

A Meeting of the Zoning Board of Appeals was held on Wednesday, August 24, 2016, opening at 6:00 p.m. at the Sylvan Lake Community Center, 2456 Pontiac Drive, with Vice Chairman Menuck presiding over the Pledge of Allegiance.

Present: Kirsbaum, Harrop, MacGillis, Menuck,
Absent: Galacz
Also Present: City Manager Martin and Clerk Dryden

APPROVAL OF AGENDA

Moved by MacGillis, seconded Kirsbaum, to approve the Zoning Board of Appeals Agenda for August 24, 2016, as submitted.

Yes: All
No: None

MOTION CARRIED

VARIANCE REQUEST

Z-002-16

Property: 929 James K Parcel: 13-36-430-017
Petitioner: Patrick & Deborah Hurley
Zoning Ordinance Sections: 78-296 Front Yard Setback, 78-609 Distance
between residential buildings

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 two variances from the zoning ordinance to allow construction of an attached garage in front of the existing garage at 929 James K, Sylvan Lake MI 48341.

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; Vice Chairman Menuck opened the hearing. Proof of mailings and required proof of application are in the file.

Martin stated the petitioner is seeking approval to construct an attached 2-car garage in front of the existing 1-car garage. The proposed garage will not be exceptionally large at only 21'10" wide and 22' deep. The front of the garage will be almost even with the neighbor to the left (East). This will require two variances. The side lot variance isn't really an issue. The distance between the houses is greater as the garage extends toward James K due to the angle of the house on the property.

Section 78-296 states the minimum Front Yard setback for this property is 30'. The petitioner is proposing a front yard setback of 22.5' requiring a variance of 7.5' feet.

They are also proposing a distance between homes of approximately 12 feet requiring a variance of one (1) foot. Section 78-609 states the minimum distance between residential buildings for this property is 13 feet.

This is a very large lot so lot coverage is not an issue. It would be nice if there were a way to utilize more of the property toward the lake, but there isn't.

This house was built in 1950 and we have no records of any improvements.

Vice Chairman Menuck asked the petitioner to present their request and explain their practical difficulty.

Pat Hurley stated they moved into this house three months ago. He explained their practical difficulty is safety reasons. He travels with his job and wants his wife to be able to get into the home safely. Also his wife's mom will be living with them after she has surgery. They need the extra living space and they need to be on the same floor as his mother-in-law to take care of her.

MacGillis stated it appears all the homes on this street are on an angle. Martin confirmed this is correct. MacGillis asked what the problem would be with putting 7' off the back of the house. Building the front to where it is allowed and doing the additional in the back. Menuck agreed, she asked if the architect explored doing more in the back and less in the front. Pat Hurley replied because the garage would be one car garage or if they did the two car garage they would lose their kitchen. Menuck suggested a tandem garage. Hurley stated they did not look at this option.

Harrop stated she appreciates Hurley marking the area showing where they propose to build. This made it very nice to see.

Vice Chairman Menuck opened the meeting to the public.

Nick Murray, 919 James K, stated he is the only neighbor affected by this. They feel it will be better and they are happy with their plan.

George Yono, 933 James K, is the other neighbor and stated this doesn't affect him and he would not have a problem with it.

Menuck explained legally the board has to follow the legal standard even if neighbors are ok with it, agrees it looks nice or improves the neighborhood. A practical difficulty must be shown.

MacGillis feels it can be built without a variance. They may have to remodel more on the inside.

Harrop is having a hard time with this. It will not be affecting anyone on the lake. She

understands they have to have a practical difficulty. Kirsbaum agreed, but understands the legal standards. She sympathizes with them.

Nick Murray doesn't understand. The owner has a simple plan and the board is making it difficult and more work for them. Menuck reiterated the board agrees it is nice, but they are bound to follow the legal standard.

Moved by MacGillis, seconded by Menuck, to deny the variances requested at 929 James K, the homeowner has not shown a practical difficulty and feels it can be designed in a different way.

Yes: All
No: None

MOTION CARRIED

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting adjourned at 6:31 p.m.

Patty Harrop, Secretary

Dennise Dryden, City Clerk