

**PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES**

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**Members Present:** Dennis Ward, Kathie Mahn, Ishwar Naik, Alayna Stagg.

**Members Absent:** Kenneth Brostrom.

**Others Present:** Kevin Tittle, Colleen Bullard, William Bullard, Donald Hoffend, Planning Director Bruce E. Fowler, and Recording Secretary Laura Ford.

**1.0 Call Meeting to Order/Determination of a Quorum**

Chairperson Naik called the meeting to order at 6:32 p.m. A quorum was present.

**2.0 Approval of Agenda**

**Motion by Member Ward, supported by Member Stagg, to approve the agenda, as presented.**

**MOTION CARRIED**

**3.0 Communications and Announcements**

None.

**4.0 Items from the Floor**

None.

**5.0 Old Business**

None.

**6.0 New Business**

**6.1 ZBA 07-04 William and Colleen Bullard**  
[submitted for a variance]

Planning Director Bruce Fowler reviewed the report. He stated that this is a request for a variance from Article 57, Section 57.03 of the Zoning Ordinance, to permit the expansion of a non-conforming single-family structure within the rear yard setback. He said that the structure does not meet setback requirements. He said that the house encroaches thirty-five (35) feet into the rear yard setbacks. He said that the applicant wants to expand the structure by adding a sunroom addition approximately twenty (20) feet by fifteen (15)

feet at the rear of the house. He said that any expansion must meet the current regulations. He added that the expansion does not meet current regulations and requires a variance. He reviewed the findings the ZBA would consider.

Kevin Tittle, contractor, stated that this request is for a screened enclosure on the back of the house. He said that it is an aluminum enclosure and not a permanent structure. He said that the homeowners want to build this sunroom because there was a large ash tree that had to be removed and now the backyard and deck are completely exposed to the sun. He added that they want to be able to enjoy their yard. He said that the house was built on the easement line and there was no room for give or take.

Member Ward stated that Planner McCoy's report only references the rear yard setback with regard to the home structure and not the deck. He asked if staff had any further information on this.

Director Fowler stated that the setbacks apply to enclosed structures.

Member Ward asked what the dimensions of the deck are.

William Bullard, applicant, stated that he would be guessing at the dimensions. He said that the proposed structure would be two (2) feet further back than the deck was.

Member Ward asked if it would be the same width as the house. He mentioned that the deck was L-shaped.

Mr. Bullard replied yes.

Member Ward asked if the portion along the house would be twenty (20) feet wide.

Mr. Tittle stated that the sunroom would be one (1) foot wider than the deck was.

Member Ward stated that the dimensions are approximately thirteen (13) feet by eighteen (18) feet. He asked what they would be doing with the upper deck.

Mr. Bullard stated that the upper deck would stay.

Member Stagg asked what the sunroom would look like and if they had pictures of the proposed sunroom.

Mr. Tittle showed what the sunroom would look like. He said that it would be classy looking.

Member Stagg asked how long these structures last.

Mr. Tittle stated that he has had one on his house for eighteen (18) years. He said that it is high cast aluminum. He mentioned that the finish would last a lot longer and there is very little maintenance required. He said that it comes with a nylon screen. He said that the roof is a sandwich of installation with vinyl coating on the inside. He said that this is a high quality sunroom.

Chairperson Naik asked how far the upper deck sticks out.

Mr. Bullard stated approximately 3½ feet.

Chairperson Naik asked if this would be a fifteen (15) foot by twenty (20) foot enclosure.

Mr. Tittle replied yes.

Chairperson Naik asked what the sunroom would be sitting on.

Mr. Tittle stated that they would remove the existing deck, dig forty-two (42) inch footings, and have a four (4) inch stamped concrete pad underneath it. He said that the aluminum enclosure would be on top of that.

Chairperson Naik asked what the total cost of the sunroom would be.

Mr. Tittle stated approximately \$13,000.

Member Mahn asked if this change has been discussed with the neighbors.

Mr. Tittle stated that he did have a couple neighbors sign off in favor of this proposal. He said that the neighbor behind this property was 100% for it. He said that he did not receive any negative responses to it.

Member Mahn asked if they needed approval from a lot owners association.

Mr. Bullard replied no. He added that there is no association for their community.

**Motion by Member Ward, supported by Member Stagg, to approve ZBA 07-04, for construction of a 20' by 15' sunroom at 3580 Maple Drive.**

Discussion:

Chairperson Naik reviewed the findings:

- 1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.** *The property is currently used for a permitted use, but the house is set back less than the required rear yard setback (35 feet), not allowing any further expansion of the house in the rear yard.*

Chairperson Naik stated that this is a corner lot. He said that this presents a unique situation.

Director Fowler stated that the property has two front yard setbacks of thirty-five (35) feet.

Chairperson Naik asked if they could have built the deck in the alcove in the back of the house.

Mr. Bullard showed the living room in the front of the house. He said that it is more appropriate having the door going into the sunroom off the living room. He said that it is a more appropriate feel for the house instead of off the front of the house.

Chairperson Naik asked if this is a brick house.

Mr. Bullard stated that the house is wood sided.

Member Ward stated that they could have followed strict compliance and constructed the addition along the area in front of the home. He added that this would have looked bad in the neighborhood. He said that the proposal seems reasonable. He said that strict compliance would be burdensome for the applicant.

Member Mahn stated that the esthetics of the home would be disrupted if it were built on the front of the house.

Member Stagg stated that they had use of the deck before in the same space and now during the summer the sun is beating down on them. She added that she could see the burden in that.

