

**AGENDA**

**THE CITY of the VILLAGE OF DOUGLAS**

**ZONING BOARD OF APPEALS (ZBA)**

**DOUGLAS CITY HALL**

**86 W. CENTER STREET, DOUGLAS, MI**

**MAY 27, 2014, 7:00 P.M.**

- 1. Call to Order:** The meeting was called to order at 7:00 P.M. by Chairperson Schumacher
- 2. Roll Call:** Bill Schumacher, Tarue Pullen, Kenneth Kutzel, Jeff Greenwood, Dave Burdick, also in attendance, Lynee Wells, city planner.
- 3. Approval of Minutes-** ZBA Meeting of June 25, 2013

Motion by Pullen with support from Kutzel to approve the June 25, 2013 minutes as amended.

Motion carries unanimous voice vote.

**Amended items(3):**

Pg. 2, add the word variance to the motion which will now state, *Motion by Pullen to approve a one foot rear yard setback variance at 3063 May Ave for the purpose of building a garage.*

Pg. 2, last paragraph, add word variance. Sentence will state, *Schumacher clarified that the board was looking at a 1 or 2 foot rear yard setback variance and a 4 foot side yard setback variance.*

Pg. 2, bottom sentence, *The lot to the south is cannot be split?* Remove "is" from sentence.

**4. Agenda Changes/Additions/Deletions**

Motion by Greenwood with support from Kutzel to approve the ZBA agenda May 27, 2014 as amended.

Motion carries with unanimous voice vote.

**Amended items(3):**

Change date from 2914 to 2014.

Switch numbers 5 and 6 with elections first.

Add Secretary to elections.

**5. Elect Chair, Vice-chair, Secretary**

Nomination by Pullen with support from Greenwood to nominate Schumacher for the position of Chair of the Zoning Board of Appeals. Nomination carries a roll call vote with all in support.

Nomination by Kutzel with support from Greenwood to nominate Pullen for the position of Vice Chair of the Zoning Board of Appeals. Nomination carries a roll call vote with all in support.

Nomination by Pullen with support from Burdick to nominate Kutzel for the position of Secretary of the Zoning Board of Appeals. Nomination carries a roll call vote with all in support.

## **6. New Business**

1. Public Hearing to discuss an application for variance at the property located at 6914 Third Street (pp# 59-201-050-00). The applicant requests a variance from Section 6.02 (C), front yard setback requirements.

i. Open Public Hearing by Schumacher.

Comments:

Schumacher mentioned the Whittier easement.

ii. Public Comment

Amy Perry, applicant, 6914 Third Street, spoke on her appreciation for the members' public service. Perry explained that she contracted with Pine Creek Construction and had architectural drawings made, submitted for permit and got denied. Perry explained that she didn't want to disregard the decision and started with good intent. Perry stated that they received support letters.

Jo Cooley, co-owner/applicant, 6914 Third Street, read support letters.

Letters from supporters:

1. Barlows, support.
2. Jackie Leach, corner of May/First, support.
3. Lisa O'Keefe, support, denial seems illogical.
4. Rosalyn Parmenter, Part St, letter sent to Pat Hudson, support.
5. Beverly Cascarelli, support, porch would not detract or have negative impact.

Doug Ridder, Pine Creek Construction, informed the board that the porch would look attractive to the home. Ridder explained plans to raise the ground level by adding fill sand which will improve run-off. Whittier is low and marshy and the cost to improve it would be disproportionate to the number of people using it. Ridder also discussed that the corner lot is at a disadvantage because of the double setback. Ridder explained that they are at a hardship because it would only allow for a 5 foot in width addition.

iii. Public Hearing Closed by Schumacher at 7:25 P.M. Open when needed discussion.

Discussion:

Pullen began the discussion by asking if Whittier is platted. Schumacher: yes.

Wells discussed the uniqueness of the request. Wells informed members that Whittier has permission to construct the easement but has not yet. Plans to do so. Expires November 2014.

Schumacher discussed that it's a narrow lot, semi-abandoned road, and an existing house in which a lot cannot be added to the door of the house on the west side.

Motion by Burdick with support from Pullen that due to the narrow lot width the percent of setback as compared to a conforming lot creates a burden for the owner.

Motion carries a unanimous roll call vote.

Burdick questioned the permitted use because of another practical way by putting the porch on the back side of the house.

Schumacher opened Public Hearing

Perry explained that there is no exit off the back of the house. To reconstruct the back of the house would be prohibited because of no doorway and plumbing. Design lends itself to be put on side of the house.

