



City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

Public Hearing and Zoning Board of Appeals Meeting July 25, 2013

Having been duly publicized, Deputy Mayor Bushey called the meeting to order at 6:00 p.m.

Present: Commissioners Bushey, Krzysiak, Perry, Rubino.
Also Present: City Manager Ball, City Attorney Need, City Clerk Allison.
Absent: Mayor Castelli.

14 Ridge Road – Use and Dimensional Variance

Manager Ball outlined the request by the petitioners to construct a 34x46 garage with a porte-cochere. The proposed structure includes a proposed kitchen and bathroom. There will be parking available for 4 cars in the proposed garage. There is currently a two car attached garage. The additional storage space is needed to store holiday decorations and other materials, which are currently being stored off site. The lot is a double lot with two legal descriptions. The setback requirements have been satisfied, as well as the lot coverage requirement. There is one use variance and three dimensional variances. The first variance is required since the garage will have potential parking for four vehicles, which is the maximum. Currently, the petitioner has a two car attached garage. The second variance is needed since the proposed garage exceeds the 750 square foot maximum requirement, it will be 1,447/sf. The third variance requires the garage to be set back from the front line of the primary structure. The final variance is a use variance due to the potential living space, with a full kitchen and full bathroom. The City's Planning Consultant and the City's Zoning Attorney have both reviewed the proposed construction.

Ms. Natalie Leavy, 14 Ridge Road, petitioner, is requesting a variance to construct a new garage. The homeowners would like to improve the property. They would like their home to meet their needs, collecting cars, gardening, crafts and entertaining. She has discussed plans with neighbors and they are supportive and she has provided letters in support. Her property consists of two buildable lots and the construction of the garage would not like to disrupt the historical character of her property. They would like an outdoor entertaining space, storage for cars and storage for decorations. The former owners split the lot, at the rear lot line, and she feels this has created a hardship since that space no longer exists, and there is no backyard. The garage will be attached to the house by a porte-cochere. The design will have the least impact to the current structure. The petitioner's consider the garage to be an attached structure. There have been some proposed changes to the plans, which the petitioner provided this evening. The kitchenette and bathroom are both small and should not be considered as a living space. The revised plans detail the elimination of the upper "hang out" room above the kitchenette/bathroom. The design proposal also provides a curb in order to only park two vehicles in the garage. The proposed construction will be screened from view. The design is consistent with the house and neighborhood.

Deputy Mayor Bushey opened the public hearing at 6:23 p.m.

Mr. Robert Greager, 3 Woodside Park, understands the ZBA member's caution. Expressed his support of the proposed construction. The house on the property sets back farther on the lot, so the proposed garage construction is not unique, in sitting in front of the current home. Feels this property is a jewel in the community. The garage fits in with the character of the house. The proposed garage is complementary to the property and neighborhood.

Deputy Mayor Bushey closed the public hearing at 6:30 p.m.

Commissioner Krzysiak commented he appreciated the comments given this evening. Had concerns about the use of similar materials, will it be difficult to match the existing materials on the home.

Mr. Rick Kastler, Kastler Construction, commented that he actually built the addition at 38 Ridge Road, when he was the owner and worked to match the materials. He is able to get an exact match for the roof, the granite will match and the cedar shakes are available. The garage doors will be custom made to match the original home.

Commissioner Krzysiak questioned the City's Zoning attorney regarding the attached garage addition. Would the attached garage cause the lot to be non-splitable.

Mr. Need commented that the addition itself would not prohibit the lot from being split, however, the board could require that as a condition of the variance award, that the lot cannot be split.

Commissioner Perry commented if there was a way for the proposed garage could be moved or turned so that the garage could comply with the ordinance.

Ms. Leavy commented moving the garage would cause the neighbors a hardship by moving it closer to them. Also shifting it back on the lot would cause them to lose sightlines and views. Shifting the garage would mean entertaining in the front yard.

Ms. Tammis Donaldson, the petitioners architect, commented that the porte-cochere line extends across the front porch, there is also a sunroom that they are trying not to block. The proposed garage needed to be proportionate with the existing house.

Commissioner Rubino commented if the garage was turned, it would not be any more of an encroachment than the existing house. If the porte-cochere were enclosed, would that be an attached structure.

