

**A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:31 PM, MONDAY, APRIL 10, 2017 AT CITY HALL BY VICE-CHAIRPERSON MCALPINE.**

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**PRESENT:** Susan McAlpine      Dean Smith      Mike Kerby  
                  Greg Butts  
                  Scott Emmons      Miles Uhlar      Steve Allen

**ABSENT:** Paul Evans      Ryan Gesund (Passover observance)

**ALSO PRESENT:**

Rachel Piacentini, 1726 Oxford      Don Wood, 3162 Bacon  
Dennis Hennen, 2411 Earlmont      Amy Vansen, City Planner

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**APPROVAL OF AGENDA**

**It was moved by Mr. Kerby to approve the agenda.  
Supported by Mr. Allen.  
AYES: Smith, Emmons, Kerby, McAlpine, Butts, Uhlar, Allen  
NAYS: None  
ABSENT: Evans, Gesund  
Motion Carried.**

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**APPROVAL OF MINUTES**

**It was moved by Mr. Smith to approve the minutes of January 9, 2017.  
Supported by Mr. Butts.  
AYES: Smith, Emmons, Kerby, McAlpine, Butts, Uhlar, Allen  
NAYS: None  
ABSENT: Evans, Gesund  
Motion Carried.**

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1. **Application Number BA-03-17** Don Wood, 3162 Bacon, east side of Bacon, between Beverly and Catalpa, Tax ID #25-18-130-003, is seeking a variance of *Berkley City Code*, Chapter 138 *Zoning*, Article V *District Regulations*, Division 17 *Schedule of Regulations*, Section 138-526 *Schedule of Regulations*, In the R-1D District, the smallest side yard shall not be less than 5 feet. Both side yards shall total at least 15 feet; Article III *General Provisions*, Division 1 *Accessory Buildings*, Section 138-52 Where the accessory building is attached to the main building it

shall conform to all regulations applicable to main building; and Article III *General Provisions*, Division 1 *Accessory Buildings*, Section 138-51 *Definitions: Carport*: A roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on 1 side and not more than 75 percent enclosed on the opposite side. The applicant is seeking this variance in order to convert a nonconforming attached carport into a garage with front and rear garage doors. The structure is 2.1 feet from the side lot line when at least 5 is required. The total side yard setback for the structure is 7.1 feet when 15 feet is required.

Mr. Wood was present. He reviewed his project since it was last before the Board in September. He has had inspections of the footings and the Building Official has approved them. He presented a photo showing a 3 foot setback even though his survey shows a 2.1 foot setback. In addition, he advised that the truss for the carport/garage structure has been built into the house. If the carport was kept and a garage proposed at the rear of the property, the lot coverage would be over 35%. He has proposed a second garage door so that the rear yard remains accessible and safety would not be adversely impacted.

Mr. Allen inquired what the difference was between this case and the one from September 2016 (BA-07-16). Mr. Wood replied that the proposed addition of the rear garage door was the difference.

The Board was pleased with the additional information provided relative to the difference in setbacks, the footings being confirmed, and the roof truss information. Mr. Butts thought that the project benefited the neighborhood.

Vice-Chairperson McAlpine opened the public hearing at 7:44 PM.  
Hearing no comments, she closed the public hearing at 7:44 PM.

**It was moved by Mr. Smith to approve BA-03-17 the practical difficulty being that this proposal will not adversely impact the neighborhood; is the least obtrusive solution; the exterior footprint of the building has not changed; and the structure is unique due to the roof structure of the carport being tied into the house. The following condition is required:**

- **A two-car garage door be installed on the rear wall.**

**Supported by Mr. Butts.**

**AYES: Smith, Emmons, Kerby, McAlpine, Butts, Uhlar**

**NAYS: Allen**

**ABSENT: Evans, Gesund**

**Motion Carried.**

Mr. Allen advised that he had voted no because he didn't think the case was substantially different enough from the last case (BA-07-16) and that Mr. Wood should not have been allowed to apply and instead should have sought injunctive relief.

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## **OTHER BUSINESS**

The Board discussed the training that was held on Saturday, April 8 with the City of Huntington Woods. The speakers did a good job and there was a lot of useful information presented.

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## **LIAISON REPORTS**

As Councilmember Kideckel was absent, there was no report.

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## **PUBLIC COMMENTS**

None.

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There being no further business, Vice Chairperson McAlpine adjourned the meeting at 7:50 PM.