

**Village of Bellaire**  
**Zoning Board of Appeals**

**Leslie Meyers, Chairperson**  
**Board Members: Patrick Boyd, Joshua Todd, & Alan Shumaker**  
**ZBA Alternate, Robert Massey**

**ZONING BOARD OF APPEALS MEETING MINUTES**

**June 19th, 2024**

**5:00 PM**

**I. Call to Order:** The meeting was called to order at 7:00 PM.

**II. Roll Call - Attendance:**

**Present:** Patrick Boyd, Joshua Todd, Alan Shumaker and Robert Massey.

**Absent:** Leslie Meyers

**Staff Present:** Angela St. Pierre

**Public Present:** Sara Tucker, Josh Watrous, Adele Rittmueller

**III. Approval of Agenda:** The agenda was approved as presented.

**Motion by Todd, seconded by Shumaker, to approve the agenda as presented. Motion Passed by unanimous voice vote. Absent - Meyers**

**IV. Approval of Minutes – April 19, 2023:** The minutes of the April 19, 2023 meeting were approved as presented.

**Motion by Boyd, seconded by Shumaker, to approve the minutes of the April 19, 2023 meeting as presented. Motion Passed by unanimous voice vote. Absent - Meyers**

**V. Conflict of Interest:** None presented.

**VI. Public Comment:** None presented.

**VII. Old Business:** None presented.

**VIII. New Business**

- a. Steuben Street Public Hearing:** Vice chair opened the Public Hearing at 5:01 PM. It was determined there would not be a time limit imposed on members of the public wishing to address the ZBA during the public hearing. Vice chairperson Boyd then asked the applicant to present the request. Sara Tucker, the owner of the property, stated that she would like to have a 12 foot by 12 foot addition added to the south side of her house to add usable space to the home and allow for an additional egress to the building in case of emergencies as there is only one entrance by the garage. She stated that she is getting older and would

like to have the safety of another door placed closer to her bedroom and more ease of access in case of the need for a ramp in the future.

Vice chairperson Boyd asked for any public comments. Adele Rittmueller spoke in support of the variance as she believes it would add curb appeal and increase property values. Zoning Administrator St. Pierre then stated that there were three written public comments included in the members packets. All were in support of the variance.

Zoning Administrator St. Pierre then explained that she drafted Proposed Findings of Fact for the standards under Section 9.04.01.C.1 of the Zoning Ordinance. She then went on to explain that there are five (5) proposed exhibits that the ZBA should consider. She then stated that the ZBA must go through all the findings for all of the standards. Vice chairperson Boyd then read through the Proposed Findings of Fact.

Vice chairperson Boyd closed the public hearing at 5:07 PM.

Member Massey spoke about his background in construction code enforcement and that the code only requires one ingress and egress. He then went on to speak about designing an addition outside of the boundaries when it does not have to creates its own issue.

There was a brief discussion about the intersection in front of the property and how the slope of the land is a little difficult. There was also a brief discussion about the restrictions of the corner of the lot and the intersection for visibility purposes.

**\*Attached and incorporated herein to these minutes is the signed Decision and Order dated 6-19-2024\***

Deliberations began. Vice chairperson Boyd then read the General Findings of Fact and it was the consensus of the ZBA that all four (4) of these findings applied. **(See Attached Decision and Order pg. 2)**. Vice chairperson Boyd then moved on to the Specific Findings of Fact under Section 9.04.C.1. The first standard under that section was read. **(See attached Decision and Order, pg. 2)**. There were no findings that supported the standard. There were four (4) findings that did not support the standard. **(See Attached Decision and Order, pg. 2)**. It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the second standard under Section 9.04.C.1 **(See Attached Decision and Order, pg. 3)**. There were no findings that supported the standard. There was one (1) finding that was found that did not support the standard. **(See Attached Decision and Order, pg. 3)**. It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the third standard under Section 9.04.C.1 (**See Attached Decision and Order, pg. 3**). There were three (3) findings that were found to support the standard. There were two (2) findings that did not support the standard. (**See Attached Decision and Order, pg. 4**). It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the fourth standard under Section 9.04.C.1 (**See Attached Decision and Order, pg. 4**). There was one (1) finding that was found to support the standard. There was one (1) finding that did not support the standard. (**See Attached Decision and Order, pg. 4**). It was the consensus of the ZBA that this standard has not been met.

