

City of Hastings Zoning Board of Appeals COMMUNICATION

DATE: January 10, 2023
TO: City of Hastings Zoning Board of Appeals Members
FROM: Dan King, Community Development Director
SUBJECT: Information – January 17, 2023 ZBA Meeting

Dear Zoning Board of Appeals Member:

The applicant, Kevin Anderson, is seeking relief from Chapter 90, Article 90-VI, Division 90-VI-5 Section 90-314 (b)(2) and (b)(4) to allow construction of a two-family dwelling with a front yard setback of 19' and a rear yard setback of 19'. The R-2 Residential Zoning District requires a 25' front yard and 25' rear yard setback per Section 90-314 (b)(2) and (b)(4) which in the case of the subject parcel would allow construction of a dwelling unit with a 16' width. Chapter 90, Division 90-IX-1, Section 90-774 (c) requires a minimum width throughout the entire dwelling unit of 24 feet measured between the exterior part of the walls having the greatest length.

The applicant is proposing to construct a two-family dwelling with a width of 28' and a length of 60' which requires relief from the Zoning Board of Appeals pertaining to the proposed 19' front and 19' rear setback.



Respectfully submitted:

Dan King
Community Development Director

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING AGENDA
January 17, 2023**

1. Call to Order at 7:00 P.M.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval/Additions/Deletions to Agenda.
5. Approval of the Minutes – September 20, 2022 Meeting *
6. Public Hearings:

Public hearing to hear comments and make a determination on a variance request from Kevin Anderson at 221 East Clinton Street to allow construction of a two-family dwelling unit with a 19' front yard and 19' rear yard setback. The R-2 Residential Zoning District requires a 25' front yard setback and a 25' rear yard setback per Section 90-314 (b)(2) and (b)(4). *

7. Old Business: (None)
8. New Business: (None)
9. Public Comments and Communications Concerning Items Not on the Agenda.
10. Board Comments.
11. Adjournment.

*Attachment included

CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING MINUTES
September 20, 2022

1. Call to Order: Vice-Chair Furrow Called the Meeting to Order at 7:01 PM
2. Roll Call -- Members Present: Baker, Buehl, Dickinson, Furrow
Members Absent: Maurer
Alternates Present: Anger, Resseguie
Alternates Absent: None
Staff Present: King
3. Pledge of Allegiance.
4. A. Furrow empaneled Resseguie
4. B. Approval/Additions/Deletions to Agenda.

Motion by Resseguie, second by Furrow to approve the agenda as presented.

All ayes.

Motion Carried.
5. Approval of the Minutes – August 16, 2022 Meeting.
Dickinson stated the minutes were dated September 16, 2022 and not August 16, 2022. King to correct the date.

Motion by Buehl, second by Dickinson to approve the minutes as amended of the August 16, 2022, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings:

King introduced the variance request from the Hastings Church of the Nazarene/Barry County YMCA. The applicant has requested a variance Section 90-859 (a) (2) to allow construction of a four-foot-high fence within the secondary street front yard from two feet from the property line and a variance from Section 90-831 (a) (4) to allow placement of structure(s) which exceed 36" in height in the required secondary front yard.

King instructed the applicant on the procedures and conditions the Zoning Board of Appeals must approve as part of the deliberation process.

Furrow opened the public hearing at 7:12 p.m.

Furrow closed the public hearing at 7:15 p.m.

Scott Allerding, representing the applicant, presented the request and read the answers to questions pertaining to the variance request.

Dickinson asked for clarification of the definition of the required secondary front yard. King, as Zoning Administrator, provided the information.

Motion was made by Resseguie and supported by Dickinson that the variance will not be a substantial detriment to adjacent property and the surrounding neighborhood and such variance will not impair the public health, safety, or welfare, or the intent and purpose of the Zoning ordinance.

Roll call vote:

Ayes: Baker, Buehl, Dickinson, Furrow, Resseguie

Nays: None

Motion carried.

