

CITY OF NORTHVILLE
Board of Zoning Appeals
June 1, 2016 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Vice Chair Silvestri called the meeting to order at 7:30 p.m.

II. ROLL CALL:

Commissioners: Present: Michelle Aniol – Alternate
James Bress
John Callahan – Alternate
David Marold
Patti Mullen
Dominic Silvestri

Absent: Ryan McKindles - excused
Rolland Stapleton – excused
Jay Wendt – excused

Also present: Sally Elmiger, Planning Consultant

III. APPROVAL OF THE AGENDA:

Motion Bress, support by Mullen, to approve the agenda as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

IV. MINUTES OF PREVIOUS MEETING: April 6, 2016

MOTION Aniol, support by Marold, to approve the April 6, 2016 meeting minutes as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

V. CASES TO BE HEARD – BY CASE:

- A. Case is called.
- B. Appellant presents case.
- C. Board questions & comments.
- D. Public comments on the case.
- E. A motion (usually to grant the variance) is made and seconded; discussed then voted upon; the results are announced by the Chair.

VI. CASE #16-03

MICHAEL AND CINDY DILLON

238 WING COURT

The applicant is seeking a variance to construct a new house addition and garage in the rear-yard setback on premises zoned F-1B, First Density Residential District, parcel number 48 003 03 0256 000. The City's Building Official has determined that a rear-yard variance of 22.416 feet is needed from Section 15.01 of the Zoning Ordinance to allow construction of the house addition and garage in the rear yard.

Secretary Bress read the case, including the applicant's statement regarding the alleged hardship as follows:

The lot is approximately 47' deep. The garage needs to be replaced. The house is non-conforming as it sits. The houses on this street do not conform to current ordinances. Due to aging parents and family circumstances, we would include a first floor bathroom and additional bedroom. The only bathroom is on the 2nd floor. Our parents are unable to use this. The lot does not conform to zoning ordinances.

Secretary Bress read letters of support from Barb and Jeremy Hamilton-Wright, 238 Wing Court, Northville, and from David and Anna Hay, 262 Wing Court, Northville.

Michael and Cindy Dillon, 238 Wing Court, were present on behalf of this application.

Vice Chair Silvestri noted that there was a handwritten letter in the packets entitled *Regarding Lot 256 City of Northville*, with no author identification. Ms. Dillon said that the letter was her further description of the variance request.

Mr. Dillon said that they proposed to build a garage to replace the one they had, which was falling down. They wanted a first floor laundry room as well as a first floor bathroom. They were proposing to move the new garage closer to the house and then connect the house with the garage via a habitable breezeway. The breezeway would include the new bathroom and laundry room. A bedroom would be added above the breezeway, and there would be a bonus room above the garage. The variance request was to enable them to build the garage.

Mr. Dillon addressed the existing nonconformities of the property. He noted that their property paralleled the street.

Vice Chair Silvestri asked Mr. Dillon to address the practical difficulty of his situation.

Mr. Dillon said the lot, if vacant, was actually unbuildable because it was so narrow. The practical difficulty was the uniqueness of this lot. The property was roughly 83 feet wide and 47 feet deep. If the front and rear setbacks from the zoning district were applied, there would be no room left for a structure. Any change they made to the existing structure would therefore require a variance.

In response to a further question from Vice Chair Silvestri, Mr. Dillon said that the existing garage was actually closer to the rear lot line and also closer to lot 255 than the proposed garage location. Therefore the proposed location would reduce the nonconformity. He noted that with the proposed garage and addition, they were at 33.9% lot coverage.

Vice Chair Silvestri asked if there were any design options for the garage replacement that would allow the applicants to conform to the rear yard setback. Mr. Dillon said there were no such options.

Responding to a question from Member Mullen, Mr. Dillon said their geographic relationship with Lot 254 was rear garage to rear garage.

Secretary Bress noted that the driveway length would be shortened by this proposal.

Alternate Aniol said that the distance from the front of the garage to the property line, as shown on the survey, was 21.8 feet. She was concerned that the shortened driveway would cause cars to overhang the sidewalk. Mr. Dillon said he did not think this would be a problem.

Member Bress pointed out that the letter from Building Official Strong dated May 4, 2016 indicated the variance request was for 22.416 feet. However, the licensed survey, dated May 17, 2016, showed a rear setback of 3.7 feet. Therefore a lesser variance of 21.3 feet was needed.

Alternate Aniol asked if parking was allowed on the street. Mr. Dillon said it was not allowed.

Vice Chair Silvestri opened the public hearing.

Susan Haifleigh, 308 S. Wing Street, said that she was the neighbor located diagonally south across the street from the applicant. She noted that the applicant had another unique situation in that their front yard was across Wing Court. She was an architectural designer by profession, and she gave her full support to this variance request.

James Robbins, 244 S. Wing Street, said that his garage abutted the Dillons' garage. Mr. Robbins had been at this location since 1963, and he gave some history of the Dillons' home. He supported this variance request.

Seeing that no one else came forward to speak, Vice Chair Silvestri closed the public hearing.

Member Bress asked for clarification regarding the comment in the application that the applicant wanted to provide a shower in the main floor bedroom. The drawing did not show a main floor bedroom.

Mr. Dillon said the bedroom had to go above the breezeway. The first floor would have a bathroom and a laundry room.

Alternate Aniol pointed out that Section 17.01.03 required that residential driveways had to be at least 9 feet wide and 19 feet deep. In order to ensure that the applicant could meet this standard, the original request of 22.416 feet was needed, even though a lesser variance of 21.3 feet was needed for the garage structure. In order to meet standard, the driveway might have to be lengthened and the garage pushed back slightly. Otherwise the BZA ran the danger of creating a nonconforming driveway.

Explaining further, Alternate Aniol calculated that from the front face of the garage to the property line was 21.8 feet. Subtracting 3.5 feet of sidewalk width, as shown on the survey, left a driveway of 18.3', which would not conform to the 19' requirement.

Therefore Alternate Aniol recommended staying with the original variance request to make sure there was enough space for parking on the driveway. She would rather allow a smaller rear yard setback than create a nonconforming situation regarding the driveway.

At Vice Chair Silvestri's request, Alternate Aniol listed the following findings of fact.

1. Regarding practical difficulties, the minimum lot area in the R-1B District was 7200 square feet. This lot had 3967 square feet. If the zoning district front and rear setbacks were applied to the property, there would be a net negative buildable area on this lot. This unique lot size resulted in substantial practical difficulty.
2. Regarding substantial justice, there was no alternative for a lesser variance. The original variance of 22.416 feet was needed to make sure that cars were not parked over the sidewalk.
3. The situation was not self-created. This lot had its present configuration since the 1920s.
4. The variance requested was the minimum variance needed.
5. The Board of Zoning Appeals had evaluated whether the request would have an impact on public safety, and was granting the request of 22.416 feet (approximately 22'5") in order to make sure cars were parked correctly.

MOTION Bress, support by Marold, to incorporate the findings of fact into the record.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Motion Bress, support by Marold, to approve the rear yard setback variance of 22.416 feet as requested.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

VII. PUBLIC COMMENTS:

None.

VIII. DISCUSSION:

Alternate Aniol asked that zoning identification of properties be included in the Chief Building Inspector's reports.

IX. ELECTION OF OFFICERS:

Member Callahan suggested postponing the election of officers since Chair Stapleton was absent. Vice Chair Silvestri agreed.

MOTION Aniol, support by Callahan, to postpone the election of officers until the next meeting.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

X. ADJOURNMENT:

Motion Aniol, support by Mullen, to adjourn the meeting at 8:06 p.m.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 7/6/2016

