

A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM, MONDAY, JUNE 8, 2015 AT CITY HALL BY CHAIRPERSON BAILEY.

PRESENT: Linda Bailey Barbara Morris Greg Butts
 Susan McAlpine Paul Evans Matt Burry

ABSENT: Andrew Assenmacher
 Mike Kerby

ALSO PRESENT: Chris and April Jones, 2686 Wakefield
 Megan Irwin, 2676 Wakefield
 Dan Irwin, 2023 Franklin
 Alan Kideckel, Council Liaison
 Amy Vansen, City Planner

APPROVAL OF AGENDA

It was moved by Mr. Butts to approve the agenda with the following correction:

Application Number BA-02-15 Chris & April Jones, 2686 Wakefield, east side of Wakefield, between Catalpa and Wiltshire, is requesting a variance of *Berkley City Code*, Chapter 138 *Zoning*, Article V *District Regulations*, Section 138-526 *Schedule of Regulations*, Minimum Yard Setbacks in the R-1D District: a minimum of 5 feet. Section 138-527 *Notes to the Schedule of Regulations*, (d) There shall be a distance of at least 15 feet between dwellings. The applicant is requesting this variance in order to construct a 2nd story addition to a house that is nonconforming. It is 3.9 feet from the south lot line and 7.8 feet from the neighboring house to the south. It is 14.7 feet from the neighboring house to the north.

Supported by Ms. McAlpine.

AYES: Morris, Evans, Butts, Burry, McAlpine, Bailey

NAYS: None

ABSENT: Assenmacher, Kerby

Motion Carried.

APPROVAL OF MINUTES

It was moved by Mr. Evans to approve the minutes of May 11, 2015.

Supported by Ms. McAlpine.

AYES: Burry, Morris, McAlpine, Evans, Butts, Bailey

NAYS: None

ABSENT: Assenmacher, Kerby

Motion Carried.

1. **Application Number BA-02-15** Chris & April Jones, 2686 Wakefield, east side of Wakefield, between Catalpa and Wiltshire, is requesting a variance of *Berkley City Code*, Chapter 138 *Zoning*, Article V *District Regulations*, Section 138-526 *Schedule of Regulations*, Minimum Yard Setbacks in the R-1D District: a minimum of 5 feet. Section 138-527 *Notes to the Schedule of Regulations*, (d) There shall be a distance of at least 15 feet between dwellings. The applicant is requesting this variance in order to construct a 2nd story addition to a house that is nonconforming. It is 3.9 feet from the south lot line and 7.8 feet from the neighboring house to the south. It is 14.7 feet from the neighboring house to the north.

Chris and April Jones were present. They stated that they had purchased this property at a tax auction. It is an investment property. They plan to improve the house and then sell it. It is a small house. Not much can be salvaged. Turning it into a two story house would modernize the house.

The house is built on a crawlspace. They have investigated the foundation and found it to be 42 inches in depth.

Mr. Butts asked Ms. Vansen why this was not administratively approved as Section 138-603 provides. Ms. Vansen stated that the house is not even 8 feet from the neighboring house. While there is no way to build a conforming house on this lot, she and the Building Official did not feel right about okaying a second story addition so close to someone's house without notifying them.

There was discussion about decreasing the proposed rear addition. The applicant advised that in order to have enough space for 3 bedrooms and 2 bathrooms, the house needs to have a rectangular floor plan.

Ms. McAlpine suggested that particular attention should be paid to the south elevation to ensure that windows do not line up with the neighbors.

Chairperson Bailey opened the public hearing at 7:51 PM.

Dan and Megan Irwin requested that the second floor bathroom window be frosted. They were both in favor of the proposed improvements.

Hearing no further comments, Chairperson Bailey closed the public hearing at 7:55 PM.

Mr. Evans appreciated the comprehensive packet. It was clear that this nonconforming condition has been in existence a long time. A new 17.5 foot wide house would not benefit the neighborhood. However, in the long term, tearing down this house and building a house with a basement may be the best alternative. He was not convinced that this house has utility for the next 70 years. He thinks a variance is warranted for this property, but not for this product.

It was moved by Mr. Butts to approve BA-02-15 citing that a practical difficulty has been proven: Section 138-603 provides for Administrative approval of such cases; the nonconformity was not caused by the property owner; the proposed addition will go straight up and be no more intrusive; the improvement will benefit the neighborhood.

This approval has the following conditions:

- **Provide a frosted window in the second floor bathroom**
- **The existing foundations will support a second floor addition.**

Supported by Ms. McAlpine.

AYES: Burry, McAlpine, Butts, Bailey

NAYS: Evans, Morris

ABSENT: Assenmacher, Kerby

Motion Carried.

OTHER BUSINESS

Rules of Procedure

Ms. Vansen had asked the City Attorney for comments. She has not received any comments as of yet. Chairperson Bailey passed out different examples of Rules of Procedure. She offered that voting requirements and absences should be clarified. She also thought that resignations should be recognized officially in the minutes. The Rules of Procedure should also stipulate that staff provide a permit history of any cases.

Checklist

Mr. Evans and Ms. Morris had developed a checklist. Chairperson Bailey was very appreciative of the hard work. There was some discussion of changes. Mr. Evans will make those changes and send them back to the Board.

Chairperson Bailey handed out the Michigan Zoning Guidebook. She suggested that this be included in the binder when new members are appointed.

Chairperson Bailey added that although the City Attorney is a resource, the Board is not obligated to follow his recommendation. She added that she would not be seeking reappointment so this would be her last meeting.

The Board members and Councilmember Kideckel thanked Ms. Bailey and wished her well.

There being no further business, Chairperson Bailey adjourned the meeting at 8:36 PM.