



**Agenda**  
**Zoning Board of Appeals**  
**June 27<sup>th</sup> 2022**  
**6:00 p.m.**

1. Call To Order
2. Roll Call
  - a. Grimshaw, Stefan, Binder
3. Approval of Minutes
4. Public Comments
5. New Business
  - a. Variance Request for 317 Prospect
  - b. ZBA Bylaws
6. Public Comments
7. Adjourn



**Agenda**  
**Zoning Board of Appeals**  
**March 28<sup>th</sup> 2022**  
**6:00 p.m.**

1. Call To Order 6:01 Pm
2. Roll Call  
Present: Grimshaw, Stefan, Binder
3. Approval of Minutes Motion to approve minutes made by Binder, 2<sup>nd</sup> by Stefan, All in favor.
4. Public Comments: Connie Gamet- 326 Emerson asked many questions about variance. Ted Gamet- also inquired about the variance.
5. New Business
  - a. Variance Request for 302 West Street Much discussion was had, by the board, members of the audience and the Steinmanns. Grimshaw made motion to grant use variance to 15 dogs. If animal control is called out, the board will meet and remove variance. This motion was 2<sup>nd</sup> by Binder. Yes: Grimshaw, Binder, No Stefan, motion carried.
6. Public Comments
7. Adjourn at 6:38pm



# DRIVEWAY/CULVERT PERMIT APPLICATION

RECEIVED  
MAY 05 2022  
Date Received  
CITY OF VASSAR

**Instructions**  
Please complete the information requested below and attach a Site Plan following directions on reverse side.

**D-**  
Permit #

## APPLICANT INFORMATION

Name(s) Ken & Shannon Beach Address 317 Prospect St  
Owner Ken Beach Phone 989-882-7518

## PROPERTY LOCATION OR DESCRIPTION

Address 317 Prospect St

A. Proposed Improvement (check ALL that apply)  
Driveway/Concrete  Driveway/Asphalt \_\_\_\_\_ Culvert \_\_\_\_\_ Other (describe) \_\_\_\_\_  
New Driveway  Repairs to existing driveway \_\_\_\_\_

B. Dimensions:  
Length (ft) 30ft Width (ft) 19 Depth (in) 4

**CONCRETE:**  
Driveway aprons constructed of concrete shall be of a thickness no less than six (6) inches at the property line. Driveway depth shall be no less than four (4) inches in thickness.

**ASPHALT:**  
Driveway aprons constructed of asphalt shall be of a thickness no less than four (4) inches at the property line. Driveway depth shall be no less than two (2) inches in thickness.

SIGNATURE OF APPLICANT *Keith P. Roberts* DATE 4-5-22

Zoning District \_\_\_\_\_ Parcel # \_\_\_\_\_ Signs \_\_\_\_\_ Parking \_\_\_\_\_  
Coverage \_\_\_\_\_ Flood Zone \_\_\_\_\_ Elevation \_\_\_\_\_ Elevation Certificate \_\_\_\_\_  
Site Plan \_\_\_\_\_ Trucking Permit for Construction (\$750 deposit) \_\_\_\_\_  
Inspection \$35 fee \_\_\_\_\_

Pre-Inspection by \_\_\_\_\_ Date \_\_\_\_\_  Post Inspection \_\_\_\_\_ Date \_\_\_\_\_

Approved  
 Disapproved \_\_\_\_\_  
DPW Superintendent \_\_\_\_\_ Date \_\_\_\_\_

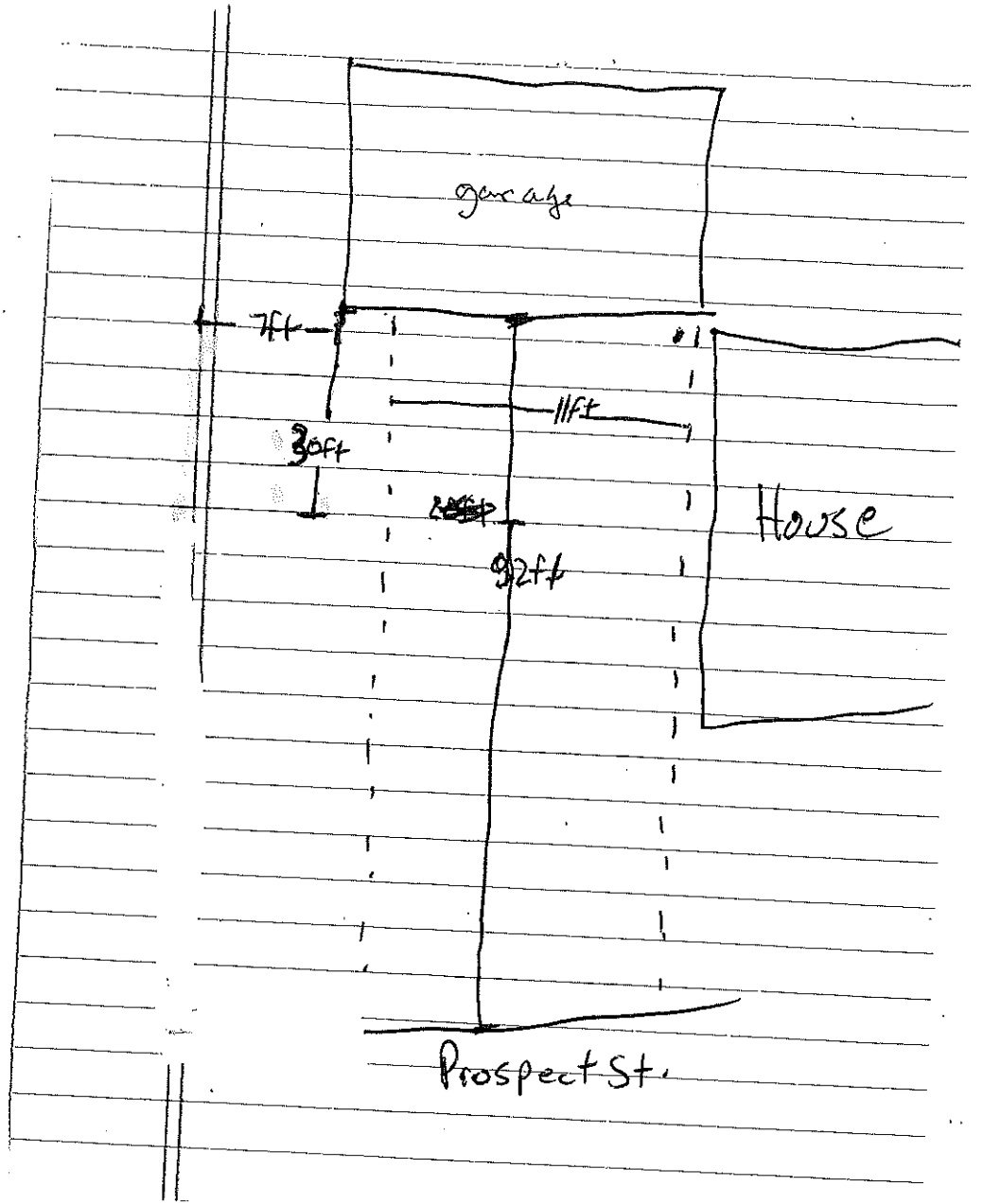
Approved **This permit is good for 1 year from date of approval.**  
 Disapproved \_\_\_\_\_  
City Manager \_\_\_\_\_ Date \_\_\_\_\_



051-500-102-2600-00 X

BEACH KENNETH III  
317 PROSPECT ST, VASSAR

[Show Details](#)



RECEIVED

MAY 23 2022

APPLICATION TO APPEAL

CITY OF VASSAR CITY OF VASSAR ZONING BOARD OF APPEALS

PROPERTY ADDRESS: 317 Prospect St.

LEGAL DESCRIPTION OR PARCEL NO. \_\_\_\_\_

APPLICANT: Kenneth R. Beach III Daytime Phone (801) 882-7518

APPLICANT'S ADDRESS: 317 Prospect St.

OWNER: Kenneth R. Beach III

OWNER'S ADDRESS: 317 Prospect St.

ATTACHMENTS REQUIRED WITH THIS APPLICATION:

(all must be submitted at the time application is made)

- a. A set of scale drawings or other graphic documentation showing all relevant details.
- b. A copy of the denial or decision that is being appealed (if applicable)
- c. Proof of ownership of the property (deed, land contract, mortgage)
- d. If the applicant is not the owner you must submit written permission of the owner

BOARD OF APPEALS CRITERIA:

In order to grant a variance, the board must find that all of the following conditions exist:

1. Exceptional or extraordinary circumstances or conditions of the property such as narrowness, shallowness, shape, topography or area.
2. Literal interpretation would deprive applicant of rights commonly enjoyed by other properties of the same zoning.
3. That the exceptional or extraordinary circumstances do not result from actions of the applicant.
4. That granting the variance will not substantially harm adjoining properties and will not impair the intent or purpose of the ordinance.