Burdick questioned why it must be 14 feet. Perry explained that they do a lot of entertaining and the porch would also balance out the smallness of the way the house is constructed.

Kutzel explained that the members do not want to set precedence. Burdick explained that everything is set back 20 feet for safety.

Motion is amended.

Motion by Burdick, with support from Pullen granting a 9' setback variance because it is an existing house that architecturally cannot accommodate a porch to the rear due to placement of door and plumbing, within R-3 district, 14X20 is reasonable, but because of Felkers, narrowness of lot, on an underdeveloped road and located on a west front corner lot, owners do not enjoy the same latitude as others in the R-3 district. This setback is how to alleviate a practical difficulty for this case.

Motion carries a unanimous roll call vote.

Kutzel discussed putting the porch on the front of the house.

Schumacher re-opened public hearing.

Perry informed members that putting the porch on the front would shorten the parking area and would be negative for the neighborhood because parking along the street is not advisable. Perry also explained that it would interfere with lighting and the clear entryway.

Ridder discussed adding to the west would help solve drainage problem.

Kutzel noted that adding to the front is not attractive. Pullen noted that solving the drainage problem is a plus.

Variance granted by chair with a unanimous roll call vote: Schumacher, Pullen, Kutzel, Greenwood, Burdick.

#### **7. Public Comment**

Perry and Cooley thanked the board.

#### **8. Adjournment**

Meeting adjourned by chair at 8:27 P.M.

## MINUTES

### THE CITY OF THE VILLAGE OF DOUGLAS

#### ZONING BOARD OF APPEALS (ZBA)

#### DOUGLAS CITY HALL

86 W. CENTER STREET, DOUGLAS, MI

September 23, 2014, 7:00 P.M.

1. **Call to Order:** The meeting was called to order at 7:00 P.M. by Chairperson Shumacher.
2. **Roll Call:** Bill Shumacher, Tarue Pullen, Kenneth Kutzel, Jeff Greenwood, David Burdick, also in attendance, Lynee Wells, City Planner.
3. **Approval of Minutes:** ZBA Meeting of May 27, 2014  
Motion by Pullen with support from Kutzel to approve the May 27, 2014 minutes as amended.  
Motion carries unanimous voice vote.  
**Amended Items (1):**  
Pg. 3, paragraph 3, change the word discussed to noted. Stop sentence at “existing house”, striking the rest of the sentence. Sentence will now state, *Shumacher noted that it’s a narrow lot on a semi-abandoned road and is an existing house.*
4. **Agenda Changes/Additions/Deletions:**  
Motion by Pullen with support from Kutzel to approve the ZBA agenda for September 23, 2014 as presented.
5. **New Business:**
  1. Public Hearing to discuss an application for variance at the property located at 42 Spring Street (pp# 59-100-022-00). The applicant requests a variance from Section 6.02 (C), front and side yard setback requirements.
    - i. Open Public Hearing by Shumaker
    - ii. Public Comment:  
Applicant Lawrence Gammons started the discussion stating that he would like to see this approved. Explained that the house has a very narrow staircase and they would like the master bedroom on the main floor as they are aging. The home has a large side yard. The home is around 130 years old. Gammons also commented that most houses in the neighborhood do not have as much land. Gammons also explained that the lot line goes through the middle of the side yard.
    - iii. Public Hearing closed by Shumacher at 7:09 P.M. Open when needed discussion.  
Discussion:  
Kutzel began the discussion by questioning Wells on how setbacks are measured. Wells responded with they are measured from the property line to the building wall. Builder Rick Haver commented that measuring from the sidewalk to the lot is 66 feet.

Shumacher voiced concern with the south side Wall Street having proper setbacks. Shumacher stated that granting a variance would open up others to want to do the same.

Kutzel also voiced same concern that it could possibly involve others in the future. Burdick questioned whether there is any other practical solution. Also explained that there could be more than enough space on the south side of the lot. Burdick also noted that they cannot grant a variance on a problem that was created by the applicant.

Gammons explained that the three season room was built by the previous owners and it used to be a carport. Gammons also explained that it is not financially feasible to put the master bedroom where the three season room is because of the basement door and also there would be no window in the kitchen if they took the three season room out. Gammons passed around photographs of that area of the home.

Shumacher read the seven standards and remarks on the Williams & Works memorandum and discussed each.

Kutzel voiced concern about how this could affect future requests.

Pullen noted that she believes the applicant's age could be considered a practical difficulty.

Burdick commented on compassionate relief being a strong argument. Burdick explained that we don't want people to be forced out of their homes because of architectural barriers.