Vice chairperson Boyd then read the fifth standard under Section 9.04.C.1 (**See Attached Decision and Order, pg. 4**). There were no findings that were found to support the standard. There was (1) finding that did not support the standard. (**See Attached Decision and Order, pg. 4**). It was the consensus of the ZBA that this standard has not been met.

**Motion by Boyd, seconded by Massey, that the application for a 3 foot variance to reduce the side setback to allow development within 12 feet of the lot line of the property located at 302 Steuben Street, Bellaire, Michigan (Parcel ID 05-46-150-34-00) be denied based upon findings of fact. Roll Call: Boyd – yes, Massey – yes, Todd – yes, Shumaker -yes. Absent – Meyers. Motion Carried.**

**\*Attached and incorporated herein to these minutes is the signed Decision and Order dated 6-19-2024\***

- b. Election of Officers:** General discussion was held about who would like to be an officer. Mrs. St. Pierre spoke with Therry Colombo whose term expired in November of 2023 and Therry is not interested continuing her membership of the ZBA. Robert Massey will be stepping down when his term expires in November of 2024. A recommendation to post for two alternate seat vacancies.

**Motion by Boyd, seconded by Todd to post for two alternate ZBA seat vacancies. Motion passed unanimous voice vote. Absent – Meyers.**

**Motion by Boyd, seconded by Todd, to elect Leslie Meyers as Chair. Motion passed by unanimous voice vote. Absent – Meyers.**

- c. Rules of Procedure:** The By-laws/rules of procedure were reviewed.

**Motion by Boyd, seconded by Todd, to approve the bylaws/rules of procedure as presented. Motion passed by unanimous voice vote. Absent – Meyers.**

- d. Meeting Dates:** General discussion was held about the regular meeting dates. The proposed meeting dates are October 16, 2024, January 15, 2025, and the annual meeting April 16, 2025. Meetings will be cancelled accordingly if there is a lack of agenda items.

**Motion by Todd, seconded by Boyd, to approve the meetings dates. Motion passed by unanimous voice vote. Absent – Meyers.**

**IX. Correspondence/Reports:** None presented.

**X. Member/Public Comment:**

**XI. Adjourn:** The meeting was adjourned at 5.33 PM to the call of the Vice chair.

Minutes compiled by:  
Angela St. Pierre, Zoning Administrator

**Minutes are subject to approval.**

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

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

**VILLAGE OF BELLAIRE  
ZONING BOARD OF APPEALS**

**DECISION AND ORDER**

Applicant: Sara J. Tucker  
3630 Incochee Road  
Traverse City, MI 49684

Hearing Date: June 19, 2024 at 5:00 PM in the Village offices at 202 N. Bridge Street, Bellaire, MI 49615.

Owners of the Property: Sara J. Tucker  
3630 Incochee Road  
Traverse City, MI 49684

**PROPERTY DESCRIPTION**

The property subject to the variance is located at 302 Steuben Street, Bellaire, Michigan (Parcel ID 05-46-150-34-00). This property is described as follows:

*LOT 10, BLK 6 PLAT OF COOK AND WADSWORTH'S ADD TO THE VILLAGE OF BELLAIRE.*

Herein after referred to as the “property.”

**APPLICATION**

The Applicant seeks the following variance:

Mrs. Tucker wishes to construct a 12 foot by 12 foot addition onto the south facing wall of the existing residence to create more usable space and an addition of an additional door. With this construction they plan to add an additional door to the residence as it only has one. In order to move forward with the project, the Applicant seeks a 3 foot variance to reduce the side setback to allow development within 12 feet of the lot line. A copy of the proposed construction plans are attached as Exhibit “3”.

