

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
October 17, 2013**

Chairman Weipert called the meeting to order at 7:02 p.m.

PRESENT: Chairman Phil Weipert and Commissioners Bill Rodman, Frank Fogarty, T.J. Connolly, Joe Rzyzi, Steve Mosier and Ron Morelli. Also present Timothy Wilhelm, City Attorney and Thomas Walsh, Building Inspector.

Chairman Weipert – Roll call shows all present and a new commissioner, Ron Morelli present. Ron served on the committee previously for 11 years and has been in the City for 35 years. James Herman has relocated out of the City and has resigned his position on the board.

APPROVAL OF MINUTES:

ZBA 10-17-13 APPROVAL OF MINUTES – August 15, 2013

Motion by Fogarty, supported by Mosier

To approve the minutes of August 15, 2013.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

None

NEW BUSINESS

ZBA Case # 2013-006 – 428 Ada Street

The request is for a variance to Section 102-431 to allow construction of a 780 square foot detached garage in the rear of the property.

Chairman Weipert asked the builder and the applicant to come up and state their names and addresses for the record and to state the hardship.

Attorney Wilhelm noted that under ZBA the applicant is required to get a majority of the full board. That is why we offer the option to adjourn for another meeting.

Mr. Terry Adams with Park Builders, Inc. introduced himself and the homeowner, Mike Foreman. I will try and answer some of the things here that you have requested. Regarding the first statement made to me through a letter from the Zoning Board of Appeals says that the home has to be larger than the proposed garage which we have that. The rear yard – we are not exceeding 25% of the rear yard. Those two items were met. The big problem here is the size of the building. We are proposing 780 sq. ft. vs. 576 sq. ft. As for unique circumstances, Mr. Foreman here has a smaller older home and has very, very limited storage. He does have four (4) vehicles, snow blowers and other items that he needs storage for. He has a very small 1-1/2 car garage that is in disrepair. It does not look too bad from the outside but the inside is bad and needs to be removed and replaced. It would be a crime to put back the 1-1/2 car garage. He is looking for is a garage that will suit his needs and relieve some of the problems. Since it is an older home he has very limited storage and needs to get the vehicles off the street. The beauty of this property is that it backs up to commercial property so there is really no neighbors behind him and there is a nice green belt back there. I have a picture of what the new building would look like. It would be a night and day difference as far as beautification of the neighborhood. The neighbors on both sides have signed their agreement to the project that we can show to the board.

Mr. Foreman – I got a signed letter from the neighbors. I have discussed the building plans with them and they both find they have no issues with the size of the building I propose to put back there.

Mr. Adams – In my opinion what I find unreasonable here is his property will support the size of this structure. I don't know why here (in South Lyon) they are limiting the size of the buildings to 576 sq. ft. building when other communities don't do that. They base it on the size of the property. So, to me it seems somewhat unjust to him that he should be limited to that. I am not obviously asking to change the rule but I think it is a little unfair. In this day and age people have more things, more toys and they need storage and bigger buildings to put their contents in. In this case, he has a lot of vehicles he need to get under cover. He has put up storage sheds and a garage trying to accommodate all these items. This will greatly enhance and improve the property and the property value would go up. This gives everyone an idea of what we are looking to do here (shows photo to board members).

Mr. Foreman noted that the shed had been moved to the back of the property in anticipation of the garage being built and it is in the back corner now.

Chairman Weipert inquired as to what is unique or different about your property or why you can't use your property similar to people in your neighborhood.

Commissioner Fogarty added that currently there is a garage there and questioned if it was 31'-9" from the back lot line?

Mr. Foreman noted yes. From the west end it will go back a little bit too.

Commissioner Fogarty noted for the new garage it is 31'-9".

Chairman Weipert summed up what the board needs to see, from the applicant, in order to grant a variance based on hardship.

Mr. Adams requested of the board if they would be able to move the garage back an additional 5' from the proposed plan in front of the board.

Commissioner Rodman asked what is unique about the property?

Mr. Foreman responded he has a one car driveway and he has vehicles he needs to get off the road. Ada Street is very busy; DPW is down there and it has been horrendous this summer with the water main project work. You just can't park a vehicle out in the road.

Commissioner Rodman rephrased his question; if we don't grant you this variance how have we denied you the use of your property unlike anybody else in your neighborhood?

Chairman Weipert noted that he did go down Ada Street and I noticed across the street that there are lots that are 2 or 3 times the size of your lot.

