

City of Hastings Zoning Board of Appeals COMMUNICATION

DATE: March 13, 2023
TO: City of Hastings Zoning Board of Appeals Members
FROM: Dan King, Community Development Director
SUBJECT: Information – March 21, 2023 ZBA Meeting

Dear Zoning Board of Appeals Member:

The applicant, Stephen Huver, is seeking relief from Chapter 90, Article 90-IX-Supplementary District Regulations, Division 90-IX-5 Residential Districts, Section 90-883 (b)(4), that if granted, will allow construction of a residential driveway in excess of the 20' maximum width at the property line.



The Zoning Board of Appeals will be conducting the annual election of officers. The current slate of officers is as follows: Thomas Maurer – Chair, Mandy Furrow – Vice Chair, and Jeff Buehl – Secretary

Planning Consultant, Rebecca Harvey, will be facilitating a training session for the members. Training of all board and authority members is an important and valued function for the City.

Respectfully submitted:

Dan King
Community Development Director

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING AGENDA
February 21, 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 – January 17, 2023 Meeting *
6. Public Hearings:

Public hearing to hear comments and make a determination on a variance request from Stephen Huver at 220 West Muriel Street. The applicant has requested a variance from Section 90-883 (b)(4) of the City of Hastings Code of Ordinances that if granted, will allow construction of a residential driveway in excess of the 20' maximum width at the property line. *

7. Old Business: (None)
8. New Business:
 - A. Annual Election of Officers
 - B. Zoning Board of Appeals Training Session by Planning Consultant, Rebecca Harvey.
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
January 17, 2023**

1. Call to Order: Chair Maurer Called the Meeting to Order at 7:00 PM

2. Roll Call -- Members Present: Baker, Buehl, Furrow, Maurer
Members Absent: Dickinson
Alternates Present: Anger – arrived at 7:03 PM
Alternates Absent: None
Staff Present: King

3. Pledge of Allegiance.

4. A. Maurer empaneled Anger

4. B. Approval/Additions/Deletions to Agenda.

Maurer added the Conflict of Interest Statement as New Business Item A.
Maurer added a hold the date for the March meeting regarding election of officers and possible Planning Consultant training as New Business Item B.

Motion by Furrow, second by Buehl to approve the agenda as amended.

All ayes.

Motion Carried.

5. Approval of the Minutes – September 20, 2022 Meeting.

Motion by Buehl, second by Furrow to approve the minutes of the September 20, 2022, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings:

King introduced the variance request from Kevin Anderson for property located at 221 E. Clinton Street. Mr. Anderson has requested a variance from Section 90-314 (b)(2) and 90-314 (b)(4) regarding front yard and rear yard setbacks. Mr. Anderson is requesting a front yard setback of 19' and a rear yard setback of 19' to allow construction of a two-family dwelling. King stated the public hearing has been properly noticed in the Hastings Banner and property owners within 300' have received letters informing them of the public hearing content, date, location, and time.

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

Kevin Anderson discussed his request and read the answers to questions pertaining to the variance request.

Joseph Vann of 328 E. Clinton inquired about the lot coverage and questioned whether it conforms to the district regulations. King stated in the affirmative.

William Cusack, representing St. Rose Church, stated that he is in favor of the ZBA granting the variance due to the shortage of housing options in the City of Hastings.

Maurer closed the public hearing at 7:30 p.m.

Motion was made by Anger and supported by Furrow 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: Anger, Baker, Buehl, Furrow, Maurer

Nays: None

Motion carried.

Motion was made Buehl and supported by Baker 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 and 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 of the subject property.

Roll call vote:

Ayes: Anger, Baker, Buehl, Furrow, Maurer

Nays: None

Motion Carried.

The applicant, Kevin Anderson, has been approved for the requested variances.

8. New Business:

- A. Maurer requested the members to complete the Conflict of Interest Statement and return to either King or the Clerk's department
- B. Maurer requested the members to hold the regularly scheduled March ZBA meeting date to conduct the annual election of officers and a possible training session by the Planning Consultant.

9. Public Comments: (None)

10. Board Comments: None

Motion by Furrow with support from Anger to adjourn the meeting.

