



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

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**Zoning Board of Appeals Meeting  
May 15, 2018**

Having been duly publicized, Mayor Metzger called the meeting to order at 6:02 p.m.

Present: Commissioners Krzysiak, Perry, Scott, Wahl, Mayor Metzger  
Also Present: City Manager Breuckman, City Clerk Drealan  
Absent: None

**Request by Mr. Paul Tulikangas and Ms. Michele Kamier, 37 Maplefield Road, Pleasant Ridge, for a variance to Section 82.164 (9) of the Pleasant Ridge Zoning Ordinance, regarding the front yard setback requirement for a residential property.**

Mr. Paul Tulikangas, petitioner, 37 Maplefield, gave a power point presentation of the reasons he is requesting the variance. He introduced the potential architects and builders for the project. He is requesting a variance to the front yard setback to match the front of the existing house. The current ordinance would require new construction to be built approximately 9 feet further back. They are looking to add another bedroom and bath upstairs and expand space on the first floor including an attached garage. The house was built in 1924 long before the current ordinance was enacted. As neighboring houses were built from the '20s through the '40s, the setback lines varied from year to year. They are trying to save the existing detached garage and maple tree.

Commissioner Krzysiak expressed concern regarding the size of the addition in relation to the size of the lot. There was discussion regarding the location of the maple tree. The proposed addition is well in front of the tree. Moving the plans back would potential endanger the tree. It is a substantial tree. The exact type of maple is unknown. There was discussion regarding whether the existing garage should stay or whether it might violate the total square footage requirements. The existing garage is primarily storage and a woodshop. City Manager Breuckman indicated that, even with the existing garage, the project would fit within the ordinance square footage requirements. He noted that it is an existing nonconforming site as it stands due to an additional gazebo. Petitioner indicated he would agree to remove the gazebo.

Breuckman presented a history of the zoning board of appeals. It is a quasi-judicial function. There are established tests for requests for dimensional variances. All four parts of the test must be met to grant the variance. It is not a discretionary decision. Neighbor support is not a reason to grant a variance which is a request for relief from the laws of the city. The first test is deprivation of development rights. The second test is substantial justice. The third test is unique circumstances.

The fourth test is whether the need for the variance is self-created. The Commission should make findings of fact regarding each of these tests to form the basis for its decision. Commissioner Krzysiak inquired whether the existing tree would be considered a unique natural feature of the property. There was discussion regarding the history of some of the setback ordinances. The previous setback for 37 Maplefield was 30 feet. The current ordinance is actually a relaxation of that requirement. Breuckman noted that the setbacks along Maplefield are not entirely consistent due to the fact that the road had long ago been replatted. As a result, the setback requirement was calculated from the curb rather than the property line. 37 Maplefield is currently set back 31 feet from the curb. The neighboring addresses have setbacks of 40 feet or more. Since there is not a consistent setback, there was an administrative decision to use the 40-foot setback at 35 Maplefield in referring to the potential setback requirements for 37 Maplefield. The average neighboring setback was 43.5 feet. The proposed addition would expand the already existing nonconformity at 37 Maplefield. Breuckman noted that the proposed addition is well thought out and attractive, however, it can be altered to produce the same effect without expanding the nonconformity. Granting the request would provide the petitioner with a special benefit not enjoyed by the neighboring properties. This property does not have any unique circumstances other than that it and the neighboring properties have different setbacks than the rest of the street. However, this lot is also larger than the neighboring lots. Lastly, the problem is self-created because the petitioner has created this nonconforming building plan. The staff recommendation is to deny the request.

Krzysiak noted that both 14 and 15 Maplefield have garages that line up with the front of the home. He inquired as to what is different about this project from what was built at those addresses. Breuckman noted that the garages at 14 and 15 Maplefield meet the setback requirement. The proposed garage at 37 Maplefield does not meet that requirement. Maplefield has a number of front loaded garages many of which would not meet the current ordinance which requires that the garage cannot represent more than 30% of the front of the house.

Mayor Metzger opened the public hearing at 6:37 p.m. He noted that there was one comment received which was not in favor of granting the variance.

Charlie Kughn, 40 Maplefield, stated that he lives across the street and he and his neighbor would be most impacted. He has reviewed the plans and is in favor of the project.