Motion was made Resseguie and supported by Furrow that there are exceptional or extraordinary circumstances or conditions applying to the property or the intended use of the property that do not apply generally, to other properties in the same zoning classification.

Roll call vote:

Ayes: Baker, Buehl, Dickinson, Furrow, Resseguie

Nays: None

Motion Carried.

Motion was made by Resseguie and supported by Furrow that such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning and in the vicinity of the subject property.

Roll call vote:

Ayes: Baker, Buehl, Dickinson, Furrow, Resseguie

Nays: None

Motion Carried.

The applicant, Hastings Church of the Nazarene/Barry County YMCA has been approved for the requested variances.

9. Public Comments: (None)

10. Board Comments: None

Meeting was adjourned at 7:39 p.m.

Mandy Furrow– Vice- Chair

Recording Secretary - King

City of Hastings

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the City of Hastings will hold a public hearing during its regular meeting on January 17, 2023 at 7:00 PM in the City Hall Council Chambers, 201 East State Street, Hastings, Michigan 49058.

The purpose of the public hearing is to hear comments and make a determination on a variance request by owner Kevin Anderson at 221 East Clinton Street.

The applicant has requested a variance from Section 90-314 (b)(2) and (b)(4) of the City of Hastings Code of Ordinances, that if granted, will allow construction of a two-family dwelling with a 19' front yard and 19' rear yard setback.

Legal description of said property is:

LOT 4 BLK 21 LYING E FALL CREEK OF EASTERN ADD. SEC 17 T3N R8W

Written comments will be received on the above request at Hastings City Hall, 201 East State Street, Hastings, Michigan 49058 until 4:00 PM on the day of the hearing. Requests for information of said hearing should be directed to Community Development Director, Dan King at 269-945-2468 or dking@hastingsmi.org.

The City will provide necessary reasonable aids and services upon five days notice to Hastings City Clerk (telephone number 269-945-2468) or TDD call relay services 1-800-649-3777.

Christopher R. Bever
City Clerk

Please publish in the December 29, 2022 edition of the
Hastings Banner.

Received by _____ on _____

as representative of the Hastings Banner.



City of *Hastings* Michigan

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
CRITERIA FOR GRANTING A NONUSE (DIMENSIONAL) VARIANCE**

In granting a nonuse (dimensional) variance, the Board is required to find from reasonable evidence that

1. Such variance will not be a substantial detriment to adjacent property and the surrounding neighborhood.
2. Such variance will not impair the public health, safety, welfare, or the intent and purpose of the Zoning Ordinance.

In granting a nonuse (dimensional) variance, the Board must also find that at least two of the following three conditions exist:

1. That these are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning classification.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that the possibility of increased return shall not be deemed sufficient to warrant a variance.
3. That the condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this.



APPLICATION
ZONING BOARD OF APPEALS
City of Hastings
201 E. State Street
Hastings, MI 49058

Date: 12-20-2022

1. Applicant Name: ANDERSON KEVIN L
Address: 2429 Chippewa Trail (LAST) (FIRST) (INITIAL)
(STREET) Hastings MI 49058
Telephone: 219-629-5175 (CITY) (STATE) (ZIP)
(BUSINESS) SAME
(HOME, BEEPER, ETC.)
- Applicant's interest in property: Owner
2. Owner Name (IF DIFFERENT FROM ABOVE): _____
3. Request: _____
Variance: Building Set Back and Rear Yard
Other: 19' feet each from 25' each
4. Address of Property: 221 East Clinton
5. Legal Description: SS-220-116-00
6. Current Zoning: _____ Proposed Zoning: _____
7. Applicable Fees: _____
8. Applicant's Signature: [Signature] 12-20-2022
(Date)
9. Permission To Enter Property: _____
(Date)
10. Staff Signature: _____
(Date)

- OFFICE USE ONLY -

Application #: _____
Filing Date: 12.20.22
Fees Paid: \$300
To Clerk's Office on: _____