Burdick discussed the proposed room taking up the same size as the three season room.

Shumacher opened Public Hearing.

Applicant Carl Jennings explained that they have gone to all of the neighbors and none have any objections. He explained that they have thought about putting the master bedroom on the south side but they would have to tear down the three season room and it would also eliminate a bathroom and laundry room.

Shumacher explained that they are in charge of protecting the ordinance.

Burdick questioned what the affect would be on existing and newly built properties.

Haver explained that it would only get closer to the street. They would be taking no trees down. Haver noted that he believed the house would blend in.

Gammons commented that this is an extremely unusual circumstance because of the lot line.

Haver questioned whether they could petition for vacating the alley.

Burdick stated that he didn't know if the city would allow that. Wells explained that it is possible.

Wells questioned the applicant about turning the three season room into a bedroom.

Haver explained that they would have to tear the three season room down. Burdick commented that the problem cannot be self-created. The carport was renovated into the three season room.

Motion by Pullen with support from Burdick to approve the variance of 18 ½ feet for 42 Spring Street (pp# 59-100-022-00) from Section 6.02 (C), front and side yard setback requirements.

Discussion:

Pullen explained that there are no objections from any neighbors.

Burdick expressed concern that it is hard to prove that it meets the standards.

Greenwood agreed with Burdick's concern.

Shumaker noted that they cannot do away with corner lot setbacks.

Kutzel explained that the struggle is that it is over an 18 foot variance and that is a large variance.

Pullen explained that there is the practical difficulty of age. She does not want to see citizens have to move because of physical/medical reasons.

Kutzel noted that physical/medical reasons are not the case at this point. Explained that they cannot base it on what might happen.

Roll Call Vote:

Pullen: Yes

Burdick: No

Shumacher: No

Kutzel: No

Greenwood: No

Variance is denied.

**6. Public Comment:**

Greg Harvath commented that he believes a lot of weight should be given to physical hardship. He believes that forward thinking is smart on their part.

**7. Adjournment:**

Motion by Kutzel with support from Pullen to adjourn the meeting. Meeting adjourned at 8:45 P.M.

Motion carries unanimous voice vote.

**ZONING BOARD OF APPEALS (ZBA)**

**DOUGLAS CITY HALL**

**86 W. CENTER STREET, DOUGLAS, MI**

**October 28, 2014, 7:00 P.M.**

- 1. Call to Order:** The meeting was called to order at 7:00 P.M. by Chairperson Schumacher.
- 2. Roll Call:** Members Present: Schumacher, Pullen, Greenwood, Burdick.  
Members Absent: Kutzel  
Also Present: Lynee Wells, City Planner
- 3. Approval of Minutes:** ZBA Meeting of September 23, 2014  
Motion by Pullen with support from Greenwood to approve the September 23, 2014 minutes as amended. Motion carries unanimous voice vote.  
Amended Items:  
Change spelling of Schumacher
- 4. Agenda Changes/Additions/Deletions**  
Motion by Greenwood with support from Pullen to approve the ZBA agenda of October 28, 2014 as presented. Motion carries unanimous voice vote.
- 5. New Business**
  1. Public Hearing to discuss an application for variance at the property located at 24 Chestnut Street (pp# 03-59-100-051-00). The applicant requests a variance from Section 6.02 (C), front setback requirements.
    - i. Open Public Hearing by Schumacher at 7:03 P.M.  
Wells began the discussion by explaining the applicant's request. Applicant would like to reconstruct porch with a 2" variance to be in line with the home. There is one letter of support from Frederick Royce.
    - ii. Public Comment  
Applicant Barry Harrison, 441 Benaville, Birmingham, MI, began by explaining the reasoning for the request to reconstruct the porch. Applicant would like to have a masonry front porch and believes it would change the aesthetics of the home. Schumacher read over the Williams & Works standards and discussed with members. Members agreed that a 2" variance is not very noticeable and would make the home aesthetically look better. The plan is consistent with other homes in the neighborhood. Members also agree that encouraging a functional porch benefits the neighborhood.
    - iii. Close Public Hearing  
Motion by Greenwood with support from Burdick to approve the request for variance at 24 Chestnut Street due to the fact in particular does not affect the existing nonconforming of setback and meets all other portions points of concern regarding variance. Motion carries unanimous roll call vote.
- 6. Public Comment:** None
- 7. Adjournment:**  
Motion by Burdick with support from Pullen to adjourn the meeting. Meeting adjourned at 7:24 P.M. Motion carries unanimous voice vote.