

May 9, 2024

City of Lathrup Village  
Zoning Board of Appeals  
27400 Southfield Road  
Lathrup Village, MI 48076

# ZBA Review

Site: 26415 Meadowbrook Way  
Applicant: James Tate McBroom  
Plan Date: April 29, 2024  
Zoning: R-1 Single-Family Residential  
Parcel ID: 24-23-208-004



## PROPOSED IMPROVEMENTS REQUIRING ZBA APPROVAL:

Request for a dimensional variance to allow a new home addition to be setback 30 feet where there is a minimum required setback of 40 feet along Middlesex Avenue.

Dear Zoning Board of Appeals:

We have reviewed the request for variance referenced above and a summary of our findings is below.

## SUMMARY OF FINDINGS

### Existing Conditions

- Summary.** The subject property is located west of Southfield Road, south of I-696 and at the northwest corner of Meadowbrook Way and Middlesex Avenue. The property is zoned R-1 Single-Family Residential, contains an existing single-family home, abuts other R-1 zoned parcels, and only takes vehicular access from Middlesex Avenue. The property owner proposes an addition to the existing home on the northwest side of the home and property.

According to the applicant, the existing home was built in 1950. The current survey confirms the home is a nonconforming structure, as defined in Section 2.2, with setback dimensions of approximately 36.5', which is less than the 40' minimum along each right-of-way.

- Variance Requested.**

The request is for a dimensional variance to allow a new home addition to be setback 30 feet in lieu of the minimum required setback of 40 feet along Middlesex Avenue.

While no improvements are proposed along Meadowbrook Way, the home addition will further extend into the Middlesex Avenue setback by approximately 6'-6" toward the right-of-way line. This is a variance of 10 feet, or 25%.

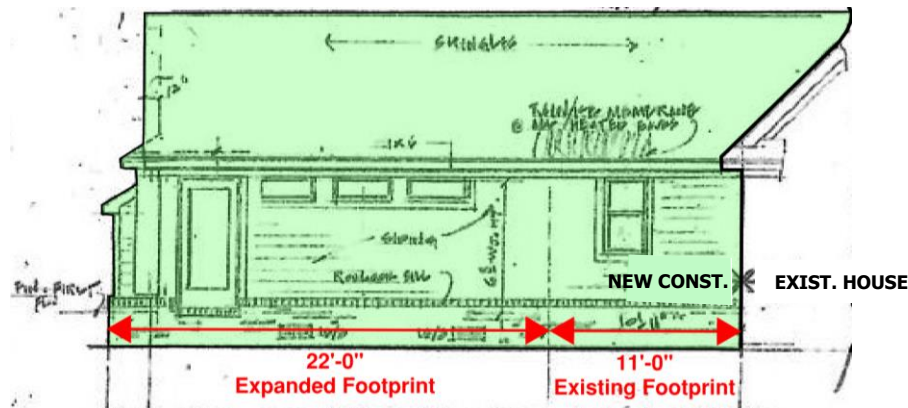
3. Dimensional Standards				
Development Standard	Zoning Ord. Section	Required	Provided	Comments
PROPOSED ADDITION				
Front setback (Middlesex Avenue)				
District minimum	3.1.2.D.; 3.7.1.	40'-0"	36'-6" existing	Existing Nonconforming <sub>1</sub>
			30'-0" proposed	Not compliant <sub>2</sub>
Front setback (Meadowbrook Way)				
District minimum	3.1.2.D.	40'-0"	38'-6"	Existing Nonconforming <sub>3</sub>
Side setback (northeast)				
District minimum	3.1.2.D. 5.16.1.B.	5 ft. one side	37'-0"	Compliant <sub>4</sub>
		15 ft. total		
Side setback (northwest)				
District minimum	3.1.2.D. 5.16.1.B.	5 ft. one side	125'-2"	Compliant
		15 ft. total		
Maximum height				
	5.16.2.C.	24'-0"	< 24'-0" addition	Compliant
		2-stories	2-stories (1-story addition)	Compliant
Minimum building size				
Existing	3.1.2.D.	1,250 square feet	1,800 sf	Compliant
Proposed			Approx. 2,161 sf.	

1. The survey of the existing home provides a dimension of 36'-6" as the setback from the Middlesex Avenue property line. Given the minimum required setback of 40', this is an encroachment of 3'-6" and is characterized as an existing nonconforming structure.
2. The existing house is not parallel to the Middlesex Avenue property line and is oriented on an angle. The proposed addition will extend approximately 22' along the existing home's angle and therefore, will further encroach into the 40' minimum setback by an additional 6'-6". As a result, the addition is proposed up to the 30' setback from the Middlesex Avenue right-of-way line. See the diagrams, with dimensions, on the page below. Additionally, per Section 3.7.1., **Side yards and corner lots:** In cases involving corner lots, a side yard is required abutting on the side street which shall not be less than 40 feet, or such lesser distance as has been provided for any existing house on an adjoining lot.

