

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

PRESENT: Steve Allen Paul Evans Scott Emmons
 Ryan Gesund Joe Krug Sue McAlpine

ALSO PRESENT: Timothy McLean, Community Development Director
 John Barbuscak (Applicant)
 A few members of the public

APPROVAL OF AGENDA

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

AYES: Allen, Emmons, Gesund, Krug, McAlpine, Evans
NAYS: None

Motion Carried.

APPROVAL OF MINUTES

It was moved by Mr. Allen to approve the minutes of June 11, 2018, and supported by Mr. Emmons.

AYES: Emmons, Gesund, Krug, McAlpine, Allen, Evans
NAYS: None

Motion Carried.

1. Application Number PBA-05-18—1405 Franklin.

Community Development Director McLean began the discussion with a brief summary of the request for a dimensional variance. The property owner at 1405 Franklin had a generator installed in the side yard of his residence. He was informed by the contractor that all permits would be obtained before the generator was installed and that all zoning regulations would be followed. The contractor applied for the permit, but installed the generator before the permit could be approved.

Mr. Krug disclosed that he has a professional working relationship with Oak Electric, the company who installed the generator for the applicant.

Chair Evans asked Mr. Krug if he felt that relationship would present any conflict of interest relative to these proceedings.

Mr. Krug responded that he was impartial relative to this case.

John Barbuscak—Applicant explained the circumstances with the generator. He stated that due to flooding concerns in the rear yard, it would not be possible to install the generator there. He stated he was unaware that placing a generator in the side yard would create the need for a variance. He stated he believed the contractor was going to obtain any permits and follow applicable zoning laws.

Mr. Allen stated that he believed this circumstance was created by the contractor and not the applicant.

Chair Evans opened the Public Hearing at 7:43PM

Shirley Hanson, Royal Oak: Stated that she was a former resident of Berkley and a friend of the Barbuscak family. She presented letters of support for the variance from neighbors on Franklin. She also stated that the generator is very quiet and that due to flooding issues in the rear yard, it could not be placed in that location.

Chair Evans closed the Public Hearing at 7:45PM

Ms. McAlpine stated that one of the letters referenced the fact that one neighbor noticed no noise from the generator.

Chair Evans stated that there were six letters of support for this variance from neighbors with no objections noted.

Ms. McAlpine addressed the practical difficulty test that must be applied to variance requests. She stated that she believes the criteria has been met.

Mr. Gesund asked the applicant when the generator was installed.

Applicant responded that the generator was installed in October 2017. He also stated that while the generator is tested once a week, it has never actually been fully used.

Ms. McAlpine cited the practical difficulty test and that she would be inclined to make a motion to approve the variance request.

Chair Evans stated he would vote in favor of approval.

It was moved by Ms. McAlpine and seconded by Mr. Emmons to approve a dimensional variance for 1405 Franklin on the grounds that a practical difficulty had been proven by the applicant.

AYES: Emmons, Gesund, Krug, McAlpine, Allen, Evans
NAYS: None

Motion Carried.

2. Discussion—Annual review of Rules of Procedure.

Chair Evans stated that it is a statutory requirement that the Rules of Procedure be reviewed annually.

Mr. Allen stated he would like to see language added to the Rules that addresses the tracking of trainings attended by ZBA members.

Mr. Emmons pointed out some grammatical errors in the Rules of Procedure.

Ms. McAlpine asked if future amendments could be made.

Chair Evans responded that the Rules of Procedure could be amended at any time.

Mr. Gesund asked that the Rules of Procedure be amended to reflect that the Community Development Director is the Zoning Officer.

Community Development Director McLean stated that he would have revisions made and brought back before the ZBA at the next meeting.

Ms. McAlpine asked that ZBA members be allowed to respond in writing with any comments on amendments to the Rules of Procedure if they will be absent.

It was moved by Mr. Allen and seconded by Mr. Gesund to postpone any decision on the Rules of Procedure until revisions are made and brought back to the ZBA.

AYES: Gesund, Krug, McAlpine, Allen, Emmons, Evans
NAYS: None

Motion Carried.

3. Election: Chair & Vice Chair

Chair Evans stated he has enjoyed being the Chair. He also indicated he would continue to do so at the wishes of the ZBA, but that he would be supportive of anyone else being nominated for Chair.

Ms. McAlpine stated she echoed the sentiments of Chair Evans regarding her role as Vice Chair.

It was moved by Mr. Gesund and seconded by Mr. Emmons to nominate Paul Evans as Chair and Sue McAlpine as Vice Chair of the ZBA.

AYES: Krug, McAlpine, Allen, Emmons, Gesund, Evans
NAYS: None

STAFF COMMENTS

Community Development Director McLean gave a brief summary of the Planning Commission proceedings and recommendation to City Council regarding the proposed LaSalette Planned Unit Development.

BOARD COMMENTS

Mr. Gesund asked everyone to please attend the street art festival the weekend of July13.

Mr. Allen stated he was pleased that the ZBA meetings are now televised.

Ms. McAlpine thanked staff for budgeting to have these meetings televised.

PUBLIC COMMENTS

None

With no further business, Chair Evans adjourned the meeting at 8:08 PM.