

CITY OF WALKER

ZONING BOARD OF APPEALS

Wednesday, July 28, 2010

7:00 p.m.

The meeting of the Zoning Board of Appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Charles Deschaine; Brian Boelens; Randy Smith; and James Hickey. **Also present:** Jeff Nelson, Building Official; and Sarah Bydalek, City Clerk. **Absent:** Beth Rogers.

DECISION AND ORDER

Legal Description

Property located at 3300 Peach Ridge, N.W., also known on the tax rolls as 41-13-04-251-004. Hearing requested by John & Deborah Goudzwaard.

The applicant's request is to build a 143 sq. ft. addition to the existing detached accessory building on the rear property line.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

John Goudzwaard – Applicant was present to discuss his application.

John stated if he built the addition on the front of the garage it would cost him more and be more difficult to add this addition. He had the property surveyed to find the property line, and would like to extend part of the back of the garage up to the property line.

Jim Hickey stated he visited the location and doesn't see a problem with the addition. He also stated it doesn't seem to be visible from either side neighbor.

Chuck Deschaine stated he didn't see a problem with it.

Jeff Nelson stated that due to the building being so close to the property line there will be additional requirements. The construction will have to include a one hour firewall, no windows, as well as additional requirements.

Bob Marz asked if the addition will match the façade of the existing building.

John Goudzwaard stated he is planning to make the new roof line perpendicular to the existing roof line and he would like to use corrugated siding for the sides.

Jeff Nelson stated the siding and roofing must meet the zoning specifications. The garage siding must match the existing and include a one hour firewall if not zoned AA.

Motion

Jim Hickey moved and Randy Smith supported the motion to approve the applicant's request to build a 143 sq.ft. Addition to the existing detached accessory building on the rear property line.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that does not apply generally to other properties in the same zoning district. The applicant would like to expand existing garage to rear property line to avoid change in appearance of building from street and neighbors. This would be a small expansion, on the back of the garage.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. 2099 Lamont Ct – (Garage expansion & setback variance); 3373 Peachridge (detached garage); 961 Timberwoods (Side yard).
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that the expansion of the garage will be on the back of the garage. It will not be visible from either the street or any of the neighbors. Expansion to be 5 foot 6 inches deep by 26 foot wide. Increase of 143 sq. ft. Allowable expansion up to 152 sq. ft. per variance is allowed in Ordinance No. 04-514 (2) b.1
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation. The addition will not be visible by any neighbors. Nearest building of rear neighbor is approximately 180 foot away. This addition will not impinge on existing fire lane approximately 160 foot away from property line. Existing berm hides expansion, and also makes any expansion by the Eastern neighbor toward property impossible. i.e.' no loss of use of property owned by any neighbors.
- e. Does not apply.

The Board proposed the following conditions:

1. That this addition meets Building and Zoning Code conditions.

Motion carried 4-2, with Brian Crabtree and Randy Smith opposed.

DECISION AND ORDER

Legal Description

Property located at 533 Cloverdale, NW, also known on the tax rolls as 41-13-19-378-036. Hearing requested by Vicki Andrews.

The applicant's request is to remove the existing attached garage which is 4.5 feet from the north property line instead of the required 7 feet. The applicant proposes to build a new garage in the same location, which is 4 feet deeper than the existing garage. The entire garage will be built with a code compliant wall and footing.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

Jeff Nelson clarified a correction on the Engineering report; the owner is not lowering the elevation of the garage four (4) foot, they are extending the garage by an additional four (4) foot.

Randy Smith asked if the resident had a basement.

Vicki Andrews replied that they only have a crawl space about (5) foot high.

Jim Hickey asked Jeff Nelson what the frost law requirements were.

Jeff Nelson replied 42 inches below grade.

Jim Hickey asked how much time is allowed for construction.

Harry Prins, Rasmussen LLC stated the existing house currently has eight inch aluminum siding, the new garage construction will be similar in color and will be double four inch white vinyl siding. The owner plans to replace the house siding in the near future to match the new garage.

Jeff Nelson replied that from the date of receiving the building permit they need to start construction within six months and complete construction within one year. This construction will also bring the garage within 5 feet of the property line which will also require them to meet the fire code regulations of a one hour firewall.

Motion

Roger Crabtree moved and Jim Hickey supported the motion to approve the applicant's request to remove the existing attached garage which is 4.5 feet from the north property line instead of the required seven feet. The new garage will be built in the same location, with additional four feet. The entire garage will be built with code compliant wall and footing regulations.

There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that does not apply generally to other properties in the same zoning district.

- a. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. The current garage is already non-conforming; the new garage would be constructed in the same location, with an additional 4 foot on the back. The garage floor would be raised to improve rain run off in the driveway. The current foundation does not currently met code requirements.
- b. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that this will be an improvement from current structure. Previous variance request: 1467 Ferndale, and 2099 Lamont Ct.
- c. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation. There is currently a garage on site. The new garage will not interfere with neighbors and will enhance the quality of the home. Eventually they will side the house to match the new garage.
- d. Does not apply.

Motion carried unanimously.

Motion

Jim Hickey moved and Chuck Deschaine supported the motion to approve the Zoning Board of Appeals minutes of July 14, 2010.

Motion carried unanimously.

Motion

Randy Smith moved and Roger Crabtree supported the motion to adjourn the Zoning Board of Appeals at 7:50 p.m.

Motion carried unanimously

Respectfully submitted,

Roger Crabtree
Zoning Board of Appeals Secretary

Sarah Bydalek CMC
City Clerk