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**VILLAGE OF HOLLY**  
**ZONING BOARD OF APPEALS**  
**Agenda**  
**November 10, 2008**

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The regular meeting is scheduled for **7:00 P.M.** in the Village Council Chambers, 315 South Broad Street, Holly, Michigan. For additional information, please contact the Village Office at (248) 634-9571.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF MINUTES** – September 8, 2008

**D. PUBLIC COMMENT** (Speakers limited to five (5) minutes. With the approval of council speakers may be given up to a five (5) minute extension.)

**E. GENERAL BUSINESS**

**New Business- Variance Request 08-03 Architectural Feature Projection into Village Right of Way and Height Restriction.**

Applicant is requesting a variance to allow an architectural projection into the Village right of way and to allow an increase in height from 40 ft. 53' 1 <sup>3</sup>/<sub>4</sub> " and an increase in stories from 3 to 4.

The property is zoned CBD, Central Business District

Property #: 01-34-301-001

Variance request by Bob Hoffman for 101 S. Saginaw St.

**Reason for Request:**

The applicant is requesting the variance to be able to construct a new side entrance to the residential part of the building. The current entrance places you immediately in front of the stairs. Applicant would like to move entry door to bricked up old entrance and place a window where the current entrance is now. The applicant would like to build a "canopy" type structure for practical and aesthetic reasons. An elevator will be installed and the new entry will bring you into a common lobby area to access the elevator and/or stairs.

The applicant is also requesting a variance to allow the construction of a fourth floor penthouse structure.

Article 2 Yard Encroachments and Architectural Features states: Architectural features, not including vertical projections, may extend or project into a required front, rear or side yard not more than one-third (1/3) of the required setback but not to exceed two (2) feet. Architectural features include bay windows, shutters, roof eaves, gutters and overhangs. Yard encroachments such as residing shall be allowed in any yard up to six (6) inches on an existing building. Vertical projections include porch or roof supports and chimneys.

The building in question is built to the property line and has no side yard at all therefore the 1/3 allotment does not come into play. The architectural projection will be entirely on Village of Holly property.

- The projection into the right of way will be roughly 18 inches at the bottom and 30 inches at the top.

Article 16 Schedule of Regulations limits the height of a building within the CBD at 40 ft. or 3 stories.

- The current building is 3 stories and 39 ft 1 ¾ in.

The Village of Holly Historic District Commission approved this project at a meeting held last month.

Because of the increased height request the Village of Holly Fire Department was contacted. The Village does not have a ladder truck that would reach the fourth floor but we have a mutual aid agreement with Fenton who does have a ladder truck to reach that height.

### **Criteria that the Board Uses in Evaluating Variances:**

1. **Practical Difficulties:** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.  
**Applicant has demonstrated a practical difficulty in that the current entrance into the building is not sufficient for access to a common lobby but has not demonstrated a practical difficulty in**

**the need for the canopy projection into the right of way. The applicant has not demonstrated a practical difficulty in the request for the addition of a fourth floor and increased height allotment.**

2. Substantial Justice: Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. **The requested variance would not affect adjacent property owners only the public walking on the sidewalk. The requested height variance would not affect adjacent property owners.**
3. Public Safety and Welfare: The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured. **Public safety and welfare will not be affected as long as the required amount of sidewalk is left on the side where the feature projection is being requested. Public safety and welfare will not be affected by the addition of a fourth floor. Structural engineering drawings will be required to show that the new addition will not affect the safety and welfare of the occupants of the lower floors.**
4. Extraordinary Circumstances: There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created. The nonconforming condition of adjacent or nearby properties does not constitute a circumstance justifying the granting of a variance. **There are no extraordinary circumstances in relation to this property however the building is built to the property lines and there is no room for any type of architectural improvements without a variance request.**
5. No Safety Hazard or Nuisance: The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance. **As stated above the Village does not have the capability to reach a fourth floor but Fenton does. This project could, for the previous reason, increase the hazard of rescue because of fire.**

6. Relationship to Adjacent Land Uses: The development permitted upon granting of a variance will relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.

**The granting of the requested variance would not affect the relationship to adjacent land uses. The project is conforming to permitted uses with that district.**

**F. BOARD MEMBER COMMENTS**

**G. ADJOURNMENT**