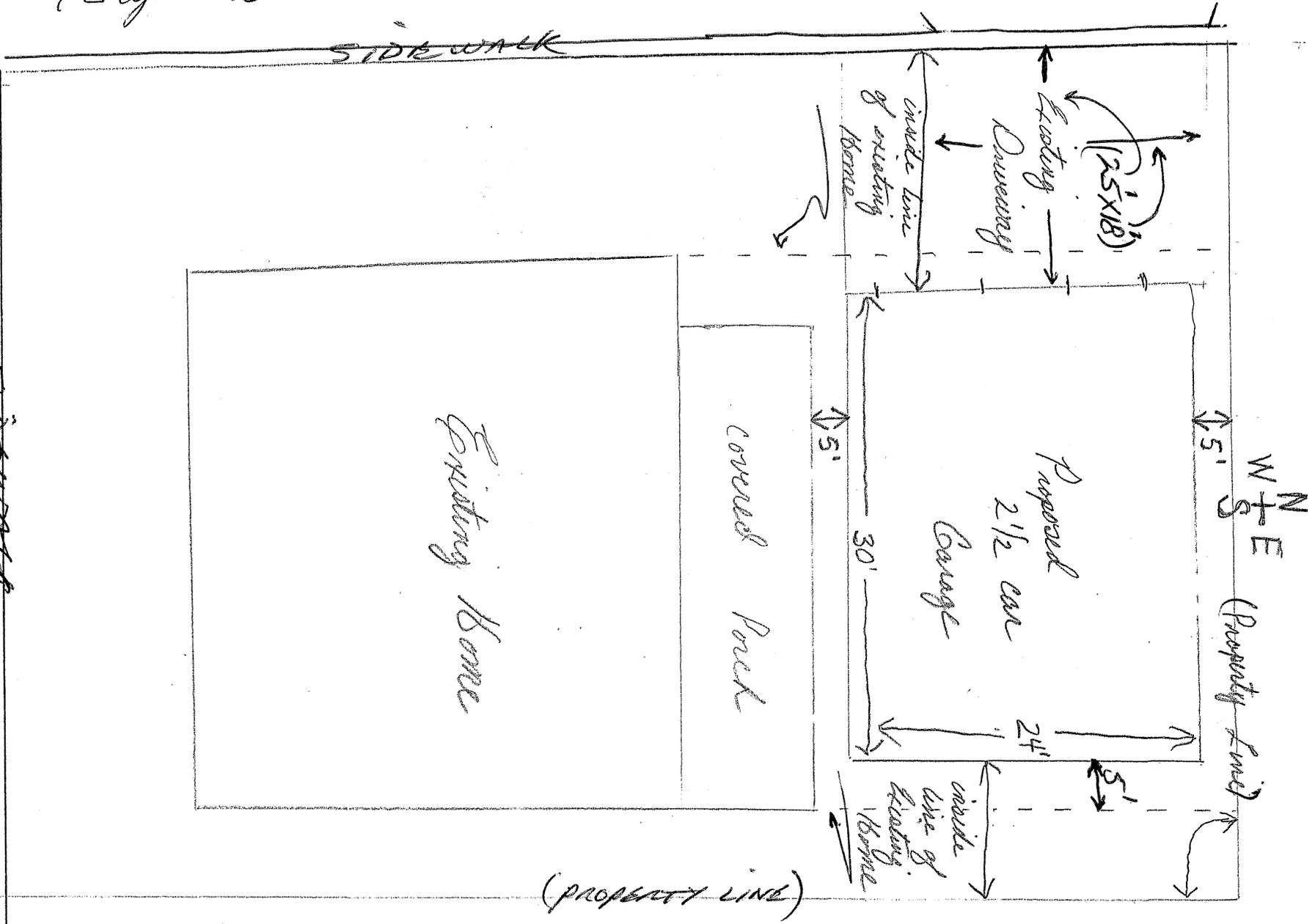
From - Scott Hansen  
To - ZBA  
(02/27/15)

WE ARE TRYING TO APPLY  
FOR A BUILDING PERMIT -  
TO REPLACE THE EXISTING  
GARAGE THAT WAS DESTROYED  
DUE TO EXCESSIVE WEIGHTS  
OF SNOW & ICE (LAST WINTER).  
THE GARAGE HAS BEEN REMOVED  
AND DUE TO (SET BACKS) TO THE  
NORTH AND EAST, WE ARE  
MAKING ADJUSTMENTS ON THE  
FOOTPRINT. WE ARE ASKING  
YOU TO ALLOW US TO BUILD  
A STRAND 30' X 24' GARAGE  
ON THE SAME FOOTPRINT WITH  
A DIMENSIONAL VARIANCE -  
BECAUSE THE NORTH AND  
EAST SETBACKS ARE PUSHING  
THE GARAGE 5' SOUTH AND  
5' WEST. THE ORIGINAL  
GARAGE WAS 5' FROM THE  
COVERED PORCH. WE WANT  
TO KEEP THAT BORDER.