Date(s) Advertised: _____
Date of Meeting: 1.17.23
Board Action: _____

Supplement to Application # _____

**ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE - SUPPLEMENTAL INFORMATION**

I, KEVIN L ANDERSON, hereby request a variance from Section(s)
(Name)

_____, of the City of Hastings Code of Zoning
(Ordinance Number(s))

Ordinances, upon the premises known as 221 EAST Clinton St Hastings
(Address or Legal Description)

55-220-116-00

Hastings, Michigan, in accordance with the plans and descriptive documents attached. The

following describes the proposed activity for which a variance is required (attach additional

sheets if necessary):

Construction of NEW duplex 28' x 60' - 1680 sqft

Lot is long way or 132' on Clinton and 66' deep

Proposal Variance is to split front Setback and Rear yard

Building 19' Front and Rear - with 2' overhang Eaves 17' front and back

The City of Hastings Zoning Board of Appeals will review the request for a variance to determine if the request satisfies the mandatory requirements contained within the Code of Ordinances as necessary for granting such requests. The applicant is strongly encouraged to attend the public hearing scheduled to solicit public comments regarding his/her request for a variance. The applicant will also be provided an opportunity to offer comment regarding their request, and to provide additional information to assist the Zoning Board of Appeals to properly evaluate their request.

In order for the Zoning Board of Appeals to be authorized to grant a variance, the Board must find from reasonable evidence that the variance will not be of substantial detriment to adjacent property and the surrounding neighborhood; that granting the variance will not impair the public health, safety, welfare, or the intent and purpose of the Zoning Ordinance; and that at least two of

the following conditions exist. Please describe in the space provided below how in the applicants opinion, the necessary conditions exist in the case of this particular request for a variance.

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning classification.

Property address is on Clinton or large Long
on road frontage 132' x 66' deep.

Boltwood NEVER improved otherwise I believe this
would have been a Boltwood address with the
typical 66' x 132' lot

2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that the possibility of increased return shall not be deemed sufficient to warrant a variance.

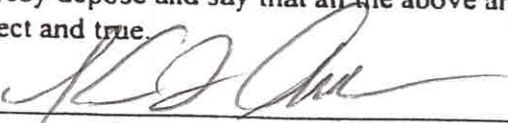
3. That the condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this chapter.

Other information in support of this appeal (attach additional sheets as necessary):

Describe previous appeals related to the property and the disposition of these appeals.

The applicant shall be required to provide a site plan or drawing with sufficient detail to accurately and fully describe the proposed construction, expansion, enlargement, change of use, or other improvements resulting in the need for a request for a variance. This drawing shall include building setback and separation distances, existing and proposed building dimensions, pertinent topographical features, and other information as necessary to clearly describe the site and applicable surrounding structures and lands.

I hereby depose and say that all the above and accompanying statements and documents are correct and true.



(Signature of Appellant)

12-20-2022

(Date)

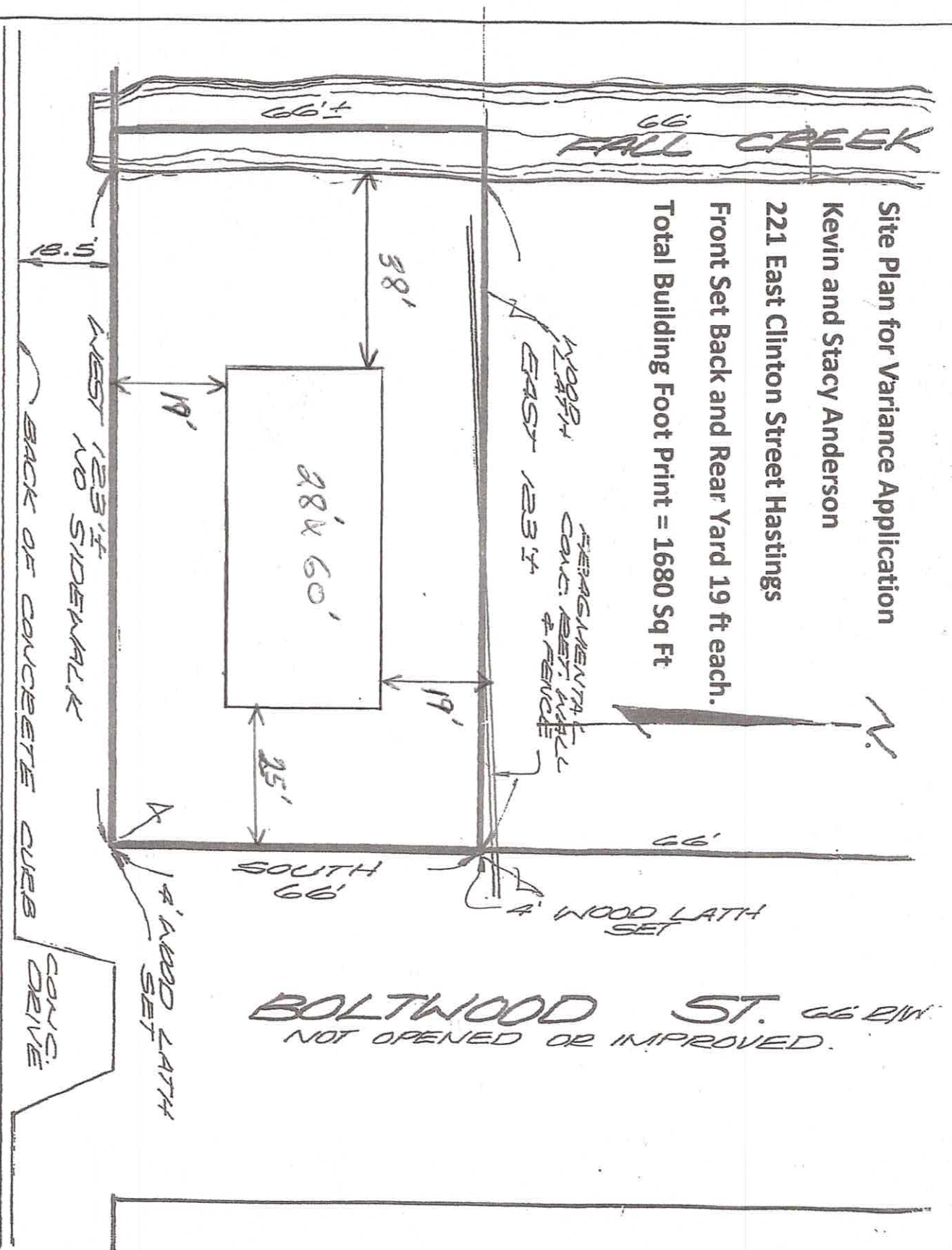
Site Plan for Variance Application

Kevin and Stacy Anderson

221 East Clinton Street Hastings

Front Set Back and Rear Yard 19 ft each.

