

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
August 15, 2013**

Chairman Weipert called the meeting to order at 7:06 p.m.

PRESENT: Chairman Phil Weipert and Commissioners James Herman, Frank Fogarty, Joe Rzyzi, and Steve Mosier. Also present Timothy Wilhelm, City Attorney and Charles Boulard, Building Inspector.

Chairman Weipert – Roll call shows Bill Rodman and T.J. Connolly James Herman absent – excused.

APPROVAL OF MINUTES:

ZBA 08-15-13 APPROVAL OF MINUTES – July 15, 2013

Motion by Fogarty, supported by Mosier

To approve the minutes of July 15, 2013.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

None

NEW BUSINESS

ZBA Case # 2013-005 – 304 E. Lake Street

The request is for a variance to Section 102 to allow construction of a new front porch with a reduced front setback.

Chairman Weipert asked the applicant to come up and state her name and address for the record and to state the hardship. Also noted was the public would be able to make statements after hearing from the applicant during the public comments of the meeting.

Attorney Wilhelm noted that under ZBA the applicant is required to get a majority of the full board so you would need four (4) votes of the attending members tonight. That is why we offer the option to adjourn.

Ms. Salvatore stated her name and address for the record and that she wanted to proceed.

Chairman Weipert – Tell us what your practical difficulty is and why your property is Unique, that the ordinance that applies to your property is based on that practical Difficulty and why you should be granted the variance.

Ms. Salvatore – We live on the corner of Lake and Reese St. We have a turn of the century home with an existing small front porch. The existing front porch is out of compliance as well with the set back requirement. We are proposing to decrease the length (shows photos to the members). It will not wrap around the house. The porch is in disrepair as well. The point I want to make is the porch will not be any greater depth than the existing front porch. It will be wider along the front of the house. We had a fair amount of bushes that extended beyond the front porch and we will remove them. It will look nicer than what it looked like before. Ms. Salvatore passed more photos to the board members of other homes in the neighborhood showing her porch would not be out of character with other homes. To sum; the porch will be no deeper just longer in front of the house. Any questions?

Chairman Weipert – You will be sticking with the characteristics of the neighborhood?

Ms. Salvatore – Yes, it will be the same short columns and the roof will be longer above the porch. It will allow more room to sit on the front porch.

Commissioner Herman inquired is 1.42 feet to the fascia?

Inspector Boulard clarified that the 1.42 feet is the difference between the required set back and the set back needed. It will be 1.42 feet out into the required set back.

Commissioner Mosier – What is the width of the existing porch?

Commissioner Herman – The width is shown here, it is 5'-6".

Chairman Weipert – Does anyone else have any questions? The appearance of the yard will be better with the set back and the existing porch footprint is the same and it is not inconsistent with other porches in the neighborhood and it will make it look better overall.

Inspector Boulard stated that one of the things he did note was that the request talks about the existing porch foundation and it would not change the variance and I suggest your motion to allow the entire porch to be rebuilt.

Commissioner Fogarty asked the condition of the existing porch.

Ms. Salvatore – The pillars are crumbling and are not in good condition, they are rotting and the roof slopes. The roof will look better than the flat roof we currently have.

Commissioner Rzyzi added that he thinks it is a great plan and I think I would support this but what is the practical difficulty?

Ms. Salvatore – The existing lot , the way the porch was built and the zoning we don't have a lot of choice to be able to have a porch that complies with the zoning to have a porch wide enough to be able to sit on. It is unique in that respect and that the existing zoning doesn't really allow for a front porch here on a house on a corner lot.

ZBA 08-15-13 – CASE # 2013-005 – 304 E. LAKE ST.

Motion by Fogarty, supported by Weipert

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 the porch already existed. The need is not self created because the existing porch was already built and she did not have a choice in the matter. 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 improves 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 is a corner lot. I propose we grant the variance at property located at 304 E. Lake Street – ZBA Case 2013-005.

Chairman Weipert – Any more discussion?

VOTE:

MOTION CARRIED UNANIMOUSLY

STAFF REPORTS:

Chairman Weipert – Anything coming up?

Inspector Boulard – I believe there may be a case next month.

Attorney Wilhelm – Mr. Chairman, to follow up on the letter that I provided to the ZBA last month where I offered to prepare documentation for training or to do training; I would need a little bit of direction to set that up. I would prefer to have somebody else from my office with more experience in the training side to come in to do that. Do you

want to do that at a regularly scheduled meeting or do a special meeting where you don't have an agenda of matters?

Chairman Weipert responded that it would be preferable to do it at the end of a meeting.

Commissioner Fogarty added that or hold the meeting on the same Thursday of the month when we don't have anything else scheduled.

Attorney Wilhelm noted that there is the option of providing you with written materials in advance and we can decide what you want to do; have an in-person presentation training or where you get the materials and set it up. I think you ought to have the materials in advance.

Chairman Weipert – There are not many cases that go over an hour so why don't we hold it on a regularly scheduled meeting night after the ZBA cases have been heard. Maybe a half hour or forty-five minute presentation.

Attorney Wilhelm – Let me find out more about it and see how in-depth we need to go and I will communicate with you and we will schedule that up.

ZBA 08-15-13 – ADJOURNMENT

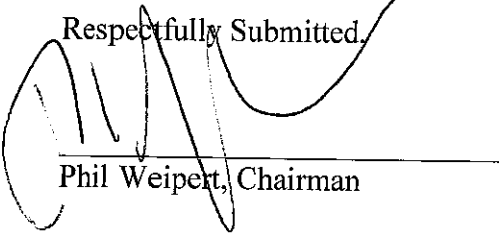
Motion by Fogarty, supported by Mosier

To adjourn the meeting at 7:22 pm

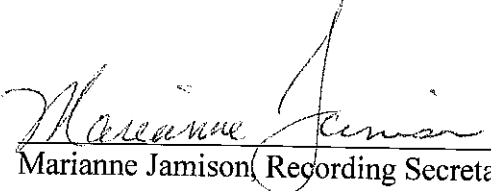
VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary