

Present: Vice-Chairperson Kamp; Members: Fahlen, Freedman, Johnson, and Needham

Absent: Pagnucco, Parks, Schafer and Verdi-Hus

Also Present: Village Building Official, Byrwa

Vice-Chairperson Kamp presided and called the meeting to order at 8:00 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

### **APPROVAL OF MINUTES**

MOTION by Fahlen, supported by Johnson, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, November 13, 2000 be approved as submitted.

Motion passes unanimously.

Kamp advised the petitioners that a unanimous vote of the five members present is required to pass a variance tonight. Approval of a variance from the Zoning Ordinance requires a majority vote of the nine member board. There are five board members present, which constitutes a quorum. Kamp stated that petitioners have the option at any time during consideration of their case to defer a decision on the case to a future meeting.

### **CASE NO. 1003**

**Petitioner and Property:** Curtis Seichter  
30110 Hobnail Court  
Lot 89 of Georgetown Subdivision  
TH24-09-252-015

**Petition:** Petitioner requests a rear yard deviation from the required 40' minimum open space to 34.6' for a proposed rear addition.

Kamp stated that, in order for this board to consider granting a variance, the petitioner must show that the enforcement of the Ordinance creates an exceptional or undue hardship or creates a peculiar or exceptional practical difficulty. He asked that the applicant explain the nature of his petition and the grounds for granting the request for variance.

Seichter stated that he plans to replace an existing sun porch with a rear addition that will extend four feet further into the rear yard open space. He explained that his home was built approximately ten feet further back than the other homes on the street, possibly to preserve a large Hickory tree in the front yard. The current rear yard setback is two feet less than the minimum requirement.

Seichter was asked if he considered a configuration when designing the addition that would not decrease the current rear yard open space. He maintains that the proposed plan represents the best design for the intended use of the addition. Different configurations were considered but would limit the size and function of the room. Other factors include the appearance and dimensions of the addition with respect to the rest of the house. The addition will be used as a family room. The petitioner indicated that he has to replace the existing structure because the foundation is cracked and there is a severe water problem.

Byrwa visited the property and observed that the house in question is placed further back than the other homes on the cul-de-sac, leaving a shallower back yard than those of the neighbors. Seichter mentioned that he met with about ten of his immediate neighbors. They have no objections to the proposed addition.

**Decision:** MOTION by Freedman, supported by Fahlen, that the petition be granted on the basis that the ordinance creates an exception and undue hardship on this petitioner due to the original placement of the home on the lot.

Roll Call Vote:  
Motion passes unanimously.

**CASE NO. 1005**

**Petitioner and Property:** Jeff Messano  
32261 Auburn  
Lot 471 of Beverly Hills #1  
TH24-01-278-020

**Petition:** Petitioner requests a side yard deviation from the minimum 12.5' side yard open space to 6' for a proposed front addition in order to continue with the existing line of the house.

The petitioner Jeff Messano requests a variance from the side yard setback requirements in order to build a bathroom addition on the front of the structure to continue with the existing line of the house. He indicated that the existing bathroom is very small, and there is no other place to locate the bathroom. The addition is being done in conjunction with the remodeling of the kitchen area.

Messano stated that the neighbors on the side of the house nearest the addition have no objections to the variance requested. There is six feet from the house to the lot line at the southeast corner where the addition will be constructed. The side yard increases toward the rear of the house due to the shape of the lot.

**Decision:** MOTION by Fahlen, supported by Needham, that the petition be granted on the basis that the lot is small and there is no other location for the proposed bathroom addition. The addition is a continuation of the existing house line.

Roll Call Vote:  
Motion passes unanimously.

**CASE NO. 1006**

**Petitioner and Property:** Michael Bennett  
31606 Auburn  
Lots 1232 and 1233 of Beverly Hills #3  
TH24-01-430-012

**Petition:** Petitioner requests a deviation from the maximum 720 square foot garage to 840 square feet for a detached garage.

The petitioner Michael Bennett explained his request to build a garage to replace an existing structure that had to be torn down. He proposes to construct a 24' x 30' garage that exceeds the maximum square footage allowed by the Village Ordinance for a detached garage.

Needham asked if the petitioner informed his neighbors of the proposed structure. Bennett responded that he talked to his adjoining neighbors and some of the surrounding neighbors, and they signed a petition in favor of his appeal case. He submitted the petition to the board. Bennett added that his adjoining neighbor is present to support his request for variance.

Bennett commented that his neighbors do not think that the size of the proposed garage is out of character for the neighborhood or his lot. His house is built on an undividable corner lot. It is the only house in the neighborhood that does not have a driveway facing Auburn. The driveway faces Greenfield Road.