05/15/2022

I, JOSEPH VINCENT, AM THE LEGAL OWNER  
LOCATED AT 305 PROSPECT ST, VASSAR, MI 48768

I HAVE NO OBJECTION TO SHANNON OR KEN  
EXTENDING THEIR DRIVEWAY WITHIN 3 FEET  
OF MY PROPERTY LINE.

SIGNATURE: Joe Vincent

## ZONING BOARD OF APPEALS

### Establishment.

A zoning board of appeals (ZBA), hereinafter in this division sometimes referred to as the "board," is hereby established pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

The terms of the statute shall prevail, except as modified by the terms of the Code of Ordinances and the Charter which are not in direct conflict thereto.

### Membership, quorum, and alternate members.

- (a) The ZBA shall consist of five members appointed by majority vote of the members of the city council. Each member shall be appointed to hold office for a three-year term. A vacancy on the zoning board of appeals shall be filled by the city council for the remainder of the unexpired term in the same manner as the original appointment.
- (b) Three members shall constitute a quorum.
- (c) The city council may, if desired, appoint two alternate members for three-year terms. One or both alternate members may be called by the chairman, or in the absence of the chairman by the vice-chairman, or, in the absence of the vice-chairman, by the secretary to sit as a regular member of the ZBA if a regular member is absent from or unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights a regular member of the ZBA.

### Qualifications of members.

- (a) Members of the board shall be residents of the city. One of the regular members or an alternate member of the ZBA may be a member of the city council, but that member shall not serve as chairperson of the ZBA. One of the regular members of the ZBA shall be a member of the planning commission.
- (b) An employee or contractor of the council may not serve as a member of the ZBA.

### Procedural matters, public hearings, and vote required.

- (a) The ZBA is hereby authorized and empowered to establish its own rules of procedure and to elect its own officers subject to the provision that it shall, at its organizational meeting, elect a chairman, a vice-chairman and a secretary. In establishing rules of procedure and election of officers, a majority of those in attendance and constituting a quorum shall be required.
- (b) Prior to the ZBA making a decision in a specific case, the ZBA shall conduct a public hearing. Written notice of the hearing shall be in accordance with section 86-333, public hearings.
- (c) A concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant, a matter upon which the board is required to pass under this chapter or other chapters of the Code of Ordinances, except that a concurring vote of 2/3 of the members of the ZBA shall be necessary to grant a variance from uses of land permitted in this chapter.
- (d) A member of the ZBA who is also a member of the planning commission or the city council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission or the city council. However, the member may consider and vote on other unrelated matters involving the same property.

### Jurisdiction, duties and responsibilities.



The ZBA shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the following specific jurisdiction and powers:

- (1) To hear and decide appeals from and review any order, requirements, permit, decision or determination made by the building official or any other administrative official or body in enforcing the provisions of this chapter. The ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision or determination as in the ZBA's opinion ought to be made in the premises, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.
- (2) To hear and decide matters referred to it or upon which it is required to pass under any ordinance adopted pursuant to Act 207 of 1921 (MCL 125.581 et seq.), as amended, of the state, or by other chapters of the Code of Ordinances.
- (3) If there are practical difficulties (for nonuse variances) or unnecessary hardship (for use variances) in the way of carrying out the strict letter of the zoning ordinance, the ZBA may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The ZBA may impose conditions and vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures or the uses of land, buildings or structures, so that the spirit of the particular Article shall be preserved, public safety secured and substantial justice done.
- (4) The ZBA may grant dimensional or other site plan related variances for special land uses, however the ZBA shall not have the power to reverse or modify the planning commission decision to approve or deny a special land use permit nor grant variances to any special land use standards or conditions of special land use approval.
- (5) The ZBA shall not have the authority to reverse the decision on a PUD preliminary or final site plan, change any conditions placed by the planning commission or city council, or grant variances to the PUD site plan, written PUD agreement or the requirements of this article.