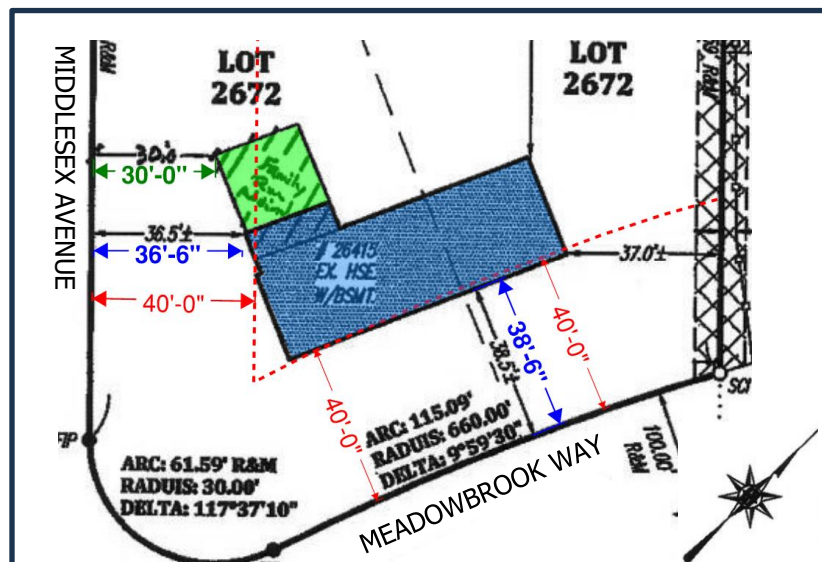
***Upon scaling of aerial imagery, it is estimated that the adjoining lot's home along Middlesex Avenue is setback from the right-of-way line approximately 40', which is in compliance with the ordinance's setback standard. In further comparison, the home on the second lot from the subject site has an***

***estimated setback of 34'-6". If the proposed home addition is approved at the 30'-0" setback, it would be the closest building to the right-of-way line by approximately 4'-6", along the block face. Homes on the opposite side of Middlesex Ave. appear to have a front setback of approximately 45'.***

3. The survey of the existing home provides a dimension of 38'-6" from the Meadowbrook Way property line. Given the minimum required setback of 40', this is an encroachment of 1'-6" and is characterized as an existing nonconforming structure in this location. There are no improvements proposed along the Meadowbrook Way front of the house and the nonconformity will remain as-is.
4. Due to the orientation of the existing home on the property, a rear yard and side yard are designated along the northeast portion of the lot. As shown on the yard determination graphic on the last page, the rear yard is offset from the house and therefore results in an adjacent side yard setback requirement of 5'. No proposed activity is occurring in this area, so the setback to the existing home will remain as 37', well beyond the 5' side setback requirement. The home is not impacted by the 35' rear yard setback requirement.



ELEVATION OF ADDITION AS SEEN FROM MIDDLESEX AVENUE



4. **Standards for Considering Variance Requests.** Section 7.7.14. provides the criteria for the applicant to present and the ZBA to consider when considering variance requests:
  - A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship will result to the applicant if the strict letter of the

regulations are carried out. Mere inconveniences or increased development costs shall not be deemed hardships under the terms of this provision. ***The subject site is a corner lot, and as such, has two property lines that require a setback of 40 feet.***

- B. The factual circumstances upon which an application for a deviation is based are unique to the property for which the deviation is sought, and are not applicable to the city generally, or to other property within the same zoning classification.
- C. Any alleged practical difficulty or unnecessary hardship caused by this ordinance has not been created by any persons presently or previously having an interest in the property.
- D. The proposed deviation will not adversely affect the purpose or objectives of this ordinance, nor impair the adequate supply of light and air to adjacent property, nor increase the hazard from fire, flood, and other dangers of said property, nor diminish the marketable value of adjacent lands and buildings, nor increase the congestion in public streets.
- E. The proposed deviation will not otherwise impair the public health, safety, comfort, and general welfare.
- F. The benefit to the applicant will be real and substantial and any detriment to the neighboring property owners and occupants or the community at large is not substantial or is illusory. Benefits and detriments shall be determined in relation to the factors which impair the value and use of properties as related in D & E, above.
- G. The applicant is both willing and able to provide additional amenities beyond those minimally required by this ordinance and/or restrict the use of the property beyond those limitations placed on the property by this ordinance so that the fair market value of neighboring properties will be enhanced beyond the values which would accrue to them if the property were developed and used in strict conformity with the ordinance. ***Street view imagery from years' past show a number of tree and shrub removal from the Middlesex Avenue side of the property and/or right-of-way, eliminating much of the landscape screening of the property from the street. Should the Zoning Board of Appeals consider approving the requested variance, enhancing the streetscape appearance with additional landscaping, along the Middlesex Avenue right-of-way, may be considered as a condition of approval.***
- H. The same or a substantially similar request shall not have been presented to the council in the form of a petition for a zoning amendment and been expressly denied and rejected after a public hearing. ***No similar variances had been requested at this site.***
- I. Any special criteria listed for specific deviations in Sections 3.2.2, 4.1.4, and 5.13.15. ***This does not appear to apply for this situation.***

***The application for zoning appeal includes responses to some of the above items for ZBA consideration.***

Staff will be available to discuss this review at the next ZBA meeting.

Respectfully,  
**Giffels Webster**



Jill Bahm, AICP  
Partner



Eric Pietsch  
Senior Planner