

WEST BLOOMFIELD ZONING BOARD OF APPEALS MEETING

February 2, 2005

PRESENT: Chrmn. Larry Houck, Dean Huff, James Foote, Deborah Hastings
& Bob Swain **Also Present:** Scott Storke, CEO

7:37PM: Chrmn. Houck called the meeting to order and read the Legal Notice for the Public Hearing on tonight's agenda.

PUBLIC HEARING:

Peter J. & GERALYN H. SHEA - Area VarianceMr. & Mrs. Shea were both present. Mr. Shea explained to the board members that he and his wife have spent the last year designing their new home without knowing that it couldn't be built on the portion of the property they were proposing to build. They were ready to "break ground" and it wasn't until they applied for their building permit, at which time they submitted a revised Site Plan, that they were advised by Scott Storke that, the zoning schedule specifies that their house has to be located on an area of the property where the width of the property is at least 250'. The width of the property at the site they were proposing to build on was only 210'. Mr. Shea added that they also purchased the property without knowing of the constraint, although he also added that he assumed full responsibility for not investigating the matter prior to purchasing the property. Mr. Shea stated that the main reason for not wanting to build the house in the approved location is the uphill slope of the property in that area. He noted that they had planned for the house to have a finished basement (with a bathroom) and how it would be more complicated or difficult to install a septic system, due to the uphill slope. Moving the house back would avoid that situation and also give them a better view of their surroundings. Dean Huff asked if the location of the well would change? Mr. Shea replied no, and added that the well was established in November of 2003. Bob Swain asked if the new zoning would affect the properties in the Factors Walk area? Debbie Hastings replied that yes, if the proposed zoning draft is passed, the area would then become Residential. This would eliminate the need for a Variance, as Residential zoning allows for smaller parcels, and Mr. & Mrs. Shea could build their house per the proposed drawings. There were no further questions and public hearing portion of the meeting was closed at 7:50PM.

INFORMAL DISCUSSION:

Gary Pitt - Warehouse/Storage facilityMr. Pitt reminded the board members that he had submitted an application for a Variance back in 2002 asking for permission to build storage units on his property, and the Variance was denied. He explained that he recently came across section 140-52 (added 6-10-1998) in the zoning code that he feels would have allowed him to build these storage units and, if this section had been referred to in 2002, perhaps the outcome would have been different. He added that, according to his understanding of the section, storage units are permissible in an A/C District and he wouldn't have needed to apply for a Variance after all.

Mr. Pitt noted that he would like to expand outside of the (3) acres he was previously granted a variance for (in 1998) to operate a trucking business. He advised the board members that he is interested in putting up a warehouse/storage type facility that would also include an apartment. Or, he asked, would it be possible for him to build a facility on the same (3) acres he currently operated his business from that he was already granted a variance for? Dean Huff asked Gary what size storage building he was proposing to build? He answered approx 50' x 80'. Dean asked if it would be used for personal use or rental income? He also noted that the minimum requirements for a single family dwelling would be 1200 Sq. Ft. At this point, Chrmn. Houck called the board's attention to a letter that was drafted by Scott Storke, after speaking with David Anderson, for advice on how to proceed on this matter. There is conflicting information (in the zoning book) regarding which zoning districts would allow the construction of storage or warehouse facilities.

There was also a difference of opinion among all those present on which section of the zoning ordinance has precedence (if any) over another. Chrmn. Houck noted that he did not think Mr. Pitt would be allowed to expand his business. Debbie Hastings noted that the zoning schedule in the book is dated 1997 and asked if there was a more recent one with updated information on set-backs or the maximum square footage allowed when building a warehouse or storage facility? Scott Storke replied that the 1997 schedule is the one that everyone should currently be using. He also pointed out that it does not list any maximum square foot allowances on the construction of buildings either. You have to refer to the (maximum) percentage of lot coverage allowed in the various districts. There was a lengthy discussion between the board members and Mr. Pitt regarding what he could or couldn't build, whether or not he would utilize all the storage space or if he would be allowed to rent space, and whether or not he would include a house/apartment as part of the warehouse/storage building or build the house separate and add an attached warehouse/storage/garage to it.

Vote on Variance for Mr. & Mrs. Shea.....Bob Swain made a motion to approve the Variance. James Foote seconded the motion, with ayes by all those present, and motion carried.

Variance Approved

NEW BUSINESS:

Minutes for October of 2004.....James Foote made a motion to approve the minutes as submitted. Bob Swain seconded the motion, with ayes by all those present, and motion carried. **October, 2004**

Minutes Approved

8:45PM - Bob Swain made a motion to adjourn the meeting. Dean Huff seconded the motion, with ayes by all, and motion carried. **Meeting adjourned**

Respectfully Submitted,
Debbie MacDowell