

I. **Call the meeting to order.**

Chairman Zuehlke called the meeting to order at 6:30 p.m.

II. **Roll Call.**

Present: Dave Zuehlke, Chairman
David Maloney, Board Member
Colleen Murphy, Board Member
Ellie Pinner, Board Member
Steve Reno, Board Member

Absent: Ralph Woznick, Secretary
Garry Crake, Vice Chairman

Also Present: Bob Vallina, Community Planning and Development Director
Colleen Pote, Stenographer
Applicants and general public numbering approximately 9

III. **Approve the Minutes**

MOTION AND VOTE:

Moved by Reno

*Supported by Pinner; RESOLVED, to **APPROVE** the Minutes of the May 18, 2010, regular meeting of the Zoning Board of Appeals as printed.*

MOTION CARRIED UNANIMOUSLY.

(5 – 0)

IV. **Approve the Agenda**

MOTION AND VOTE:

Moved by Maloney

*Supported by Reno; RESOLVED, to **APPROVE** the Agenda of the June 15, 2010, regular meeting of the Zoning Board of Appeals as printed.*

MOTION CARRIED UNANIMOUSLY.

(5 – 0)

V. **PUBLIC HEARINGS**

NEW BUSINESS

Case No. 5324

Sidwell No. 13-28-128-030, Section 27, Lots 129 & 130, "Crescent Lake Estates", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A variance from Section 2-702 to allow the substantial improvement of a nonconforming building. (Nonconforming buildings are not allowed to undergo substantial improvement, defined as increasing the dimensional nonconformity of an existing nonconforming building or structure).
2. A 14.38 ft. variance from Section 3-900 to allow the proposed attached garage addition to continue along the north rear building line and come to within 20.62 ft. of the north rear property line. (35 ft. minimum required).
3. A 13.38 ft. variance from Section 2-104.2 to allow the proposed attached garage addition and its roof eave and gutter to continue along the north rear building line and come to within 18.62 ft. of the north rear property line. (32 ft. minimum required).

Property Location: 5544 S Aylesbury Dr
Property Zoned: R-1C, Single Family Residential
Applicant: Artur Ohanyan

PUBLIC HEARING RECORD

Applicants and/or Representatives Present:

Artur Ohanyan, Applicant

Mr. Ohanyan stated that the proposal is to expand the garage to provide additional storage area as the existing house does not have a basement. He would like the extra storage space to accommodate items that he will be moving from his current house.

During the public portion of the meeting the following comments were heard.

Shelly Wiles, 5527 Oster, stated her opinion that the house is in terrible condition and does not appear to be livable; she is opposed to the variances to expand the garage when the house cannot be occupied. She further stated that there are tires and rims stored in the garage and she believes that these items are being sold from the residential property.

Michelle, stated that she is representing her parents who reside at 5582 S. Aylesbury. She stated her opinion that the house on the subject property is in deplorable condition with broken windows and a sheet hanging over the garage door. No one is occupying the house, however there is a consistent banging noise coming from inside the building. There are tires and rims stored in the garage and about the property and it looks like a business is being operated from the garage with the number of vehicles that come and go, dropping items off and picking items up. She is concerned for the safety of her parents and the other families in the area if a commercial business is allowed in a residential neighborhood.

Hearing no further comments, the public portion of the meeting was closed.

Chairman Zuehlke questioned how long Mr. Ohanyan has owned the house.

Mr. Ohanyan stated that he purchased the house four or five months ago.

Chairman Zuehlke stated that he had visited the site and the existing house is in poor condition and he believes that the house should be made livable prior to expanding the garage.

Mr. Ohanyan stated that he is not using the residential property for business purposes. He is storing some tires and rims on the property but has a commercial property where he conducts his tire and rim repair and sales business. The banging noise is caused by the work that is being done inside the building, although at times he might work on some rim repair. He is working to improve the conditions of the house and will be replacing the broken windows at some point.

Board Member Maloney stated that code enforcement can check the property to determine if any violations of the zoning ordinance are taking place. He went on to state that the property is in poor condition, the garage door is not secured and there appears to be other issues with the building, and there are several vehicles in the drive. Therefore he does not believe that a variance to expand the garage should be granted at this time, but that if the other ZBA members concur, perhaps this case could be tabled for a couple of months to allow the applicant to bring the property up to code and prove his commitment to maintaining the property.

Board Member Reno stated that he visited the site three times and viewed tire rims being brought to the property and being removed from the property. There is a van on the property that has not moved and does not appear to be operational, the lawn is overgrown and there are large holes in the house windows. He further stated that the applicant in this case has not demonstrated a practical difficulty that warrants a variance to allow the garage expansion to encroach the required setback.

Board Member Murphy stated that the existing attached garage is adequate in size; the applicant is proposing an addition to the garage at the rear which will encroach into the required setback and eliminate the usable rear yard area. The house was purchased with full knowledge that there was no basement for storage area. The applicant has not demonstrated a practical difficulty that warrants the requested variances; therefore she will not support the request in this case.

MOTION AND VOTE:

Moved by Reno

Supported by Pinner; RESOLVED, to DENY Case No 5324 in that:

- *No practical difficulty exists in this case.*
- *Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.*
- *The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.*
- *The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.*
- *The request is self created.*

MOTION CARRIED UNANIMOUSLY.

(5 – 0)

VI. Adjourn the meeting.

Chairman Zuehlke adjourned the meeting at 7:45 p.m.

June 15, 2010

Case No. 5324

Property: 5544 S Aylesbury Drive

Applicant: Artur Ohanyan

Zoning: R-1C, Single Family Residential

Site Use: Single family residential

Proposal: To construct an addition to the existing attached garage

Analysis: The applicant would like to construct a 570.75 sq. ft. addition to the rear of the existing attached garage. The proposed addition would follow the rear building line that has existed since before 1963. However, due to the orientation of the building on the subject zoning lot, the proposed addition will encroach more into the required rear yard than the existing house. While the proposed attached garage addition would be in character with the surrounding neighborhood, staff cannot support the applicant's request since it does not conform to the letter of the Zoning Ordinance.

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that will reflect such a decision:

Draft Motion For Denial

In the matter of ZBA case No. 5324 I move that the petitioner's request for non-use variances be denied because the petitioner did not demonstrate practical difficulties exist in this case. In that:

- No practical difficulty exists in this case.
- Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property and would not render conformity with the ordinance unnecessarily burdensome.
- The applicant has not provided any proof that the requested variances would ensure fairness for the owner of the subject property as well as surrounding property owners.
- The applicant has not demonstrated that there is anything unique about the property that would warrant the requested variances.
- The request is self created.