

**CITY OF OAK PARK, MICHIGAN
ZONING BOARD OF APPEALS
SEPTEMBER 26, 2017
MEETING MINUTES**

The meeting was called to order at 7:30 p.m. by Chairperson Landau in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237 and Roll Call was made.

PRESENT: Chairperson Landau, Commissioner Anderson, Commissioner Blumenkopf
Vice Chairperson Huston, Commissioner Barton, Commissioner Peiss, and
Commissioner Seligson

ABSENT: none

OTHERS
PRESENT: City Planner Kevin Rulkowski
Deputy City Clerk Lisa Vecchio

APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF AUGUST 22, 2017

MOTION BY Seligson, SECONDED BY Landau, to approve the meeting minutes of August 22, 2017 as submitted.

Vote: Yes: Landau, Anderson, Blumenkopf, Barton, Huston, Peiss, Seligson
No: None

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

OLD BUSINESS: None

NEW BUSINESS:

a) **CASE 17-07:**

APPLICANT:

Mr. Christian Mayville
13731 Borgman
Oak Park, Michigan

PROPERTY:

13731 Borgman
Property Identification Number: 25-19-233-004

ORDINANCE REQUIREMENTS AND REQUEST:

Two variances are requested:

- 1) Article XVII, Section 1703, C, limits the maximum height of a garage to thirteen (13) feet. The applicant is requesting a waiver of one (1) foot, to allow for a garage fourteen (14) feet in height.
- 2) Article XVII, Section 1703, B, 4, c, requires that the total square footage of all accessory buildings not exceed 10% of the lot area. The applicant is requesting a waiver to allow for the total square footage of all accessory buildings on the lot to be 11.03%.

STAFF FINDINGS OF FACT:

- 1) The subject parcel is zoned R-1, One Family Dwelling District.
- 2) Article XVII, Section 1703, C, limits the maximum height of a garage to thirteen (13) feet.
- 3) The applicant is requesting a waiver of one (1) foot, to allow for a garage fourteen (14) feet in height.
- 4) Article XVII, Section 1703, B, 4, c, requires that the total square footage of all accessory buildings not exceed 10% of the lot area.
- 5) The applicant is requesting a waiver to allow for the total square footage of all accessory buildings on the lot to be 11.03%.
- 6) The proposed garage will be 24 feet by 24 feet or 576 square feet.
- 7) The proposed addition will be in compliance with all other setback and size requirements of the Zoning Ordinance.
- 8) The proposed garage will replace 14 x 20 square foot garage in the same general location.

STAFF RECOMMENDATIONS:

The applicant is requesting very small deviations from the maximum height and the lot coverage requirements of the Zoning Ordinance for accessory structures. The applicant states that because of backyard flooding the garage needs to be re-built. The proposed height of the garage would allow for a garage door for a larger vehicle. Please note the Zoning Ordinance measures the building height as the midpoint between the eaves and the roof ridge.

The Board will have to determine whether an argument for a practical difficulty (would compliance unreasonably prevent the owner from using the property for a permitted purpose, would strict compliance would render conformity unnecessarily burdensome, and would the granting of a variance would provide substantial justice to applicant) can be demonstrated.

Given the fact that the variance requests are relatively minor, it is unlikely that the proposed garage will essentially alter the character of the surrounding area or be that visibly noticeable. Although strict compliance with the maximum height and the lot coverage requirements would not unreasonably prevent the owner from using the property for a permitted purpose, it might render conformity unnecessarily burdensome in this case.

Taking the above findings of fact into consideration, it is the recommendation of the Planning Division to approve the variance requests as proposed.

MOTION BY Seligson, SECONDED BY Peiss: that based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of case # 17-07, I move to **approve** the request of Mr. Christian Mayville, 13731 Borgman,

- 1) for a waiver of one (1) foot, from the provisions in Article XVII, Section 1703, C, to allow for the construction of a garage fourteen (14) feet in height.
- 2) for a waiver from the provisions in Article XVII, Section 1703, B, 4, c, to allow for the total square footage of all accessory buildings on the lot to be 11.03%.

VOTE: Yes: Anderson, Barton, Blumenkopf, Huston, Peiss, Seligson, Landau
No: None

MOTION CARRIED

ADJOURNMENT:

There being no objections Chairman Landau adjourned the meeting at 7:37 p.m.

Lisa Vecchio, Deputy City Clerk/Director of Elections