

# City of Hastings Zoning Board of Appeals COMMUNICATION

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**DATE:** April 5, 2023  
**TO:** City of Hastings Zoning Board of Appeals Members  
**FROM:** Dan King, Community Development Director  
**SUBJECT:** Information – April 18, 2023 ZBA Meeting

Dear Zoning Board of Appeals Member:

The Zoning Board of Appeals placed on the table deliberations regarding the variance request from Stephen Huver of 220 W. Muriel Street to allow a driveway wider than 20' at the property line. The Zoning Board of Appeals will consider a motion taking from the table the continued deliberations regarding the applicant's request to seek relief from Section 90-883 (4).



Planning Consultant Rebecca Harvey will lead a Zoning Board of Appeals training session from 5:45 PM until 6:50 PM on Tuesday April 18th. Please remember this training session will be held prior to the scheduled 7:00 PM meeting on Tuesday April 18<sup>th</sup>. A separate notice will be placed regarding this training session meeting to remain in compliance with the Open Meetings Act.

Respectfully submitted:

Dan King  
Community Development Director

**CITY OF HASTINGS**  
**ZONING BOARD OF APPEALS**  
**MEETING AGENDA**  
April 18, 2023

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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 – March 21, 2023 Meeting \*
6. Public Hearings: (None)
7. Old Business:
  - A. Consider Motion to Take from the Table the Deliberation of a Variance Request from Stephen Huver at 220 W. Muriel Street.
8. New Business:
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**  
**March 21, 2023**

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1. Call to Order: Chair Maurer Called the Meeting to Order at 7:01 PM

2. Roll Call -- Members Present: Buehl, Dickinson, Furrow, Maurer

Members Absent: Baker

Alternates Present: Anger, Hook

Alternates Absent: None

Staff Present: King

3. Pledge of Allegiance.

4. A. Maurer empaneled Anger

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

Furrow stated the agenda had the incorrect meeting date of February 21, 2023.

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

All ayes.

Motion Carried.

5. Approval of the Minutes – January 17, 2023 Meeting.

Motion by Furrow, second by Anger to approve the minutes of the January 17, 2023, ZBA Meeting.

All ayes.

Motion Carried.

## 6. Public Hearings:

King introduced a variance request from Stephen Huver at 220 W. Muriel Street. Mr. Huver is requesting a variance from Section 90-883 (b)(4) to allow construction of a residential driveway more than the 20' maximum at the property line.

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

Maurer explained the approval/denial requirements to the applicant.

Maurer opened the public hearing at 7:15 p.m.

Mr. Huver explained the nature of his request to seek relief from Section 90-883 (b)(4) regarding the maximum width of a residential driveway more than 20' at the property line.

King introduced a letter from a nearby property owner in favor of granting the variance.

Maurer closed the public hearing at 7:42 p.m.

Maurer requested the applicant provide elevation calculations at the proposed garage floor, the center of the proposed driveway, and both the east and west end of the driveway at the property line. Mr. Maurer is concerned the storm water runoff could negatively affect the property owner adjacent to the west. Mr. Maurer is also concerned the City infrastructure for storm water runoff on Muriel Street is compromised by the age of the system in this neighborhood.

Motion by Anger, second by Furrow to table the deliberation until the April 18, 2023 Zoning Board of Appeals to allow the applicant time to gather the elevation calculations requested by Mr. Maurer.

Roll Call

Ayes: Anger, Buehl, Dickinson, Furrow, Maurer

Nays: None

Motion Carried.

7. Old Business: (None)

8. New Business

A. Annual Election of Officers

Anger nominated Maurer as Chair, Buehl as Vice-Chair, and Furrow as Secretary. Maurer closed the nominations.

Motion by Anger, second by Dickinson to elect Maurer as Chair, Buehl as Vice-Chair, and Furrow as Secretary.

Roll Call

Ayes: Anger, Buehl, Dickinson, Furrow, Maurer

Nays: None

Motion Carried.

B. ZBA Training.

Planning Consultant Harvey was unable to attend to conduct training.

9. Public Comments: (None)

10. Board Comments: None

Motion by Anger, second by Furrow to adjourn the meeting.

All ayes.

Meeting was adjourned at 8:23 PM.

