

**CITY OF LINDEN
ZONING BOARD OF APPEALS MEETING MINUTES**

Tuesday, January 14, 2020

7:00 p.m.

CALL TO ORDER

The meeting of the Linden Zoning Board of Appeals was called to order at 7:00 p.m. by Chairperson Scott Ward. The meeting was held in the Council Chambers on the lower level of the Mill Building at 201 N Main Street, Linden, Michigan.

ROLL CALL

PRESENT: Chris Kinyon, Dan McComb, Scott Ward, Esther McDaniel, Betty Ciesielski,
Brad Dick

ABSENT: None

OTHERS

PRESENT: Adam Young, City Planner/Zoning Administrator & Ellen Glass, City Manager

MINUTES APPROVAL

Motion by Kinyon, seconded by Ciesielski, to approve the minutes from the October 8, 2019, Regular Zoning Board of Appeals Meeting. Motion carried 6-0.

PUBLIC HEARING

(A) 315 Hyatt Lane – Accessory Building Variance

Ward opened the public hearing at 7:01 p.m.

Brad and Annette Reichert of 315 Hyatt Lane, were present and provided an overview of their proposed project.

Ward closed the public hearing at 7:03 p.m.

CITIZEN'S COMMENTS

None.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

(A) ZBA-01-20 Election of Officers

Motion by Kinyon, supported by Ciesielski to nominate Ward for Chairperson. Ward accepted the nomination. Nominations for Chairperson were closed. Motion carried 6-0.

Motion by Kinyon, supported by Ciesielski to nominate McComb for Vice Chairperson. McComb accepted the nomination. Nominations for Vice Chairperson were closed. Motion carried 6-0.

Motion by Ward, supported by Ciesielski to nominate Kinyon for Secretary. Kinyon accepted the nomination. Nominations for Secretary were closed. Motion carried 6-0.

(B) 315 Hyatt Lane – Accessory Building Variance

Young reviewed staff report: we are in receipt of an application submitted by property owner Brad Reichert requesting variances from Section 154.061,(3) and Section 154.061,(4) of the City of Linden Zoning Ordinance to allow a detached accessory building that is larger than 50% of the floor space of the principal building and taller than 15 feet. Specifically, the proposed accessory building would be:

- 1,600 square feet in area – Based on the size of the existing dwelling, which is 2,555 square feet, the maximum allowable area for the accessory building would be 1,277.5 square feet (50% of dwelling per Section 154.061,(3)). The proposed 1,600 square foot accessory building would be 63% of the area of the dwelling.
- 15.375 feet mean height – The proposed accessory building has wall heights of 14 feet and a peak height of 19 feet; however, a lean-to is proposed on one end with a wall height of 12 feet. The ordinance stipulates that the building height is calculated as the “mean height level between eaves and ridges of gable, hip, and gambrel roofs.” Section 154.061,(4) limits accessory building height to 15 feet.

The subject site is 2.269 acres in size and fronts Hyatt Lane to the west. It is a corner lot which also fronts Stan Eton Drive to the north. An existing dwelling is located on the subject site. The proposed detached accessory building will be located in the rear yard, 15 feet from the rear lot line. The subject site, property ID# 61-30-200-020, is presently zoned R-2, Single-Family Residential District.

Young referenced his staff report, as well as imagery provided with the application, as he provided an overview of the proposed requests. Young verified with Kanyak that no written responses were received from property owners regarding the notice of the project.

Young reviewed the definition for gross floor area within the ordinance, further commenting it was not caught prior to the meeting. Young discussed that if the members agree with the definition regarding the area being within the interior walls, then a variance is only needed for the height. Young and members discussed with the applicants their current shed, and that it would be conditioned for removal prior to the new building for square footage purposes.

Ward questioned the set-backs, to which Young addressed that they were in compliance. Ward commented that when the ordinance was made, it was geared towards small city lots, not towards property with acreage. Dick further discussed the variance requests relating to the ordinance definition for square footage. McComb questioned if the selling of the adjacent property in the future would pose an issue regarding the position of the new building. Young addressed and

explained there would be enough acreage. Young referenced his staff report and discussed with members additional property characteristics; touched on uniqueness of property size.

Young discussed that a variance is no longer needed for the size, only for the height. Discussion surrounding practical difficulty, in relation to ordinance and variance request. Annette Reichert explained the purpose of their proposed project, regarding the cost and ensuring it meets their needs. Members discussed with Young and the applicants, modifications to overall height to comply with the ordinance. Brad Reichert expressed frustration for paying the application fee and attending to the meeting, when not necessary. Further discussion amongst members with Young, as well as applicants surrounding the height and how the meeting did not need to take place.

Motion by Ward, supported by Kinyon that the applicants receive their money back. Motion carried 6-0. Glass reassured the applicants would receive a refund of their paid application fee.

The applicants withdraw their request. Members apologized for the miss. Kinyon requested the Planning Commission takes into consideration lot size for the formula for accessory buildings.

COMMISSIONER/COMMITTEE REPORTS

Dick and Young discussed with members the status and general details, regarding the final site plan approval for Sandalwood condominiums senior housing development.

Glass discussed the status of the Beacon & Bridge project with members, in that it will be moving forward.

ADJOURNMENT

The meeting was adjourned by Chairperson Ward at 7:46 p.m.

Respectfully Submitted,

Kristyn Kanyak, Deputy City Clerk

Approved: _____