

Mr. Smith disclosed that he lives on Larkmoor, about a block away from the property in question. The Board asked if Mr. Smith felt he could act objectively. He advised that he had no connection to the property or applicant. The Board determined that no conflict of interest existed.

The applicant, Mr. Berta, was present. The Board asked about the 6 foot rear setback. Mr. Berta replied that DTE was requiring the additional one foot setback but would not state so in writing. The Board also asked about the 2 foot side yard setback and what type of roof was planned for the garage. The applicant advised that a hip roof was planned with a slight overhang, especially with gutters.

Mr. Kerby suggested changing the roof to a reverse gable thus allowing the garage to be 6 inches closer to the side lot line.

Mr. Assenmacher noted that according to the building file, a garage had been on the property in 1979. The applicant advised that he had not demolished the garage.

Chairperson Evans opened the public hearing at 7:44 PM. Hearing no comments, he closed the public hearing at 7:44 PM.

It was moved by Mr. Kerby to approve BA-03-16 based upon the lot size and shape; the small rear yard; the proposed location of the garage is in the least obtrusive location; such variance would do justice to the property owner and the neighborhood. This variance would be on the condition that the garage be placed 6 feet from the rear lot line, 18 inches from the side lot line, 14 feet x 18 feet in size, and have a reverse gable roof.

Supported by Ms. McAlpine.

AYES: Assenmacher, Smith, Gesund, McAlpine, Kerby, Evans

NAYS: None

ABSENT: Morris, Butts

Motion Carried.

- 2. Application Number BA-04-16** William Moore, regarding 2686 Wakefield, east side of Wakefield, between Catalpa and Beverly, is requesting a variance of *Berkley City Code*, Chapter 138 *Zoning*, Article V *District Regulations*, 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 new house. The new house will be 8.4 feet from the house at 2696 Wakefield when 15 feet is required.

The applicant, Mr. Moore, was present.

There was discussion regarding the location of the garage and the fact that the existing house is wider than the proposed house.

Chairperson Evans opened the public hearing at 8:01 PM.

A resident of Wakefield advised that he was in favor of a new house being constructed.

Mr. Evans advised that the City had received a letter from the property owner at 2696 Wakefield stating opposition to the proposed variance.

Hearing no other comments, Chairperson Evans closed the public hearing at 8:02 PM.

The Board recognized that the two houses on either side of the lot are nonconforming and box in any house on this property. However, there was concern regarding the neighbor to the north's opposition.

The applicant proposed moving the location of the proposed house from the north side of the property to the south side of the property.

It was moved by Ms. McAlpine to approve BA-04-16 based upon the fact that this proposal is the best solution and will improve the neighborhood appearance. The house will be contextual and the current property owner did not cause the nonconforming situation. The variance is condition upon a new 24 foot wide house without a side door step encroachment being constructed 6 feet from the south lot line and 10 feet from the north lot line.

Supported by Mr. Kerby.

AYES: Assenmacher, Smith, Gesund, McAlpine, Kerby, Evans

NAYS: None

ABSENT: Morris, Butts

Motion Carried.

OTHER BUSINESS

Chairperson Evans advised that the Board had received revised Rules of Procedure.

PUBLIC COMMENTS

None.

There being no further business, Chairperson Evans adjourned the meeting at 8:21 PM.