

**CITY OF OAK PARK, MICHIGAN
ZONING BOARD OF APPEALS
APRIL 22, 2025
MEETING MINUTES**

The meeting was called to order at 7:00 p.m. by Chairperson Huston in the City Council Chambers, 14000 Oak Park Blvd, Oak Park, MI 48237 and roll call was made.

PRESENT:

Commissioner Anderson
Commissioner Kleid
Vice Chairperson Brown
Commissioner Seligson
Chairperson Huston
Commissioner Lebovic (7:02)
Commissioner Steinberg (7:05)

ABSENT: None

OTHERS

PRESENT: Economic Development & Planning Specialist, Salam Habhab
Director of Municipal Services, Kim Marrone
Deputy City Clerk/Director of Elections, Jo Lynn Williams-Elliott

3. APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF MARCH 25, 2025

MOTION BY Seligson, SECONDED BY Kleid to approve the meeting minutes of March 25, 2025

Vote: Yes: All
No: None

MOTION CARRIED

4. COMMUNICATIONS: NONE

5. OLD BUSINESS: NONE

6. NEW BUSINESS:

A. CASE NO. 25-04: Allan and Annette Harris, 23011 Kenosha Ave.

- i. Article 2, Division 2: Residential Districts, Section 214 Schedule of Regulations requires the total of both side yard setbacks to be (14) feet with a minimum of 4 feet setback on any side yard in the R-1, One-Family Residential District. The applicant is requesting a variance to allow the total of both side yard setbacks of (6) feet and zero feet on the south side yard.

Public Hearing was opened at 7:04 pm

Annette Harris and Allan Harris presented to the board, explaining their request and addressing many questions raised by the board.

Public Hearing was closed at 7:19 pm

STAFF FINDINGS OF FACT

1. The subject parcel is zoned R-1, One-Family Residential District.
2. The property is 47 ft wide by 110 ft deep.
3. The property is zoned R-1, One-Family Residential District, and surrounded by R-1 District properties to the north, west, and south. To the east is Kenosha Ave. right-of-way then R-1 District.
4. Article 2, Division 2, requires that the sum of both side yard setbacks be (14) feet with a minimum of 4 feet setback on any side yard.
5. The existing main dwelling is setback (6) ft from the north side of the property and (8) ft from the south side of the property. The sum of the existing sides of the property is (14) feet (exclusive of the carport).
6. The applicant built a carport (8 ft X 20 ft) that is enclosed from all sides over an existing driveway on the south side of the property without obtaining the necessary building permits from the City. The carport extends to the south property line, encroaching onto the required south side yard setback; resulting in a zero-lot line.
7. The applicant is requesting a waiver of (8) feet to allow for the sum of both side yards to be (6) feet, and (4) feet to allow for zero feet on the south side yard.
8. The carport roof was constructed with a slope that is higher on the dwelling side and lower on the opposite side, which abuts the existing privacy fence along the south property line.
9. The Building Department has raised an issue regarding stormwater management related to the current sloped roof design of the carport, abutting the existing fence. This configuration might result in the direct drainage of rainwater from the carport roof into the adjacent property to the south.
10. The applicant has submitted a hardship narrative along with the variance application. The hardship narrative is attached to this report for the Board's review and consideration.
11. The applicant cites various incidents involving their neighbors to the south, including alleged property damage and police involvement in the submitted hardship narrative.
12. The Public Safety Department has informed that none of the reported incidents have resulted in substantiated findings, arrests, or charges related to the applicant's allegations of damage to their house, vehicles, or fence.
13. The Board has at times approved variances for carports where:
 - a. The carports are a common architectural feature in the immediate neighborhood.
 - b. The carports had previously existed and were in need of a complete rebuilding.
 - c. The carports are unenclosed on three sides (fully open with roof and posts only).
 - d. The depth of the carport is the length of an automobile.
14. In a most recent case that came before this Board in 2023 involving an enclosed carport that did not meet the total side yard setback requirements; however, the setback on each side exceeded 4 feet. The Board approved the variance with a stipulation that the enclosure shall be removed, and the carport remains open on all sides (roof and posts

only). The Board's decision to approve the variance was based on the fact that carports were a common architectural feature within the immediate neighborhood. Additionally, the carport had existed previously in the same location on the property and was in despair, and the carport's design was intended to accommodate a single vehicle (22 ft deep).

15. In this case, the carport is not a common architectural feature in the immediate surrounding neighborhood. The predominant dwelling type in this area is characterized by detached garage structures located in the rear yard. Additionally, the carport did not previously exist and is currently fully enclosed from all sides.
16. In considering the variance, the ZBA should assess whether the added carport which doesn't meet the setback requirements and is inconsistent with the established character of the neighborhood, would significantly undermine the intent and purpose of the zoning ordinance.

STAFF RECOMMENDATIONS

Based on the information submitted by the applicant and the analysis presented in this report, it is the recommendation of the Economic Development and Planning staff to deny the variance request for the continuation of an enclosed carport (8 ft wide X 20 ft long) that was constructed without obtaining the necessary building permits and currently encroaches into the required south side yard setback; resulting in a zero-lot line. The carport structure does not meet the total side yard setback requirements and the minimum side yard setback of the zoning ordinance.

MOTION BY Kleid, SECONDED BY Seligson to deny the request of Case #25-04 Allan and Annette Harris, 23011 Kenosha.

- i. A waiver for (6) feet from the required sum of both side yards and (4) feet from the required south side yard setback of Article 2, Division 2, Article 214 to allow for the continuation of an enclosed carport (8 ft wide by 20 ft long). The waiver will allow the sum of both side yards to be (6) feet with zero feet on the south property line. The Zoning Ordinance requires the total of both side yards to be (14) feet with a minimum of (4) feet on any side yard.

Vote: Yes: Brown, Kleid, Lebovic, Steinberg, Seligson, Huston
No: None

MOTION CARRIED

7. ADJOURNMENT:

The meeting was adjourned at 7:24 p.m.

Jo Lynn Williams-Elliott, Deputy City Clerk