# A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM, MONDAY, MAY 9, 2016 AT CITY HALL BY VICE CHAIRPERSON MCALPINE.

**PRESENT:** Ryan Gesund Mike Kerby Susan McAlpine

Dean Smith Andrew Assenmacher

**ABSENT:** Greg Butts Barbara Morris Paul Evans

ALSO PRESENT: Jason McFall, WayneCraft, 13525 Wayne Road, Livonia

Marvin and Judith Platz, 2196 Robina

Amy Vansen, City Planner

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## **APPROVAL OF AGENDA**

It was moved by Mr. Kerby to approve the agenda.

Supported by Mr. Gesund.

AYES: Assenmacher, Smith, Gesund, McAlpine, Kerby

**NAYS: None** 

**ABSENT: Morris, Butts, Evans** 

**Motion Carried.** 

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#### **APPROVAL OF MINUTES**

It was moved by Mr. Gesund to approve the minutes of April 11, 2016.

Supported by Mr. Kerby.

AYES: Assenmacher, Smith, Gesund, McAlpine, Kerby

**NAYS: None** 

**ABSENT: Butts, Morris, Evans** 

**Motion Carried.** 

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1. <u>Application Number BA-05-16</u> Marvin and Judy Platz, 2196 Robina, east side of Robina, between Oxford and Harvard, is requesting a variance of *Berkley City Code*, Chapter 138 *Zoning*, Article III *General Provisions*, Division 1 *Accessory Buildings and Structures*, Section 138-52 *Attached to main building*, (a) Where the accessory building or structure is attached to a main building it shall conform

to all regulations of this chapter applicable to the main building; Article V *District Regulations*, Section 138-526 *Schedule of Regulations*, In the R-1D District the smallest side yard shall be at least 5 feet. Both side yards shall total 15 feet; and Article V *District Regulations*, Section 138-527 *Notes to the Schedule of Regulations*, (d) There shall be a distance of at least 15 feet between dwellings. The applicant is requesting this variance in order to replace an attached carport that is 12.7 feet from the neighbor's house when 15 feet is required. The house with attached carport has a combined side yard setback of 9.9 feet when 15 feet is required.

Ms. Vansen reviewed her report.

The applicant (Mr. and Mrs. Platz) and their contractor, Mr. McFall, were present.

Vice Chairperson McAlpine advised the applicant that four votes are needed in order to receive a variance. Tonight's meeting has only five members present, but still four votes in favor of the variance would be needed. She advised the applicant that he may elect to postpone the meeting until next month.

The applicant chose to move forward with the request.

Mr. McFall reviewed that the carport had been in place for about 45 years. The last time it had been replaced was 37 years ago. The new carport will have gutters. The downspouts will be directed away from the neighbors. The supports will be in the same location. Two additional supports will be installed.

Mr. Smith asked Ms. Vansen to verify the definition of a carport. Ms. Vansen read from the Berkley City Code.

Vice Chairperson McAlpine opened the public hearing at 7:45 PM. There were no comments. Vice Chairperson McAlpine read the letter the Board received into the record. The public hearing was closed at 7:46 PM.

It was moved by Mr. Smith to approve BA-05-16 citing that a practical difficulty has been proven due to the property being unique; that the carport has been in place for at least 40 years; the applicant is replacing it with same which will benefit the neighborhood; and that the Board can find that the existing carport has not caused any harm. The condition of the variance would be that the three sides of the carport will remain unenclosed.

Supported by Mr. Kerby.

AYES: Assenmacher, Smith, Gesund, McAlpine, Kerby

**NAYS: None** 

**ABSENT: Butts, Morris, Evans** 

**Motion Carried.** 

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## **OTHER BUSINESS**

Mr. Kerby verified that training monies had been set aside for the upcoming fiscal year.

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# **PUBLIC COMMENTS**

None.

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There being no further business, Vice Chairperson McAlpine adjourned the meeting at 7:51 PM.