

**CITY OF ALGONAC
ZONING BOARD OF APPEALS MEETING
805 St. Clair River Drive; Algonac, MI 48001**

**Agenda October 17, 2019
7 p.m.
Minutes as approved Jan 17, 2020**

Call to order

Chair Tideswell called the meeting to order at 7 p.m.

Roll Call

Present: Bayly, Bembas, Bolf, Lawton, Schwark, Tideswell

Absent: Gulliver

Others: City Clerk Sam Boelke, Mr. Thomas D'eath

Pledge of Allegiance

Chair Tideswell led the Pledge of Allegiance

Citizens to Be Heard

None

Approval of Minutes

Motion by Bayly; supported by Lawton to approve the ZBA meeting minutes of June 20, 2019 as presented. Motion carried.

Communications and Notices

None

Unfinished Business

None

New Business

ZBA Case # 2019-03, 2336 Algona Court

Motion by Bayly; supported by Bembas to open the public hearing. Motion carried.

Mr. D'eath stated his case for an oversized garage and asked if the board had any questions.

Motion by Bayly supported by Lawton, in the case of #2019-03, 2336 Algona Court, to deny the requested variance because the conditions of ordinance 50-580 have not been met. *Motion carries to deny the request.*

Roll Call:

Ayes: Bembas, Bolf, Lawton, Schwark, Tideswell, Bayly

Nays: None

Absent: Gulliver

ZBA Case # 2019-04, 418 Virginia

Motion by Bayly; supported by Lawton to open the public hearing. Motion carried.

Mr. Rietzler stated his case for requesting a variance because he has two front yards.

Motion by Bembas; supported by Bayly in the case of #2019-04, 418 Virginia Street, to approve the variance allowing construction of a detached accessory structure in the front yard for the following reasons. *Motion carries to approve the request.*

- (1) All requirements of Zoning Ordinance 50-580 for approving this variance have been established and granting the variance will observe the spirit of the Zoning Ordinance.
- (2) This property has two front yards, one on the canal, and one on Virginia Street, making this site unique and creating a legitimate need for the variance.
- (3) Allowing this variance will not be contrary to public health, safety or welfare because the detached accessory structure will be proportionate and not exceed the requirements permissible for the site.
- (4) The detached accessory structure located in the front yard will not likely depress the value of nearby properties.

This motion includes the following conditions:

- a. The variance shall expire, without need for action by this Board, if the appropriate approvals are not sought and obtained within one (1) year.
- b. The approval of this variance shall not be rationale for any future variance requests.
- c. Any additional variance requests may be grounds for revocation or revision of any variance that is granted.
- d. Any violation of the terms and conditions of the ZBA decision or of any requirements of the City's Ordinances may be ground for revocation of the variance.
- e. The appropriate permits must be applied for and obtained prior to installation.

Roll Call:

Ayes: Bolf, Lawton, Schwark, Tideswell, Bayly, Bembas

Nays: None

Absent: Gulliver

ZBA Case # 2019-05, 822 Howard

Motion by Bayly; supported by Bembas to open the public hearing. Motion carried.

Mr. James asked the Board if they had any questions.

Motion by Bembas; supported by Bayly in the case of #2019-05 to approve the request for a sidewalk waiver at 822 Howard with the following conditions: 1 - that the petitioner agrees to abide by and comply with all applicable rules and regulations and orders of every lawful agency or governing authority having jurisdiction, 2 - that the decision of the board will remain valid and in force only as long as the facts and information presented to the board in public hearing are found to be correct and that the conditions upon which the motion is based are maintained as presented to the board, 3 - the petitioner requires that the owner of the property agree that if and when the City deems it necessary to require the installation of subject concrete work, the owner of the property will install the required concrete work promptly at his own expense or will be subject to a special assessment in an amount sufficient to cover the cost of such installation by the City. *Motion carried to approve the request with conditions.*

Roll Call:

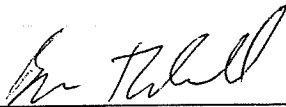
Ayes: Lawton, Schwark, Tideswell, Bayly, Bembas, Bolf

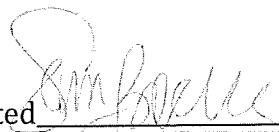
Nays: None

Absent: Gulliver

Adjournment

Motion by Bembas supported by Bayly to adjourn the meeting at 7:27p.m. Motion carries.

Signed: 
Chairman Brian Tideswell

; respectfully submitted 
City Clerk Sam Boelke