

CITY OF SYLVAN LAKE  
ZONING BOARD OF APPEALS  
JUNE 13, 2007

A Meeting of the Zoning Board of Appeals, was held on Wednesday, June 13, 2007, opening at 6:31 p.m. at the Sylvan Lake Lutheran Church, 2399 Figa, West Bloomfield Twp., with Chairman Nechal presiding.

Present: Storrie, Galacz, MacGillis, Menuck, Nechal  
Absent: None

Also Present: City Manager Martin and Clerk Clippert

APPROVAL OF AGENDA

Moved by MacGillis, seconded Storrie, to approve the Zoning Board of Appeals Agenda for June 13, 2007, as presented.

Yes: All  
No: None

MOTION CARRIED

VARIANCE REQUESTS

**Z-002-07**

Property: 2365 Renfrew  
Petitioner: Michael Rammel  
Zoning Ordinance Sections: 78-607 Corner Lot setback on the side street in residential districts

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 to allow the construction of a 12' X 22.8' addition and a 16' x 16' deck.

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 Nechal opened the hearing.

Martin explained the petitioner's property is on a corner lot and is considered to have two front yards for setback reasons. He will have to maintain a 35' setback both on Renfrew and Briarcliff. This property is in the R2 zoning district. The lot is about 80' wide and the petitioner has an existing deck on the side of the house. He will be removing this deck and increasing the current setback from 18' to 22'. The petitioner is requesting to encroach 13' into the required 35' side yard setback. Martin noted City Hall has no record of the current deck on the property. From his investigation it looks like the deck was built when the house was built. It just wasn't part of the plan.

Mike Rammel, petitioner, stated the deck was built with the house in 1986. He wasn't aware it was a non-conforming structure until he brought his plans for this addition. He explained his practical difficulty is the lot is narrow for a corner lot. Other corner lots in

this area are larger. He noted the deck will be off the back and will not stick out any further than the addition. He would like to have more room in his house. It is a small house.

Menuck questioned if the 15' Road right-of-way from the lot line was normal there. Martin replied, actually it is wider there. Menuck also questioned the if the 22' is from the lot line to the fireplace or the wall. Rammel confirmed it is to the fireplace. Menuck pointed out it is 2' less of the variance going to the wall. Martin confirmed that is correct. The variance remains the same, but the bulk of the structure is farther back.

Galacz asked if all corner lots are all odd in size. Martin stated they generally are. Most the lots in the R2 district are 100-120' wide.

Nechal inquired about the rear setback and how much room in the back he has as an alternative. Martin explained he could only build 7' and then he would have to build on an angle. Nechal discussed the practical difficulty and how it compares with the rest of the city. Most lots are in the R1 district and they have 50' wide lots with a required 13' combined side yard. He feels lots of houses are constrained much more than the petitioner is. Menuck argued that doesn't apply because that is not in the petitioner's district.

Chairman Nechal opened the meeting to the public.

Joan Engle, 2327 Renfrew, stated she is an interior designer and the layout of the petitioners house is made for small rooms. She is in support of this variance. She feels this will add to the neighborhood and add to the property values.

Marlene Toby, 2384 Renfrew, has looked at this request and is pleased because it will encroach less on the corner than the current structure. She believes it will be aesthetically attractive and it will bring up the values in the area. She noted it is an improvement which will look better.

Rich Eberhardt, 2400 Renfrew, explained his wife looked into this and relayed they are for the variance and agrees it will add value to the house and neighborhood.

There were no other comments.

Storrie stated he is on the fence with this. He agrees that it will look better and add value, but he has to look for a legal standard. The difficulty has to be more than an inconvenience. He would like the petitioner to show the board something more than mere inconvenience.

Rammel stated the deck was there and he assumed the City had approved the deck. He feels like he is paying the price for that today. The deck that is there now is distracting to the neighborhood. He feels he has a space issue.

Nechal clarified the criteria is practical difficulty, not how it will look or that he will have to sell the house if he doesn't get this or that the petitioner assumed things. He believes it is the homeowners responsibility to know what the legally requirements are when you purchase a house.

MacGillis agreed with Storrie and Nechal. He added if the petitioner didn't have a deck currently, then he would be here anyways asking for a variance for a deck.

Menuck questioned if the proposed deck is fine except for the side. Martin confirmed this is correct. She asked if he could make it 12x16. Martin stated he would still need a variance.

Martin noted the biggest thing the zoning board has to wrestle with is allowing the petitioner the same use and enjoyment of his property that all his neighbors have in that same district. Is the zoning board going to restrict him because his lot size is narrower than all the other corner lots in that district thereby reducing the size of house that he is allowed to have. He also pointed out if the front and rear property lines were straight then he would probably have room to put something on the back.

MacGillis added if he was in the middle of the block instead of the corner then he wouldn't need the 35' setback and he would be able to use more side yard.

Chairman Nechal allowed another comment from a resident.

Aron Lorenz recalled a similar situation with a side yard setback 2-3 years ago and because there was not a site line restriction when this was put in, the ZBA allowed it. He feels this variance request should be approved because of the narrow lot in this district. He would like Planning Commission to look at the particular rule, so in the future when people want to add onto the side of their house don't fall under the same trap.

Nechal explained what previously happened in other situations doesn't bind them to what that have to do here.

MacGillis noted the board has in the past put things aside to allow the Planning Commission to make an adjustment to the ordinance.

Moved by Menuck, seconded Galacz, to approve the variance request for 2365 Renfrew, based on the narrowness of the corner lot, compared to other corner lots in the R2 zoning district. Also the road right-of-way there is 15', which is unusually wide compared to much of the city. The variance will be contingent upon being built to the plans dated 5/21/07. Any changes would have to come back to the city for approval.

Yes: All

No: None

Storrie believes they need to address each element, the practical difficulty and why it is met.

Moved by Menuck, seconded Galacz, to amend the motion to include to allow the homeowner to the same enjoyment of property as the other corner lots in the R2 zoning district.

Yes: All  
No: None

Moved by Storrie, seconded Galacz, the amend the motion based on the following basis:

- 1) The variance should be granted because alleged practical difficulty includes more than mere inconvenience and/or the ability to obtain a higher financial return.
- 2) That the granting of the variance will not be materially detrimental to the public welfare or adversely affect surrounding properties in the district.
- 3) The granting of the variance will not adversely affect purpose of the City's Master Plan.
- 4) It also appears the practical difficulty was not self created.
- 5) The zoning board reserves the right to revisit this decision in events new information comes to light.

Yes: Galacz, MacGillis, Menuck, Nechal, Storrie  
No: None

VARIANCE APPROVED

Nechal discussed amending the bylaws to include if additional information is given to the board they can revisit the decision.

Martin will add this to the agenda for next month. He noted he has been working with Carol Rosati on this.

ADJOURNMENT

Moved by Galacz seconded Menuck, to adjourn the meeting.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 7:10 p.m.

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Scot Storrie, Secretary

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Dennise Clippert, City Clerk