

City of Bronson  
Zoning Board of Appeals Regular Meeting Minutes- Held at a Regular Council Meeting  
March 14, 2022 5:00 PM  
141 S. Matteson Street Bronson, MI 49028

Mayor McConn Called the Council/ZBA meeting to order at 5:00 PM

Roll Call: Present: McConn, Duke, Rinehart, Johannes

Absent: Watkins

Councilman Johannes moved to excuse Vice-Mayor Watkins from the meeting. Seconded by Councilman Duke. Motion carried.

**Public Hearing:**

Mayor McConn opened the Zoning Board of Appeals meeting and public hearing at 5:22 PM

**1. 293 W. Railroad Street Variance Requests- 200-002-000-236-01- Legal Description: N 52 FT OF LOT 1 OF BRONSON DEV ASSOC SUB OF PART OF S C ROSES PLAT TO THE VILLAGE (NOW CITY) OF BRONSON, AND LOT 4 BLK 2 OF S C ROSES PLAT CITY OF BRONSON NEW FOR 2021 SPLIT FROM 200-002-000-236-99.**

City Manager/Zoning Administrator Brandon Mersman introduced the request and stated:

The property owners at 293 W. Railroad Street have submitted two variance requests for an addition to their home. They would like to add on a 24 feet by 48 feet (2,304 square feet) addition with a second story to the east of the current 1,104 square foot home.

The first variance request is for a front yard setback variance from *Section 154.06 Schedule of Lot, Yard, Height and Area Requirements*, in R-2 zoning. The required front yard setback is 25-feet and they are proposing a 12-foot front yard setback for their new addition. Currently, the existing home and lot are non-conforming as the existing home only has a 12-foot setback and would expand this by another 48 feet.

The second variance request is for a lot depth variance from *Section 154.06 Schedule of Lot, Yard, Height and Area Requirements*. The required lot depth for R-2 zoning is 125 feet with this addition to the home being on a lot that is only 104 feet deep. The depth of the lot the existing home sits on is only 60 feet by 60 feet. The property owners also own the lot to the east where most, if not all, of the addition will be on a 60 feet by 104 feet lot.

City Attorney Charles Lillis explained the variance process to the Council and explained that Council may place conditions/preconditions on the approval of the variance requests.

Kevin Ryan, applicant, stated that the addition to the home would provide needed room for his family and that not being able to build the addition would cause an undue hardship and that they would need to move. The applicant also stated that the work would be an improvement to the neighborhood and that the exterior of the existing home will be improved with stucco, new soffit, and a new metal roof.

Kirsten Ryan, applicant, also added that this project will improve the overall value of the neighborhood.

Mayor McConn pointed out to the applicant that the fence posts of the existing fence are not in compliance with the zoning ordinances and that they would need to be trimmed down to 6-feet tall. The applicant stated that he would trim them down. Mayor McConn asked the applicant if he would be doing the addition himself, the applicant stated that he would. There was discussion on the state of the roof on the existing home and the applicant stated that he would be putting a new roof on, replacing the soffit, and improving the exterior stucco as part of the project.

Mayor McConn also asked the applicant if the project would include a garage. The applicant stated that there would be a two-car garage.

Jim Krontz of 510 N. Douglas addressed the Zoning Board of Appeals stating he is in support of the variances. He said the applicant has improved the adjacent home and did a fantastic job and this project would make this area of town better.

Mayor McConn closed the public hearing at 5:37 PM and went back into regular session.

Mayor McConn stated the front yard setback variance would be discussed and acted upon first.

The applicant, Kevin Ryan, stated that the home would be 12 feet off the right-of-way/sidewalk and would taper off across the 40-foot expansion so that it would be around 20 feet from the right-of-way/sidewalk so it would be closer to the required 25-foot requirement in that area.

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- (a) By reason of the exceptional narrowness, shallowness or shape of a specific piece of property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, building or structure or by reason of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship;
- (b) There are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment or alterations of buildings or structures or the use of the land, buildings or structures; or
- (c) The condition or situation of the specific property or the specific intended use of the property is not of a general or recurrent nature as to make the formulation of general regulations in this chapter practical.

Council discussed and agreed that these practical difficulties exist due to the nature of the present conditions, uniqueness of the lot, and that approval would not set a precedent for the neighborhood.

After discussion, Council put the following conditions on the approval of the variance request:

1. An asphalt or concrete driveway must be placed to line up with the new garage.

2. That the applicant follow through with replacing the roof, soffit, and repainting the existing façade of the existing home.

Motion by Councilman Johannes to approve the front yard setback variance as it meets the procedural requirements along with the conditions. Seconded by Rinehart. Motion carried 4-0.

The second variance, a variance from the lot depth requirements was discussed. No conditions were made on approval. Motion by Councilman Johannes to approve the lot depth variance as it meets the procedural requirements. Seconded by Rinehart. Motion carried, 4-0.

**2. Wayne Street Vacant Lot Variance Request- 200-004-000-183-98- Legal Description: LOT 12 OF SCHMID FARMS PLAT NO 1 BEING IN AND PART OF SECS 12 & 13 T7S R8W CITY OF BRONSON ACCORDING TO THE RECORDED PLAT IN LIBER 6 OF PLATS, PAGE 35 BRANCH COUNTY REGISTER'S OFFICE**

City Manager/Zoning Administrator Mersman stated: The property owner of a vacant lot on Wayne Street has applied for a dimensional variance to allow for the construction of a new home on the property. In order for the lot to be buildable, a ten (10) feet variance from the lot depth requirement is needed. The property has 120 feet of lot depth and the requirement in R-1 zoning is for a minimum of 130 feet.

Public Hearing opened at 5:55 PM.

Public Comment: Diane Hedgecock questioned if she would need a variance for her vacant lot next to the property in question. Staff and the City Attorney explained that a variance would be needed for this property as well and would need to go through the same process.

Public Hearing closed at 6:02 PM.

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- (a) By reason of the exceptional narrowness, shallowness or shape of a specific piece of property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, building or structure or by reason of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship;
- (b) There are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment or alterations of buildings or structures or the use of the land, buildings or structures; or
- (c) The condition or situation of the specific property or the specific intended use of the property is not of a general or recurrent nature as to make the formulation of general regulations in this chapter practical.

Council discussed and agreed that these practical difficulties exist due to the nature of the present conditions. No conditions were made on approval.

Motion by Councilman Johannes to approve the lot depth variance as it meets the procedural requirements. Seconded by Rinehart. Motion carried, 4-0.

Councilman Johannes moved to recess the Zoning Board of Appeals meeting. Seconded by Rinehart. Motion carried to return to regular session of the City Council meeting at 6:05 pm.