

A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM, MONDAY, June 11, 2018 AT CITY HALL BY VICE CHAIR MCALPINE. UNOFFICIAL MINUTES

PRESENT: Steve Allen Greg Butts Scott Emmons
 Ryan Gesund Joe Krug Sue McAlpine

ABSENT: Paul Evans, Mike Kerby, Miles Uhlar

ALSO PRESENT: Timothy McLean, Community Development Director
 Daniel Stagner (Applicant)
 Jacqueline Stagner (Applicant)
 Several members of the public

APPROVAL OF AGENDA

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

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

Motion Carried.

APPROVAL OF MINUTES

It was moved by Mr. Gesund to approve the minutes of April 9, 2018, and supported by Mr. Allen.

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

Motion Carried.

1. Application Number PBA-04-18—4041 Robina Ave.

Community Development Director McLean began the discussion with a brief summary of the request for a dimensional variance. The property owner at 4041 Robina Ave. is requesting a dimensional variance to install an in-ground pool that would exceed the maximum lot coverage permitted by ordinance. The applicant intends to install an 18 x 34 pool that would exceed lot coverage by 157 square feet.

Applicants Daniel and Jacqueline Stagner stated that they would like to install an 18 x 34 pool for recreational purposes and to alleviate issues with flooding on the property. With a newly constructed home, the house is not pitched property for water management. The existing drainage system meets code requirements, but the property lacks a swale to allow for drainage into the street. Property

owner is unable to have the property graded to take water away from the house. An 18 x 34 pool would allow for drainage of excess water into the pool. The pump system would allow excess water to be pumped into the street.

ZBA Member Allen asked about the builder who constructed the home and if the applicant could have a smaller pool and still solve drainage issues.

Mr. Stagner stated that a smaller pool is possible.

ZBA Member Emmons asked for confirmation of the proposed size of the concrete apron around the pool. He also asked if the concrete apron factored into the square footage calculation of the pool.

Mrs. Stagner confirmed that the concrete apron would be four feet.

Community Development Director McLean confirmed that the concrete apron is not factored into the square footage of the pool.

ZBA Member Gesund asked if a smaller pool would affect the water management system.

Mr. Stagner stated that the size of the pool would not affect the pump, but that he would like to have the requested size pool for excess drainage. He also stated that the pool would be salt water and not a chlorine treated pool.

ZBA Member Gesund voiced concerns about the play structure being in such close proximity to the pool.

Mrs. Stagner stated that the play structure would be turned away from the pool.

ZBA Member Butts stated that the size of the pool could be reduced.

Vice Chair McAlpine opened the Public Hearing at 7:46PM

Roy Yanke—4013 Robina Ave: Stated that many properties in Berkley have flooding issues. He also voiced support for the variance request.

Vice Chair McAlpine closed the Public Hearing at 7:47PM

Discussion

ZBA Member Allen stated that the proposed pool and pump would be a novel approach to solving water issues in the City.

Vice Chair McAlpine explained the criteria to qualify for a variance.

ZBA Member Allen stated that a 16 x 30 pool would still require a variance, but just barely. He indicated this was a number he could support.

Vice Chair McAlpine questioned if a smaller size pool would alleviate the practical difficulty with

drainage on the property.

ZBA Member Butts asked if the applicant had any recourse with the contractor for parts already ordered.

Mr. Stagnar indicated that the issues with the builder and contractor could be resolved.

ZBA Member Allen questioned why drainage and grading issues with the home were not caught during the building inspection process.

Mr. Stagner indicated that he did not challenge any of the inspections done by the City. He also stated he wasn't sure if the drainage was an issue that could have been caught through this process.

It was moved by Mr. Butts and seconded by Mr. Allen to approve a dimensional variance for 4041 Robina Ave on the grounds that water drainage on the property created a practical difficulty. The condition of the variance is that the size of the pool cannot exceed 480 square feet.

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

Motion Carried.

OTHER BUSINESS

None

LIAISON REPORTS

None

PUBLIC COMMENTS

None

With no further business, Vice Chair McAlpine adjourned the meeting at 8:09 PM.