

**ZONING BOARD OF APPEALS  
APPROVED MINUTES**

**October 13, 2016**

Call to Order:

Chairman Paul Jackson called the Zoning Board of Appeals meeting to order at 7:03 PM.

Roll Call: Jayne Graham, Paul Jackson, Bob King, Paul Long, Ralph Manting

PRESENT: Paul Jackson, Bob King, Paul Long, Ralph Manting

ABSENT: Jayne Graham

ALSO PRESENT: Mark Sweppenheiser, Zoning Administrator

There were 1 person(s) in the audience.

Moved by Paul Long, seconded by Ralph Manting, to approve the minutes of the May 26, 2016 ZBA meeting.

Motion passed unanimously

Public Comment Not Related to Items on the Agenda: None

**Public Hearing:**

Chairperson Jackson opened the Public Hearing at 7:05 PM to consider the request received for 502 North State Street. The applicant has submitted an application to the ZBA requesting a variance from Section 3.11:3, required front yard setback, to redevelop the existing site and add a covered entryway.

**Staff Report**

The applicant, Gary Gerber of Gerber Construction, is requesting a non-use variance to redevelop 502 N State Street. The structure has been vacant for many years; it was formerly the Bulldog Fitness location. The applicant is requesting a fifteen (15) foot variance to construct a canopy in the front yard setback.

The parcel is zoned C-3 and the required front yard setback is fifteen (15) feet. The proposal was reviewed on Wednesday, September 21, 2016 at the regular meeting of the Planning Commission.

An aerial photo with delineated property lines has also been provided, accuracy is estimated at plus or minus one (1) foot.

When considering a non-use variance, the applicant must show the ZBA the following:

1. The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or

**The ordinance restrictions would prevent the redevelopment of the site. The existing canopy is approximately three (3) feet from the property line.**

2. The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or

**The variance would do justice to both the applicant and surrounding property owners by allowing a dilapidated structure to be redeveloped.**

3. The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or

**The unique circumstance is the fact that the applicant is redeveloping an existing site.**

4. The alleged practical difficulty has not been created by any person presently having an interest in the property.

**The practical difficulty has not been created by the applicant.**

Staff recommends approval of the requested variance of fifteen (15) feet from Section 3.11:3 of the Zoning Ordinance, to allow the applicant to construct a new canopy in the front yard setback at 502 North State Street, in conformance with the site plan approved September 21, 2016 at the Big Rapids Planning Commission regular meeting.

The site plan for 502 North State Street was approved by the Planning Commission, contingent on variance approval from the Zoning Board of Appeals.

Applicant's Statement:

Gary Gerber of Gerber Construction, 7602 Belmont Avenue NE Belmont MI 49306, stated that the Social Security Administration would be occupying approximately ninety (90) percent of the structure and the remaining ten (10) percent, which is approximately 711 sq. feet, will be available for lease.

Mr. Gerber stated that a handicap ramp is required to provide access to the building. The General Services Administration (GSA) also mandates safety precautions on the exterior of the structure, such as bollards and/or berms. Mr. Gerber stated that these requirements limit his options for redeveloping the existing site.

Mr. Gerber noted that the existing building is already eight (8) feet into the front yard setback, so approval of this request would really only be extending that an additional seven (7) feet.

Mr. Gerber showed the board a rendering of the proposed improvements to 502 North State Street.

Gerber Construction will be responsible for leasing the small office space portion of the structure. Mr. Gerber believes that the space would be well suited for a business such as an attorney, insurance agent or accountant.

Mr. Gerber stated that the Social Security Administration has been in its current location for fifteen (15) years and he believes that they will be long-term lessees of this location as well.

**Chairperson Paul Jackson called for those who wished to speak in support of the request – None**

**Chairperson Paul Jackson called for those who wished to speak in opposition of the request – None**

**Chairperson Paul Jackson called for any written or telephonic correspondence received by staff – None**

Applicant Rebuttal - None

**Chairperson Paul Jackson closed the public hearing and went into fact finding at 7:11 PM.**

## Fact Finding

Paul Long asked Zoning Administrator, Mark Sweppenheiser, if the variance was only to allow the construction of a canopy on the west side of the building. Sweppenheiser stated that it was.

With a non-use variance, one or more of the following requirements must be met.

1. The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or
2. The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or
3. The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or
4. The alleged practical difficulty has not been created by any person presently having an interest in the property.

The board unanimously agreed that all of the above requirements have been met, as noted in Sweppenheiser's staff report.

## **MOTION**

Motion has been made by Ralph Manting, seconded by Paul Long, to grant approval of the requested fifteen (15) foot variance from Section 3.11:3 of the Zoning Ordinance to allow the applicant to construct a new canopy in the front yard setback at 502 North State Street.

Yeas: Paul Jackson, Bob King, Paul Long, Ralph Manting

Nays: None

Motion passed.

Other business - None

There being no further business to come before the board, the chair declared the meeting adjourned at 7:18 PM.

Respectfully submitted,

Stacey Johns  
Secretary