

**A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM,
MONDAY, APRIL 9, 2018 AT CITY HALL BY CHAIRPERSON EVANS.**

PRESENT: Paul Evans Miles Uhlar Ryan Gesund
 Steve Allen Mike Kerby Greg Butts Sue McAlpine

ABSENT: Scott Emmons

ALSO PRESENT: Timothy McLean, Community Development Director
 Joe Krug (ZBA Alternate)
 Dave Glynn (Representing applicant Timothy Glynn)
 Morgan Kruizenga (Applicant)
 Several members of the public

APPROVAL OF AGENDA

It was moved by Mr. Kerby and supported by Mr. Gesund to approve the agenda as written.

AYES: McAlpine, Uhlar, Gesund, Kerby, Allen, Butts, and Evans
NAYS: None
ABSENT: Emmons

Motion Carried.

APPROVAL OF MINUTES

It was moved by Mr. Allen to approve the minutes of March 12, 2018, and supported by Mr. Gesund.

AYES: McAlpine, Uhlar, Gesund, Kerby, Allen, Butts, and Evans
NAYS: None
ABSENT: Emmons

Motion Carried.

1. Application Number PBA-02-18—2254 Earlmont

Chair Evans began the discussion with some questions for Community Development Director McLean regarding clarifications on the variance being requested.

Dave Glynn (3412 Woodland, Royal Oak) representative on behalf of applicant Timothy Glynn gave a brief description of the proposed project. Applicant is proposing to add existing square footage to the residence in addition to repairs to the existing garage. The property had previously been granted a variance for a detached garage in 1972. With the proposed renovations, the garage would be attached to the dwelling unit, making it part of the dwelling unit. With an attached garage, the property

owner would not meet the ordinance requirement of fifteen feet between adjacent dwelling units.

ZBA Member Butts asked if the existing side door to the house is connected to the garage.

Applicant indicated that there is not currently a side door on the residence.

Chair Evans opened the Public Hearing at 7:50 PM

Rachel Piacentini asked if this property was intended to be renovated and “flipped.”

Patti Curtis, Kenmore: asked for clarification on setback requirements for accessory structures.
Mr. Allen asked the applicant for clarification regarding drainage issues.

Chair Evans closed the Public Hearing at 7:53 PM

Zoning Board of Appeals members engaged in discussion regarding the interpretation of the 1972 variance.

ZBA members also discussed at length what type of dimensional variance would be needed.

Mr. Kerby stated that he prefers the garage as detached from the dwelling unit. He also pointed out that the project will eliminate a non-conformity with the front yard setback requirements.

Community Development Director McLean stated that rebuilding in the existing footprint was not possible as this would create a new non-conformity.

It was moved by Ms. McAlpine and seconded by Mr. Gesund to approve a waiver of the required fifteen (15) feet between dwelling units (Sec.138-527(d), granting a dimensional variance for PBA-02-18 on the grounds that a practical difficulty was proven by the applicant.

AYES: Butts, Kerby, Gesund, McAlpine

NAYS: Uhlar, Evans, Allen

ABSENT: Emmons

Motion Carried.

2. Application Number PBA-03-18—2785 12 Mile Rd.

Community Development Director McLean began the discussion by providing some background on the variance request. Applicant Morgan Kruizenga is intending to purchase the property at 2785 12 Mile Rd., (formerly Berkley Transmission), and utilize the building as a hair salon. The applicant is looking to have eight (8) chairs/stations for the business. With the parking requirement of three spaces per chair, applicant does not have enough space for on-site parking. There is currently enough on-site parking to accommodate four (4) chairs/stations. A dimensional variance of 150 feet is requested so that municipal parking may be utilized and counted toward the required total.

Mr. Gesund asked the applicant if having only four chairs would make the business financially difficult.

Applicant indicated that it would be difficult to operate with only four chairs.

Mr. Allen asked if the applicant has completed the purchase of the property.

Applicant indicated that the closing of the sale will happen very soon.

Mr. Allen indicated that if this variance is approved, there would have to be some conditions.

Mr. Butts asked about the clean-up of the former Berkley Transmission site.

Applicant stated that consultants will utilize ground penetrating radar to check for any existing underground storage tanks. Applicant stated she wanted to be very diligent in alleviating any environmental issues.

Chair Evans opened the Public Hearing at 8:21PM

Wendi Zabramski, Gardner: Voiced some concerns about street parking. She stated that she has seen overflow parking from Berkley Transmission onto the residential parking areas.

Cindy Kinali, Cumberland: Voiced concerns about garbage and cigarette butts in the residential area from downtown businesses. She also stated she had concerns about parking in front of fire hydrants. She stated that there seems to be a general issue with parking downtown.

Vivian Carmody, DDA Director: Voiced support for the requested variance. She stated that there will be a significant investment in the clean-up of this property.

Patti Curtis, Kenmore: Stated she had concerns about parking in residential areas. She voiced concerns about variance applications from applicants other than current business owner.

Tamara Carolin, Vine St, Royal Oak: Stated that she is very supportive of this project and would like to see the variance approved.

Kishon Harbert (Realtor for applicant): Stated that the current building is an eyesore and that the applicant is making a significant investment in the property. She stated that the applicant will have difficulty with on-site parking.

Rachel Piacentini: stated that the applicant can still have four chairs/stations and meet on-site parking requirements.

Diana Keith, Beverly: Voiced excitement for the new business but had concerns about parking.

Chair Evans closed the Public Hearing at 8:36PM

Mr. Gesund disclosed that he resides on Kipling but that he doesn't believe this would pose a conflict of interest for the variance request.

Chair Evans & Mr. Uhlar asked the applicant about proposed hours.

Applicant was able to provide a rough estimate of days and hours of operation.

Chair Evans stated that if the variance is approved, it would be for specific hours.

Mr. Uhlar asked about the number of chairs in applicant's other business and how often they were full.

Applicant stated that she has nine (9) chairs at the other location and that they are occasionally all occupied.

Mr. Uhlar asked if the applicant could get by at this location with six (6) chairs.

Applicant stated that she feels she needs eight chairs to make the business viable.

Mr. Kerby stated that the proposed on-site parking was very compacted and asked if the spaces would be legal.

Mr. McLean stated he would confer with Public Safety. (It was later determined by the Fire Marshal that on-site parking was acceptable as shown).

Mr. Kerby stated that the applicant creates the need for the variance based on the number of chairs being proposed. He also stated that there is an issue with overflow parking into residential areas. If granted, he believes the variance should be contingent upon providing a parking plan.

Mr. Uhlar stated that that this will be a difficult decision. He showed appreciation for the investment and redevelopment of a blighted property. Stated that parking is an issue and that there are concerns with the proposed layout.

Ms. McAlpine stated that it will be a challenge to make parking work at this location, regardless of use. She stated she has many emotional reasons for wanting to approve the requested variance, but reminded the Board that there is very strict criteria that has to be met to qualify for a variance. She did not feel that a practical difficulty was proven by the applicant.

Chair Evans stated that while he feels the practical difficulty has not been proven, he is very supportive of this development.

It was moved by Ms. McAlpine and seconded by Mr. Kerby to deny PBA-03-18 on the grounds that a practical difficulty was not proven by the applicant.

AYES: Uhlar, Evans, Allen Butts, Kerby, Gesund, McAlpine
NAYS: None

ABSENT: Emmons

Motion Carried.

OTHER BUSINESS

None

LIAISON REPORTS

Mr. Gesund stated that he hopes all are able to attend Berkley Days.

PUBLIC COMMENTS

None

With no further business, Chair Evans adjourned the meeting at 9:01 PM.