

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
JULY 11, 2007

A Meeting of the Zoning Board of Appeals, was held on Wednesday, July 11, 2007, opening at 6:45 p.m. at the Sylvan Lake Lutheran Church, 2399 Figa, West Bloomfield Twp. Chairman Nechal presided over the Pledge of Allegiance.

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

Also Present: City Manager Martin and Clerk Clippert

APPROVAL OF AGENDA

Moved by MacGillis, seconded Galacz, to approve the Zoning Board of Appeals Agenda for July 11, 2007, as presented.

Yes: All
No: None

MOTION CARRIED

Approval of Minutes

Moved by Menuck, seconded Storrie, to table the approval of the minutes until the next meeting.

Yes: All
No: None

MOTION CARRIED

VARIANCE REQUESTS

Z-003-07

Property: 2435 Renfrew
Petitioner: Janice & Robert Danielson
Zoning Ordinance Sections: 78-607 Corner Lot setback on the side street in residential districts and 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 to allow the construction of an addition on the rear of the house.

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. They will have to maintain a 35' setback both on Renfrew and Stratford. This property is in the R2 zoning district. The lot is about 85' wide and approximately 130' deep. The house is an existing nonconforming structure that does not meet the required side yard setback on the street side. Martin stressed it doesn't meet the very minimum 12' setback required on the street side. The petitioner is proposing to construct a 14' x 14' bedroom on the rear of the home for medical reasons. This will increase the existing nonconforming structure in the side yard and will violate the rear yard setback. The addition will require a variance for 9.7 feet in the rear yard setback and a side yard setback variance of 24'.

Janice and Robert Danielson, petitioners, stated the backyard runs on an angle. There is the existing structure which has been there since the house was built with a concrete pad and variegated fiberglass roof with steel rods in the corners. The room they plan to build would exceed the concrete pad that is already there. They will have to tear that out.

MacGillis inquired if the addition would extend any closer to the street than it is currently. Danielson stated it will actually be a foot in from what it is now. MacGillis questioned if the property has had any variances prior to this. Martin stated it has not.

Storrie asked why they couldn't move the addition further away from the street. Danielson stated because of the door wall. He asked where their bedroom is currently. Danielson replied, upstairs. Storrie asked them if they had a temporary hospital bed, where could they put it on the main level. Danielson stated it would have to go into the living room or dining room. Having it on the main level would prevent her from getting to her car because she would have to go downstairs to get to the garage and then up the stairs again. Having this room will prevent this.

Nechal expressed it sounds like they are asking for a variance for a temporary situation. Danielson stated it is to get to the garage easier and also she would like to start training puppies for the "paws for a cause" and this room could be used for them.

Galacz questioned why the addition couldn't be put by the garage. Danielson thought it would be too close to the neighbors. Martin informed her it wouldn't be. Danielson explained she lives in a Tri-Level and she has to go downstairs to get to the garage. Galacz asked if the elevation for the addition would be the same as the garage. Danielson stated it would be. With the addition she would just have to walk around the back to get to the garage.

Menuck asked for verification of where they will be encroaching. Martin stated the entire addition will be encroaching into the side yard setback and also in the rear.

Nechal questioned how long they've lived here. Robert Danielson replied, they bought the home in October and moved in there in March 2007. Nechal clarified they bought the house knowing her medical condition. She agreed this is true but this house has less stairs than her prior house.

Storrie questioned if a lift system could work on the stairs. They were not sure. Storrie would like to get an opinion from the City Attorney whether her disability falls under the Federal Fair Housing Act and get more proof of the medical condition.

Nechal feels the home owner has some responsibility to investigate the property when purchasing their home and to know the regulations. He stated there isn't anything unusual about the property for a practical difficulty.

Menuck feels the Attorney's opinion isn't going to have an effect on their decision. She is concerned with tabling this and not having the same members sitting here next month. Nechal felt they would be ok.

Chairman Nechal opened the meeting to the public.

Michael Ley stated he is at the back line from the petitioner. He is not against the variance. He agreed Renfrew runs on an angle.

There were no other comments.

Moved by Storrie to table the variance until July 18th at 6:45 p.m., to obtain an opinion from the City Attorney with regards to the Federal Fair Housing Act and the petitioners disability.

Also as a condition of the application that they require them to bring in proof of:

- 1) Her medical condition including proof of disability.
- 2) A letter from her doctor laying out what the medical condition is.
- 3) What the nature of the disability is.
- 4) If the surgery is necessary or eminent.

Yes: All

No: None

MOTION CARRIED

ADJOURNMENT

Moved by Storrie seconded Galacz, to adjourn the meeting.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 7:27 p.m.

Scot Storrie, Secretary

Dennise Clippert, City Clerk