Mr. Need commented that if the porte-cochere were enclosed, it would be considered part of the principle structure.

Commissioner Rubino commented that the petitioners' claim for hardship is where the house sits on lot, and that there is no backyard, but he noted that the homeowner purchased after the lot was split at the rear and they knew dimensions. He also commented that the petitioner may withdrawal their request in order to have a vote of the full Zoning Board.

13-2935

Motion by Commissioner Rubino, second by Commissioner Krzysiak, that the request by Mark and Natalie Leavy, 14 Ridge Road, Pleasant Ridge, Michigan, for variance to the Pleasant Ridge Zoning Ordinance, Section 26, of the Pleasant Ridge City Code regarding certain dimensional variances be approved with the following conditions:

1. That the proposed garage cannot be sold as a separate unit – living space and the lot not be further divided.
2. Exception to Section 26-13.1 (3) by allowing the garage to be built at 1,448/sf
3. Exception to Section 26-13.1 (4) by allow the garage to extend 20 feet beyond the front wall of the existing house.
4. Enforcement of Section 26-2.1 by allowing the proposed garage to accommodate no more than 2 vehicles, with a parking maximum of 4 vehicles allowed between the current and proposed garage
5. The variance is based on the revised plans submitted by the applicant and approved by the Building Official regarding the elimination of formerly proposed living area on the second floor;

because the strict regulations enacted would result in practical difficulties to, or undue hardship upon, the homeowner. Further, if granted, the variance would not cause any detriment to the public good and would uphold the intent and purpose of this Ordinance.

Denied: Yeas: Commissioners Rubino, Krzysiak.
 Nays: Commissioner Perry, Deputy Mayor Bushey.

23810 Woodward Avenue – Sign Variance

Manager Ball outlined the request by the petitioner. Specifically, the owners of Cork would like to install a painted sign onto the side of their building. A wall sign is allowed, however, a painted sign would require a variance.

Kelly Walsh, 19 Cambridge, petitioner, commented that the wall sign would give the restaurant greater visibility. It is also a safety issue, customers would be able to see the building and not have to turn into the parking lot at the last minute.

Deputy Mayor Bushey opened the public hearing at 7:05 p.m.

With no comments or discussion, Deputy Mayor Bushey closed the public hearing at 7:06 p.m.

Commissioner Perry commented she has concerns with painting the sign and setting a precedence regarding wall signs.

Ms. Walsh commented there are other materials, but she feels historically signage is painted onto the building. She would like to keep a historic look. The backwash painting detail will keep the sign subdued. She considered other materials, but feels her proposed sign and materials would look best.

Commissioner Rubino commented about the hours of operation. Commission received a letter of complaint.

Ms. Walsh responded with her hours of operation. Service is until 10:00 pm during the week and midnight on Friday and Saturday night. Employees are there to clean up after service, however she is not aware of anyone being in the building at 2:00 am.

Commissioner Krzysiak commented that the request is for two variances, a painted sign on the building and the fact there will be two signs at this business. Questioned if the Planning Commission looking at a revision to the ordinance.

Manager Ball commented that there is a need to grant a variance for two signs, as well as the painted sign. The City Commission can request that the Planning Commission review the ordinance, if that body feels it is necessary to update the ordinance.

Deputy Mayor Bushey commented he liked the sign and the creativity of it. Examples of other painted signs on Woodward Avenue in other communities. He would prefer the sign be in some other material.

Commissioner Rubino commented that the proposal is good looking and will add to the business, but he does not like painted signs.

13-2936

Motion by Commissioner Perry, second by Commissioner Rubino, that the request by Ms. Kelly Walsh, owner, Cork Wine Pub, 23810 Woodward Avenue, Pleasant Ridge, Michigan, for variance to the Pleasant Ridge Zoning Ordinance, Section 26-13.4, of the Pleasant Ridge City Code regarding installation of a painted wall sign be denied, because the owner has not established grounds for practical difficulty or hardship.

Denied: Yeas: Commissioners Perry, Rubino, Krzysiak, Deputy Mayor Bushey.
 Nays: None.

60 Kensington – Use Variance

Manager Ball outlined the request by the petitioners, Mr. and Mrs. Jodi McGuire. Specifically the owners at 60 Kensington are requesting the property be considered a two-family property. There is a garage and onsite parking on the property. There are currently eight properties in the single family district that are being rented at two family properties. The City does not have record that this property was a licensed residential property, however, the neighbors had reported it as a rental. The former owner stated it was not being used as a rental.