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Tom Maurer—Chair

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Recording Secretary - King



City of *Hastings* Michigan

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**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: \_\_\_\_\_

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

Receipt No: 5.142446

Feb 23, 2023

STEPHEN HUVER

CHARGES FOR SERVICES - ZONING APPEAL	350.00
101-100-648-000 Application Fees	

Total:	350.00
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CHECK	Check No: 2028	350.00
Total Applied:		350.00

Change Tendered:	.00
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Duplicate Copy

02/23/2023 11:54 AM



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.

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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.

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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

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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

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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







# 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

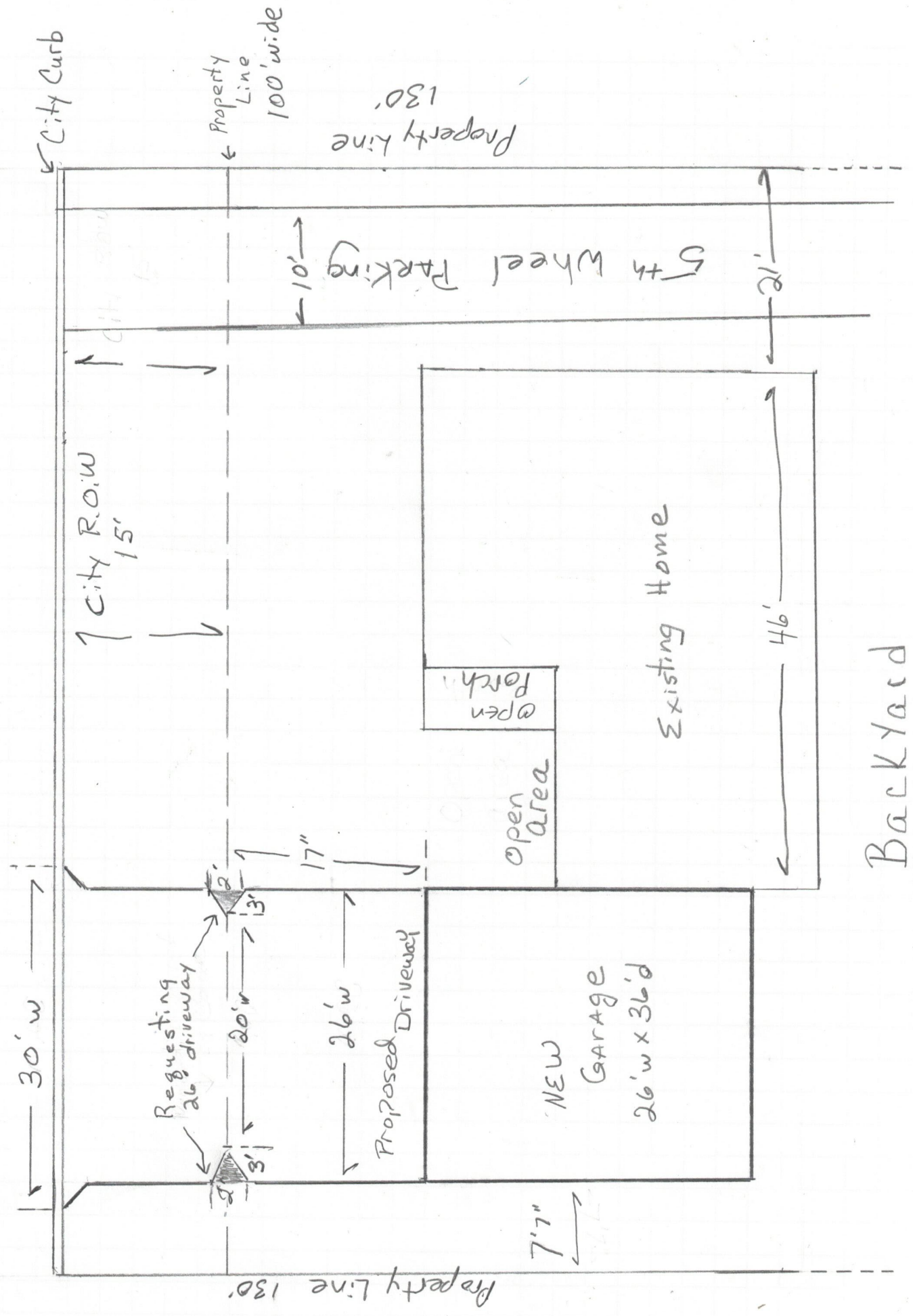


205 W MURIEL



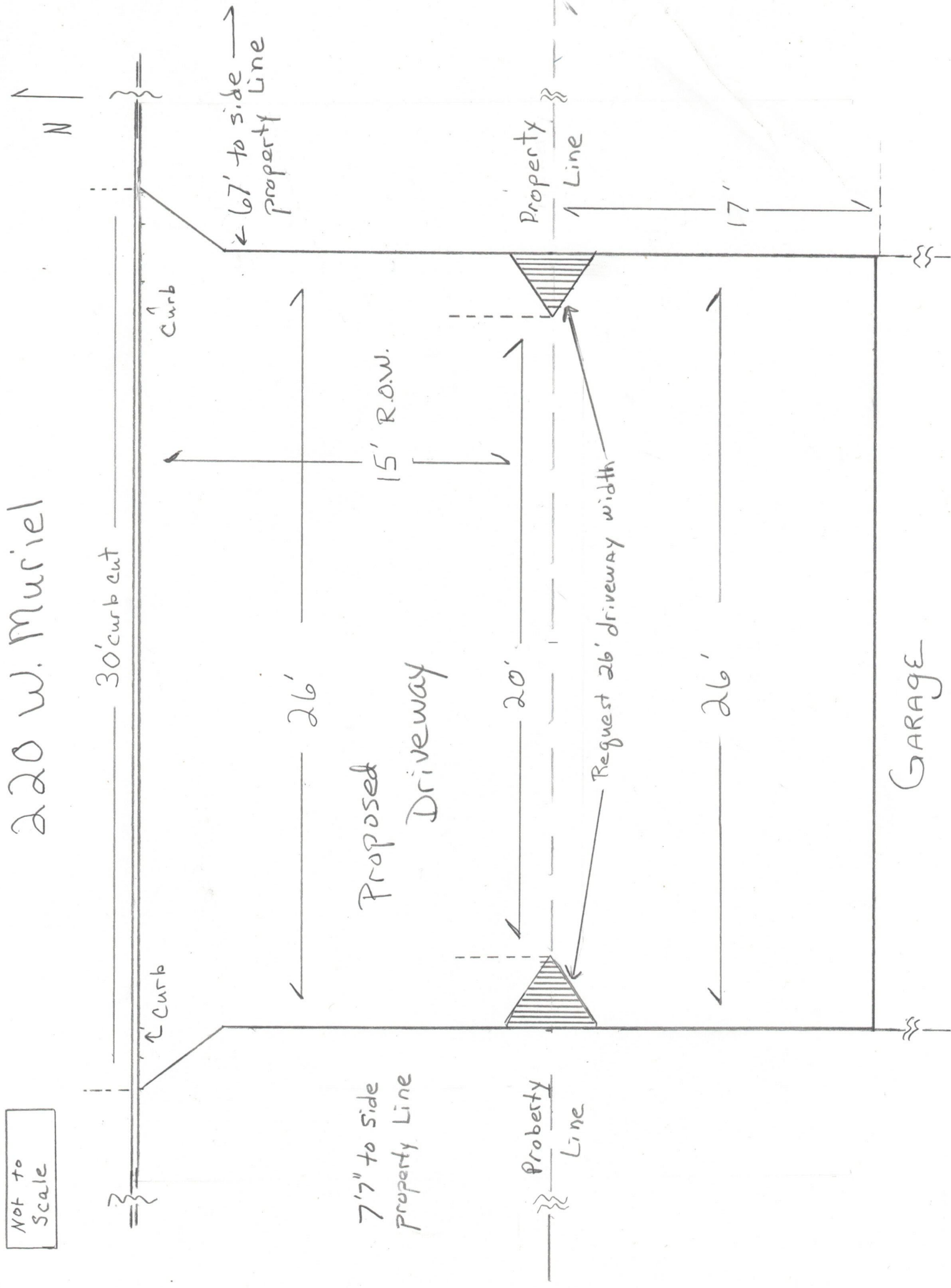
NOT TO  
Scale

220 W. Muriel





220 W. Muriel



## **CITY OF HASTINGS**

### **NOTICE OF ZONING BOARD OF APPEALS TRAINING SESSION**

Notice is hereby given that the Zoning Board of Appeals will hold a Training Session on **Tuesday April 18, 2023 at 5:45 PM** in the Council Chambers, second floor of Hastings City Hall, 201 East State Street, Hastings, Michigan 49058. The purpose of the training session is to provide Zoning Board of Appeals members continuing education regarding roles and responsibilities.

The City will provide reasonable and necessary aids and services for persons with disabilities by calling the City Clerk at 269.945.2468 or TDD call relay services at 800.649.3777.

Christopher R. Bever  
City Clerk