

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

**June 20, 2019  
7 p.m.  
Minutes as approved 10.17.19**

**Call to order**

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

**Roll Call**

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

Absent: Bolf

Others: City Manager Denice Gerstenberg, Ken and Lynn Sobczak, Denice Kelly, Andy Catenacci, Danute Giura, Petru Giura, Gregory Knox

**Pledge of Allegiance**

Chairman Tideswell led the Pledge of Allegiance

**Citizens to Be Heard**

None

**Approval of Minutes**

Motion by Gulliver; supported by Bayly to approve the May 17, 2018 meeting minutes as presented. Motion carried.

**Communications and Notices**

None

**Unfinished Business**

None

**New Business**

**ZBA Case # 2019-01 472 Willard**

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

Mr. Sobczak stated his case for a garage.

Motion by Bayly; supported by Gulliver to close the public hearing. Motion carried.

Motion by Gulliver; supported by Lawton; in the case of #2019-01, 472 Willard Street, to approve the variance allowing construction of a detached accessory structure in the front yard for the following reasons. Motion carried.

- (1) All of the 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 three front yards, one on Westview Avenue Canal, one on Oriole Canal, and one on Willard Avenue, 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**

Aye: Bembas, Gulliver, Lawton, Schwark, Tideswell, Bayly

Nay: None

Absent: Bolf

**ZBA Case # 2019-02 486 Dixie**

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

Home owners stated case for a garage. Petru Giura, 482 Dixie, stated his support for the variance and Gregory Knox, 475 Dixie, stated his support for the variance.

Motion by Bayly; supported by Gulliver to close the public hearing. Motion carried.

Motion by Lawton; supported by Bayly in the case of #2019-02, 486 Dixie Blvd, to DENY the variances allowing construction of a detached accessory structure for the following reasons. Motion carried.

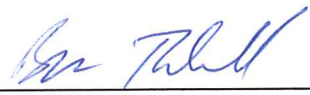

- (1) All of the requirements of Zoning Ordinance 50-580 for approving this variance have NOT been established and granting the variance does NOT observe the spirit of the Zoning Ordinance.
- (2) There are no exceptional or extraordinary circumstances or conditions that apply to this property that make this site unique or create a legitimate need for the variance.
- (3) Allowing this variance will be contrary to public health, safety or welfare because the proposed structure will NOT be proportionate and WILL NOT MEET the requirements permissible for the site.
- (4) Such variances may depress the value of nearby properties. Compliance with existing square footage, height, driveway width and drive approach requirements would not unreasonably prevent the owner from using the property for the permitted purpose, and conformity to the existing ordinances is not unnecessarily

**Roll Call**

Aye: Gulliver, Lawton, Schwark, Tideswell, Bayly, Bembas  
Nay: None  
Absent: Bolf

**Adjournment**

Motion by Bayly; supported by Gulliver to adjourn the meeting at 7:33 p.m. Motion carried.

Signed: ; respectfully submitted   
Brian Tideswell, Chair Sam Boelke, Clerk