Total Building Foot Print = 1680 Sq Ft

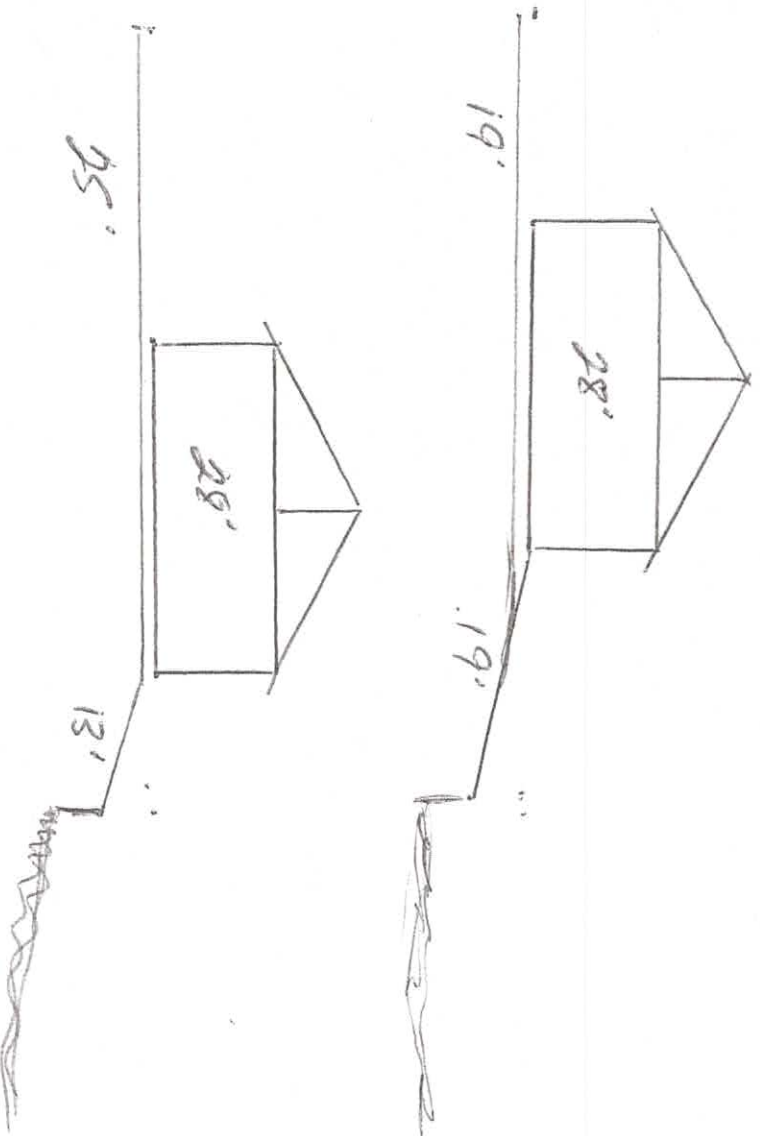


BOLTWOOD ST. 66' E/W
NOT OPENED OR IMPROVED.

