

Present: Vice-Chair Tillman; Members: Crossen, Donnelly, Fox, Mueller, Raeder, Rass and Verdi-Hus

Absent: Eifrid

Also Present: Village Manager, Chris Wilson

Vice-Chairperson Tillman called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF ZONING BOARD MEETING HELD OCTOBER 13, 2014

The correction was made to indicate that Chairperson Eifrid called the meeting to order.

Motion by Raeder, second by Crossen, that the minutes of the regular Zoning Board of Appeals meeting held on October 13, 2014 be approved as amended.

Motion passed.

CASE NO. 1270

Petitioner: Haim Segal, 130 Leshem St., Nofech, Israel

Property: 17108 W. 13 Mile Road

Manager Chris Wilson stated that he had conversations regarding this case with the petitioner as well as representatives of LSL Planning and the City of Royal Oak building department. The petitioner submitted an application for the construction of an attached garage on the property. He was informed by the building clerk that unattached garages cannot be less than 10 ft. from house. The 7 ft. distance from the proposed garage to the rear of the house was nonconforming and a variance was required to construct the garage.

Upon searching through the Zoning Ordinance, Wilson could not find an ordinance relative to this requirement. There may be a State building construction code issue related to fire ratings depending on the proximity of the accessory building to the primary structure. The applicant may not have a zoning issue. The City of Royal Oak building department has been asked to review this matter. Wilson proposed that this request for variance be postponed in order to confirm whether or not there is a zoning ordinance issue. The application fee will be refunded to the petitioner if it is determined that there is no zoning issue related to this property. The petitioner was not present.

Motion by Fox, second by Rass, to postpone Case No. 1270.

Motion passed.

CASE NO. 1271

Petitioner: Jim and Lani Moore

Property: 21891 E. Valley Woods

Village Ordinance: Section 22.24....R-A zoning designation requires a 40 ft. rear open space setback.

Deviation: The petitioner is requesting a 10 ft. deviation from the required 40 ft. rear setback to construct a two-story addition.

Wilson described the request for variance using the Smart Board to display photographs of the house and property. This lot is in the R-A district and is nonconforming per the dimensions provided by the petitioner. At 165' x 100', the lot area is about 16,550 sq. ft.; the minimum lot size in the R-A district is 25,000 sq. ft. The house is currently nonconforming with a 35' front yard setback in lieu of the 40' requirement. The current side yard and rear yard setbacks are in compliance with the ordinance. Wilson pointed out the narrow building envelope with a 100' deep lot. The proposed variance would not increase the existing nonconformities. The addition would encroach on the rear yard setback.

Wilson referred to a photograph that demonstrated the narrow width of the parcel in question as well as some of the other lots in the area. This may be due to the way the area was platted. Wilson noted the location of the 10' x 26' two story addition. The petitioner is requesting a 10 ft. variance from 40 ft. rear setback requirement.

Wilson pointed out a house immediately to the east that encroaches quite far into the rear yard. He referenced a substantial row of trees along the rear lot line. The applicant would not have an unusual rear yard setback compared to at least one abutting neighbor.

The applicant Jim Moore said that they have been in the home since 2008; the house was built in 1965. Their family is growing and needs more space, particularly in the kitchen. He described the tight kitchen space, noting that the house is very narrow. The only way to increase their kitchen square footage and provide more livable space was to build out from the rear of the house. He talked about the layout of the house and garage; building an addition in another location would not be practical.

Moore stated that the proposed addition would be consistent with the character of the neighborhood; the materials used on the addition would be consistent with the rest of the house. The neighbors to the east have a rear addition that is larger than what they are proposing. In answer to an inquiry, Moore stated that the second floor addition will increase the size of the master bedroom and bathroom. The existing deck will be removed, and Moore agreed not to extend a deck from the rear of the addition. It was determined that the greenery shown in the photograph is on the neighbor's property. The petitioner agreed to maintaining a greenbelt on his property as a condition of approval if something should happen to the existing trees on the neighbor's lot.

Decision: Motion by Crossen, second by Verdi-Hus, to grant the request for variance due to the exceptional practical difficulty considering that the lot size is not consistent with the R-A zoning district and due to the narrow depth of the petitioner's lot. Approval is contingent on the owner maintaining a green barrier on his property should the neighbor's greenbelt be removed. Further, the applicant has agreed not to add a deck onto the rear addition.

Roll Call Vote:
Motion passed (8 – 0).

CASE NO. 1272

Petitioner: Michael and Heather Bronczyk

Property: 32484 Westlady Drive

Village Ordinance: Section 22.24.010 Addendum to Section 22.24 Schedule of Regulations.

a. Front Open Space. Where a front open space of greater or less depth than forty feet (40') exists in front of a single family residence or residences presently on one side of a street in any block and within two hundred feet (200') of the lot or parcel, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences.

Deviation Requested: Petitioner requests a deviation of 6.5 feet from the front open space requirement.

Wilson stated that the front yard setback requirement in this zoning district is 40 ft. There is an addendum to the Zoning Ordinance that requires that the front yard setback be no less than the average of front setbacks of homes within 200 ft. of the property on the same side of the street. Village staff took the measurements of the four homes within 200 ft. of the property on that side of the street. The measurements are 57 ft., 60 ft., 56 ft., and 57 ft. for an average of 57.5 feet. The site plan submitted by the petitioners shows the addition off the front of the garage to be 51 ft. from the right-of-way; the applicant has asked for a 6.5 ft. variance in order to build the garage.

Wilson related that the homeowner submitted a site plan to the Village for renovation of this house that included three additions on the side, rear, and front of the structure. The building department staff forwarded the site plan to the Royal Oak building department as approved without giving consideration to the front open space addendum to the Zoning Ordinance. As the footings were being dug, it was determined that the site plan did not meet the requirement for the front yard setback to be no less than the average of front setbacks of homes within 200 ft. The petitioner has proceeded with other renovations to the property pending the outcome of the ZBA decision.

In response to an inquiry, Wilson confirmed that the Royal Oak building department issued permits for this construction based on a site plan approved by the Beverly Hills building department. Village staff incorrectly approved the application for an addition that had more than a 40' front setback. The site plan should not have been approved until the average front yard setback issue was decided. Wilson said that he now requires that any site plan submitted to the Village come before him for review.

The applicant Michael Bronczyk submitted a handout to Board members including background information, a photograph of the existing home, renderings of the proposed remodeled house, the site plan, and construction drawings. Bronczyk stated that his family moved into the house in

September of 2013. The 1950's home was in a run-down condition. The proposal is to update the structure to a four-bedroom home with an open concept and a three car garage.

Bronczyk stated that a local architect was hired to draw the renovations. The finished product will remain a ranch style home. A local licensed builder prepared the plans and submitted them to the Village for review. The building permits were approved at the end of July. Bronczyk proceeded to close on their project financing, which was approved in August based on the plans submitted to the Village.

The proposed addition falls well within the 40 ft. front setback requirement. The structure would be in violation of the ordinance addendum by 6.5 ft. The foundation was not poured, but it has been dug. Bronczyk noted that there is room to construct a garage with an entrance that faces the road; however, neighborhood deed restrictions do not allow a front facing garage. The third bay of the side facing garage cannot be added behind the existing structure due to topography reasons; a retaining wall would be necessary. The addition on the back of the structure would also make access difficult. Bronczyk made comparisons between the 1955 picture and the architect's rendering of the renovated home.

Bronczyk said that they talked with neighbors about the renovation plan. He submitted a drawing of the proposed home with signatures from seven surrounding neighbors who have no objections to the plan. The adjacent neighbors to the north indicated that they were pleased with the aesthetic improvements proposed.

Bronczyk requested approval of the variance for the reason that the neighbor to the north closest to the home supports the project. The 6.5 ft. structure does not block a scenic view. The plans were approved prior to obtaining financing and are dependent on the current design. All construction would stop if the variance is not granted, and the homeowners would have to go back to the bank. Eliminating the front addition would impact the final value of the house and their financing status. Bronczyk thought that the proposed design will enhance the architectural detail of the renovated home. It will update the 1950's structure and add value to the entire neighborhood.

The applicant addressed inquiries from Board members. Board members had questions regarding the proposed drainage and topographic issues that would preclude extending the garage to the rear. A topographic survey was not done; it was suggested that drainage and topographic issues could be resolved. Members were concerned with the fact that the Village approved the site plan, a building permit was issued, and work started before the ordinance violation was discovered.

The view was expressed that the zoning ordinance section requiring an average front yard setback is designed to protect existing property owners. Another point was made that the average setback distance can often change depending on whether variances are granted. There were members who were in favor of granting the variance considering the minimal 6.5 ft. variance and the proposed aesthetic improvements to the structure that would benefit the neighborhood. It was clarified that the 6.5 ft. variance would run for 22 ft. across the front of the house, or about 20% across the front length of the house.

Wilson commented that he understood the intent of the ordinance in question. He noted that LSL Planning brought up the fact that the ordinance creates a moving target for almost every home in a district. The easiest solution for this applicant would be to construct a front loading garage, which is not allowed by neighborhood deed restrictions. Wilson observed that houses on the other side of the street are set farther back.

The applicant affirmed there is a hardship in that a house built in the 1950's is obsolete by today's standards with respect to what homeowners require. Having a three car garage is not out of character with the neighborhood.

Suzanne Sommer at 32600 Westlady objected to the garage extending into the front open space and to the view of the garage door from their home.

William Weigert of 32420 Westlady, vice president of the Valley Woods neighborhood association, distributed a handout to the Board outlining his objections to the proposed variance request. He lives next door to the petitioners to the south. Weigert stated that the construction of the garage is in violation of Section 22.24.010 Addendum to Section 22.24 Schedule of Regulations, (a) Front Open Space. He talked about the front yard setbacks of the two residents on either side of the petitioners' property. Three of the four residences within 200 ft. of the house in question oppose the variance request and ask that the Zoning Board uphold the guidelines of the ordinance.

Weigert did not think that there was a hardship demonstrated. A professional survey has not been presented by the contractor or homeowner; there is no evidence of a drainage issue. Weigert believed that the garage should extend to the back of the house. He has signatures from people in the neighborhood who are against this variance request.

Bob Walsh of 20655 Smallwood Court expressed opposition to the variance requested for the reason that it violates the ordinance, and a hardship has not been demonstrated in this case. The ordinance in question protects the property values of area residents. Walsh talked about recent problems with Village building department oversight during the transition of services to the Royal Oak building department.

Further questions from Board members were addressed by Wilson.

Decision: Motion by Donnelly, second by Rass, to grant a 6.5 ft. variance to the average front yard open space requirement of the ordinance due to topography and drainage issues that would prevent extending the garage off the back of the house.

There were comments from Board members for and against approving the variance.

Roll Call Vote:

Raeder	- no
Crossen	- yes
Donnelly	- no
Fox	- yes
Mueller	- yes

Rass - no
Tillman - yes
Verdi-Hus - yes

Motion passed (5 – 3).

ZONING BOARD COMMENTS

Tillman congratulated Jim Delany on his appointment to the Village Council.

ADMINISTRATION COMMENTS

Wilson commented that Council will make an announcement of a vacancy on the Zoning Board of Appeals at an upcoming meeting.

Catherine Weigert expressed concerns about drainage issues relative to the addition approved for 32484 Westlady. Tillman stated that grade issues will be addressed by the Royal Oak building department. Wilson added that a final grade report will be prepared and approved by Village Engineer Tom Meszler. A final Certificate of Occupancy will not be issued until the grade is approved.

Motion by Raeder, second by Donnelly, to adjourn the meeting at 8:58 p.m.

Motion passed.

Michele Tillman, Vice Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary