

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
MAY 9, 2007

A Meeting of the Zoning Board of Appeals, was held on Wednesday, May 9, 2007, opening at 6:32 p.m. at the Sylvan Lake Lutheran Church, 2399 Figa, West Bloomfield Twp., with Chairman Nechal presiding.

Present: Nechal, Storrie, Harrop, Holly, Galacz (6:37 pm), MacGillis (6:37 pm)

Absent: Menuck (excused)

Also Present: City Manager Martin and Clerk Clippert

APPROVAL OF AGENDA

Moved by Storrie, seconded Holly, to approve the Zoning Board of Appeals Agenda for May 9, 2007, as presented.

Yes: All

No: None

MOTION CARRIED

VARIANCE REQUESTS

Z-001-07

Property: 2496 Pontiac Drive

Petitioner: Steve Friedman

Zoning Ordinance Sections: Article V. Off-Street Parking and Off-Street Loading, Division 2, Sec 78-562 , CD78:70.6, Single-family 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 a driveway to be constructed with a parking area adjacent.

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 is requesting a small parking area adjacent to his driveway. The zoning ordinance states the driveway can only be 21' wide and parking is only allowed on the driveway in the required front yard setback. By putting the additional parking on the side it is doing one of two things. It is either making the driveway wider than the 21' or they are parking in the front yard, not in the driveway.

Martin pointed out the road right-of-way down there is only 30' wide and all the other areas in the city are 50' wide. There is not parking on Pontiac Drive from the bridge down to the point, on either side of the street.

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Galacz and MacGillis came into the meeting at 6:37 p.m. Chairman Nechal stated they can sit for the hearing, but he asked that they not vote. The two alternates who were here at the start of the meeting would be voting.

Martin also clarified the parking area in the required front yard setback can only be 42% of the area. The petitioner's request will exceed that by 25%.

Steve Friedman, petitioner, stated he lives on a dead end street with no off-street parking, which causes havoc for the residents there. He provided pictures of other houses on the point with extended parking. Friedman stated it is a unique situation on Pontiac Drive and they are in desperate need for off-street parking.

MacGillis asked if any of those in the pictures are non-compliant, put in without permission. Martin thought the only one that might be is the first house over the bridge, on the left.

Storrie inquired if this impacts the Master Plan in anyway. Martin replied, it would not. Holly asked for clarification on how wide the driveway is being proposed. Friedman stated he is requesting a 25' wide driveway. Martin explained the plan was turned in after he wrote his review.

Nechal questioned if the house that was there prior, was in compliance with parking. Martin couldn't recall. The house has been torn down for over five years. Nechal asked if there are other homes down on the point which are in compliance. Friedman stated there are some. Nechal asked Friedman if the size of the house has anything to do with this variance request. Friedman explained he has an adverse situation, in that the lot is very deep. He originally had the house set back further, but in order to comply with ordinances for basement and building heights the house needed to be built closer to the street, into the hill. He feels there is a hardship for those who live down there and not have parking.

Holly asked if Friedman could have modified his plan to build a smaller house to comply and accommodate the parking. Friedman stated maybe, but then there would have been the height problem again.

Nechal asked Martin what the rules are for creating a parking space in the front of a home. Martin stated the last ROW policy adopted by City Council states grass has to be all the way to the road. They can't have gravel or brick pavers. They are grandfathering everything that is there currently.

Harrop asked Friedman why he needs a 25' wide driveway. Friedman stated to allow turning around, to function better.

Storrie discussed the parking area and planting a barrier or trees around this. Friedman agreed. He plans on planting arborvitaes.

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Nechal questioned Martin if he can plant in the road right-of-way. Martin explained it has to drain and you have to be able to see over it.

Chairman Nechal opened the meeting to the public.

There were no other comments.

Moved by Storrie, seconded Harrop, to approve the application for variance at 2496 Pontiac Drive, solely for the 17' X 21' parking area; the driveway will have to remain at 21' feet.. The applicant has provided a practical difficulty for the following reasons:

1. There are exceptional or peculiar circumstances or conditions applicable to the property that do not generally apply to other properties in the city. The topography of the lot upon which the house is located, for which the variance is granted, is very narrow and it appears that in order to comply with the building restrictions on the property it would have been impractical to construct the house otherwise. The second exceptional thing is the narrow right-of-way in this part of the city. In fact there is no off-street parking available to any of the residents on this part of the street.
2. The variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property owners in the surrounding area and it is not a condition or situation which is of a general or recurrent nature in the area for the following reasons: The right-of-way and the peculiar topography of the lot.
3. Reason three, the alleged practical difficulty does include substantially more than mere inconvenience and or inability to obtain a higher financial return because there is a significant practical difficulty due to the parking situation at this part of the neighborhood. Two parking spaces would be insufficient. It also appears there is a safety issue in this case as having the cars parked off of the street increases safety.
4. Reason four, granting the variance will not be materially detrimental to the public welfare or adversely affect the surrounding properties in the district. There is no indication of violation of side yard setbacks. It appears to be quite the opposite of detrimental, it would be beneficial to have additional parking in this part of the city. It appears it would increase traffic flow, visibility and improve safety.
5. Reason five there is no indication that granting the variance will adversely affect the city's master plan.
6. The practical difficulty is not self created based on the previously discussed reasons: the topography of the lot and right-of-way.

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7. Part of this motion does include, that it will be condition of the variance that the applicant plant arborvitaes or other appropriate landscaping, around the borders of the driveway on either side lot and on Pontiac Drive, of sufficient nature so that it is not an imposition on the other neighbors and in particular, with regard to side lots, so that the vehicles are not easily visible by the neighbors.

Yes: Storrie, Harrop, Holly

No: Nechal

VARIANCE APPROVED

ADJOURNMENT

Moved by Holly, seconded Harrop, to adjourn the meeting.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 7:07 p.m.

Scot Storrie, Secretary

Dennise Clippert, City Clerk