

APPROVED
APRIL 10, 2023

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, NOVEMBER 14, 2022**

The meeting was called to order by Chairman Caplan of the Zoning Board of Appeals at 7:30 p.m. at which time allegiance was pledged to the American flag.

BOARD: Jeff Caplan (Chairman); Roy Thorsell; Ray Cousineau; Jim Hutchens; M. Helsom

ABSENT: Michael Schira; Steven Winters

OTHERS: Laura Kreps (Carlisle Wortman & Associates), Planner; Steve Brown, City Manager; Drew Benson, Assistant City Manager, and Director of Economic Development; and Mona Freiburger (Recording Secretary)

Determination of a Quorum:

A quorum of the Zoning Board of Appeals was present for this meeting.

Agenda:

No additions or changes were made to the agenda.

Approval of Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by Board Members Thorsell and Cousineau to approve the July 11, 2022, Zoning Board of Appeals Meeting Minutes.

VOTE: **MOTION CARRIED**

CORRESPONDENCE/INFORMATION

October 11, 2022 City Manager Update
October 25, 2022 City Manager Update

CALL TO THE PUBLIC

There were no comments made by the public.

OLD BUSINESS:

None

NEW BUSINESS:

1. PUBLIC HEARING FOR VARIANCE REQUEST #PZBA22-005; 444 HAMPTON COURT, WIXOM, MI 48393:

The applicant is seeking a total of one (1) non-use variance: Section 18.13.030, Porches and Decks, to permit a 22 inch tall seat wall and seven (7) foot tall pergola structure with a thirteen (13) foot rear yard setback rather than the permitted 20 foot deck setback pursuant to Section 18.13.030C.1.

Discussion:

Variance Analysis:

For variances to permit a 22-inch tall seat wall and seven (7) foot tall pergola structure with a thirteen (13) foot rear yard setback rather than the permitted 20 foot deck setback pursuant to Section 18.13.030 C.1.

As noted, the applicant proposes to install a brick paver patio with seat wall with the patio to be partially covered with a pergola in the rear yard. Due to the location of the home on the property, there appears to be a few other logical locations for the proposed patio.

According to Section 18.22.030.E. 2 of the zoning ordinance, a non-use variance may be allowed by the ZBA only in cases where the applicant has shown there is reasonable evidence of practical difficulty.

Reference Carlisle Wortman Associates, Inc., Variance Analysis for City of Wixom, Michigan dated November 8, 2022.

Findings of Fact are summarized:

1. The subject parcel has an unusual shape, and the rear yard is shallower (shorter) than any of the surrounding properties.
2. Without the subject variance, the patio and covered pergola would not be permitted. The proposed structure is common in a residential patio setting.
3. The use and relatively small size of the patio and pergola would have no significant impact on surrounding properties or the neighborhood.

4. The proposed variance, if granted, would have no impact on light and air to adjacent properties or create other negative impacts to the city at large.
5. The shape and shallow nature of the rear yard was not created by actions of the applicant.

Recommendation by Carlisle Wortman and Associates: Based upon the information provided and finding of facts, they are supportive of the subject variance request.

Ms. Kathy Corpus, 444 Hampton Court, Wixom, MI, applicant, commented she would like to make one clarification, it is not a 7 foot tall pergola, the standard pergola height is supposed to be 9 feet tall. The other aspects to the application are correct.

Ms. Corpus indicated given the shape of her backyard, she is in the back of a cul-de-sac; it is more of a strip rather than a square. It is not similar to any other rear yard property that is in the subdivision; therefore, she is restricted to where she can build and place things. There is a 100 square foot patio that falls within the 20 foot setback. The seat wall will be along the back edge of the patio. The pergola would be in the back corner of her yard which is the back corner of her neighbor's yard then over the berm is a wide open field. It is not impacting or will not impact any of the immediate neighbors' usage of their property.

Chair Caplan commented he had read the recommendations of the planners. Chair Caplan noted it appeared in the applicant's drawing, it is 13 feet from the property line to the edge of the wall. Ms. Corpus stated yes. Chair Caplan indicated the applicant is looking for a 7 foot variance.

Board Member Cousineau asked for a clarification of the variances being reflected; if there are two variances or one variance. Ms. Kreps, planning consultant, commented the seat wall and the pergola are encroaching within the 20 foot required setback for the deck; both require the variance, but they could be taken care of by the 7 foot variance. Any structure, regardless of whether it has a footing or not, would require a variance.

Board Member Cousineau commented he did not have an issue with the request; he wanted clarification of the request.

Board Member Thorsell commented he drove past the applicant's property and asked the applicant if the berm at the back of the property was the applicant's property. Ms. Corpus stated her property peaks at the top of the hill, but as you go over the hill, the property is no longer hers. Beyond her property is open field.

Board Member Helsom inquired if the applicant received approval from the homeowner's association; the applicant answered yes. Public notices were sent out as well, and there were no feedback from any neighbors who received a public notice.

Board Member Hutchens indicated he also drove by the property. He commented from what he could see from the street, it appeared they were building closer to the back property line and didn't appear to have any negative impact on the neighboring properties.

Board Member Cousineau commented the applicant indicated her hardship is the unique or unusual shape of the property especially the rear property lines.

No public comments.

Chair Caplan indicated the planner outlined very nice and detailed findings of fact on this case and he agreed with their recommendation.

MOTION and second by Board members Helsom and Cousineau to approve **VARIANCE REQUEST #PZBA22-005; 444 HAMPTON COURT, WIXOM, MI 48393:** The applicant is seeking a total of one (1) non-use variance: Section 18.13.030, Porches and Decks, to permit a 22 inch tall seat wall and nine (9) foot tall pergola structure with a thirteen (13) foot rear yard setback rather than the permitted 20 foot deck setback pursuant to Section 18.13.030C.1; based on the findings of facts of Carlisle Wortman Associates letter dated November 8, 2022.

VOTE: MOTION CARRIED

2. **APPROVAL OF 2023 ZONING BOARD OF APPEALS MEETING DATES**

MOTION and second by Board members Cousineau and Helsom to approve the 2023 Zoning Board of Appeals Meeting dates.

VOTE: MOTION CARRIED

CALL TO THE PUBLIC:

No public comments.

STAFF COMMENTS:

No comment.

COMMISSION COMMENTS:

Happy Thanksgiving to everyone.

ADJOURNMENT:

The meeting of the Zoning Board of Appeals was motioned and adjourned at 7:50 p.m.

Mona Freiburger
Recording Secretary