

CITY OF NORTHVILLE
Board of Zoning Appeals
October 4, 2017 – 7:00 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Chair Silvestri called the meeting to order at 7:00 p.m.

II. ROLL CALL:

Commissioners: Present: Michelle Aniol
David Marold
Ryan McKindles
Patti Mullen
Dominic Silvestri
Jay Wendt
Lou Ronayne - alternate

Absent: John Callahan (excused)

Also present: Sally Elmiger, Planning Consultant
Brent Strong, Building Inspector

III. APPROVAL OF THE AGENDA:

Motion McKindles, support by Marold, to approve the agenda as published.

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

IV. MINUTES OF PREVIOUS MEETING: September 6, 2017

Motion McKindles, support by Marold, to approve the September 6, 2017 meeting minutes as published.

Voice vote: Ayes: All. Nays: None. Abstentions: 2 (McKindles, Ronayne). Motion carried 5-0.

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 #17-11

**MR. SHAWN RILEY
335 EATON**

The applicant is seeking a variance to enlarge a non-conforming structure on premises zoned R-1B First Density Residential District, parcel number 48 003 02 0017 002. The City's Building Official evaluated the proposal and determined that two variances are needed from Section 22(5)(a) of the Zoning Ordinance. The applicant needs a 3-foot side yard setback variance and an .8-foot rear yard setback variance.

Member McKindles called the case, and noted that the applicant had submitted a letter from Robert E. Miller, REM Design, dated August 7, 2017, outlining reasons that the criteria for granting a dimensional variance were met. Other supporting documents included the application for a variance, a survey, elevation drawings of the existing property and of the proposed renovations, and letters of support from:

- Brian P. Turnbull, 361 Eaton Drive, Northville, MI.
- Bruce Turnbull, 365 Eaton Drive, Northville, MI.
- Gregory and Jeanne Stempien, 677 Thayer, Northville, MI.

Member McKindles noted that this case had been on the agenda at the September 6, 2017 meeting. At that meeting it had been disclosed that the request needed to be corrected, and therefore had been postponed until this evening in order to allow the request to be corrected and re-noticed.

Member Mullen pointed out that Gregory and Jeanne Stempien were the neighbors to the immediate north of this property.

Member McKindles added that since the last meeting they had received the letter from the Stempiens, the floor plan for the renovation, and the east elevation.

Shawn Riley, 335 Eaton Drive, Northville MI was present on behalf of this application, as was Robert Miller, Principal, REM Design, and architect for the project.

Mr. Miller said that as requested at the last meeting, they had provided floor plans that were missing from the original packet along with the east elevation. The elevations clearly differentiated existing from new, with the existing elevations shown in dark shading. The east – or front – elevation showed the proposed gable which was not part of the variance request, but did show the overall design.

Chair Silvestri reviewed the request, explaining that when the survey came in, the original request had been reduced 1.2 feet for the rear yard setback, and increased .3 feet for the side yard setback. A copy of the survey was included in the packets.

Member Mullen noted that the north and south elevations were mislabeled; the labels should be flipped.

Member Aniol said that per the survey there was 16 feet between the existing house and the garage. The house could be moved 6 feet into that space. Could the applicants explain why that 6 feet couldn't be utilized in order to keep the house from expanding the nonconformity on that side?

Mr. Miller explained that they would need a rear yard setback variance even if they utilized that 6 feet. Also, the project would be different in that they would be looking at adding larger foundations. While they would be adding footings for the new porch posts, those would be small compared to what would be

necessary to add a full foundation for the upper level. The change in construction would also change the interior design to the point of creating unusable dead space above the existing family room, and losing an upstairs bedroom, as well as creating an awkward roofline. The integrity of the historical nature of the house would be lost.

Chair Silvestri asked Mr. Riley to explain why he believed he met the criteria for receiving the requested variances.

Mr. Riley explained that they were working with an addition that had been constructed in 1963, and they were trying to update the house while still emphasizing its Craftsman bungalow style. They had spent time and energy finding the right architect who would honor the historic nature of the home and the neighborhood. Currently there was no upstairs bathroom. They would be adding a bath to create a master suite, and also carve a useable room out of the front dormer area. He explained that they had lived in the home for 19 years and had wanted to make those improvements for some time.

Mr. Riley said the hardship was really created by the 1963 addition. While it was conceivable they could renovate the home without asking for the variances, the end result would be to destroy the lower level that was already finished, losing a second floor bedroom as he had already stated, and diminish the historic nature of the home. Additionally, the house would still be nonconforming. They felt they had a great design that was sensitive to keeping the home looking like the original 1926 construction.

In response to a question from Member Aniol, Mr. Miller said the deck at the rear of the building would remain. The deck was there when they purchased the home 19 years ago, and they had updated it a few years after that.

Member Aniol asked if the deck had required a variance. Planning Consultant Elmiger said as far as she knew, the deck had not required a variance.

Seeing that discussion had ended, Chair Silvestri opened the public hearing.

Joe Zielinski, 718 Thayer, Northville, said that he was going to be appearing before the Board in November, and asked some questions about process, especially regarding the requirement for a survey. Chair Silvestri and Planning Consultant Elmiger explained that surveys were needed in order to correctly advertise dimensional variance requests, and in order to correctly decide what variances were granted.

Brian Turnbull, 361 Eaton Drive, said that he was the Riley's neighbor to the south, their house went the full length of the property, and they fully supported this variance request, as did his father, who lived at 365 Eaton Drive. He had seen the plans and appreciated the fact that the Riley's were keeping the Craftsman style of their home. Both he and his father had sent letters of support.

Chair Silvestri complimented Mr. Miller on the design of the renovation, and commented that he felt Mr. Riley was making the best of the way the nonconforming home was situated on the lot.

Chair Silvestri indicated he was ready for a motion.

MOTION McKindles, support by Aniol, in the matter of BZA Case #17-11, 335 Eaton, to grant a 3-foot side yard setback variance and an .8-foot rear yard variance as requested, based on the following findings of fact:

1. **There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to the other properties in the zoning district or in the general vicinity, including those reasons stated on the record by Mr. Miller and Mr. Riley which include the proximity to the northern property line and the eastern property line.**
2. **The granting of this requested variance would do substantial justice to the applicant as well as to the other property owners in the district.**
3. **The problem and resulting need for the variance did not result from the actions of the applicant or his predecessor.**
4. **The requested variance is the minimum necessary to permit reasonable use of the land.**
5. **The granting of this variance would not have an impact on public safety or create a public nuisance.**

Chair Silvestri asked for a roll-call vote.

Aniol	yes
Marold	yes
McKindles	yes
Wendt	yes
Mullen	yes
Ronayne	yes
Silvestri	yes

Therefore the motion **carried unanimously.**

VIII. PUBLIC COMMENTS:

None.

IX. DISCUSSION:

None.

X. ADJOURNMENT:

Motion Aniol, support by McKindles, to adjourn the meeting at 7:27 p.m.

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

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 11/01/2017