Mr. Jim McGuire, 6 Woodside Park, commented that there is no garage on the property. Although the County records indicate there is a garage on the property, it is more of a shed. The petitioners currently own several other rental properties in the surrounding communities. They plan on doing updates to the property. They try to attract young professionals to their properties. They put in high end features when they remodel. They keep the rents below market value which allows them to be selective when picking a tenant. They have been able to attract long term tenants and have never raised the rent. The alternative is to rent the property as a single family home with five bedrooms, which changes the target market – which may not be desirable for the rest of the neighborhood. He feels this is not in keeping with the characteristic of the neighborhood. It has been historically used as a two family.

Deputy Mayor Bushey opened the public hearing at 7:31 p.m.

Mr. Robert Greager, 3 Woodside Park, commented he is in support of the variance.

Ms. Martha Schlesinger, 38 Devonshire, commented that the property is not in very good condition and the neighbors are thrilled that it was purchased and will be maintained. She supports the variance.

Deputy Mayor Bushey closed the public hearing at 7:33 p.m.

Commissioner Perry commented if there is a difference in taxes between a one family or two family. Concerned with the burden to the surrounding residents. Need to consider additional services required for a two family unit.

Commissioner Rubino asked how long it was a rental property.

Manager Ball commented the property has been used as a two family for several years, however the previous owner denied access for inspections.

Commissioner Krzysiak questioned if there is an additional parking requirement.

Manager Ball commented there needs to be two off street parking spaces per unit. This property would comply.

Deputy Mayor Bushey asked if there are currently separate entrances to the units.

Mr. McGuire responded there are separate entrances at the front and side of the house to each unit.

Commissioner Rubino commented in one of the letters there was a concern regarding more rental properties in that area.

13-2937

Motion by Commissioner Krzysiak, second by Commissioner Perry, that the request by the owners of 60 Kensington Boulevard, James and Jodi McGuire, 6 Woodside Park, Pleasant Ridge, Michigan, for variance to the Section 26, Article IV, of the Pleasant Ridge City Code regarding the use of a property in a single-family residential district, be granted, because the strict regulations enacted would result in practical difficulties to, or undue hardship upon, the homeowner. Further, if granted, the variance would not cause any detriment to the public good and would uphold the intent and purpose of this Ordinance.

Denied: Yeas: Commissioners, Krzysiak, Deputy Mayor Bushey.
 Nays: Commissioner Perry, Rubino.

*****Note: House was built in 1927, prior to the adoption of the Code(s). City Manager notified homeowner that a variance was not needed. Rental license will be issued upon receipt (see file).***

A1 Norwich – Side yard setback

Manager Ball outlined the proposal by the petitioners. Specifically, the owners at A1 Norwich are requesting a variance to the side yard setback requirement for the construction of a new home. The original plans for the home were in compliance with the zoning ordinance, however, during the utility review phase, it was discovered that DTE required a setback from the main power lines. In order to comply with the required DTE setback, the proposed home needed to be moved to the east causing a 4.2 foot setback. The parcel was created due to a lot split at 36

Ridge Road and is currently a buildable lot. The frontage is 50 feet and the rear is 43 feet. The petitioners are requesting a 1 foot side yard setback. The planned design for the house, calls for the garage to sit in front of the house. It meets the front yard setback requirements, but since the garage sits in front of the property, a variance is also required for this feature as well.

Mr. and Mrs. Boudreau, petitioners, commented that the DTE primary line issue caused a hardship and a variance was granted by DTE. They are requesting a variance to the side yard setback requirement, so that the proposed house may be built within the DTE variance. They are meeting the 13 foot combined side yard setback requirement. The proposed garage was designed as is, due to the way the lot was split. The tapering of the lot in the rear caused a hardship for the placement of the garage. There is a precedence that has already been set for the garage placement, other properties in the community have garages constructed in the front of the home.

Mr. JR Ruthing, TR Design Group, has been working with homeowners on proposed project. There are difficulties in the narrowness of the lot. Due to the unique shape and orientation in the lot, the plans were designed as proposed. Feels that the lot is the anchor lot for the street and can support this design. When making the turn onto Norwich, the primary view is the front of the house, which he feels is desirable. The placement of the house offers the petitioner and the neighbor to the west the most privacy.

Deputy Mayor Bushey opened the public hearing at 8:00 p.m.

Ms. Sharon Zmick, 36 Ridge Road, asked if burying the DTE lines were an option.

Ms. Boudreau commented the lines cannot be buried because it is a primary line and DTE does not bury primary lines.

Ms. Zmick commented she split the lot as wide as she could to make it a buildable lot and in order to keep her existing garage. She feels the lot has been vacant because the owners needed creativity. Discussed creative ways the building could work. She feels that the structure will be jutting out. Would like to see a sketch of what the house will look like.

Mr. Pete Oravetz, 4 Norwich, commented he would like the Board to consider that the land would need to be completely cleared, two large oak trees and a large pine tree would need to be removed and would change the pattern of the block. Also, one of the characteristics of the block is the front yards of the surrounding neighbors, the new house would not have that look. Is additional parking going to be an issue in the future, if their cars do not fit in the garage, they would be on the street – Norwich is a narrow street already – the house is right on top of you when you drive on the street.

Mr. Mark Johnson, 21 Maywood, questioned if there are two variances being requested, how did the proposed plans get so far with the garage being in the front. There are a number of 40 foot lots that require detached garages in order to accommodate the narrow width of the lot. The Zoning Ordinance does not address new construction and attached front entry garages. Feels that the Zoning Ordinance needs to be updated.

Manager Ball answered that there are two variance being considered; front yard garage and the side yard setback, requested by the homeowners.

Deputy Mayor Bushey commented that examples of front entry garages are on Hanover and Cambridge, variances are not required at that time.

Ms. Natalie Campbell, 32 Ridge Road, is there a possibility for a detached garage.

Mr. Ruthing commented the length of time working on plans was not all drawing. He had not spoken with Ms. Ball regarding the property sketch. He spoke with the Building Official and discussed the plans. They have reduced the size of the house by one foot and he was told, by the Building Official, that the garage in front was not prohibited but would need to be reviewed. The former owner had plans that included a front entry garage. The turning radius is impossible for a side entry garage. The homeowners are open to landscaping and aspects that are aesthetically pleasing. The garage is maximizing space so that a car would not be parked outside of the garage in the driveway.

Ms. Zmick would like the proposed construction to align with the rest of the properties on Norwich.

Ms. Boudreau commented that a detached garage would narrow the house considerably in order install a driveway and that was not a reasonable option. The setback of the side of house, meets the total requirement of 13'. The trees would need to be cleared regardless. The lot was split by the City in order to build on it.

Mr. Gary Bowers, Building Official, commented that during the meeting with the architect, there were very preliminary designs. There was discussion about habitable area above the garage. The City needed further plans in order to determine if the garage would be allowable as proposed.

Mr. Ruthing commented he feels it is impossible to design a detached garage on that lot. Would need the driveway to go almost from lot line to lot line. The intent of the proposed construction is to decrease hard space and increase landscape. He reiterated that he cannot create a side turn garage. They can have a detached garage with a front facing door in the rear yard, which faces Norwich, but that would not be attractive.

City Clerk Allison read the public comments received regarding this variance. One opposed, two in support, one conditional approval and one undecided.

With no further comments or discussion, Deputy Mayor Bushey closed the public hearing 8:31p.m.

Commissioner Perry questioned whether the matter should be tabled.

Manager Ball commented there is no reason from the City's standpoint that this should be tabled, unless the Boudreau's request it to be tabled.

Ms. Boudreau commented that she thought she did not need a variance for the garage until about a week ago.

Commissioner Rubino commented the homeowners can withdraw their petition this evening and request to be re-heard, if they would like a vote of the full Zoning Board.

Commissioner Bushey commented he has concerns with the placement of the garage at the front of the house.

Commissioner Perry commented the garage in front is a concern. The sidewalks and the front porches make the community more connected. She understands the problems with these lots which have been created by splits.

Ms. Bordreau withdrew their requested. They will petition to be heard at a later date.

With no further business, Deputy Mayor Bushey adjourned the meeting at 8:36p.m.

Respectfully submitted,

Jerry A. Bushey, Deputy Mayor

Amy M. Allison, City Clerk