Bennett displayed photographs that show the parking situation on his property. He would like to be able to park his vehicles in the garage and on the driveway. This would improve the aesthetics of the property and the neighborhood.

Bennett mentioned that he occasionally test drives 21' vehicles as part of his job. This is one reason why he proposes to construct a 24' deep garage. He does not think that the added length of the proposed garage will affect the aesthetics of the lot. The position of the garage will not change and the drive will come off Greenfield Road in order to retain the look of the house and to preserve two large Oak trees.

The neighbor directly behind the petitioner, David McNarney of 31721 Verona Circle, stated that he has no problems with the proposed garage. He mentioned that Bennett has made improvements to the home since he moved into the neighborhood.

Bennett displayed photographs of other garages in the neighborhood to show that the garage size he is requesting is standard for the area. The petitioner mentioned that the proposed garage will be constructed to provide a greater side setback than existed with the former garage. The closest portion of the house to the proposed garage will be 21 feet, which is greater than the 10 feet required. He is maintaining the existing 20.8' setback from Greenfield Road.

Bennett stated that he owns a classic car that he would like to keep in the garage. As part of his continuing improvements to the house, he proposes to keep a couple of table saws in the garage, which would require the added depth requested for the structure.

Kamp stated that many of the petitioner's comments are directed toward the placement of the garage and use of the garage for hobbies and other purposes. This is a board of limited powers. It is not up to this board to decide whether it is aesthetically pleasing. The variance requested is not a variance in terms of position of the structure. It is a variance in terms of the size of the garage. It is that standard that the petitioner needs to address in terms of whether or not there is an exceptional practical difficulty.

Bennett stated that he is attempting to keep the aesthetics of the neighborhood in mind while addressing the main circumstance, which is the limited parking because he has no driveway off of the street. He intends to keep his vehicles out of the neighbors' view. Bennett stated that another consideration is the limited storage that the house provides.

Kamp suggests that parking on the street is an issue that is shared by all residents along with considerations of storage space and additional work space. Kamp has difficulty with the grounds for the variance proposed by the petitioner because they are not exceptional to this case but are shared by anyone else in the community who has to meet the same ordinance standards.

Bennett stated that the garage is only 20 feet from Greenfield Road leaving room for only one car to be parked on the driveway. Other neighbors have longer driveways. He is requesting to add two feet onto the depth and width of the garage. He is not trying to fit a pole barn on a small lot. All setback requirements will be met. Bennett stated that his adjoining neighbor received a variance for a garage that is slightly larger than the garage he is proposing. He asked that the board consider the size of his lot. The garage will not impact any neighbors or the aesthetics of the neighborhood.

Freedman indicated that the Ordinance in question does not address lot size. It addresses the size of a structure permitted in the Village whether it is on a small or large lot. The 720 SF limit is not dependent on the size of the lot.

Fahlen commented that the petitioner would not have a problem with a place to park cars if the driveway to the garage was off of Auburn rather than Greenfield Road.

McNarney questioned the purpose of the 720 SF maximum size of a garage. Byrwa stated that the Village Council has adopted ordinances on the basis of what is reasonable for residential purposes in this area. The concern may be that, once the 720 SF garage size is exceeded, people may start using garages for purposes that are not necessarily conducive to residential areas. It is his view that the ordinance is aimed at protecting the aesthetics of the neighborhood and assuring that outbuildings are subordinate to the principle use, which is the residential building.

Kamp stated that the Zoning Board of Appeals does not have the power to consider the wisdom of laws passed by the governing body of the Village. He added that individual cases stand and fall on their own merits.

Kamp advised the petitioner that the full board consists of nine members. There are five members present tonight, which constitutes a quorum. An affirmative vote of all five members is needed to approve a variance. The petitioner may request that the Zoning Board of Appeals defer consideration of this case to a time when there may be more board members present. The petitioner asked that the board vote on his request for variance.

**Decision:** MOTION by Fahlen, supported by Freedman, that the request for variance be granted based on the difficulties described.

Roll Call Vote:

Johnson - no  
Kamp - no  
Needham - no  
Fahlen - no  
Freedman - no

Motion fails (5 - 0).

MOTION by Freedman, supported by Needham, that the petition be denied for the petitioner's failure to demonstrate that the enforcement of the ordinance creates a peculiar or exceptional practical difficulty to this property in particular.

Roll Call Vote:

Motion passes unanimously.

#### **ZONING BOARD COMMENTS**

Byrwa updated the board on the status of Case 1002, which involves a question relative to the location of a utility easement on the property.

MOTION by Freedman, supported by Fahlen, to adjourn the meeting at 8:46 p.m.  
Motion passes unanimously.

**James Kamp, Vice-Chairperson**  
**Zoning Board of Appeals**

**Ellen E. Marshall**  
**Village Clerk**