Petitioner noted that the fact that his house sits farther forward than other properties should be considered a hardship because he cannot build garages similar to his neighbors. Mr. Kevin Crosby, architect for the petitioner, indicated that they looked at other options but that this plan works best with house's existing unique features. Other options would not be as attractive overall. There will be conflict with the rooflines and problems with head clearance. He noted that every possibility had not been exhausted. Breuckman noted that the argument that the house is unique because it is nonconforming would allow every nonconforming house to add any kind of addition.

With no further comments or discussion, Mayor Metzger closed the public hearing at 6:45 p.m.

Krzysiak inquired whether the roofline problem that would be encountered if the variance is denied would then require a variance from the design standards ordinance. That issue cannot be addressed at this time. He expressed support for granting the variance due to the uniqueness of this property and that it gives justice because the addition will not go further forward than the front of the house.

Commissioner Scott left the meeting at 6:51 p.m. His comments had been previously submitted. Perry indicated that she liked the plan but could not support the variance due to other options being available. She indicated that she felt there were ways to protect the maple tree with other plans.

Breuckman noted that three affirmative votes were necessary to approve the variance.

Commissioner Krzysiak made a motion in the matter of the request for a variance of 9 feet from the minimum required front yard setback requirement of Section 84-164, by Mr. Paul Tulikangas and Ms. Michele Kamier, 37 Maplefield Road, Pleasant Ridge, the Zoning Board of Appeals grants the variance with the following findings and subject to any applicable conditions:

### **Findings**

1. Special or unique conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures or buildings in the same district.
2. A literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance, and the requested variance is the minimum necessary.
3. The special conditions and circumstances do not result from the actions of the applicant. The building pattern that exists along the street is a long-standing situation that existed long before the applicant purchased the property.
4. The granting of the variance will be in harmony with the general purpose and intent of the Zoning Ordinance by allowing a new building at an established building line.
5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare by allowing a front setback consistent with neighboring properties.
6. The spirit of the Zoning Ordinance shall be observed, public safety secured, and substantial justice done.

Motion dies due to lack of support.

### **18-3370**

Motion by Commissioner Perry, second by Commissioner Wahl, in the matter of the request for a variance of 9 feet from the minimum required front yard setback requirement of Section 84-164, by Mr. Paul Tulikangas and Ms. Michele Kamier, 37 Maplefield Road, Pleasant Ridge, the Zoning Board of Appeals denies the variance with the following findings and subject to any applicable conditions:

## **Findings**

1. No special or unique conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures or buildings in the same district.
2. A literal interpretation of the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.
3. The special conditions and circumstances do result from the actions of the applicant, and as such are self-created. Alternatives do exist which would allow the site to comply with the minimum front yard setback requirement of the Zoning Ordinance.
4. The granting of the variance will not be in harmony with the general purpose and intent of the Zoning Ordinance. The variance will allow for a house with a lesser front setback than otherwise required and is not in keeping with ordinance requirements or the character of the neighborhood.
5. The variance will be injurious to the neighborhood or otherwise detrimental to the general welfare by allowing an addition that expands an existing non-conforming structure.
6. The spirit of the Zoning Ordinance will not be observed, and substantial justice will not be done by providing a special benefit to the applicant that is not enjoyed by other properties in the zoning district, and which will promote future requests for similar variances that undermine the integrity of the Zoning Ordinance.

Adopted:                   Yeas: Commissioners Perry, Wahl, Mayor Metzger  
                                  Nays: Commissioner Krzysiak  
                                  Absent: Commissioner Scott

### **Request by Mr. Ben Roberts, 55 Sylvan Avenue, Pleasant Ridge, for a variance to Section 82.193(3) of the Pleasant Ridge Zoning Ordinance, regarding the Maximum allowable square footage permitted for an accessory structure for a residential property.**

Mr. Ben Roberts, 55 Sylvan Avenue, noted that a letter went out to residents that seemed to indicate that he was building a garage bigger than the house. He indicated that that is not the case. He is proposing building a new garage to house two classic cars and an engineering vehicle that he brings home from work occasionally that must be kept secured. He is asking for a dimensional variance. He noted that his property is a double lot which is approximately 11,000 square feet. The new structure would be a garage only and not a secondary house.

