

Zoning Board of Appeals Meeting
Madison Heights, Michigan
July 11, 2024 (DRAFT)

A Regular Meeting of the Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, July 11, 2024, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Road, Madison Heights, MI 48071

Present: Chair Kimble, Members: Aaron, Corbett, Fleming, Holder, Marentette, Oglesby, Sagar, and Covert

Absent: Member Loranger

ZBA 08-24. Excuse member(s)

Motion made by Ms. Holder, seconded by Ms. Corbett to excuse Mr. Loranger.

Voting Yea: Chair Kimble, Members: Aaron, Corbett, Fleming, Holder, Marentette, Oglesby, Sagar, and Covert

Motion carries.

ZBA 09-24. Minutes

Motion made by Mr. Oglesby, Seconded by Ms. Aaron, to approve the April 4th, 2024, meeting minutes as presented.

Voting Yea: Chair Kimble, Members: Aaron, Corbett, Fleming, Holder, Marentette, Oglesby, Sagar, and Covert

Motion carries.

PZBA 24-03: 27376 Barrington Street

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

REQUEST

The applicant and property owner, Magdalena Biriiac, requests dimensional variances from Section 10.401 of the Zoning Ordinance pertaining to minimum lot size and minimum building setbacks, as follows: Two (2) variances pertaining to the minimum width of a new lot; two (2) variances pertaining to the minimum area of a new lot; and two (2) variances pertaining to minimum side yard setback.

The applicant intends to divide an existing residential parcel into two (2) developable parcels. This request was postponed from the cancelled June 6th ZBA Meeting. The subject property is located at 27376 Barrington Street (tax parcel #44-25-14-476-003) and is zoned R-3, One-Family Residential district.

The applicant requests variances from the following sections of the Zoning Ordinance pertaining to minimum lot size:

Variance #1: Section 10.401: Minimum lot area (R-3 district): 5,500 square feet.

Variance #2: Section 10.401: Minimum lot width (R-3 district): 50 feet.

The applicant proposes to divide the existing residential parcel into two (2) parcels for the purpose of developing two (2) detached single-family homes. The new parcels are proposed as follows:

Parcel A: 5,038 sq. ft. (462 sq. ft. variance); 38 ft. in width (12 ft. variance).

Parcel B: 5,041 sq. ft. (459 sq. ft. variance); 38 ft. in width (12 ft. variance)

Per Lonnerstater, staff finds that the existing subject parcel is of a regular rectangular shape with adequate lot area, depth, and frontage to accommodate construction of one (1) single-family structure. The dimensions of the existing parcel do not deprive the property owner of rights commonly enjoyed by others in the R-3 zoning district, nor prevent the owner from developing a residential building on the parcel. However, staff notes that the variance requests are minimal when compared with the prevailing historic lot pattern on Barrington Street (40 feet lot widths and 5,225 sq. ft. lot areas). While the variances would result in two lots that are *slightly* smaller and narrower than those existing on the block today, staff does not believe that the variances would result in a substantial detriment to the public good nor significantly alter the character of the neighborhood.

Chair Kimble opens the floor for public comment on this item of the agenda.

A representative of the applicant introduces himself as Martino Thomas with an address of 8653 Hickory Drive, Sterling Heights MI. He welcomes questions from the Board.

Chair Kimble read a letter from Eve Sandoval, resident at 27360 Barrington in support of additional housing. She is the adjacent resident and has asked to consider not compromising the tree that currently exists on the lot line. Since her letter, the applicant has met with the resident. This letter was included in the ZBA packet.

ZBA ACTION

ZBA 10-24.

Lot width/area variances:

Motion by Holder, seconded by Oglesby to approve the dimensional variance requests to allow a land division at 27376 Barrington Street in the R-3 zoning district resulting in the following parcel dimensions:

Parcel A: 5,038 sq. ft. (462 sq. ft. variance); 38 ft. in width (12 ft. variance).

Parcel B: 5,041 sq. ft. (459 sq. ft. variance); 38 ft. in width (12 ft. variance)

The dimensional variances are granted based upon the following findings:

- 1) Section 10.401 of the Zoning Ordinance requires new parcels in the R-3 zoning district to contain a minimum lot area of 5,500 square feet and a minimum width of 50 feet.
- 2) The strict application of the regulations would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The special conditions and/or circumstances are not a result of the applicant.
- 4) The variances are the minimum variance necessary to provide relief to the applicant.
- 5) Pre-existing condition of the site creates peculiar and exceptional practical difficulties for urban redevelopment of the area which justify the granting of requested variances.

This variance is granted with the following condition:

- 1) Proposed structures on the new residential parcels shall satisfy all other dimensional and design standards contained within the Zoning Ordinance unless subsequent variances are obtained through the Zoning Board of Appeals, and all pertinent building code regulations.

Voting Yea: Chair Kimble, Members: Aaron, Corbett, Fleming, Holder, Marentette, Oglesby, Sagar, and Covert

Motion carries.

ZBA 11-24.

Side yard setback variances

Motion by Aaron, seconded by Fleming to approve the dimensional variance requests to allow a land division at 27376 Barrington Street in the R-3 zoning district resulting in the following parcel dimensions:

Parcel A: 5,038 sq. ft. (462 sq. ft. variance); 38 ft. in width (12 ft. variance).

Parcel B: 5,041 sq. ft. (459 sq. ft. variance); 38 ft. in width (12 ft variance)

The dimensional variances are granted based upon the following findings:

- 1) Section 10.401 of the Zoning Ordinance requires new parcels in the R-3 zoning district to contain a minimum lot area of 5,500 square feet and a minimum width of 50 feet.
- 2) The strict application of the regulations would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The special conditions and/or circumstances are not a result of the applicant.
- 4) The variances are the minimum variance necessary to provide relief to the applicant.
- 5) Pre-existing condition of the site creates peculiar and exceptional practical difficulties for urban redevelopment of the area which justify the granting of requested variances.

This variance is granted with the following condition:

1. Proposed structures on the new residential parcels shall satisfy all other dimensional and design standards contained within the Zoning Ordinance unless subsequent variances are obtained through the Zoning Board of Appeals, and all pertinent building code regulations.

Voting Yea: Chair Kimble, Members: Aaron, Corbett, Fleming, Marentette, Oglesby, Sagar, and Covert

Voting No: Holder

Motion carries.

ZBA 12-24. Public Comment: For items not listed on the agenda.

Seeing there were no additional comments, Chair Kimble opened public comment at 7:51 p.m. and closed the public comment at 7:52 p.m.

ZBA 13-24. New Business

No new business.

ZBA 14-24. City Planner updates

Planner Lonnerstater shares with the Board that the City Council recently adopted the new Zoning ordinance and it is available online.

ZBA 15-24. Adjournment.

Motion made by Holder, seconded by Oglesby to adjourn the meeting of the ZBA at

Voting Yea: Voting Yea: Chair Kimble, Members: Aaron, Corbett, Fleming, Holder, Marentette, Oglesby, Sagar, and Covert

Motion carries.

There being no further business, Chair Kimble adjourned the meeting at 7:54 p.m.