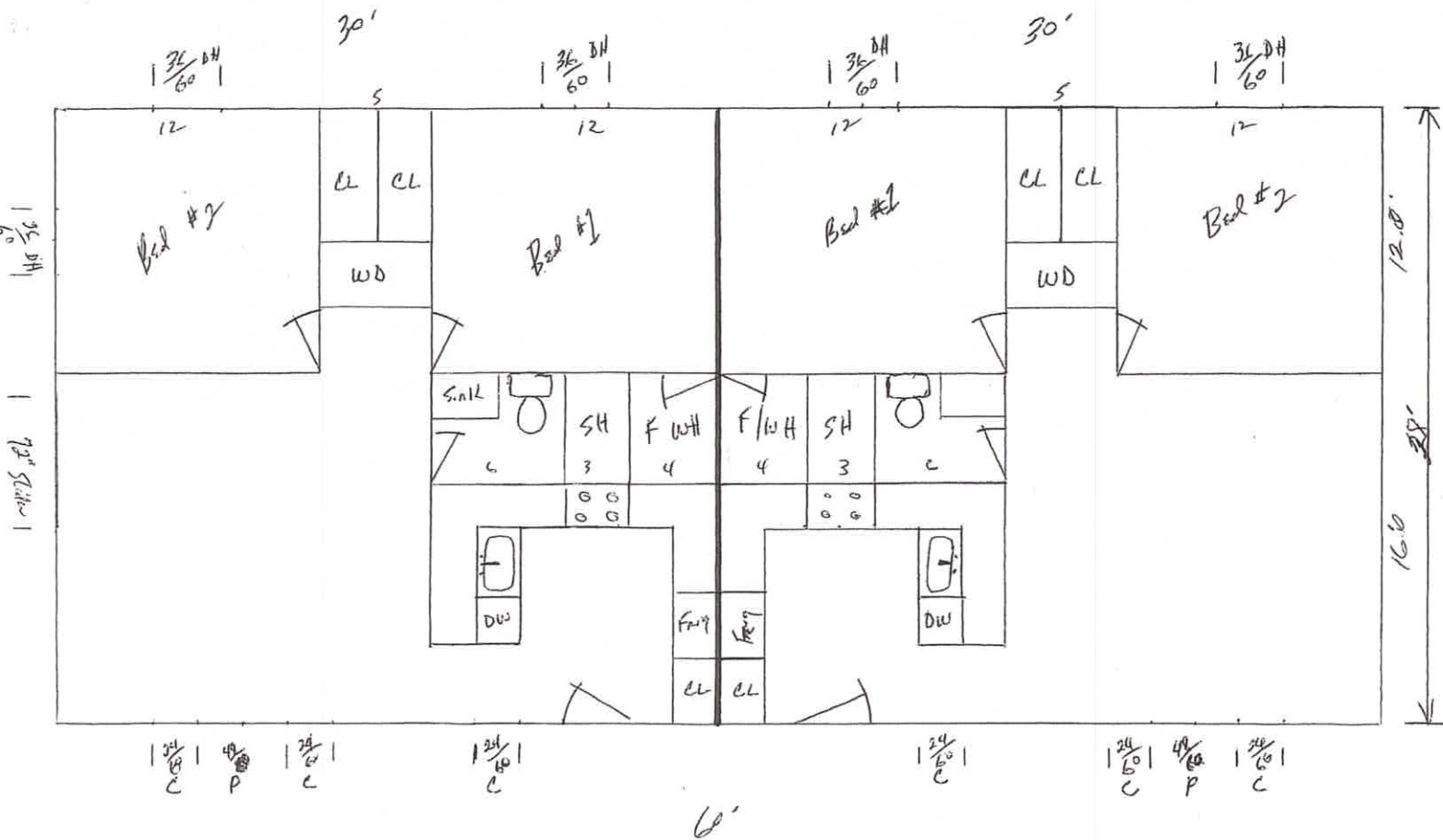
EAST CLINTON STREET 66' E/W
CONCRETE CURB & GUTTER; BITUMINOUS

Attachment for lot line variance at 221 East Clinton St Hastings Michigan

This is to show reasonable cause for splitting the usable lot depth at 19' in place of 25' / 13'.



The overall lot trends down or slopes to front to back. Then there is a drop in height from my lot and the neighbor's property. I would like to maintain the 6 extra feet to allow for grading and control of water coming off the back of the building. Staying as far away from the lot line as possible.

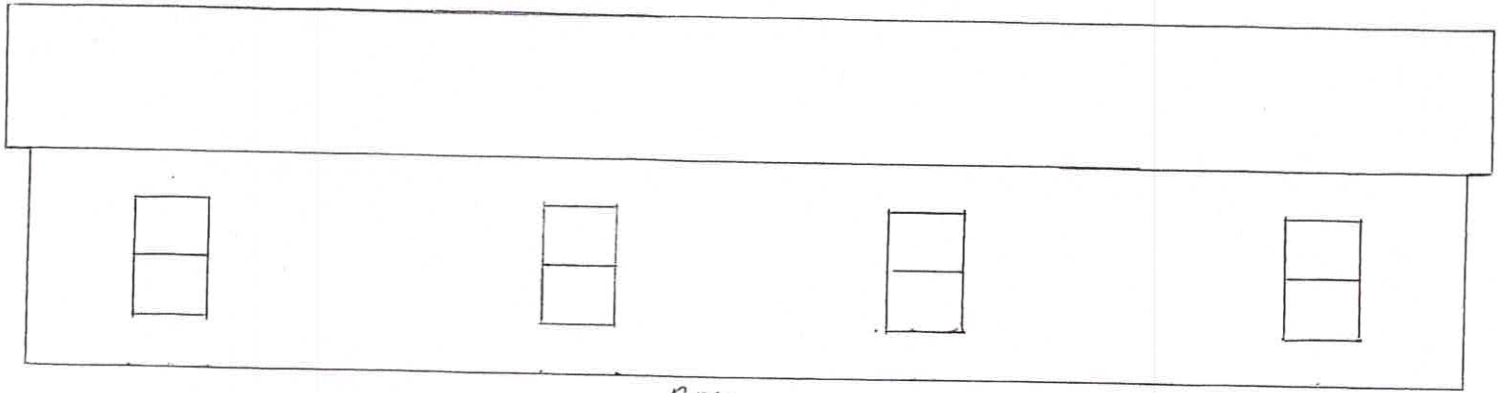


All existing buildings and remaining large tree will be removed to make way for new construction.

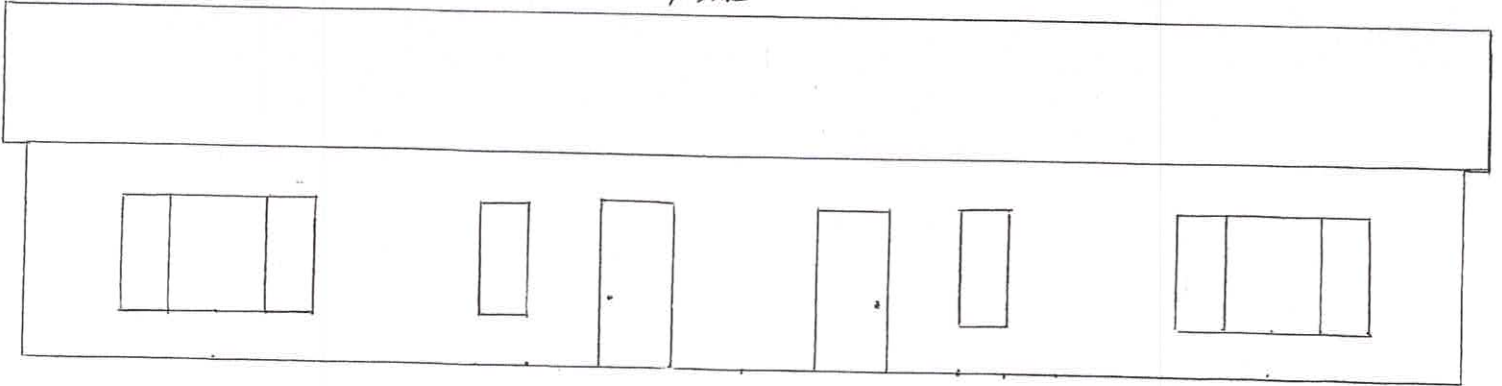
Duplex will have a total of 1680 Sq Ft with each unit being 28' x 30' OSD for 783 Sq Ft ISD.

Construction to be slab on grade with Radiant heating.

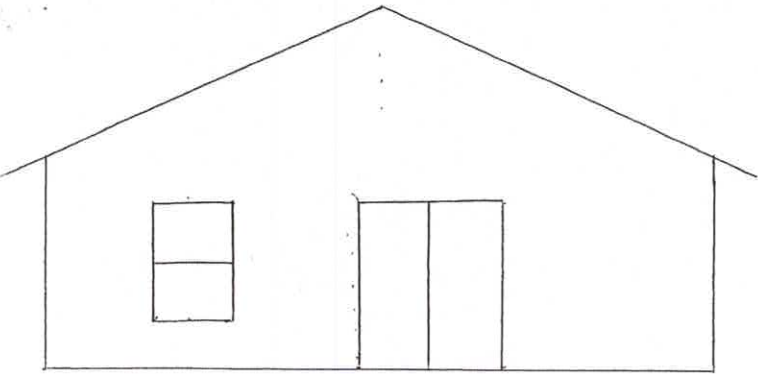
Typical latest energy code—2" x 6" sheeted, wrapped 9 ft walls with energy truss.



