

CITY OF NORTHVILLE
Board of Zoning Appeals
December 3, 2014 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

1. CALL TO ORDER:

Vice-Chair Silvestri called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Commissioners: Present: Dominic Silvestri – Vice-Chair
James Bress – Secretary
John Callahan - Alternate
David Marold
Patti Mullen
Jay Wendt

Absent: Rolland Stapleton – Chairman - excused
Ryan McKindles – excused

Also present: Sally Elmiger, Planning Consultant

3. APPROVAL OF THE AGENDA:

Motion Bress, support by Mullen, to approve the agenda as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

4. MINUTES OF PREVIOUS MEETING: November 5, 2014

MOTION Marold, support by Mullen, to approve the November 5, 2014 meeting minutes 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 Chair.

Case # 14-08
DANIEL & JULIA STEDEM

**375 ORCHARD DRIVE
NORTHVILLE, MI 48167**

The applicant is seeking a variance to construct a new house in the front-yard setback along Grandview Avenue on premises zoned R-1B, First Density Residential District, parcel number 48-003-02-0035-001. The City's Building Official has determined that a front-yard variance of 14 feet is needed from Section 15.01 of the Zoning Ordinance to allow construction of the residential building in the front yard.

Zoning Appeals Secretary, Mr. Bress, read the case. He called specific attention to the Applicant's written comments regarding Question 8 of the Application for Board of Zoning Appeals:

We would like to tear down the current house and garage/porch on the corner of Orchard Drive and Grandview Avenue in zone R-1B, non-historic district and build a new home. The new structure would have the following setbacks: front 25'; north side 7'; side along Grandview Avenue 11' and overall house/garage to be 38' off the back property line. The new structure would be in compliance with the 30% rule. Currently, this property is considered to have two front yards with a 25' setback on each. The property line running along Grandview Avenue serves as a side yard, not a front yard. As such we are asking for a 14' variance, yielding an 11' setback. (Please see attached sketches and supporting material.)

Applicants Daniel and Julia Stedem, 39856 Rockcrest Circle, Northville MI, were present on behalf of this variance request. Builder David Compo, 901 McDonald, Northville, MI was also present. Mr. Stedem referred the Board to the attachments in the application materials. He explained that they were planning on using approximately the same footprint as the existing house. The rear garage that was currently 4 feet from the northern and rear property lines would be demolished in order to construct an attached garage.

In response to a question from Vice Chair Silvestri, Planning Consultant Elmiger noted that a second request noted in the Application for a 6.16 foot variance to the minimum lot width requirement was not necessary because this was currently a non-conforming lot of record regarding lot width. The ordinance allowed such non-conforming lots to be used for the permitted or special uses within the District without a variance (Section 22.01(2)).

In response to questions from Vice Chair Silvestri, the Stedems said the lot width was 53.84 feet; they had purchased the home and were not yet living in it.

In response to a question from Board Member Mullen, Mrs. Stedem said that when they purchased the home they were not aware of the side yard setback requirement.

In response to questions from Vice Chair Silvestri regarding setbacks shown on the proposed construction drawings of 7 and 7.5 feet on the north property line, builder David Compo said the existing home had a slight angle that caused a measurement of 7 feet and 7.5 feet on the northern property line. They were planning on building a slightly narrower home (by approximately 6 inches) but would like to maintain the current minimum setback of 7 feet in order to build the house as far from Grandview as possible. By doing this they were able to increase the setback from Grandview by 8 inches, from 11 feet to 11.67 feet. Mr. Compo also noted that by building an attached garage the setbacks were increased on the north and east property lines.

In response to further questions from Vice Chair Silvestri regarding criteria 2: *Substantial Justice* and 4: *Not self-created*, Mrs. Stedem said that they had checked with their neighbors and appropriate City staff, including the Fire Chief, regarding this variance request and no negative feedback had been received. They were going to reduce the nonconformity on the site. The home had been on this site for a long time; it had not occurred to the Stedems that they were going to be limited by two front yards. Builder Compo added that if the owners could not build new on this property they would probably just resell it. The current older home had low ceilings, was already nonconforming, and remodeling would be impractical. To build on this lot with full conformance would require the home be only 22 feet wide.

Board Member Marold confirmed that no neighbor had come forward to object to this request. Regarding criterion 2: *Substantial justice*, Mr. Marold felt the proposal did provide substantial justice to the neighbors by decreasing the nonconformity and especially increasing the setbacks for the garage.

Secretary Bress affirmed that the applicants were decreasing the nonconformity on this lot.

In response to a question from Member Callahan, Mr. Compo said that the retaining wall along Grandview was about 18” high; they would need to meet with City staff regarding grading issues on the site.

In response to a question from Member Mullen, Mr. Compo said that the planned home would be two stories with a 3-car attached garage; the footprint of the new home would be slightly larger than the old footprint, by approximately 100 square feet.

Member Mullen confirmed with the applicants that they had purchased the home specifically to tear down and rebuild. Mr. Compo explained that the seller was the original owner’s son, and the seller had no knowledge of the special regulations regarding this non-conforming home on a corner lot.

Planning Consultant Elmiger pointed out that if the applicants wanted to put a second story on the existing home, a variance would also be required because constructing a second story would be increasing a nonconformity.

Vice Chair Silvestri opened the public hearing.

Joelle Sarkozy, Northville, MI confirmed with the builder that the front of the proposed home would align with all the other properties along Orchard Drive. In response to a further question from Ms. Sarkozy, Mr. Compo said that the proposed home would be approximately 2200 square feet.

Carol Maise, 729 Grandview, Northville MI, and Planning Commission member, supported this request for a variance. She felt the lot width did present a practical difficulty; and the applicants were not increasing the nonconformity. She felt the proposed home was very attractive and would increase neighborhood home values.

Seeing that there was no further comment, Vice Chair Silvestri closed the public hearing.

MOTION Bress, support by Marold, regarding BZA Case #14-08, to grant the request for a dimensional variance from Section 15.01 of the Zoning Ordinance for a front-yard variance of 14 feet to allow construction of the residential building in the front yard.

Roll call vote:

Bress **yes**
Callahan **no**
Marold **yes**
Mullen **yes**
Silvestri **yes**
Wendt **yes**

Motion carried 5-1 (Callahan opposed).

MOTION Silvestri, support by Mullen, regarding finds of fact, and referencing the applicant's written explanation submitted with this application titled *Item #6 – addressing: Article 25, Section 25.04.b, criteria #1-7*, that BZA Case #14-08 met all 7 criteria in the City of Northville Zoning Ordinance for a dimensional variance.

Roll call vote:

Bress **yes**
Callahan **no**
Marold **yes**
Mullen **yes**
Silvestri **yes**
Wendt **yes**

Motion carried 5-1 (Callahan opposed).

6. PUBLIC COMMENTS: None

7. DISCUSSION: None

Hearing no further discussion from the Board, Vice Chair Silvestri asked for a motion to adjourn.

8. ADJOURNMENT:

Motion Bress, support by Mullen, to adjourn the meeting at 7:59 p.m.

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

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 03-4-2015