

CITY OF NORTHVILLE
Board of Zoning Appeals
January 8, 2014 – 7:30 PM
City of Northville - Council Chambers
215 W. Main Street

1. CALL TO ORDER

Chairman Stapleton called the meeting to order at 7:35 p.m.

2. ROLL CALL:

Commissioners:	Present:	Rolland Stapleton – Chairman Bill Lokey – Vice Chairman James Bress – Secretary Ryan McKindles Patti Mullen Sarah Traxler Dominic Silvestri
	Absent:	None
	Also present:	Sally Elmiger, Planning Consultant

3. APPROVAL OF THE AGENDA:

Motion by Silvestri, supported by McKindles, to approve the agenda as published.

Voice Vote: Ayes: All. Nays: None. Motion Unanimously Carried.

4. MINUTES OF PREVIOUS MEETING: December , 2013

Motion by Bress, supported by Silvestri, to approve the minutes of December 4, 2013 as published.

Voice Vote: Ayes: All. Nays: None. Motion Unanimously Carried.

5. CASES to be heard – By Case:

- A. Case is called.
- B. Appellant presents case.
- C. Board questions & comments.
- D. Public comments on the case.
- E. A motion (usually to grant the variance) is made and seconded; discussed then voted upon; the results are announced by the Chairman.

Case # 14-01

KURT JON MENHART AND
JOANNE BANDONI-MENHART
483 GRACE

Both homeowners from 483 Grace were present; along with Harold Remlinger of the Design Team.

Zoning Appeals Secretary, Mr. Bress, read the case and described the location. He said the Applicant is seeking a variance to construct a home and garage in the front yard setbacks on premises zoned R-2, Second Density Residential District, parcel number 48-001-02-0009-000. The City's Building Official has determined that a front-yard variance of seven feet five inches (7'-5") is needed along Grace Street and a front-yard variance of thirteen feet (13') is needed along Lake Avenue from Section 15.01 of the Zoning Ordinance to allow construction of a new home and garage in the two front yards.

Mr. Bress said the Applicant was appealing the decision of the Zoning Official, dated December 3, 2013. He read the grounds for appeal for a Dimensional Variance. The Applicant must address the criteria in item #6 of the application; and a statement and drawings regarding the alleged hardship or conditions were attached to the application. It included the items outlined in section 25.04; and their statement regarding practical difficulties; substantial justice; public safety and welfare; not being self-created; no safety hazard or nuisance; relationship to adjacent land uses; and the minimum variance necessary.

Mr. Menhart explained the reasoning for their request. He said they purchased the house in September 2013; and were informed unofficially by the Building Official that the parcel was zoned R1-B. Mr. Menhart said following his own attempt to draw their plans, they retained an architect; the parcel was discovered to be zoned R-2, and had different setback provisions which radically changed the plan; and the existing house was non-conforming, and much was unrepairable without variances. He referred to the old porch which was previously turned into living space, and it was eight feet from the sidewalk; most other neighboring homes were from 15-17 feet from the sidewalk; they want to remove the existing front porch and maintain as much of the original footprint of the house as possible; as part of their agreement, the former owner still lives in the house.

Ms. Joanne Bandoni-Menhart, 17561 E. Northville Trail, Northville Township, explained their community involvement; their desire to build a home with a wrap-around porch, in keeping with the neighborhood; not extreme in size; and she offered letters of support from some neighbors for the file.

Mr. Remlinger, 975 E. Maple, Birmingham, described his client's desire to build a house in keeping with the neighborhood and more suitable to their needs. He said the front yard setback is 25 feet; there are no variances or ability to do average setbacks; it reduces their 60 foot wide lot down to a 30 foot footprint. He said the setbacks present a hardship in this case; the front yard setbacks account for 49.9% of land mass; the other homes on this block, not on a corner lot, were about 14% of the land mass.

Discussion took place regarding corner lots and setback requirements by Ordinance.

Chair Stapleton said there was no inventory of corner lots in the city. He asked Ms. Elmiger to share that with the Planning Commission; noting that it would be helpful to know how many corner lots there are, how many conform, their setbacks, etc.

Mr. Remlinger said the subject parcel was in the R2 district; he referred to the Master Plan, and said it was suggested that this block return to an R-1 district, or a single-family medium density district, and would match the other districts across the street and allow for the average front yard setback. He said the R-2 was originally established because of the duplexes; which were now single family homes; and none of them along Grace met the 25 foot yard front yard setback and all encroach within the setback area. He said building this proposed house to the average front yard setback would address the curb with the

neighboring homes on the block. He spoke of another house on a corner lot that does not meet the setback.

Mr. Remlinger spoke about safety reasons. He said the nearby commercial property needs to install the mandatory buffer; and the situation was not ideal for kids and pets. He spoke about substantial justice, in that it will meet the Ordinance intention to keep a certain characteristic and for economic enhancement purposes; allow them to build the porch and push the main body of the house back; increase the interior side yard setback; and match the existing neighborhood. He said without the variance, they could only build a rectangular box house. He said they need to create privacy for the dwelling; the garage is a buffer between uses; and allows the homeowner to see the rear yard from livable space.

Discussion took place regarding other corner lots that do not meet setback requirements.

Mr. Remlinger said they had not considered seeking a rezoning instead of a variance.

Commissioner Silvestri summarized that the Applicant wants to use the existing non-conforming structure; and then modify and expand it; and essentially remove the front enclosed porch and reduce the amount of encroachment into the front yard setback along Grace.

Mr. Remlinger concurred and said the covered porch would come forward and be more in keeping with the neighborhood. The small jut on the Lake Avenue side would be a breakfast nook and maximize available sunlight. He said they did not do full drawings yet, until coming before the Board.

Commissioner Silvestri asked how committed they were to the foot print; and said the Board would like to see a lesser variance than requested; and asked if there was more room on the Lake Avenue side to accommodate a smaller variance request.

Mr. Menhart said a substantial portion of the variance is for the covered porch, not for livable space. He said the R2 setback is strict; and they wanted to wait for the design until they had a better idea of the expectations. He said the primary design of the house would be within the setback without the variance; and they were lining up with the footprint of the existing house and using what they can; and expand onto that and create open space.

Discussion took place regarding non-conforming structures not being enlarged, yet remaining in the same setback. Chair Stapleton said it was his general belief that as long as the non-conformity was not increased, one could do what they wanted.

Commissioner Silvestri clarified that taking that into consideration, then the only variance required would be on the Lake Avenue side, and there would be one variance, not two.

Discussion took place regarding concern relative to variances being attached to the title of a property, and new owners doing whatever they want as long as they conformed. Chair Stapleton emphasized the importance of the Board of Zoning Appeals preserving the latitude of action as much as possible.

Commissioner Lokey spoke about the unique parcel, and surrounding parcels and zoning districts. He asked about averages along Lake Street, and homes within 200 feet, east on Lake Street, the same side of the street.

Mr. Remlinger said they are close to the sidewalk; the one directly east is 85 feet wide; and it is 25 feet wider than the subject property. Houses east of the subject house are closer to Lake Avenue; and the commercial lot is about eight feet off the property line. He said Northville's Ordinances do not have the

provision that if no house fronts Lake Street within a block of the house being built, they are usually allowed to use the side yard setback for a normal interior lot line of 10 feet. He said he wished it was in the Ordinance; the commercial property creates a visual blockage, and they have to erect the buffer.

Commissioner Silvestri said his concern was that the remaining building footprint will then extend out to the approved variance.

Discussion took place regarding the duplexes that were previously in the subject location and how that affected the zoning district.

Mr. Remlinger said the square footage of the existing house was about 1,300 square feet and they were looking to build to about 2,500 square feet. The first floor square footage will be about 800 to 1,000 square feet upstairs and about 1,500 square feet on the ground floor.

Chair Stapleton opened the public portion of the meeting at this time.

David Merrill, 443 Grace, said he appreciated the efforts of the Board of Zoning Appeals. He said his home is located where one of the duplexes used to be. He said it would be nice to have this area zoned to not accommodate any more duplexes; it is in the best interest of the neighborhood; Mr. Remlinger was also his architect; and he was in support of the proposal.

Sheila York, 443 Grace, said their home fits well in the neighborhood; she thanked Mr. Remlinger; and said she was in support of the proposal.

Mr. Menhart responded to Chair Stapleton that he would like the BZA to separate the variance requests.

Motion by Mullen, supported by McKindles, regarding BZA Case #14-01, to grant the request regarding the Grace Street front porch variance only as required, to accommodate the building footprint, shown on the site plan labelled 'proposed site plan' prepared by Jekabson & Associates, P.C., with the house by the Design Team+, submitted to the City and date stamped 'received by the City December 13, 2013.'

Voice Vote: 5-2, with Traxler and Stapleton opposed.

Motion by Silvestri, supported by Lokey, regarding BZA Case #14-01, to grant the second part of the variance request along Lake Avenue, necessary to accommodate the building footprint (includes detached garage) as shown on the 'proposed site plan' prepared by Jekabson & Associates, P.C., and also the Design Team+, submitted to the City and date stamped 'received by the City December 13, 2013.'

Voice Vote: 5-2, with Traxler and Stapleton opposed.

Chair Stapleton said he opposed the variance because he believed that the former property owner should obtain the variance as a condition of the sale. He said the subject situation was self-created because they bought the property; and if incorrect information was provided, the purchaser still has an obligation to do their own due diligence. He said that was not good public policy.

6. PUBLIC COMMENTS (Limited to two minutes each person, not to exceed twenty minutes total time for all presenters – only on matters not on the agenda.):

None

7. DISCUSSION:

Commissioner Silvestri said it would be helpful to have the Building Official at the meetings for information purposes.

Discussion took place regarding the suggestion; providing clarification; and cost issues.

Commissioner Bress said the fabric garage that he previously mentioned in the city has been removed.

8. ADJOURNMENT:

Motion by Bress, supported by McKindles, to adjourn the meeting at 8:25 p.m.

Voice Vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Respectfully submitted,

Cindy Gray, Recording Secretary