
MINUTES OF REGULAR MEETING – *Approved 3/12/20*
BOARD OF ZONING APPEALS
October 10, 2019, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:30 p.m. Roll call was taken.

Present: M. Alling, J. Leaming, M. Rice, K. Berryman, R. Fryling & E. Jefferson

Absent: J. Hovey, C. Iannuzzi & M. Solak

Staff: S. Stachowiak

A quorum of five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

It was moved by Mr. Leaming, seconded by Mr. Rice to approve the agenda with the addition of “excused absences” under New Business and the removal of BZA-4054.19 which has been withdrawn by the applicant. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4052.19, 573 Paris Avenue, Variance to the front yard setback requirement for a detached garage

Ms. Stachowiak said that this is a request by Anna & Justin Paluch for a variance to permit a new detached garage at 573 Paris Avenue that would have a setback of 15 feet from the Grant Street front property line. Section 1248.07 of the Zoning Ordinance requires a front yard setback of 20 feet for the proposed garage. A variance of 5 feet to the front yard setback requirement is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Section 1244.06 (c) of the Zoning Ordinance and the impact criteria of Section 1244.06 (e), as described in the staff report for this request.

Ms. Stachowiak said that the applicants are requesting a variance to construct a new garage closer to the front property line so that they will have more green space in the back yard. The applicant bases a practical difficulty on the width of the lot which is 10 feet less than the minimum width under the current ordinance for a corner lot. The applicant also considers that compliance with the front yard setback requirement would cause an unnecessary hardship on the owner since the garage would not extend any closer to the street than the existing covered porch on the side of the house. Ms. Stachowiak said that while the width of the property is 10 feet less than the current requirement for a corner lot, it is comparable in size to the other corner lots in the area. She said that since there is nothing particularly unique about the property to establish a practical difficulty, approval of the variance would need to be based on a finding that

compliance with the ordinance requirement would create an unnecessary hardship for the applicants. In other words, there would need to be a finding that the variance could be approved while still upholding the intent of the ordinance requirement which is to create a uniform development pattern and preserve open vistas along roadways. Ms. Stachowiak said that in this case, the front wall of the proposed garage would be even with the setback of the covered porch on the Grant Street side of the house that appears to have been part of the original construction of the house in 1939. She also said that there are numerous other houses and garages along Grant Street that have setbacks equal to or even less than what the applicants are proposing for the new garage.

Ms. Alling opened the public hearing.

Justin Paluch, 573 Paris Avenue, spoke in support of his request. He said that the old garage has been demolished and he would like the new garage to be placed closer to the street so that they can have more green space in the back yard.

Seeing no one else wishing to speak, Ms. Alling closed the public hearing.

Mr. Leaming said that there are other houses and garages in the area that have setbacks that are the same or in some cases, even less than what the applicant is proposing. He said since the proposed setback is generally consistent with the existing setback pattern along Grant Street, approval of the variance will not be contrary to the intent and purpose of the ordinance standard.

Mr. Rice said that the variance is only necessary because the width of the lot is 10 feet less than the current width requirement for corner lots.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4052.19 for a variance of 5 feet to the 20 foot front yard setback requirement to permit the construction of a detached garage at 573 Paris Avenue that would have a front yard setback of 15 feet from the Grant Street front property line, on a finding that the variance would be consistent with the practical difficulty/unnecessary hardship criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. On a roll call vote, the motion carried unanimously (6-0).

B. BZA-4053.19, 5008 S. M.L. King Blvd., Variance to the rear yard setback requirement for a new gasoline station building

Ms. Stachowiak said that this is a request by SBR M99, Inc. for a variance to permit a new gas station building on the property at 5008 S. ML King Jr. Blvd. that would have a setback of 1.75 feet to the rear lot line. Section 1268.08 of the Zoning Ordinance requires a rear yard setback of 25 feet in the "F" Commercial district which is the zoning designation of the subject property. A variance of 23.25 feet to the rear yard setback requirement is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Section 1244.06 (c) of the Zoning Ordinance and the impact criteria of Section 1244.06 (e), as described in the staff report for this request.

Ms. Stachowiak stated that the practical difficulty involving the size of the property could be considered self-created since the applicant recently split the property off from

the parcel that contains the grocery store, thus creating a separate parcel that is insufficient in size to permit the proposed construction. She said that the issue is whether denial of the variance would create an unnecessary hardship on the owner. In other words, if the variance could be granted while still upholding the intent of the rear yard setback requirement which is to allow for access to the rear of a building and to provide a buffer between commercial buildings and adjoining residential uses. Ms. Stachowiak said that when the subject property was recently split from the grocery store property, an easement was put in place to allow for access around the site in perpetuity. She said that this easement also covers the drive aisle on the parcel to the north and since the easement ensures that there will be unrestricted access to the entire interior perimeter of the subject property across the adjoining commercial parcels, the reduced setback will not be contrary to the intent of the ordinance. Ms. Stachowiak stated that there will be nothing on site that defines the new parcel lines and thus, it will still function and appear as though it is all one site. She also stated that if the variance is approved, the building will have to be properly fire rated in accordance with the requirements of the Michigan Building Code for its close proximity to the rear property line.

Ms. Alling opened the public hearing.

John Saad, civil engineer, Hanna Engineering & Consulting, Livonia, MI, spoke in support of the variance. He said that he is aware of the building code requirements for a building that is within 1.75 feet of the rear property line. Mr. Saad said that the building will be 1.75 feet from the rear property line at its nearest point but extends to about 7 feet because of the angle of the rear property line. He stated that the building will not be as big as most gas station stores but it will be a lot bigger than the existing building. He also said that the parking right now is behind the building and there is no handicap parking at all for the gas station. Mr. Saad said that the new plan will provide for an appropriate parking layout and a much more functional station in general.

Seeing no one else wishing to speak, Ms. Alling closed the public hearing.

Mr. Fryling asked about the 1.75 foot rear yard setback and about the underground fuel tanks.

Mr. Saad said that they will utilize bollards to protect the building walls and will plant landscaping behind the building. He said that there will be no walls or doors on the back wall of the building. He also said that the project is a total reconstruct of the gas station but that the underground fuel tanks will remain in place as it would be too costly to replace them.

Mr. Rice said that by pushing the building to the back of the lot, it allows the parking to be on the front and sides rather than behind the building which is far more practical.

Mr. Leaming asked about the height of the proposed building.

Mr. Saad said that the building will be no more than 17 feet high. He said that the building will have 3 varying elevations to give it character, utilizing brick and imitation wood for the exterior building finishes.

Mr. Rice said that the practical difficulty involves the shallow depth of the lot. He said that by providing easements around the site, it will function properly and will not create a setback pattern that is contrary to the intent of the ordinance.

Mr. Rice made a motion, seconded by Mr. Leaming to approve BZA 4053.19 for a variance of 23.25 feet to the rear yard setback requirement to permit a building at 5008 S. M.L. King that would have a setback of 1.75 at its nearest point to the rear lot line, on a finding that the variance would be consistent with the practical difficulty/unnecessary hardship criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. On a roll call vote, the motion carried unanimously (6-0).

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Excused Absence

Mr. Leaming made a motion, seconded by Ms. Jefferson to grant excused absences for Mr. Hovey, Mr. Solak & Mr. Iannuzzi. On a voice vote, the motion carried unanimously (6-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, September 12, 2019

Mr. Rice made a motion, seconded by Mr. Leaming to approve the minutes from the regular meeting held on September 12, 2019, as printed. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 6.56 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator