

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, SEPTEMBER 9, 2014**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, September 9, 2014. Chairman Charles Lillie convened the meeting at 7:30 p.m.

Present: Chairman Charles Lillie; Board Members David Conlin, Jeffery Jones, Randolph Judd; Alternate Board Members Cynthia Grove, Kevin Hart

Absent: Board Members Thomas Hughes, Peter Lyon, John Miller

Administration: Bruce Johnson, Building Official
Scott Lenhart
Carole Salutes, Recording Secretary

The chairman welcomed everyone and explained the BZA procedure to the audience. Additionally, he noted that the members of the Zoning Board are appointed by the City Commission and are volunteers. They sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. There are no land use variances called for this evening. Also, appeals are heard by the board as far as interpretations or rulings. Four affirmative votes are required to reverse an interpretation or ruling. There are no interpretations on this evening's agenda.

T# 09-47-14

APPROVAL OF THE MINUTES OF THE BZA MEETING OF AUGUST 12, 2014

Motion by Mr. Jones

Seconded by Mr. Conlin to approve the Minutes of the BZA meeting of August 12, 2014 as written.

Motion carried, 6-0.

VOICE VOTE

Yeas: Jones, Conlin, Grove, Hart, Judd, Lillie

Nays: None

Absent: Hughes, Lyon, Miller

Mr. Johnson introduced Scott Lenhart who started with the Building Dept. in February and has been doing the majority of residential plan reviews.

T# 09-48-14

**1116 WASHINGTON
(Appeal 14-24)**

The owners of the property known as 1116 Washington request the following variance to allow the construction of a first-floor addition:

- A. Article 2, Section 2.08 of the Zoning Ordinance requires a front yard setback of 32.32 ft. for this lot; with 30.50 ft. existing and 30.75 ft. proposed. Therefore, a variance of 1.57 ft. is requested.

This property is zoned R-2.

Mr. Johnson explained the property had been advertised for a required front yard setback of 32.52 ft. and a requested variance of 1.77 ft. Since the requested variance was published for more than is needed, the request can be heard this evening.

The existing home was built in 1947, a rear porch in 1953, and then in 1993 the detached garage was constructed. No variances have been granted for this property previously. The owner is proposing to expand the first and second floors of this home. This variance area request is for 12.56 sq. ft. on the first floor only. The proposed second floor expansion, rear addition, and the new front porch comply with all Zoning Ordinance requirements. The variance area is currently a portion of the existing covered front porch. The owner is proposing to square off the existing front façade and utilize the existing front porch footing as part of the first floor expansion. The existing non-conforming front yard setback for this home once the project is completed would improve by 0.25 ft. (3 in.) as proposed.

Mr. Conlin received confirmation from Mr. Johnson that the applicant will utilize the existing foundation to construct the enclosed front porch.

Mr. Jones thanked the applicant and staff for providing a survey of the adjoining properties nearby along with the requested front setback.

The petitioner, Mr. Michael Xenos, was present with his wife, Jennifer. Mr. Xenos observed that in his neighborhood the new homes are being pushed back further than the existing homes in order to get a bigger porch in the front. Therefore, every time a new home goes up, the average of front setbacks along the street increases. They are reducing their existing non-conformity off the road by 3 in. by removing the brick on the

front entry and replacing it with Hardi-plank siding. Their proposal will add to the look of the home and to the look of the neighborhood.

Mr. Conlin observed part of the practical difficulty is that the new housing by virtue of the architecture has changed the average setback on what was the original neighborhood. Mr. Jones noted this street has deeper lots than some of the others that the board has seen and the builders there want to take advantage of the greater depth.

There was no one in the audience who wished to comment.

Motion by Mr. Conlin

Seconded by Mr. Jones in reference to Appeal 14-24, 1116 Washington, to approve the variance as requested. Article 2, Section 2.08 requires a front yard setback of 32.32 ft. which is made up of the average of the homes on either side, according to the Ordinance. The case was advertised for a variance of 1.77 ft. but the applicant is really requesting a variance of 1.57 ft.

The setback has been skewed as a result of some new construction in the neighborhood whereby the new construction has moved buildings further back, changing the setback requirements for existing homes and as a result placing a practical difficulty on the appellant.

Mr. Conlin moved to approve the variance as requested and tied the motion to the plans.

Mr. Jones noted the appellant has attempted to ameliorate the requested variance in the sense that this will create a quarter of a foot less than what currently exists.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Conlin, Jones, Grove, Hart, Judd, Lillie

Nays: None

Absent: Hughes, Lyon, Miller

T# 09-49-14

CORRESPONDENCE (none)

T# 09-50-14

GENERAL BUSINESS (none)

T# 09-51-14

ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8 p.m.

Bruce R. Johnson, Building Official