Mr. Gary Roberts, architect for the petitioner, noted that the existing garage leans and was designed in the 1920s for Model A cars rather than today's modern vehicles. They are asking for a variance to the 750 square foot cap. If the house was not in the middle of the double lot, he could be building this garage on the second lot without the need for a variance. He noted that it is a hardship for Mr. Ben Roberts to not have a smaller garage given his vehicles and the nature of his hobby of working on them. It is unique because it is the only double lot on that street. The plan is to build a structure

that will match the look and roofline of the house. It will be located at the very rear of the property. There are also large trees that they are attempting to work around.

Mayor Metzger and Commissioner Wahl inquired whether the 750 foot cap would work. It would not because, with three bays, the garage would not be deep enough to park the vehicles in. Petitioner noted that the proposed garage would not exceed the ordinance that limits building coverage to 30% of the rear yard.

Breuckman stated that the requested variance is for 120.15 square feet. The proposed accessory structure is 864 square feet. The maximum garage area allowed is 743.85 square feet. He noted that the ordinance excludes the footprint of the porches from the calculation. The petitioner noted that there is a difference between the definition of floor area and the definition of the footprint of a building. Breuckman reiterated the four-step test. He noted that the need for the variance is driven by the petitioner's desire to have a larger than two-car garage with stairs to the second story. He added that there are many options that would meet the petitioner's needs without needing a variance. This is a citywide ordinance so it is not a zoning district question.

Mayor Metzger opened the public hearing at 7:12 p.m.

Mr. Michael Valentine, 65 Sylvan, is in favor of the variance. He feels that it would be beneficial to the neighborhood. It will be an improvement to the existing garage. It won't be that noticeable when built due to the size of the lot. He thinks it is a nice, tasteful design.

Ms. Michelle Lodge, 51 Sylvan, is in favor of the variance. She thinks it would increase the value of neighboring properties.

Petitioner noted that the cap in Pleasant Ridge is lower than in other communities and noted that some communities have a sliding scale based on the size of the property.

Mayor Metzger noted that the city is trying to restrict the number of very large footprint buildings. Three public comments were received prior to the meeting: two were opposed and one in favor of granting the variance.

With no further comment or discussion, Mayor Metzger closed the public hearing at 7:16 p.m.

Krzysiak noted that the existing structure is in disrepair. He stated that exceeding the square footage cap is the issue. There is a difference between rural areas and Pleasant Ridge. He is interested in increasing the ordinance in the long term. Mayor Metzger is not in favor of increasing the cap.

**18-3371**

Motion by Commissioner Krzysiak, second by Commissioner Perry, in the matter of the request for a variance of 120.15 square feet from the maximum detached accessory building area requirement of Section 82-193, by Mr. Ben Roberts, 55 Sylvan, Pleasant Ridge, the Zoning Board of Appeals denies the variance with the following findings and subject to any applicable conditions:

## Findings

1. No special or unique conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures or buildings in the same district.
2. A literal interpretation of the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.
3. The special conditions and circumstances do result from the actions of the applicant, and as such are self-created. Alternatives do exist which would allow the site to comply with the maximum area requirement of the Zoning Ordinance.
4. The granting of the variance will not be in harmony with the general purpose and intent of the Zoning Ordinance. The variance will allow for a detached garage with a larger area than otherwise permitted and is not in keeping with ordinance requirements or the character of existing detached garages in the neighborhood.
5. The variance will be injurious to the neighborhood or otherwise detrimental to the general welfare by allowing the construction of a larger than permitted structure. This could spur requests for similar variances in the future.
6. The spirit of the Zoning Ordinance will not be observed, and substantial justice will not be done by providing a special benefit to the applicant that is not enjoyed by other properties in the zoning district, and which will promote future requests for similar variances that undermine the integrity of the Zoning Ordinance.

Adopted:                      Yeas: Commissioners Krzysiak, Perry, Wahl, Mayor Metzger  
                                         Nays: None  
                                         Absent: Commissioner Scott

With no further business or discussion, Mayor Metzger adjourned the meeting at 7:21 p.m.

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Mayor Kurt Metzger

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Amy M. Drealan, City Clerk

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