The Board having considered all of the comments and letters submitted by members of the public, as well as all comments and materials submitted by the applicant and/or the applicant’s

representative and other materials, the Board have considered five (5) exhibits, and the Board having reached a decision on this matter, states as follows:

**GENERAL FINDINGS OF FACT**

1. The Board finds that the Applicant, Sara J. Tucker, is the owner of the Property. (See Exhibit 1).
2. The Board finds that the property is currently zoned R-1 Residential. (See Exhibit 1, See Exhibit 5).
3. The Board finds that the Applicant is asking for a 3-foot variance to be allowed to build a 12 foot by 12 foot addition on the South side of the building on the Property, creating an actual location of the principle building of 12 feet from the lot line, which is not within the current setback for the zoning district. (See Exhibit 2, Exhibit 3, Exhibit 4).

**SPECIFIC FINDINGS OF FACT UNDER SECTION 9.04C.1**

The Board shall now review the standards under Section 9.04.C.1 dimensional Variances and provide findings of fact for each standard.

**a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant’s personal or economic hardship.**

1. The Board finds that the setbacks for the R-1 Residential District are as follows:
  - a. Front setback -15 feet (Steuben Street side)
  - b. Side setback – 5 feet
  - c. Rear setback – 10 feet  
(See Exhibit 2)
2. The board finds that the current principal building on the Property is located from the lot lines as follows:
  - a. Front lot line – 24 feet (within setback)
  - b. East Side – 15 feet (Genessee Street side, within setback)  
(See Exhibit 3)
3. The board finds that the need for the requested variance is not due to unique circumstances or physical conditions of the property involved. (See Exhibit 3)
4. The board finds that the need for the requested variance is due to applicant’s personal hardship.

**The board finds that this standard has not been met.**

**b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).**

1. The board finds that the need for the variance is self-created because the applicant could build an addition on the Property which would add usable space and allow for another door while staying in the required setbacks. See Exhibit (3)

**The board finds that this standard has not been met.**

**c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.**

1. The board finds that the current principle building on the Property is well within the setbacks for the South side (Steuben Street side). (See Exhibit 3)
2. The board finds that strict compliance with the Zoning Ordinance setbacks for the South side of the Property would be reasonable as it still allows for an addition to be added to the South side of the Property. (See Exhibit 3)
3. The board finds that the request for a variance to reduce the front setback (South side/ Steuben Street side) to allow development within 12 feet of the lot line would change the current front setback (South side/ Steuben Street side) of the Property by 3 feet. (See Exhibit 3, See Exhibit 2).
4. The board finds that strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will not unreasonably prevent the property owner from using the property for a permitted purpose or that rendering conformity with these regulations is unnecessarily burdensome. (See Exhibit 3)
5. The board finds that a 9-foot addition could be added to the Property while staying in compliance with regulations. (See Exhibit 3)

**The board finds that this standard has not been met.**

**d. Whether granting the request variance would substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.**

1. The board finds that granting this variance would allow the applicant to have more usable space and allow for an additional door for safety and egress reasons.

2. The board finds that granting this variance would not be consistent with justice to other property owners.

**The board finds that this standard has not been met.**

- e. **That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.**

1. The board finds that the variance would cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

**The board finds that this standard has not been met.**

### **DECISION**

Motion by Boyd, seconded by Massey, that the application for a 3 foot variance to reduce the side setback to allow development within 12 feet of the lot line of property located at 302 Steuben Street, Bellaire, Michigan (Parcel ID 05-46-150-34-00) be denied based upon findings of fact and pursuant to the following conditions, if any.

Aye: Boyd, Massey, Todd, Shumaker

Nay:

Abstain:

Absent: Meyers

### **CONDITIONS, IF ANY**

1. None

### **TIME PERIOD FOR JUDICIAL REVIEW**

MCLA 125.585(11); MSA 5.2935(11) provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.

### **DATE DECISION AND ORDER ADOPTED**

Date: June 19, 2024

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Leslie Meyers, Chairperson

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Angela St. Pierre, Zoning Administrator