Mr. Foreman – The lot across the street is 2 lots. The lot next door is also a double lot. The driveways are also wider and mine is a very limited driveway where the house is sitting.

Commissioner Morelli – When I first saw this it looked like it would fit nicely but this drawing is not to scale. The back yard is much smaller than it looks like in this picture. It is hard to imagine that there is approx. 32' behind the garage that is there now. It is really hard to believe there is 77' from that back fence line to your house. I am assuming these measurements are correct. I don't necessarily have a problem with it. I can see why you need it. It has a Michigan basement?

Mr. Foreman – My term of a Michigan basement is that you walk down there and you duck. It is an outside entrance that has been covered in. It has been built in sections. There is one good spot where the washer and dryer are. There is half of the basement floor that I can't even use. A ridiculous storage mess and there is no closet in one of the bedrooms. No room in the house to put anything. It would get rid of the two outbuildings.

Commissioner Morelli summed up Mr. Foreman's practical difficulty or hardship is that there is no storage in the house.

Mr. Foreman agreed yes.

ZBA 10-17-13 – CASE # 2013-006 – 428 Ada Street

Motion by Fogarty, supported by Rzyzi

I would like to grant a variance for ZBA Case #2013-006 based on the following four items. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulties because it will occupy less than 25% of the rear yard. The need is not self created because the DPW uses the street for ingress and egress to the DPW yard therefore not allowing the individual to park out in the street and to keep the vehicles off the street. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district because the variance will improve the property values. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because it backs up to I-1 industrial area and it would enhance the property value.

VOTE:

MOTION CARRIED UNANIMOUSLY

Chairman Weipert added that this lot has the commercial/industrial behind it. There is a marina behind you and your back yard is lined up with float boats on the commercial property. The DPW entrance is on your street and you have a cell tower at the end of the street and WOW the cable provider is also there. It will allow a little more privacy and noise abatement.

Commissioner Rodman – I would like Frank to amend his motion to state that the additional outbuildings on the property will be removed with the erection of the garage.

ZBA 10-17-13 – CASE # 2013-006 – 428 Ada Street

Motion by Fogarty, supported by Rzyzi

I will amend the motion for ZBA Case #2013-006 that the additional out buildings will be removed from the property upon completion of the garage.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Adams requested of the board to be able to move back another 5' since he is 15'-5" from the house now and we were working on getting that second vehicle in there. Would it be possible to slide it back?

Commissioner Rodman questioned the distance restriction from lot line to out building on R-3 property?

Inspector Walsh replied it is 3' on one side and I believe it is 3' in the back.

Mr. Adams added that instead of having 15' he wanted 20'.

Commissioner Fogarty noted that he did not see a problem with it but that in the beginning of the meeting we were talking about 576 sq. ft. now you are adding on this and this and this.

Mr. Foreman replied that moving the garage back came to light after we had discussed this and we missed the dead line for the last zoning meeting. This is really close. We will do whatever the board decides. I can work around it.

Commissioner Fogarty questioned how far back he was requesting?

Mr. Foreman replied only 5' or less, a maximum of 5'.

ZBA 10-17-13 – CASE # 2013-006 – 428 Ada Street

Motion by Fogarty, supported by Rzyzi

I amend the initial motion as amended and then one more amendment for ZBA Case #2013-006 to move the building back 5' to 26'-9" from the back boundary line instead of 31'-9".

VOTE:

MOTION CARRIED UNANIMOUSLY

Chairman Weipert informed the applicant to get his building permit.

STAFF REPORTS:

Chairman Weipert – Anything coming up?

Recorder Jamison responded that nothing was scheduled at this time.

ZBA 10-17-13 – ADJOURNMENT

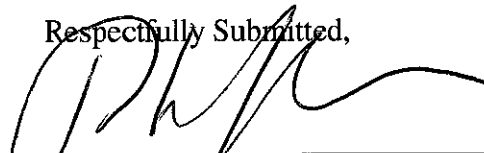
Motion by Rodman, supported by Connolly

To adjourn the meeting at 7:28 pm

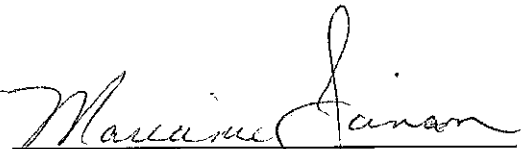
VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary