

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
January 21, 2010**

Chairman Weipert called the meeting to order at 7:03 p.m.

PRESENT: Chairman Weipert and Commissioners James Herman, Bill Rodman, T.J. Connolly and Joe Rzyzi. Also present, Director of Building Safety and Engineering, Joe Veltri and City Attorney Jennifer Hill.

Absent: Ron Morelli and Keith Bradley excused.

New Member – T.J. Connolly.

APPROVAL OF MINUTES:

ZBA 01-21-10 APPROVAL OF MINUTES – November 19, 2009

Motion by Herman, supported by Rodman.

To approve the minutes with no corrections of November 19, 2009.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

None

Inspector Veltri – Mr. Chairman I would like to introduce and welcome T.J. Connolly to the Zoning Board of Appeals.

NEW BUSINESS

Washington Manor Apt – 432 Washington Street

Chairman Weipert – Applicant can you step up and state your name, address and the nature of the request.

Ms. Fielek – My name is Julie Fielek and I am representing the South Lyon Housing Association for seniors on Washington Street. They were able to secure a grant a stimulus grant to provide parking structures for their residents. There are 12 units (public

housing) and we are proposing to install 15 covered carports. Six (6) of them will be along the building, three (3) will be by the dumpster area and there are six (6) proposed along Washington Street and that is the issue. Those along Washington Street are in the set-back. We are applying for a variance to provide covered carports in the set-back area. The practical difficulty (these are senior citizens ladies and are all over 80 years old and we have had a lot of slips and falls) and it is something they have been trying to get for quite some time but did not have the finances until they secured this grant, so the practical difficulty is that there is no other place to provide them with covered parking. We are asking that we be allowed to construct the parking structures in that area there.

Chairman Weipert – Other than the placement, is there something about this property that is different than any of the other properties; a larger parcel or something unique about the property?

Ms. Fielek – The problem with it is there are 12 units of public housing and we are not allowed to discriminate where some get covered parking and others do not. It is a very tight, small piece of property and this was it, it was the only way to construct the carports. There are 12 units and we are proposing 15 covered carports.

Chairman Weipert – Joe, what is the history of this property.

Inspector Veltri – It has been under the City housing commission ever since I have been here. The other housing that was over on Lottie and Donovan has been eliminated and converted to apartments. This is the only housing we have. The parcel has been that way forever.

Chairman Weipert – Is that the original structure on it?

Inspector Veltri – The original structures are on there. It was built for housing. It is zoned RM-2.

Chairman Weipert – The neighborhood is mixed.

Inspector Veltri - To the east, is business; the east side of Washington is business, the north side of McHattie is duplexes and you have City Hall around the corner. You have duplexes to the west and the City Park to the south.

Commissioner Rodman – Are the rest of the units in compliance with the City code?

Inspector Veltri – Yes, the only thing I have been there for is when they replaced the sidewalks a few years ago and they reroofed the buildings. They constructed a maintenance garage on the far south end and put in a driveway.

Commissioner Rodman – So, everything is in compliance.

Commissioner Connolly – I basically just have a question. There are 12 units and 15 spaces so there are three (3) visitor spaces correct?

Ms. Fielek – Correct.

Commissioner Herman – How many of the residents drive vehicles?

Ms. Fielek – I don't know. I think they all drive vehicles. When my son parked in there to get some measurements, he got yelled at by the residents. I am pretty sure they are all allocated.

Chairman Weipert – What are the structures going to look like? The police station has some that are not so screened and there are some behind the Princeton apartments (condos) that are almost four (4) sides.

Ms. Fielek – These are very basic (shows plans to the board). The only sides they have are on each end.

Chairman Weipert – The ones like down on Princeton seem like they might be a little dangerous for that area.

Ms. Fielek – We had a lot of options and this is one of the simplest options. We are trying to work within the budget of the grant that they received.

Commissioner Rodman – They will be corrugated metal roofing?

Ms. Fielek – I am not sure.

Chairman Weipert – Would colors match in with the neighborhood?

Ms. Fielek – Yes.

Chairman Weipert – I have not seen any like this pitched in the middle.

Discussion continued with the board on placement of covered carports.

Commissioner Rzyzi – There are three (3) visitor's parking areas. Are there assigned parking spaces?

Ms. Fielek – Yes.

Commissioner Rodman – I like that they are open. It being an assisted senior living area you would not want to have someone "waiting" inside one of them.

Inspector Veltri – You have Active Faith across from them, the old rental building, the car wash that is kitty-corner and then the duplexes.

Chairman Weipert – It really is a mixed bag.

Ms. Fielek – The color we chose is a taupe.

Commissioner Rodman – It is really about the practical difficulty. It fits in the development and the surrounding area. The uniqueness of the lot; the parcel is basically due to the pre-existing structures and the lay out, and if there was no other way to put this in but...

Ms. Fielek – We really looked at that. It would really be difficult to change anything.

Commissioner Herman – I understand but.....

Chairman Weipert – Is the city housing commission in the charter, are they exempt?

Attorney Hill – I would have to research that.

Ms. Fielek – This is a safety issue we are facing. I cannot provide covered parking for some and not others.

Chairman Weipert – I have no problem with it since it is a mixed neighborhood. The lot is pretty big isn't it Joe?

Inspector Veltri – It might be three (3) to four (4) lots that are all combined.

Chairman Weipert – That is unique about it and it is on a dead end street.

Commissioner Connolly – So, this carport is basically going to overhang?

Ms. Fielek – The parking along Washington will not overhang.

Chairman Weipert – The entire structure will be in the parking lot correct?

Ms. Fielek – We are in the set-back. The parking lot is in the set-back so we are not extending beyond the parking lot.

Commissioner Rodman – You are not going into the grass area.

Inspector Veltri – There are going to be about seven (7') feet to the edge of the sidewalk.

Ms. Fielek – The only ones that are extended are the ones up by the building.

Commissioner Rodman – So you are not encroaching on any grass apron along Washington?

Ms. Fielek – No. We are going to the edge of the parking lot or within a couple of feet.

Chairman Weipert – I have no problem with it as long as it is not an obtrusive one and with a color the goes with the neighborhood.

Commissioner Connolly – Does this normally start a chain reaction?

Inspector Veltri – There is nothing else on that side of the street.

Commissioner Connolly – To make a motion do we be specific about it being a B-3 across the street or do you just make a basic motion?

Chairman Weipert – You make a motion but with reasons why you think there is a difference with the property.

Inspector Veltri – If others wanted to follow, each case is site specific.

Chairman Weipert – I drove around and I don't see any other carports other than Washington apartments.

Inspector Veltri – The duplexes to the west have one car garages and a driveway with parking space for one (1) car.

Commissioner Rodman- It would be kind of difficult to change the plan because this is the driveway here.

Discussion continued on placement availability.

Attorney Hill – (To Commissioner Connolly) - My name is Jennifer Hill and I am an assistant City attorney. Welcome. When you are making your motion, you do have to be fact specific. One of the prongs you have to meet in order to grant the variance is that there is something unique or special about this property that prevents them from complying with the ordinance.

Commissioner Rodman – Did you investigate at all putting them all along the sidewalk?

Ms. Fielek – There is really no other room. What our goal was when we received a grant for enough money to buy covered parking for senior public housing within the existing parking lot. You have to be careful about emergency vehicles and fire trucks. There are a lot of other obstructions so that you can't just pack these structures in.

Commissioner Herman – There is a lot of room there.

Commissioner Rodman – Jim is right. It could be stretched and get them all out of the front yard. They would have to relocate the dumpster area and trash receptacle.

Inspector Veltri – They just re-did that.

Commissioner Herman – They did not plan very far ahead did they?

Commissioner Rodman – I am not quite sure what the practical difficulty is, it is pre-existing and she has to work within her grant. It is a monetary issue. That is not a practical difficulty.

Ms. Fielek – It is your public housing authority and since we have an opportunity to provide this, they do not have the money to reconstruct the parking lot so therefore they will not be able to get the covered parking and they need this covered parking.

Commissioner Rodman – Based on the area I don't have a problem with it; again, I don't see that as a practical difficulty. South Ridge condo has these all over the place but they have the property to do it, they don't have to worry about set-backs. I still don't see a practical difficulty.

Ms. Fielek – There is no other place to put them in the parking lot.

Commissioner Rzyzi – There is plenty of parking available and even if it is not covered parking, it is still considered safe.

Commissioner Rodman – They still have to cross over 30' +/- of parking lot to get the cars.

Ms. Fielek – The ladies are out there scraping off the snow and falling by their vehicles. I would think the City would do everything in their power to help us provide these ladies with covered parking. It is the City's public housing.

Attorney Hill – As far as the exemption of the ordinances, I can look. I would have to research that.

Chairman Weipert – Every City has to provide housing, correct?

Attorney Hill – So I would have to research and analyze whether or not they would be exempt.

Commissioner Rodman – We are looking at this right now and have to make a decision. As of right now I cannot think of a way to state a variance with any practical difficulties.

Ms. Fielek – How about I cannot provide covered parking for all the units.

Commissioner Rodman – It has to be something unique about your property that forces you to do that.

Ms. Fielek – The uniqueness I think is the existing parking lot to accommodate at least the 12 units and six (6) of those are in the set-back and that is the practical difficulty.

Chairman Weipert – We can table it and have Jennifer research it.

Commissioner Rodman – When do you need this?

Ms. Fielek – We have to use the grant money fairly soon and we waited a month now to get on the agenda. I would have to check and see what the deadline is.

Inspector Veltri – It would not have to be published again if tabled, but our next scheduled meeting is February 18, 2010.

Commissioner Rodman – I can't think of anything that falls in the guidelines.