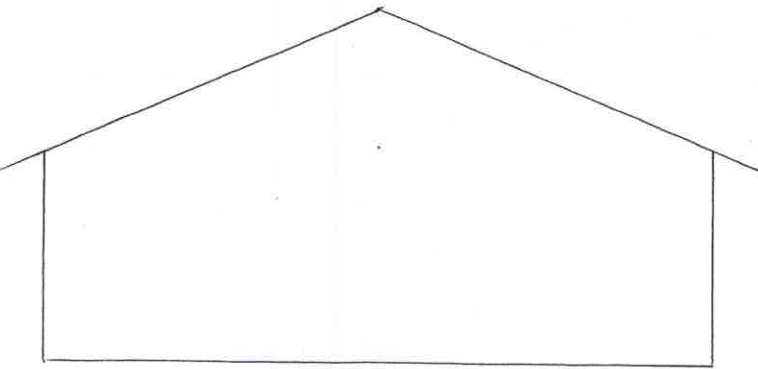
REAR



Front

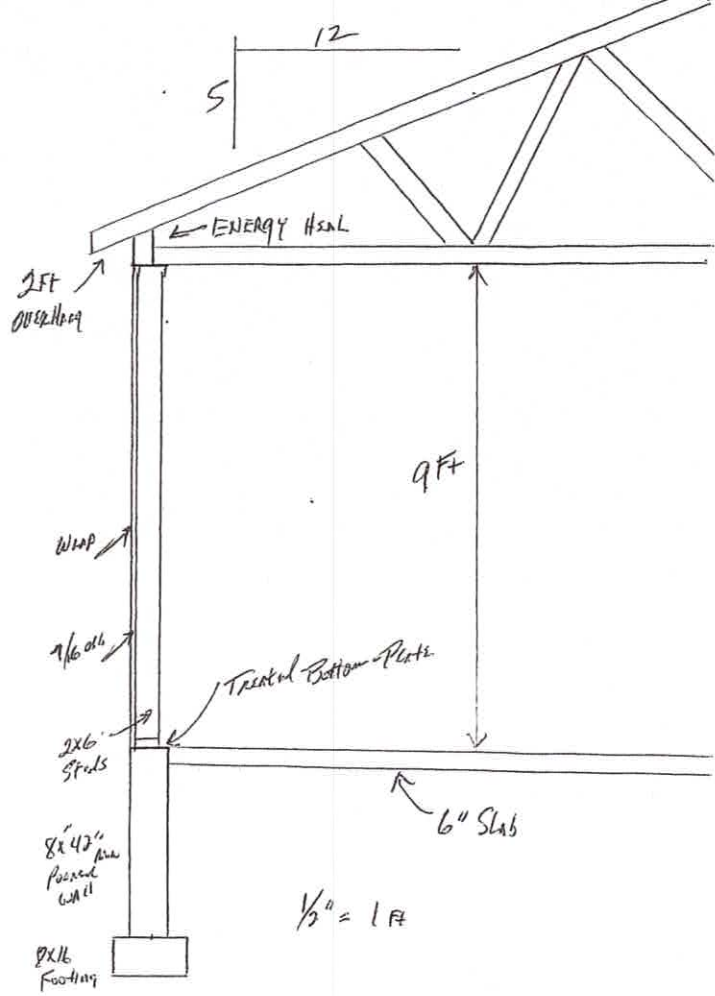


LEFT



RIGHT

.25" = 1 FT



CITY OF HASTINGS
201 E STATE STREET
HASTINGS MI 49058-1954

Receipt No: 1.137407

Dec 20, 2022

Kevin Anderson

Previous Balance:	.00
LICENSES AND PERMITS - ZONING PERMIT	300.00
101-100-476-000 Zoning Permits	

Total:	300.00
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CHECK	Check No: 3636	300.00
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Payor: Kevin Anderson

Total Applied:	300.00
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Change Tendered:	.00
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Duplicate Copy

12/20/2022 2:58 PM