

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
May 21, 2008

A Meeting of the Zoning Board of Appeals, was held on Wednesday, May 21, 2008, opening at 6:30 p.m. at the Sylvan Lake Lutheran Church, 2399 Figa, West Bloomfield Twp., with Chairman Storrie presiding.

Present: Alternate Holly, Menuck, Storrie, Galacz
Absent: Nechal

Also Present: City Manager Martin, Clerk Clippert and City Attorney Bibeau

APPROVAL OF AGENDA

Moved by Menuck, seconded Holly, to approve the Zoning Board of Appeals Agenda for May 21, 2008, as presented.

Yes: All
No: None

MOTION CARRIED

VARIANCE REQUEST

Z-003-08

Property: 2360 Ferndale
Petitioner: Khalida Jarbou
Zoning Ordinance Sections: 78-296 Area, height, bulk and placement requirements

In accordance with the provisions of the Zoning Ordinance, a Public Hearing was held by the Zoning Board of Appeals at the request of the petitioners, to grant a variance from the zoning ordinance for a rear-yard setback variance, to allow the construction of a new addition and attached garage at 2360 Ferndale.

All property owners within 300 feet of the parcel in question having been duly notified of the hearing and the hearing published as required by PA 110 of 2006; Chairman Storrie opened the hearing. Proof of mailings and required proof of application are in the file.

Martin reviewed last month the board tabled this variance so the petitioner could provide alternate plans for a lesser variance. The petitioner provided a new plan reducing the width of the proposed addition/breeze way by 2 feet and reducing the garage by 3 feet, requiring a variance of 19 feet.

Khalida Jarbou, petitioner, provided a handout which addressed feedback and reasons why some ideas don't work, which the board suggested last month. Reasons were aesthetics and cost. She stated her hardship is unique in how the home is placed on the property is different from most homes and corner lots. Also there are more restrictions on a corner lot than regular lots.

Menuck asked Martin why can a detached garage be so close to the lot line as opposed to an attached garage. Martin replied, a detached garage is an accessory structure. It was allowed to be closer to the rear and side property lines because of the narrow width of the lots. There wasn't enough room to have a detached garage in the rear of the property and access it with a driveway. There are other restrictions such as no living space allowed, fifteen foot height restriction and only one accessory structure per lot.

Galacz asked how far away does an attached garage have to be from the house. Martin stated our ordinance doesn't have a minimum.

Holly questioned what the addition is. Jarbou stated part of the addition would be the laundry room.

Martin questioned the french doors from the breeze way to the outside and asked if there was going to be a porch or just steps coming down. Jarbou stated just steps coming down. Martin replied he would need to see them on the plan.

Storrie explained aesthetics and cost cannot factor into granting a variance. He stated a one car garage would work with the breeze way. That would address all the petitioner's issues of safety and drainage. It wouldn't address the storage issue unless it was built up. Jarbou argued a one car garage is not today's standard.

Menuck added a one car garage with no addition would require no variance. Menuck questioned Martin if he feels this house sits any different from any other corner lot. Martin replied, most corner lots have either the house sitting closer to the front lot line, the house is wider and not as deep, or both. If it wasn't a corner lot it could be considerably wider and less deep and still be the same area, giving it more room in the back. Menuck confirmed this house was built with the rear yard being the side. The house could have gone seven feet more to west.

Galacz felt there may be a hardship with the attached garage because a detached garage would be allowed and she would be covering almost the same area.

Chairman Storrie opened the meeting to the public. There were no comments.

Storrie stated there are some unique circumstances for the property that make it a little unusual. The problem is clearly not self created. The applicant has to show she is requesting the minimum necessary variance. He sees some reasonable alternatives. A two car detached garage could be built with no variance, or the breeze way could be built forward and an attached one car garage would be a lesser variance than a 19' variance. Also a one car garage could be built and then build up. He doesn't feel all the elements have been met for a hardship.

Galacz asked if they could put a stipulation on the approval with "no living space" allowed above the garage for proposed plan. He feels the house as it exists makes it a hardship and possibly they could add the stipulation of no second story over the garage if it is a two car garage

is attached.

Menuck feels the home and garage are sprawling and a 19-foot variance is a lot. Storrie agreed there are other alternatives with less than 19 feet. Holly also agreed there are other alternatives the owner could do.

Moved by Menuck, seconded Storrie, to deny the variance application for the following reasons. The variance is not necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the same district or the surrounding area. It does not include substantially more than mere inconvenience and/or an inability to attain a higher financial return because there are reasonable alternatives available to the petitioner that would address all the concerns.

Yes: Menuck, Storrie, Holly

No: Galacz

MOTION CARRIED

Martin informed the board there may be three variance request next month, JRE use variance, sign variance on Orchard Lake Road, and a lot split. Chairman Storrie asked the board to review their notes on use variances. Martin stated he would also get them more information on use variances.

ADJOURNMENT

Moved by Galacz seconded Holly, to adjourn the meeting.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 7:24 p.m.

Nicole Menuck, Secretary

Dennise Clippert, City Clerk