

West Bloomfield Zoning Board of Appeals Meeting
May 2, 2007

PRESENT: Chrmn. Houck, James Foote, Dean Huff & Bob Swain

ALSO PRESENT: Scott Storke, Code Enforcement Officer

7:30pm - Chrmn. Houck called the meeting to order. There were no Public Hearings scheduled for this month.

NEW BUSINESS:

Carl Uthe was present and passed out a sketch for the members to look at. He wanted to speak to the Board about the requirements for building a house on property he was debating on whether or not he should purchase located on Dugway Road. The reason he is hesitating about purchasing the property is because there is an existing barn on the property that is a significant factor in whether or not he decides to purchase the property. He would like to keep the barn as it is in very good condition and he could make use of it. However, in order to comply with the Zoning Code, he would have to build the house at least 500' behind the barn and he doesn't want to do that. The barn already sits a ways back on the property and Mr. Uthe does not want to build a house that far back as the farther back he goes, the wetter the soil. This scenario would also put the primary structure (house) behind the barn. Ultimately, he would like to build about 100' from the road, as this would put him in front of the barn. However, the width/frontage would only be 165' (and code requires a minimum of 200'). The Planning Board suggested he speak to the Zoning Board for advice on how to proceed. There was quite a lengthy discussion and the subject of determining Lot Width versus Lot Frontage came up again. Bob Swain suggested that perhaps Mr. Uthe could build his house and attach it to the existing barn with a breezeway, thus eliminating the need for a Variance. Ideas on how that could be accomplished were discussed.

Blaine VanRye was present on behalf of **Alfrim Miftari**. He explained that Mr. Miftari lives on the Northwest corner of Bean Hill Road and would like to build a porch on the front of his house. This would be a roofed porch (not a deck) and would not be enclosed. However, since his house is not that far back from the road to begin with, and he would like the porch to be able to accommodate a few pieces of patio furniture, he is proposing a front setback of 16 ½' where our Code requires 20'. Therefore, he would need a Variance for 3 ½'. He asked the Board members if it would "benefit the cause" if he asked the neighbors to write a letter on behalf of Mr. Miftari? Chrmn. Houck stated it would carry more weight if the neighbors came to the meeting (Public Hearing). He added it was also a good way to get the citizens of the community to meet and see how the Zoning Board of Appeals works.

March Minutes: Jim Foote made a motion to approve the minutes as revised. Bob Swain seconded the motion, with ayes by all, and motion carried. **Minutes approved.**

Planning Board Referral – Bob Swain started the discussion regarding the Planning Board’s request for an Interpretation from the Zoning Board on Section 140-77, Home Occupations, High Intensity. He stated that he felt it was not the Zoning Board’s job to interpret the Code, as it is not listed under duties of the ZBA. The Board members had a very lengthy discussion on this matter. Jim Foote referenced Section 140-129 (definitions of terms) and noted that part of the definition of a Home Occupation states that it is clearly subordinate to the primary Residential use of the property. Bob Swain again noted that it is not the responsibility of the Zoning Board to answer specific questions or set parameters, when it comes to Town Laws. He stated that was up to the Town Board. Scott Storke asked Bob Swain what he feels constitutes a Home Occupation. Bob answered that when he thinks of “home” he associates that with “family”. Therefore, he feels a Home Occupation should employ family members only, as well as be operated within the confines of the home. Scott then asked Jim Foote to explain what he means by “subordinate” to the Residential use. Jim stated subordinate would mean beneath the level of Residential use – Residential use being the more important use of the property. Bob Swain stated that they (ZBA) are not in a position to determine this (interpretation of Home Occupation, High Intensity). If it’s a Home Occupation, it needs to adhere to the regulations set forth in the Code. At that point, the members dictated a letter (response) to the clerk to send to the Planning Board. Copy Attached.

Meeting Date: The members discussed the Planning Board’s request to change their meeting date from the 1st Wednesday of each month to the 4th Wednesday of each month. Bob Swain asked why the Planning Board wanted to switch? The clerk explained that it would allow the Planning Board to operate more efficiently by reviewing applications in a timelier manner, which will help them to meet deadline requirements for publishing Legal Notices and referring Applications to the County (when necessary). After a brief discussion, everyone agreed they are open to the change. They advised the clerk to check with the Planning Board on when they would like the change to take place and suggested they wait until at least August.

Zoning Code: Jim Foote asked if anyone had looked over the information he compiled or had the chance to complete the evaluation worksheets (that noted value of importance)? Nobody has completed this yet. Jim suggested giving the information to the clerk when they were finished.

Meeting Date: Bob Swain made a motion to change the Zoning Board of Appeals meeting date from the 1st Wednesday of each month to the 4th Wednesday of each month, subject to the Planning Board’s decision to move forward with the change. Dean Huff seconded the motion, with ayes by all, and motion carried.

9:30PM: There was no further business to come before the board. Dean Huff made a motion to adjourn the meeting. Bob Swain seconded the motion, with ayes by all, and motion carried. Meeting Adjourned.

Respectfully Submitted By
Debbie MacDowell