

to all regulations of this chapter applicable to the main building; Article V *District Regulations, Section 138-526 Schedule of Regulations*, In the R-1D District the smallest side yard shall be at least 5 feet. Both side yards shall total 15 feet; and 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 replace an attached carport that is 12.7 feet from the neighbor's house when 15 feet is required. The house with attached carport has a combined side yard setback of 9.9 feet when 15 feet is required.

Ms. Vansen reviewed her report.

The applicant (Mr. and Mrs. Platz) and their contractor, Mr. McFall, were present.

Vice Chairperson McAlpine advised the applicant that four votes are needed in order to receive a variance. Tonight's meeting has only five members present, but still four votes in favor of the variance would be needed. She advised the applicant that he may elect to postpone the meeting until next month.

The applicant chose to move forward with the request.

Mr. McFall reviewed that the carport had been in place for about 45 years. The last time it had been replaced was 37 years ago. The new carport will have gutters. The downspouts will be directed away from the neighbors. The supports will be in the same location. Two additional supports will be installed.

Mr. Smith asked Ms. Vansen to verify the definition of a carport. Ms. Vansen read from the Berkley City Code.

Vice Chairperson McAlpine opened the public hearing at 7:45 PM. There were no comments. Vice Chairperson McAlpine read the letter the Board received into the record. The public hearing was closed at 7:46 PM.

It was moved by Mr. Smith to approve BA-05-16 citing that a practical difficulty has been proven due to the property being unique; that the carport has been in place for at least 40 years; the applicant is replacing it with same which will benefit the neighborhood; and that the Board can find that the existing carport has not caused any harm. The condition of the variance would be that the three sides of the carport will remain unenclosed.

Supported by Mr. Kerby.

AYES: Assenmacher, Smith, Gesund, McAlpine, Kerby

NAYS: None

ABSENT: Butts, Morris, Evans

Motion Carried.

OTHER BUSINESS

Mr. Kerby verified that training monies had been set aside for the upcoming fiscal year.

PUBLIC COMMENTS

None.

There being no further business, Vice Chairperson McAlpine adjourned the meeting at 7:51 PM.