

CITY OF NORTHVILLE
Board of Zoning Appeals
February 5, 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 7:32 p.m.

2. ROLL CALL:

Commissioners:	Present:	Rolland Stapleton – Chairman Bill Lokey – Vice Chairman James Bress – Secretary Ryan McKindles Patti Mullen Dominic Silvestri Sue Hooper (Joined Board at 7:45 p.m.)
	Absent:	John Callahan (excused)
	Also present:	Sally Elmiger, Planning Consultant

Chair Stapleton noted that Alternate Board Member John Callahan appeared to be absent; however Alternate Board Member Sue Hooper was in the audience and agreed to join the panel if indeed Mr. Callahan was determined to be absent.

3. APPROVAL OF THE AGENDA:

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

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

4. MINUTES OF PREVIOUS MEETING: January 8, 2014

Motion by Lokey, supported by Silvestri, to approve the minutes of January 8, 2014 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 # 14-02 (corrected case number)
JOSEPH & SONDRA HOFFMAN
625 CARPENTER

Homeowners Joseph and Sondra Hoffman were present from 625 Carpenter.

Zoning Appeals Secretary, Mr. Bress, read the case and described the location. He said the Applicant is seeking two variance requests. First, the applicant is seeking a variance to construct a home addition in the front yard setback on premises zoned R-1B, First Density Residential District, parcel number 48-001-02 -0022-302. The Building Official has determined that a front-yard variance of 5.9 feet is needed along Baseline Road from Section 15.01 of the Zoning Ordinance to allow construction of the home addition in the front yard.

Second, a variance is requested from Section 22.01.05 for the same project to expand a non-conforming structure. Currently, the north side of the home is 24.1 feet from the property line, and therefore does not conform to the required 25-foot front-yard setback.

Mr. Bress said the Applicant was appealing the decision of the Zoning Official, dated January 2, 2014. He said in the grounds for appeal, the initial form had reflected the request for a use variance; however, it was determined between the Planning Consultant and the Applicant that a dimensional variance was needed. For that request, the Applicant stated that strict application of the provisions of the Zoning Ordinance would result in a practical difficulty upon the owner; and that was submitted in writing and made part of the Board's packet.

Mr. Bress stated that Applicant Hoffman submitted a letter dated January 7, 2014, which addressed each of the seven criteria used to evaluate variance requests. Also submitted was a request to expand, extend, or enlarge a non-conforming structure. He said a complete statement was submitted regarding same. He said regarding the Zoning Ordinance sections for which a variance, exception, or interpretation was requested was: Article 3, section 3.04: Area, height and placement requirements – Minimum yard setback, front = 25 feet; corner lot with two front yards. He said a complete statement as to the grounds for this appeal, including the necessary drawings was attached to the file.

Applicant Joe Hoffman spoke about the reasoning for the request. Mr. Hoffman said he and his family have lived at the subject address for 31 years. He said their home is 100 years old and is located in the Cabbage town area of Northville, on a corner lot. He said they planned this to be their last major improvement project for their home. He said they plan to upgrade the vinyl siding with Hardiplank; and repaint the house blue with white trim. He said the north and west sides are the vinyl sides of the house. He said the north side of the house faces the park, and they want to alter it and create a kitchen bump-out that would provide seating and an aesthetic element to that side of the house.

Mr. Hoffman said they sought two variances to expand a non-conforming structure with the dimensional variance because of the setback. He explained his rationale for each of the seven criteria to evaluate their variance request. (Detailed document submitted to the Board and the file) He said that this past summer, in anticipation of the project, he reduced the scope of the side porch, to make provisions for the proposed addition. He contacted all neighbors within 300 feet regarding their proposal; and they were all supportive and no opposition was received.

At 7:45 p.m., Alternate Board of Zoning Appeals Member Sue Hooper joined the Board. Chair Stapleton noted for the record that Ms. Hooper had been in the room since the meeting began.

Mrs. Hoffman told the Board that their neighbor Mel Anderson contacted them and expressed his support of their proposal.

Discussion took place regarding the request. It was determined that the Applicant considered houses on the south side of Baseline; he did not include the north side, but he assured the Board that many were within the 25 foot setback; he used GIS data; regarding the two front setbacks, on the true architectural front, there was an average that can be considered on the side front.

Ms. Elmiger said there were no homes within 200 feet and they would have to be within the same block, so that average was not taken. The nearest house was across the street on Carpenter Street.

Member Silvestri commended the Applicant for his thorough preparation that addressed the seven criteria. He said the Zoning Ordinance should be reviewed relative to how it applies to properties that technically have two front yards.

Member Mullen concurred regarding the Applicant's replying to the seven criteria.

Mr. Hoffman said he sits on the Historic District Commission, he is aware of the seven criteria; and that his preparation style is thorough.

Member McKindles concurred regarding the Applicant's thorough preparation.

Motion by Silvestri, supported by Hooper, regarding BZA Case #14-02, to grant a variance to construct a home addition in the front yard setback on premises zoned R-1B, First Density Residential District, parcel number 48-001-02 -0022-302; and to grant a variance from Section 22.01.05 to expand a non-conforming structure.

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

Chair Stapleton spoke about his reasoning for voting in favor of the motion. He said this was a long-time resident dealing with a structure that had been on this parcel a long time, and prejudices their ability to pursue their renovation project.

Motion by Bress, supported by Mullen, regarding the finding of fact for the granting of the variance requests for BZA Case #14-02, that based upon the January 7, 2014 Amendment #1, submitted by the Applicant, relative to the seven criteria for variance evaluation, it is clear that all seven criteria were met;

Further, the Board of Zoning Appeals concurred that the following findings of fact were present:

- **The required north front yard setback is 25 feet;**
- **The existing north setback is 24.1 feet;**
- **The proposed setback for the north side would be 19.1 feet, so a variance of 5.9 feet is requested;**
- **The kitchen bump out for new construction would be a total of 5 x 8.7 feet;**

- The subject house was at least 100 years old;
- The Applicant has two front yard setbacks, both on the east and north sides;
- The property is on a corner lot;
- They have a wrap-around porch that extends approximately one foot less than the proposed variance; On the north side, there is one front yard with no other houses with front yards within 200 feet;
- It was found that a setback of 19.1 feet was relatively consistent with adjacent setbacks and adjacent lots.

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

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. ELECTION OF OFFICERS

Motion by Silvestri, support by McKindles, to nominate Chairman Stapleton as Chairman of the Board of Zoning Appeals.

Voice Vote: Motion carried 6-1, with Stapleton opposed.

Motion by Mullen, support by Silvestri, to nominate Member Lokey as Vice Chair of the Board of Zoning Appeals.

Voice Vote: Motion carried 6-1, with Lokey opposed.

Motion by Silvestri, support by Mullen, to nominate Member Bress as Secretary of the Board of Zoning Appeals.

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

8. DISCUSSION:

Ms. Elmiger confirmed that regarding BZA Case #14-02, the Board voted upon both variance requests.

Chair Stapleton said he would rule that there was no bifurcation of the motion.

Ms. Elmiger confirmed that she does review the applications when they are submitted to the City.

Discussion took place regarding the need for uniformity.

8. ADJOURNMENT:

Motion by Lokey, supported by Silvestri, to adjourn the meeting at 8:02 p.m.

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

Respectfully submitted,

Cindy Gray, Recording Secretary