

OFFICE OF THE CITY ADMINISTRATOR

Subject: Recommendations for ZBA Meeting of May 6, 2024

Item 1 CALL TO ORDER

Item 2 ROLL CALL
Prerogative of the Chair to request the City Clerk to take attendance.

Item 3 ACCEPTANCE OF THE AGENDA Prerogative of the Zoning Board of Appeals that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Item 4 PUBLIC HEARING

Item 4A SIDE YARD SETBACK VARIANCE REQUEST: 20620 FAIRWAY LANE, KATIE AND JONATHON CLARK
Open the Public Hearing. Receive and place on file all communications pertaining to this request. Hear any comments, first in support of, second in opposition to, the request. Close the Public Hearing.

The Petitioner, Katie and Jonathon Clark, are requesting a variance for side yard setback for 20620 Fairway Lane to build an addition to their home. As proposed, the addition to the house would make the garage part of the principal building and thus, subject to the setback requirements for principal buildings in the R-1B district. The review letter details the dimensions of the residential structure, the proposed addition, and the components that do not comply with the R-1B District standards.

Per Section 50-3.1 A R-1B One-Family Residential. 4. Development Standards:
The applicants request a variance of 2'-6" from the required side yard setback.

Per *Section 50-7.15.I.1* of the Zoning Ordinance, the Zoning Board of Appeals must find that "practical difficulty" has been demonstrated and make findings regarding the following standards prior to acting on a proposed variance. Additional information brought forward by the Board, the applicant, and/ or during the public hearing should be incorporated into the record prior to the Board making any determination. The Ordinance outlines the following criteria for consideration in determining a variance. The City Planner's comments follow:

- 1. The variance must be in harmony with and serve the intent and purpose of the Ordinance, considering the following:**

- a. **That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, and other similar items would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with said restrictions unnecessarily burdensome.**

The property is currently built and used for a permitted purpose in a manner that is compliant with all Ordinance regulations, so there is no indication that the restrictions in question unreasonably prevent use of the property.

- b. **That a variance would do substantial justice to the petitioner as well as to other petitioners in the zoning district; or whether a lesser relaxation of the restrictions would give substantial relief to the petitioner and be more consistent with justice to others (i.e., are there other more reasonable alternatives).**

The applicant asserts that the practical difficulty caused by the Ordinance is that executing the proposal in accordance with zoning regulations would cause more expense. The standards for establishing a practical difficulty consider only the circumstances of the property and not the potential cost of compliance.

Though we acknowledge that modifying the garage may well be more expensive than the proposed project, that modification could provide an Ordinance-compliant solution that would not require a variance.

- c. **That the plight of the petitioner is due to unique circumstances of the property.**

The applicant asserts that the configuration of the buildings on the property is unique but do not provide any evidence. This standard refers to unique circumstances of the property (e.g., topography, shape of the parcel, etc.), not the improved features on the property. The parcel in question is similarly situated in size and configuration to parcels along Fairway. We are not aware of any unique circumstances of the property in question.

- d. **That the petitioner's problem is not self-created.**

This is a self-created situation in that it is caused by a design solution, or a combination of a previous design solution and the currently desired design solution rather than a feature of the property itself.

Based on the application materials provided, it is not clear that the standards identified in the Grosse Pointe Woods Zoning Ordinance for granting a variance have been met. The City Planner recommends the ZBA consider the applicant's justifications of practical difficulty to find whether a practical difficulty has been demonstrated, and thus a variance is warranted.

I concur with the recommendation.

Prerogative of the Zoning Board of Appeals as to action taken.

Item 5 NEW BUSINESS/PUBLIC COMMENT

Item 6 IMMEDIATE CERTIFICATION OF MINUTES Prerogative of the Zoning Board
of Appeals to immediately certify tonight's meeting minutes.

Item 7 ADJOURNMENT

Respectfully submitted,

A handwritten signature in black ink that reads "Frank Schulte". The signature is written in a cursive style with a large initial "F".

Frank Schulte
City Administrator