Chairperson Naik stated that there was already a deck there. He said that if the proposal were the same size as the existing deck he would have no problem with it. He said that they are now proposing to expand the structure. He said that he disagrees with the finding.

2. **That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.** *The Zoning Board of Appeals should discuss if granting the variance may do substantial justice for the applicant, or whether a lesser relaxation of the regulations than what is being asked for would provide substantial relief.*

Member Mahn stated that this would do justice to the applicant. She said that it would be awkward to not have it in the back of the house.

Member Stagg stated that it comes down to a two (2) foot extension in width and length. She said that this is a minimal change and it does substantial justice to the applicant.

Member Ward stated that this would do substantial justice to the applicant. He said that the dimensions of the sunroom at fifteen (15) feet by twenty (20) feet would add approximately one hundred (100) square feet to the deck. He said that they still have to add area to make it square. He said that the current wood deck is not square and they could not build this structure on the current platform. He said that adding one hundred (100) square feet is not asking too much. He said that this would not be noticeable. He said that with the upper deck staying it would detract from any vertical height added by the sunroom.

Chairperson Naik stated that he disagrees with the finding. He said that this gives more than substantial relief because they are expanding the existing non-conforming structure.

3. **That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.** *There are some unique circumstances of the property that may contribute to the plight of the applicant. The Washtenaw Clubview Subdivision was replatted in the 1970's to make the lots buildable. The original lots that make up the subject site extended 10 feet farther west. Many of the other lots in the area are deeper than the subject lot. If the 10 feet to the west were included in the subject lot, the house would meet the rear yard setback; however, the proposed sunroom addition would still encroach into the rear yard setback.*

Chairperson Naik stated that he did not understand what the ten (10) foot extension of the lot meant.

Director Fowler stated that other lots to the north extend back ten (10) feet farther. He said that when they were re-platting this and combining the smaller lots, they combined two lots here and left ten (10) feet off and added it to the adjoining lot to the west. He said that this property does have a shorter lot than the other properties in the area.

Chairperson Naik agreed with the finding. He said that the plight is due to unique circumstances of the property, somewhat.

Member Stagg agreed with the finding. She said that the circumstances are different for this lot.

Chairperson Naik stated that even though they could have gotten ten (10) feet extra they still would not be in compliance.

Director Fowler stated that the property would not be a non-conforming lot but the proposed addition would still be in the setback.

Member Ward agreed with the finding. He said that this is a unique area and it is a corner lot. He said that with the ten (10) foot exception and bringing the front of the house to the setback, the applicant could build out 13 ½ feet and remain within the setback. He said that with those dimensions the applicant would only be asking for a 1 ½-foot variance, twenty (20) feet wide, if the house was built with the minimum setback along the front. He said that this is unique. He said that if this were a middle lot they would only have one front yard setback.

Member Mahn agreed with the finding.

**4. That the plight or problem is not self-created.** *The plight does not appear to be self-created.*

Member Stagg asked if the applicant added on the deck.

Mr. Bullard replied no.

Member Stagg stated that the deck was already there and the lot was the way it is. She said that the applicant did not build the house or the deck. She said that the tree was a natural feature. She said that all of these things were beyond their control and it was not self-created.

Member Mahn stated that this is not self-created. She said that the change in the property was done in the 1970's and this was not in their control.

Chairperson Naik stated that part of the problem is self-created. He said that they are going beyond the existing deck. He said that part of the problem is self-created and part of it is not self-created.

Member Ward stated that this is a mix of both. He said that they could look at the different setback envelope and would see that if the house were built along the front yard setback they would be able to do this without a variance.

**5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.** *Neighboring non-conforming sites shall not be considered as reason to grant a variance if the Zoning Board decides to do so.*

Member Ward stated that he is not aware of any neighboring non-conforming sites.

Member Stagg stated that the ZBA did not consider other surrounding areas.

Member Mahn stated that no other existing structures or uses have been considered.

Chairperson Naik stated that they cannot consider any other structures or variances.

- 6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.** *The variance could allow the property owner more use of the rear yard. It does not appear the variance would have a negative impact on public safety.*

Member Stagg stated that this would not interfere with public safety. She said that it observes the spirit of the Ordinance. She said that this is not a very large expansion. She said that they are trying to use their home in a reasonable way. She said that this would look reasonable and it would not be an eye sore in the neighborhood.

Chairperson Naik agreed with the finding. He said that it is not impeding on public safety. He said that the property owner would be able to enjoy it. He said that the proposed structure observes the spirit of the Ordinance.

Member Mahn agreed with the finding. She said that this would do substantial justice to the applicant.

Member Ward agreed with the finding. He said that this observes the spirit of the Ordinance and it does substantial justice to the applicant.

Chairperson Naik stated that on all of the findings the majority of the ZBA members have expressed that the variance is warranted.

**ROLL CALL:**

**YES: WARD, MAHN, STAGG**  
**NO: NAIK**  
**ABSENT: BROSTROM**  
**ABSTAIN: NONE**

**MOTION CARRIED**

**7.0 Zoning Administrator's Report**

None.

**8.0 Member's Report**

None.

**9.0 Secretary's Report**

None.

**10.0 Chairperson's Report**

None.

**11.0 Approval of Prior Minutes**

**11.1 Minutes of July 30, 2007**

**Motion by Member Ward, supported by Member Stagg, to approve the minutes, as presented.**

**MOTION CARRIED**

**12.0 Adjournment**

**Motion by Member Ward, supported by Member Stagg, to adjourn the meeting.**

**MOTION CARRIED**

Chairperson Naik adjourned the meeting at 7:13 p.m.

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**s/Alayna Stagg, Secretary**

**September 24, 2007**