Scott Hansen

High St.

SIDEWALK



Manor St.

SIDEWALK

EDDIE EAKINS BUILDER  
 6650 N 39TH ST  
 AUGUSTA MI 49012

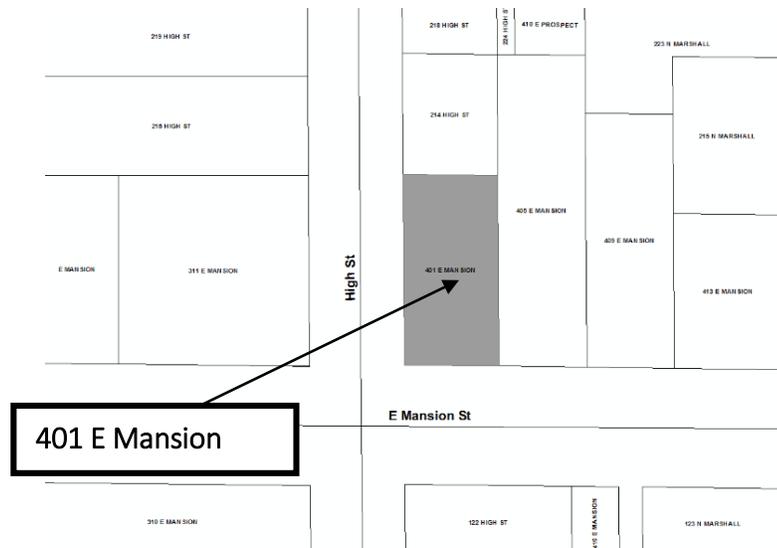


Dear Property Owner:

The City of Marshall Zoning Board of Appeals will hold a public hearing on Thursday – August 20, 2015, at 7:00 p.m. IN THE COUNCIL CHAMBERS OF TOWN HALL located at 323 West Michigan Avenue, Marshall, MI 49068, to hear public comments on APPEAL #15.06 - filed by Scott Harnden at 401 E Mansion for a Dimensional Variances from:

- **§156.221 ACCESSORY STRUCTURES AND USES**
  - o (G) Accessory structures shall be erected in a rear yard, except an accessory structure may be allowed in a non-required side yard when setback a minimum of 75 feet from the front lot line and meets the side yard setback for the district in which it is located as specified in §156.180.
  - o (D) An accessory structure having a two foot overhang shall be subject to the following: (2) Be located closer than ten feet to any principal building measured from the foundation.

Petitioner would like to build a two car garage in required and non-required side yard.



The Zoning Board of Appeals under certain circumstances may grant a variance to the Zoning Regulations upon presentation of sufficient evidence to support the variance request.

Any property owner, their representative, or any interested person is invited to attend the meeting to be held as noticed above. Written response can be sent to or hand delivered to the attention of the Zoning Board of Appeals, 323 W. Michigan Ave., Marshall, Michigan 49068.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a City program, service, or activity should contact Lisa Huepenbecker at the Public Services Building located at 900 S. Marshall Ave., by calling (269) 781-3985 x1507, or by emailing [lhuepenbecker@cityofmarshall.com](mailto:lhuepenbecker@cityofmarshall.com), 3 days prior the scheduled meeting or event.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

[cityofmarshall.com](http://cityofmarshall.com)

<b>ADDRESS</b>	<b>CITY/STATE/ZIP</b>	<b>OCCUPANT</b>
110 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
114 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
122 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
214 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
215 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
218 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
219 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
224 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
225 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
302 HIGH ST	MARSHALL, MI 49068	OWNER/OCCUPANT
200 N MADISON	MARSHALL, MI 49068	OWNER/OCCUPANT
310 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
311 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
401 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
405 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
409 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
410 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
413 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
555 E MANSION	MARSHALL, MI 49068	OWNER/OCCUPANT
109 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
111 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
116 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
123 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
215 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
220 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
222 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
223 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
303 N MARSHALL	MARSHALL, MI 49068	OWNER/OCCUPANT
305 E MICHIGAN	MARSHALL, MI 49068	OWNER/OCCUPANT
307 E MICHIGAN	MARSHALL, MI 49068	OWNER/OCCUPANT
319 E MICHIGAN	MARSHALL, MI 49068	OWNER/OCCUPANT
401 E MICHIGAN	MARSHALL, MI 49068	OWNER/OCCUPANT
413 E MICHIGAN	MARSHALL, MI 49068	OWNER/OCCUPANT
417 E MICHIGAN	MARSHALL, MI 49068	OWNER/OCCUPANT
410 E PROSPECT	MARSHALL, MI 49068	OWNER/OCCUPANT