

**CITY OF ST. CLAIR
ZONING BOARD OF APPEALS MINUTES
WEDNESDAY – NOVEMBER 18, 2015 - 7:00 P.M.
CITY HALL – 547 N. CARNEY DR.**

CALL TO ORDER:

Chairman Jim Bier called the meeting to order at 7:02 p.m.

ROLL CALL:

Present:	Chairman	Jim Bier	Member	Branden Hill
	Member	Art Wimmer	Member	JoAnn Westrick
	Member	Doug Vernier		

Administration: Planning/Zoning - D. J. Boulter

Absent: Daniel Seibel – Unexcused, Ralph Gizowski - Excused

Audience: George Bogaert -Tuff Shed representing Eileen/Fredrick Latuperissa,
Deuane Martin – 1515 Oakland

APPROVAL OF AGENDA:

Chairman Jim Bier entertained a motion to approve the agenda with corrections. Joann Westrick made a motion to approve the agenda with corrections. Supported by Doug Vernier. All in favor, opposed none

APPROVAL OF MINUTES:

Chairman Jim Bier entertained a motion to approve the minutes of September 15, 2015, with corrections. Branden Hill made a motion to approve the minutes as corrected. Supported by Art Wimmer. All in favor, opposed none

CORRESPONDENCE: None.

UNFINISHED BUSINESS: None

Jim Bier entertained a motion to open the public hearing. Branden Hill made a motion to open the public hearing. Supported by Doug Vernier. All in favor, opposed none.

PUBLIC HEARING:

- 1. Eileen/Frederik Latuperissa
400 S. 4th
St. Clair, MI 48079
74-07-049-0041-000**

D.J. Boulter – Eileen and Frederik Latuperissa have applied for a variance to the Zoning Board of Appeals to construct a 13'6" x 24 ' for a total of 324 sq ft.detached accessory structure in the rear/side yard of their property. This home is zoned R1A which requires a 3' side and rear setback and a 5' setback from any other structure. The proposed structure would be located 3' off the south property line and 3' off the west property line.

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Petitioners are requesting a variance for rear yard coverage. Zoning code allows an accessory structure to be 65% of the first floor square footage of the main dwelling or 900 sq ft. Total square footage of this house is 986 sq ft of the ground floor. This would allow a 640 sq ft. building. Actual rear yard is 357 sq ft x 30% equals 107 sq ft allowed by ordinance. 324 sq ft – 107 sq ft allowed requires a variance of 217 sq ft.

Petitioners are also requesting a variance of Section 5.33.3 Schedule of accessory structure which states a detached accessory building must have a 5' setback from any other structure. The proposed location is 3' which will require a variance to 2'

This is a very small parcel which becomes a hardship for the property owner. Due to the location of an existing egress bedroom window this garage cannot be attached. Because of this problem and the minimum required side yard setback of 3' it is necessary to encroach into the required 5' from any other structure. There is only a portion of the garage located in the rear yard.

Jim Bier – Is anyone here to speak for the petitioner?

George Bogaert – I am here to represent the homeowners Fredrik and Eileen Latuperissa. D.J. has met me at this location and we talked about several options but everything we discussed did not work. This plan was the best option for the lot size and location of the house and lot lines.

Doug Vernier – Where will the tenant park? This house is being used as a two family residence and therefore should have four parking spaces.

George Bogaert – This house has a 16' driveway and currently the tenant is parking by the porch close to the house.

Jim Bier – Does this house meet the lot coverage requirements?

D.J. Boulier – It very well may not. It is one of the houses where the zoning was changed in 2014 from multi-family to R-1A. It is on one of the smaller lots.

Jim Bier – Will this allow access to the garage from the driveway?

George Bogaert – Yes

Art Wimmer – What is Tough Shed?

George Bogaert – It is a company name. We build garages.

Art Wimmer – Will they be putting in a driveway?

George Bogaert – Yes, they will be pouring a complete concrete driveway.

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Art Wimmer – Will they make it wider up to the house?

George Bogaert – They will flare it out for the tenant parking.

Deuane Martin – 1517 Oakland – I am here to speak for the Latuperissa's who live in California. Fred is a friend of mine and they bought this house to be closer to their grandchildren that live in Chesterfield. They have plans to widen the driveway and make improvements to the house. They would like to have this garage to get their car out of the weather and have some storage.

Jim Bier entertained a motion to close the public portion of the meeting. Branden Hill made a motion to close the public portion of the hearing. Supported by Joann Westrick. All in favor, opposed none.

Jim Bier – Does anyone have any comments?

Joann Westrick – I am in favor of granting variances for both lot coverage and setback from another building.

Art Wimmer – No issues

Branden Hill – I have no issues.

Doug Vernier – I would vote no because this is a rental unit and they require four parking spaces according to the ordinance.

D.J. Boulier – This would be exempt from parking requirements because this was existing when the ordinance was changed. This is a legal, non-conforming residence.

Jim Bier – I appreciate a no vote to show that this board is not without conflict and members are able to speak about their concerns. Our biggest issues have been with fences on the smaller lots because we have to leave room for emergency access. I appreciate a dissenting vote because it shows we are looking at the variance. We are a quasi-judicial board and by allowing each person to state their views individually if we were to go before an appeal it allows the judge to see each person's opinion. We encourage each board member to vote their conscience.

Much of St. Clair is made up of older homes with very small lots. These subdivision date to a time when families may have owned no car, or one car.

In today's society we have more possessions than people had when this residence was built. In similar situations we have considered variances on a case by case basis. We have frequently granted variances after considering safety considerations and input from neighbors.

Deuane Martin – Neighbors were given the opportunity to speak to this variance, right?

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Jim Bier – Yes, they were sent notifications.

Deuane Martin – Since no neighbors responded, that would imply they have no objections. The Latuperissa's want to improve this house.

Jim Bier – You have responded and we appreciate your input.

Branden Hill made a motion to approve the variance of Section 5.33.3 for Eileen and Frederik Latuperissa at 400 S. 4th Street, St. Clair, Michigan, property #74-07-049-0041-000, for an additional 217 sq ft for rear yard coverage and a 2' variance from the required 5' setback from any other structure with a firewall installed on the north wall facing the house. Seconded by Joann Westrick. Four in favor, one opposed

Roll call vote:

<i>Jim Bier</i>	<i>yes</i>
<i>Joann Westrick</i>	<i>yes</i>
<i>Att Wimmer</i>	<i>yes</i>
<i>Branden Hill</i>	<i>yes</i>
<i>Doug Vernier</i>	<i>no</i>

Motion passed

Jim Bier entertained a motion to adjourn the meeting. Branden Hill made a motion to adjourn the Zoning Board of Appeals meeting. Seconded by Doug Vernier. All in favor, opposed none.

Meeting adjourned at 7:41 p.m.