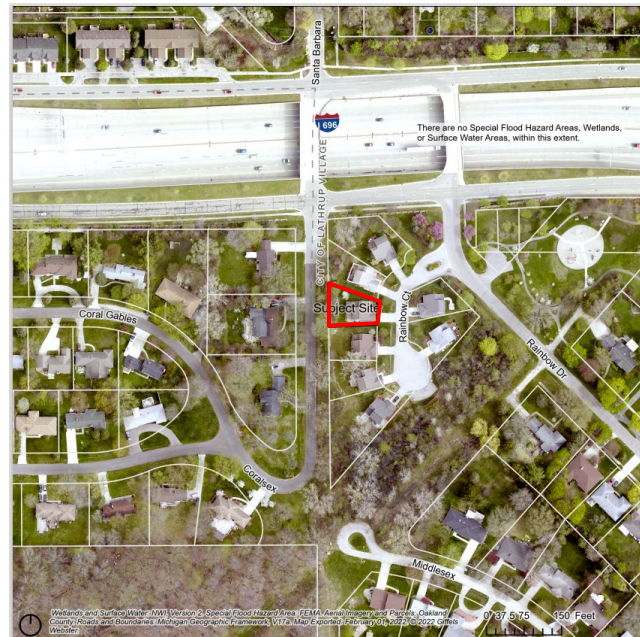


March 17, 2022

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

## ZBA Review

Site: 18931 Rainbow Court  
Applicant: Joan C. Price  
Plan Date: January 19, 2022  
Zoning: R-3 Single-Family Cluster Housing  
Parcel ID: 24-23-201-022



Dear Zoning Board of Appeals:

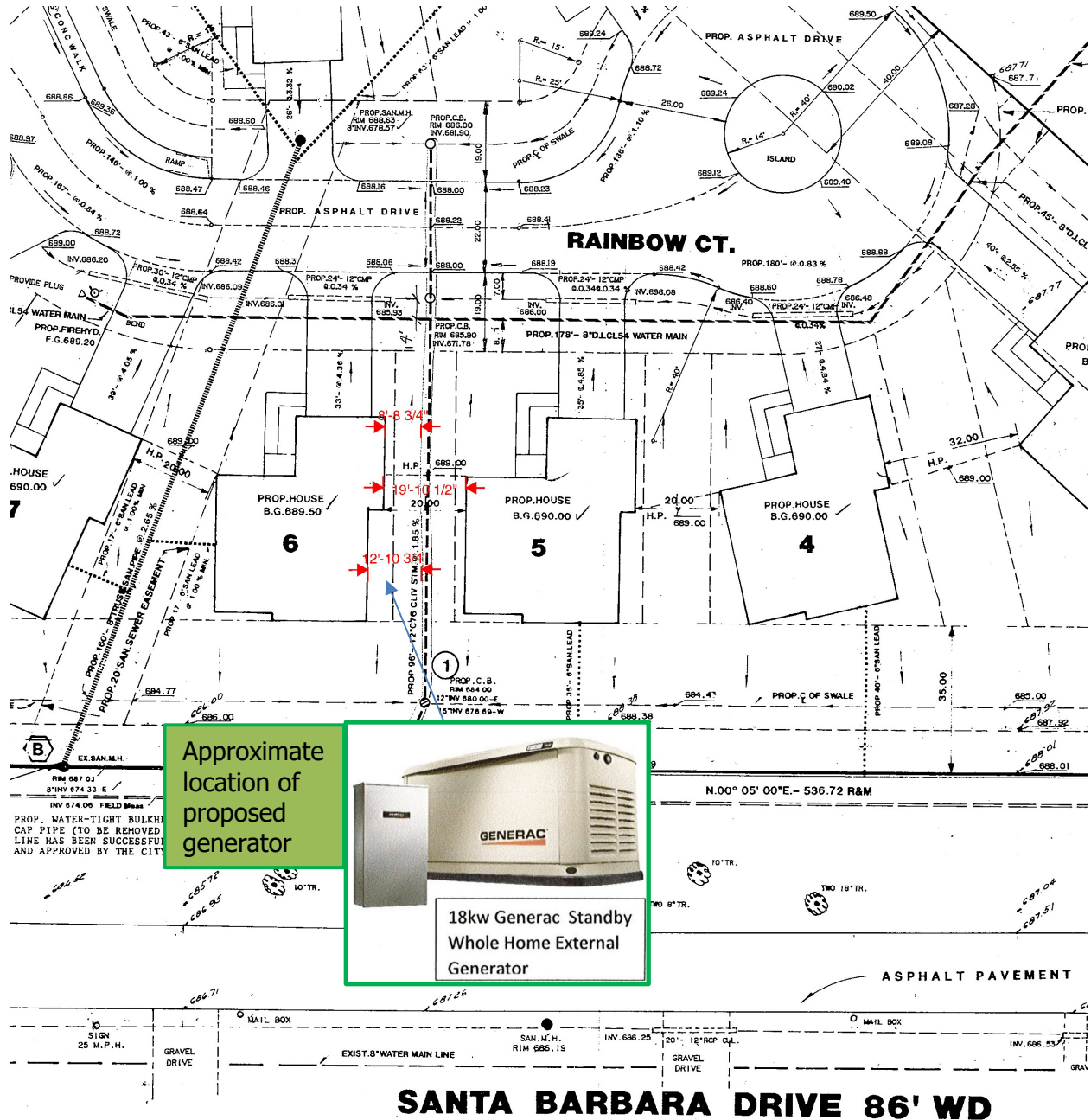
We have reviewed the request for variance referenced above and a summary of our findings is below.

### SUMMARY OF FINDINGS

#### Existing Conditions

1. **Summary.** The subject property is located along the west side of Rainbow Court and south of I-696. The rear of the property abuts Santa Barbara Drive. The property is zoned R-3 Single-family Cluster Housing, contains an existing single-family home, and abuts other R-3 zoned parcels. The closest point of the home to the south side lot line is about 8.8', but then the house jogs in and has a 12.9' setback. It is in this area that the applicant is proposing to install a permanent generator.
2. **Variance Requested.** Section 4.12.F requires power generators to be located in the rear yard. The applicant is requesting a variance to allow a 18kW power generator unit to be placed in the property's south side yard.

It appears the side setback for accessory mechanical equipment is met. The generator is 48" wide and 25.5" deep and is required to be a minimum of 18" from another structure. The applicant indicates it will be placed five feet from the home, which will result in a setback of 5.75' [Note: this is calculated based on our measurement from the as-built survey as: 154.75" (house setback) – 60" (distance from the house to the generator) – 25.5" (depth of the generator) = 69"]



3. **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.

- 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.
- 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.
- 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.*

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

Respectfully,  
**Giffels Webster**



Jill Bahm, AICP  
Partner



Eric Pietsch  
Senior Planner



South side of 18931 Rainbow Court