Commissioner Connolly – The parking lot is very small and I personally do not see a problem. I don't know the verbiage that I need to make a motion. I don't know if I have votes to allow this. It is a really unique situation with the small lot and it seems like a lot of work to tear up this parking lot just for one carport that is across from something zoned B-3.

Chairman Weipert – I agree.

Commissioner Rodman – I do too. I just can't find away to state the variance with a reasonable practical difficulty. If Joe or T.J. can think of a way, then a motion can be made. I would make a motion but I can't do it within the guidelines of our rules.

Ms. Fielek – I am not sure why we don't have a practical difficulty. The existing parking that is servicing the 12 units, the parking lot is allowed to encroach on the set-back, which is not the issue. Six (6) of those units are served by that parking that is in the set-back. I am trying to provide covered parking for those units. There is no other practical place to put them, then that is a practical difficulty. I can provide covered parking for the other nine (9).

Commissioner Rodman – I think you need it.

Ms. Fielek – Where would I put it other than tearing up the parking lot. The difficulty is that we have six (6) parking units in the set-back so I can't cover them.

Commissioner Rodman – We are trying to work within the ordinance. To give you a variance on that ordinance, there has to be a practical difficulty about the area. There are ways for you to put more carports on the other side by relocating the other things (dumpster, etc) within the rear yard without encroaching on that set-back. It looks good but it does not fall within our ordinance. I don't see that existing parking lot as a practical difficulty.

Chairman Weipert – I think we should table this and let Jennifer research it.

Commissioner Rodman – I would vote yes on a motion. If someone can come up with something or we can table it.

Commissioner Connolly – Looking at these plans they would sink one of the posts as close to the grass as possible from the parking lot correct?

Inspector Veltri – It would be right on the edge or even in the parking lot.

Commissioner Connolly – So, what I am getting at is the overhang would be seven (7') feet from the bottom of the roof to the ground and probably no more than five (5') feet over the grass.

Inspector Veltri – No, that is not necessarily so. If you look at the spacing for the columns, it is 12'. So they are going to be in the parking lot. They will go right through the asphalt into the ground for the post. The posts are not going to be in the grass. The overhang will extend over it. On the drawing they are showing 18'. If they are going four (4') feet past the post in the front and in the back, that gives you 10' on center between posts. In an 18' area, they are going to be on the asphalt. They won't be on the edge and go another four (4') feet. The cars would be going underneath that too. These are going to be back. The overhang will go a foot or so over the grass.

Chairman Weipert – Nowhere near the concrete sidewalk?

Inspector Veltri – No. Not according to their drawings.

Discussion continued on carport placement.

Commissioner Rodman – State a practical difficulty within a motion and I think we could carry it through. The ordinance states that developments have to supply adequate parking for residents. Just like the duplexes to the west, they have off street parking for the residents. The ordinance does not say having parking with covered carports. Just adequate parking.

Chairman Weipert – Does anyone want to make a motion?

Commissioner Rodman – I still don't see a practical difficulty.

ZBA 01-21-10 – WASHINGTON MANOR APTS – 432 WASHINGTON STREET

Motion by Connolly, supported by Rodman

I would like to make a motion to allow a variance for section 102-456, Schedule of Regulations to allow Washington Manor to place a carport along Washington Street due to the smaller size, recent improvements and the ingress and egress and due to the frontage across from B-3 zoning.

Chairman Weipert – Any more discussion?

Commissioner Rodman – I still don't see that as a practical difficulty. Putting the carports someplace else. It is up for a vote. I think the motion as put forward does convey itself adequately per Section B of our ordinance.

VOTE: 4 YEAS, 1 NAY

STAFF REPORTS:

Inspector Veltri – There is no meeting scheduled for February.

ZBA 01-21-10 – ADJOURNMENT

Motion by Rzyzi, supported Weipert

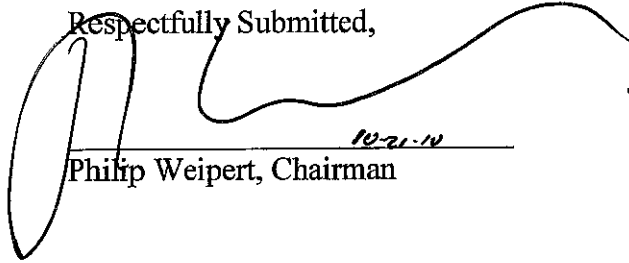
To adjourn the meeting at 7:45 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

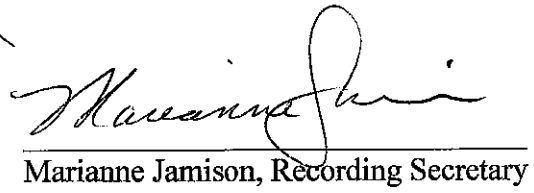
Inspector Veltri – The City thanks you for your time.

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Respectfully Submitted,



10-21-10
Philip Weipert, Chairman



Marianne Jamison, Recording Secretary