

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
July 16, 2015**

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

ROLL CALL:

PRESENT: Chairman Phil Weipert and Commissioners Frank Fogarty, Joe Rzyzi, Steve Mosier, Ron Morelli, Brian Dunn and Michael Joseph. Also present Tim Wilhelm (City Attorney).

ABSENT: Brian Dunn (Commissioner) Carmine Avanti (Planning Commission) and Dennis Smith (Building Department), and Kristen Delaney (Economic Development) - excused

Chairman Weipert led the committee into the Pledge of Allegiance.

APPROVAL OF MINUTES:

ZBA 7-16-15 APPROVAL OF MINUTES

Motion by Morelli, supported by Fogarty

To approve the minutes of June 18, 2015 as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

ZBA Case #2015-003 – 420 Lyon Ct.

Request is for a variance from Section 102-431 of the City Code to allow 720 square foot detached garage when a maximum 473 square feet is allowed for accessory structures on that lot. The property is currently zoned R-3, One Family Residential.

Chairman Weipert announced we have two (2) cases tonight. The first applicant is Michael Gibbons. State your name and address for the record and you can wait to have the full board

present and we can table until the next month. Tell us why you need a variance and what is the unique circumstances you have.

I am Michael Gibbons of 420 Lyon Ct. I have a home with no garage at all and only a small shed. We are the only home in our court that has no garage. The property size we have is capable enough to hold that structure. No neighbors in the back and it follows all the rules within the limits of the property line.

Chairman Weipert questioned if he were in a court (cul-de-sac) with a pie shaped lot?

Mr. Gibbons replied yes. I also have a letter from one of my neighbors in support of the garage.

Chairman Weipert entered the letter into the record. The letter is from 426 Lyon Ct. (the house to the north of the applicant) and is in favor of the garage. Have you seen the report written by our planner?

Mr. Gibbons expressed he had not. A copy was given to him to review.

Commissioner Morelli questioned the applicant's documents that were submitted. You talk about a 22' x 22' to 24' x 24' and the plan you submitted says 24' x 30'.

Ms. Gibbons explained when she spoke with Anne I did not think I had to submit a new plan. I submitted the plans 24' x 30' then Dennis told us it exceeded the 473 square feet so it had to be 24' x 24'. Then Anne called back and said they found something else with the square footage of the house. We could either appeal or build something that is 400 + so I dropped off the application for the variance with the check and I asked her if I should submit a new plan and Anne said no. We would like a 24' x 30' if we can. At 473 square feet it would be an impractical size.

Commissioner Joseph inquired whether the applicant would build another shed.

Mr. Gibbons expressed no that's why they want a larger garage.

Chairman Weipert asked how close the neighbor's garage is to them.

Mr. Gibbons replied approximately 12' off the back fence. Our yard is extremely odd shaped. The backyard is extremely large compared to the front yard.

Mrs. Gibbons explained that the neighbors have a one (1) car attached garage.

Commissioner Morelli noted that this neighborhood has different types of garages. Some are attached, some are not, some are one (1) car, and some are two (2) cars. Some have sheds and the neighbor to your left has a two and one-half (2-1/2) or three (3) car garage and it is a big structure. There are all different types in there.

Chairman Weipert added that it does not seem out of proportion to the neighborhood as far as the size.

Commissioner Morelli questioned the criteria for him to meet. It is a big structure at 24' x 30'. A standard garage in our sub is 18 x 18 and two (2) cars barely fit in there. Mine garage is 21' x 21' and I have two (2) Yukon Excels I can get in there, shut the door and still open the back hatch. Also in there are a lawnmower, snow-blower, tool chest and table saw. You need to meet the criteria of why this space is needed. This is a big garage. What you need to do is to convince us that we need to give you a variance based on some sort of practical difficulty you have with your circumstances and why you need a structure this big. Frankly, to me bigger is better if you could have one at 45 x 40 but we can't just say yea it looks good, put it up.

Mr. Gibbons agreed that he never heard someone look at a house and say the garage is too big!

Chairman Weipert explained that we want to make sure it fits in with the neighborhood. Your garage is going to be about as big as a lot of the houses on Lyon.

Commissioner Morelli noted you have 140' in the back and that is pretty big.

Commissioner Joseph questioned if the applicant considered shifting it more parallel with your house?

Mr. Gibbons replied yes, but if I shift it that way I have all this space back here. I was trying to stay further away from my neighbor and to keep the yard open.

Commissioner Fogarty asked am I to assume 3' is the minimal set-back for the south side?

Commissioner Morelli responded he would assume it is. On Harvard St. it was Zoned R-3 and a detached garage is 3'. Is it going to be standard pitch roof and at standard height correct?

Mr. Gibbons replied it would be 12' tall. No apartment up there.

Chairman Weipert noted that Carmine (the City planner) finds that this proposed garage with the large sized lot is fairly common in size for the area.

Chairman Weipert asked if there were any additional questions.

ZBA 07-16-15 - CASE #2015-003– 420 LYON CT.

Motion by Fogarty, supported by Rzyzi

Motion to grant the variance for the following reasons: It is in scale with the principle structure, it is fairly common in size, it meets all applicable set-backs and should not have an impact on abutting properties. With one stipulation that the current shed be removed. Chairman Weipert summed up that Frank made a motion granting the applicant a variance of Section 102-431 to allow a 720 square foot garage as proposed and for the reasons that are in Carmine's report and pursuant to 102-83 (a) and the contingency that the shed be removed.

VOTE:

MOTION CARRIED UNANIMOUSLY

ZBA Case #2015-004 – 676 Center Ridge

The request is for a variance from Section 102-431 of the City code to allow a 720 square foot detached garage when a maximum of 576 square feet is allowed for accessory structures on that lot. The property is currently zoned R-1, One Family Residential.

Chairman Weipert called the second case and had the petitioner state his name, address and the reason for the request and also the applicant could table the meeting until a full board is present. The applicant chose to move forward.

The applicant came forward and introduced himself:

I am Jason Rose and I reside at 676 Center Ridge. The purpose for needing a new garage is that the existing garage has been on the property since 1955 and it was built in a hole and everything runs to it. The driveway goes up halfway and then up to the garage so all the water goes into the garage. The garage has to come down. It was built poorly but I did what I could with it to make it suitable for the time being. We have a crawl space, 3 bedrooms, and 2 bathrooms, a laundry room and a mechanical room all located in that space. We have no storage. Every closet in our bedrooms are 2' x 5'. We can't store anything in the garage since it gets wet, nor the shed. I want to eliminate the shed and put a garage in on the back right corner of the yard and 720 square feet still leaves me over 4,000 square feet in the backyard. It

takes up less than 20% of the yard facing the rear. I want to make it at proper elevation so water drains from the garage and the reason it is so large is I want to make the shed in the back left corner of the garage. I am going to put an 8' door that enters through the backyard and in the back right I am going to throw up a partition wall 22' from the front of the garage so I have an 8' x 24' area and I will have an 8' x 8' shed built into the garage, a 8' x 16' area for a workshop since I work in heavy construction. Then I have to build shelves along one wall inside the main portion of the garage because being 24' wide I will have a 15' door and the left side will be a walkway and the right side will be shelving to bring items from the house for storage and to get it off the ground.

Chairman Weipert noted that the board needs to know what circumstances on your piece of property.

Mr. Rose replied there are garages in our area that are the same size, there is no house directly behind us so that won't affect anyone behind us. It will help the people on the right of us so they can stop looking at items. It takes less than 20% of the backyard. I have to tear the other garage down and build another garage. The size of 24' x 24' would be the max allowed for me on that lot. Either I have to build a new shed and a garage or I can combine the two.

Chairman Weipert stated that the circumstances on the request for a variance were not caused by you the (petitioner) correct?

Mr. Rose responded no.

Chairman Weipert added that it is an older neighborhood.

Mr. Rose noted that the lots are fairly large in size; 72' x 132' – Zoned R-1.

Chairman Weipert explained it is in the back of the older part of town and the neighborhood has a mix of R-3 and R-1's. There are a lot of R-1 lots which are big lots but they did not necessarily build a big house on the lot. You have a lot of space and a lot of odd structures.

Mr. Rose added that the house is well located as far as making it usable for this garage. My driveway is shot. I just want to get rid of it all and make it right.

Commissioner Morelli offered that when he was out looking at the property once you tear down the old garage, this one would be almost behind it.

Mr. Rose replied yes. The other garage had an addition put on it and they took out the whole

rear bearing wall and they put on this addition with no footings. It will sit back and will look better than the one that is up there now. At some point someone put an addition on the house and the whole back right corner is a 12' x 24' addition. They put it as close to the garage as they could get it but not attached.

Commissioner Joseph questioned if the petitioner was putting in a whole new concrete driveway and bringing up the elevation of the grade?

Mr. Rose replied yes to both questions. There is a swale that runs from south to north between all the properties back there and people to the north built up their yard so all the water goes the opposite way of the swale but it all comes into my yard and then it has to find its way to the swale and then out. If I can change the elevation of my garage I can change the elevation of my backyard and establish proper swales on both sides that leads to the swale that runs north. My whole backyard just floods.

Chairman Weipert asked if there were any additional questions.

Commissioner Fogarty noted that he does have water problems that need to be corrected. A 144 sq. ft. variance is not as large as the last applicants.

Mr. Rose responded that it is less than half of the square footage of my house. It actually meets all the other criteria other than the one that was added some time later the 576 sq. ft. ordinance. As far as meeting lot size and being half the size of the residence, it is there.

Chairman Weipert replied that it would be consistent with the rest of the neighborhood.

Mr. Rose added that it will improve the property, will not look out of place will have the standard 8' plate wall, it will be a four (4) or five (5) pitch roof and it will be below the peak of my house.

ZBA CASE #2015-004 – 676 CENTER RIDGE

Motion by Rzyzi, supported by Joseph

Motion to approve the variance based on 102-431 (a) to give the applicant a 144' sq. ft. variance as per plan submitted.

Chairman Weipert summed up that a motion to grant the applicant a variance per Section 102-431 (a) with a maximum 576 sq. ft. to allow a 144 sq. ft. variance (720 sq. ft.) to allow the structure to be built for the reasons under the ordinance and that the need requested is the unique circumstances or physical conditions of the property such as, position of property, the size of the lot 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 difficulty.

VOTE:

MOTION CARRIED UNANIMOUSLY

STAFF REPORTS

Chairman Weipert questioned if there was any new business coming up?

Attorney Wilhelm noted that the new member binders are in and available. This year we will do some training (get out of summer season before scheduling) and I encourage all the members of the ZBA to spend some time with it. I pulled together the relevant documents that you would use. There are some general planning items; ordinances, ethics, open meeting act, some guidelines, planning articles to help identify practical difficulty and so forth.

ZBA 07/16/15 – ADJOURNMENT

Motion by Fogarty, supported by Morelli

Motion to adjourn the meeting at 7:33 pm.

VOTE

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Phil Weipert, Chairman

Marianne Jamison, Recording Secretary