All ayes. Motion carried. Meeting was adjourned at 7:44 p.m.

Thomas Maurer - 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 March 21, 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 Stephen Huver at 220 West Muriel Street.

The applicant has requested a variance from Section 90-883 (b)(4) of the City of Hastings Code of Ordinances, that if granted, will allow construction of a residential driveway in excess of the 20' maximum width at the property line.

Legal description of said property is:

City of Hastings Lots 61-62, the Hardendorff Addition.

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 March 2, 2023 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: 02/21/2023

1. Applicant Name: Huwer Stephen R
(LAST) (FIRST) (INITIAL)
Address: 220 W. Muriel Hastings, MI 49058
(STREET) (CITY) (STATE) (ZIP)
Telephone: 517-990-7612
(BUSINESS) (HOME, BEEPER, ETC.)
Applicant's interest in property: Owner
2. Owner Name (IF DIFFERENT FROM ABOVE): _____
3. Request:
Variance: Sec 90-883 Driveways
Other: _____
4. Address of Property: 220 W. Muriel, Hastings, MI 49058
5. Legal Description: Parcel - 55-050-044-00, Hastings
Lots 61+62, Hardendorff Add
6. Current Zoning: B-2 Proposed Zoning: N/A
7. Applicable Fees: _____
8. Applicant's Signature: Stephen R Huwer 02/21/23
(Date)
9. Permission To Enter Property: Stephen R Huwer 02/21/23
(Date)
10. Staff Signature: [Signature] 2/23/2023
(Date)

- OFFICE USE ONLY -

Application #: _____

Date(s) Advertised: 3.2.23

Filing Date: 2/23/23

Date of Meeting: 3.21.23

Fees Paid: \$350.00 2/23/23

Board Action: _____

To Clerk's Office on: _____

Supplement to Application # _____

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

I, Stephen R Huver, hereby request a variance from Section(s)
(Name)

Sec 90-883 Driveways, of the City of Hastings Code of Zoning
(Ordinance Number(s))

Ordinances, upon the premises known as 220 W. Muriel, Hastings, MI
(Address or Legal Description)

Parcel 55-050-044-00, Lot 61+62 Hardendorff Add.

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):

Please see Attachment 1.

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.

We believe the eastward slope of Muriel street from Broadway, compounded, with the natural downward slope of my yard from Muriel Street creates conditions, making entry into my proposed driveway without driving through the fore-mentioned V space problematic. Therefore, upon opening the possibility to the problems with the driveway previously cited.

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.

We have identified other properties in the area with driveways wider than the allowed 20 feet at the property line. Please see the example shown on pages 1, 2, and 3 of the handout.

Therefore, we request the same consideration, offered to others be offered to us.

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.

N/A

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

It is not our intent to alter the appearance of our property so that our neighbors would be offended. Our original driveway plan would compliment not only our property but would not deter from our neighbors property . Please see photos of our neighbor's driveways on page 4 and 5 of the handout.

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

N/A

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.

Stephen R. Newer
(Signature of Appellant)

2/22/2023
(Date)

Attachment 1

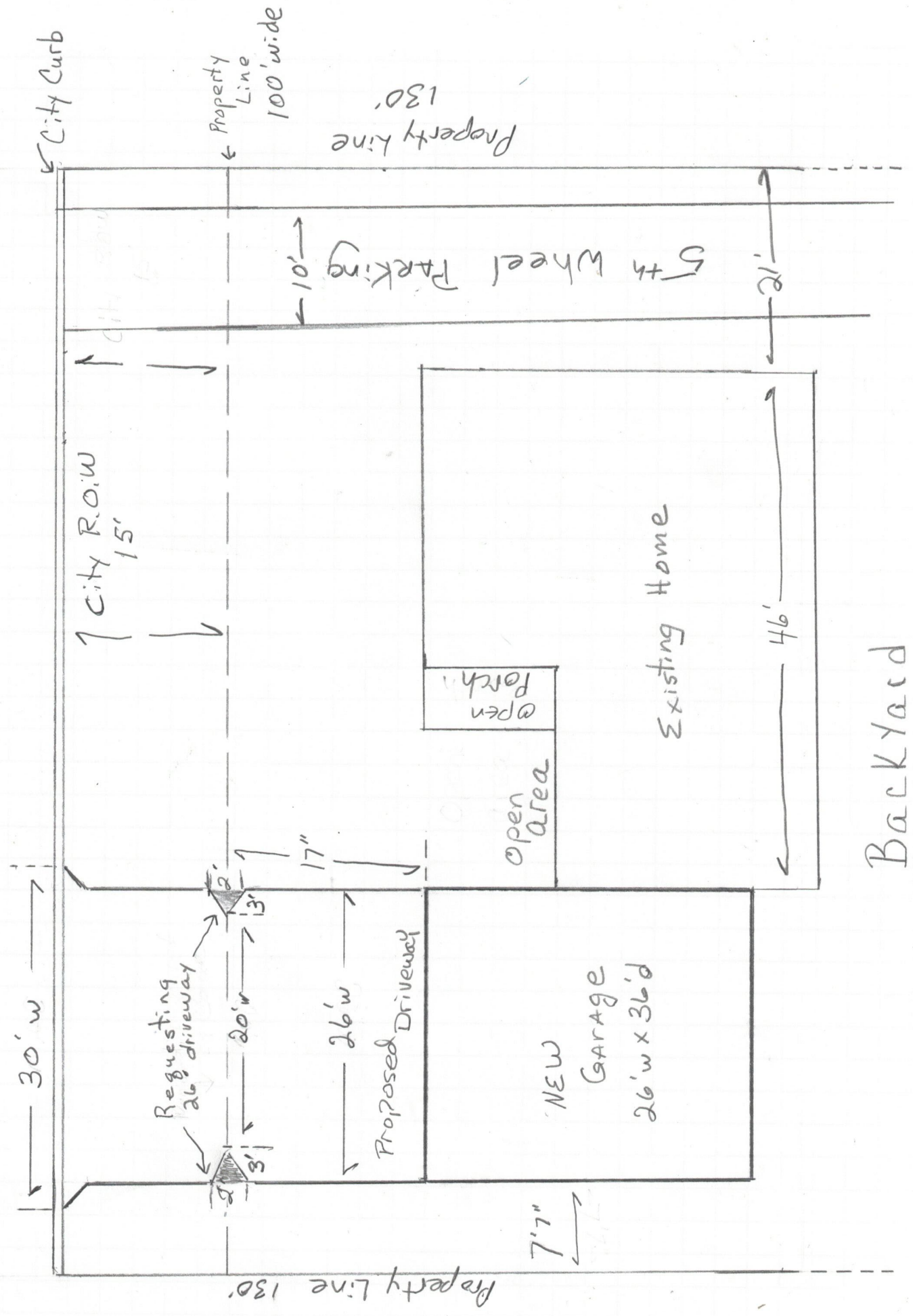
We are in the process of building an attached two stall garage and driveway to my existing home. Our original plan was to have the driveway run the full width of the garage 26 feet, all the way to the city curb, where it would flare out to 30 feet. During the planning process, we learned that the zoning code (Section 90–883 Driveways) limits the width of driveways to 20 feet at the property line. To comply with the code, while staying true to our original plan, we would have to reduce the width of the driveway at the property line by 3 feet on each side for a length of 2 feet. Then we can expand it to the original 26 feet width to the curb. Please see the attached sketches.

We feel this reduced driveway width (V space) will create mud holes on both sides of the driveway and likely cause the concrete to crack and break in the area of the V space. Lastly, it could create a stumbling hazard for people walking in the driveway.

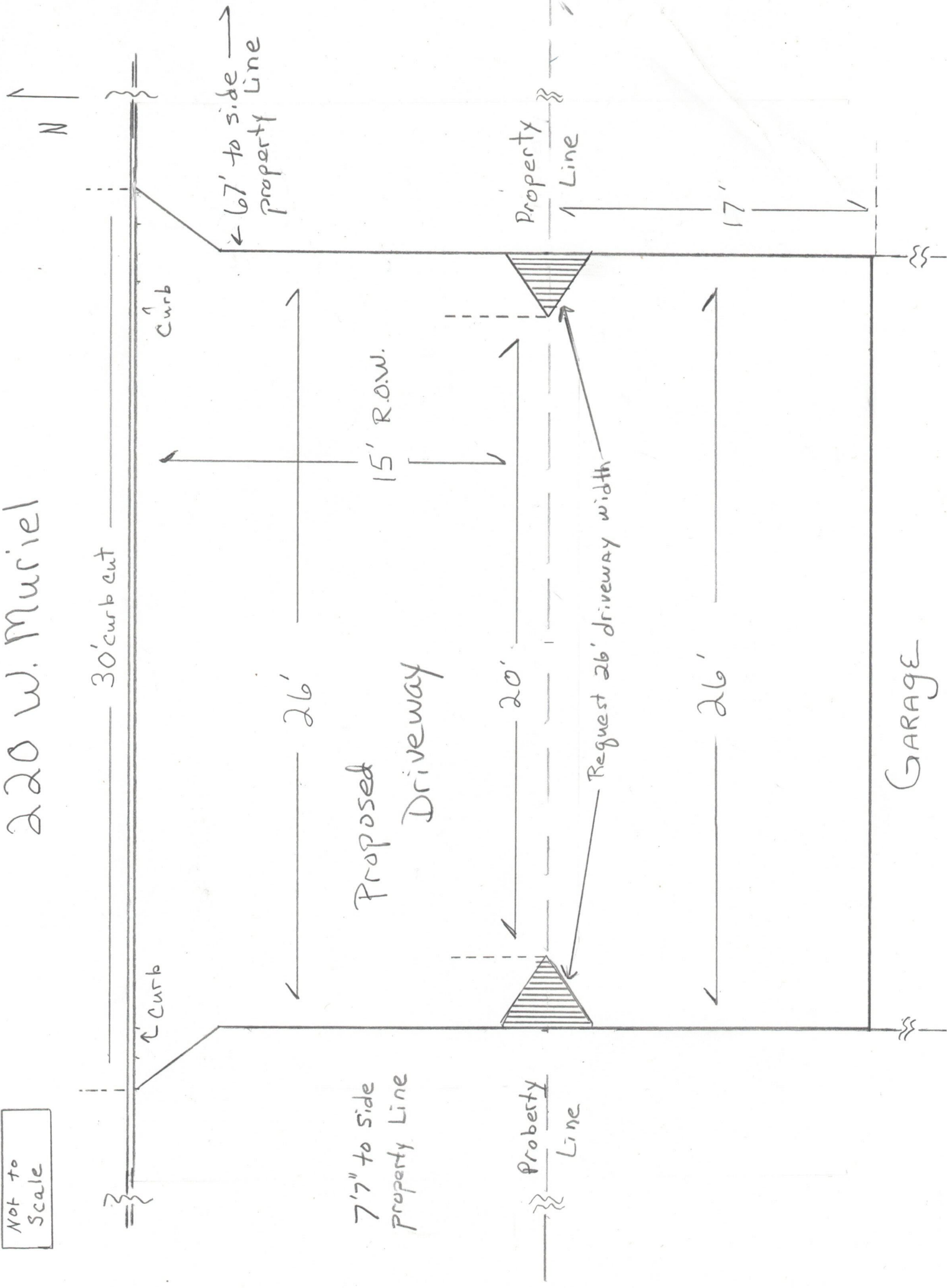
In conclusion, we are requesting a code variance to allow an exception to the 20 foot width limitation at the property line. With this exception, we would install the driveway full width and length all the way from the garage to the curb

NOT TO
Scale

220 W. Muriel



220 W. Muriel



NEIGHBORHOOD DRIVEWAYS EXCEEDING ZONING LIMITATIONS

109 W AMY



117 W AMY



NEIGHBORHOOD DRIVEWAYS EXCEEDING ZONING LIMITATIONS



NEIGHBORHOOD DRIVEWAYS EXCEEDING ZONING LIMITATIONS

1030 N CHURCH



1122 N CHURCH



200 BLOCK WEST MURIEL ST



200 BLOCK WEST MURIEL ST

227 W MURIEL

219 W MURIEL



205 W MURIEL

