

Present: Chairperson Verdi-Hus; Members: Dery, Fahlen, Pagnucco, and Pfeifer

Absent: Clark, Freedman, Kamp and Parks

Also Present: Village Building Official, Byrwa
Council Liaison, Downey

Chairperson Verdi-Hus called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVAL OF MINUTES

MOTION by Pagnucco, supported by Pfeifer, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, November 8, 1999 be approved as submitted.

Motion passes unanimously.

CASE NO. 979

Petitioner & Property: Clifton and Michelle Roesler
31080 Stafford
Lot 15 of Supervisor's Berkshire Estates Plat
TH24-03-351-018

Petition: Petitioner requests a deviation from the required 15' side yard open space to 5' for an attached garage.

Clifton Roesler requests permission to partially convert their existing garage into a family room and to extend an attached garage to within five feet of the property line. The petitioner explained that the house was built with a small breezeway that is not functional. They propose to convert it into usable area and construct an attached garage at the end of the existing driveway. It would be difficult and costly to locate the garage elsewhere on the property due to the position of the house on the lot and the topography of the land.

Pfeifer observed that it would be impossible to build a garage at the rear of the house due to the severe slope of the land behind the home. Byrwa added that there is an extreme drop off at the back line of the house. It would be a tremendous expense to bring in fill dirt to build a garage at the rear of the house.

Roesler stated that he filed a request for variance in the fall and withdrew it prior to the ZBA hearing. He checked with adjacent neighbors before petitioning the board to ascertain whether the neighbors had objections to the proposal. Two days before the board meeting, the adjacent neighbors informed Roesler that they were opposed to the plans.

The Roeslers withdrew their request in order to address the concerns of the abutting property owner. The neighbors were assured that any trees that were removed to construct the garage would be replaced with arborvitae between the two lots. Roesler related that the Catchpoles at 31050 Stafford are now in support of the request for variance.

Verdi-Hus read letters received by the board regarding this case. In a letter dated January 5, 2000, Rogier and Charlene Durand of 31025 Stafford state that the proposed garage addition would result in an unattractive structure abutting with the home adjacent to the north. They wish to preserve the widely spaced lots and rural character of the subdivision.

A letter from Francis and Susan Plummer of 21300 Thirteen Mile Road was received on January 10, 2000. They ask the board not to grant the requested 10 foot variance for the following reasons: 1) There will be a loss of privacy and serenity for the next door neighbor; 2) The property values and the desirability of the house next to this proposed garage will be affected in a negative way; 3) This is a very deep lot. The letter indicates that the petitioners could attach the proposed garage behind or in front of the existing garage to preserve the 15 foot open space to the lot line.

Fred Porter of 31065 Stafford, who lives immediately across from the house in question, has no objection to the proposal. Porter stated that he was granted a variance for a similar situation when he bought his home in Beverly Hills many years ago. His addition improved his home substantially. Porter believes that the intent of the petitioners is to improve the value of their home which benefits the entire neighborhood.

Decision: MOTION by Pfeifer, supported by Fahlen, that the variance be granted based on the hardship that exists due to the position of the house on the lot and the topography of the land which makes it impossible to build an addition to the rear. The house was built in 1941, which is prior to the adoption of the Village Zoning Ordinance. The house was placed improperly on the lot.

Roll Call Vote:
Motion passes unanimously.

CASE NO. 987

Petitioner & Property: Rick Urquhart
20555 W. 13 Mile Road
Lot 1 of Coryell Estates
TH24-10-226-003

Petition: Petitioner requests permission to retain the existing garden shed after the completion of a new detached garage.

Urquhart recently constructed a two-car, detached garage on his property. He is requesting permission to retain an existing garden shed. The Beverly Hills Zoning Ordinance states that no more than one accessory building shall be located on a single-family residential lot.

Urquhart explained that his family has storage problems because they have a small ranch house with no basement. A new garage was constructed with the intention of expanding the existing garage into living space. He would like to retain the shed that houses lawn and pool equipment including electrical service for pool pump and heater.

The petitioner circulated photographs of the existing shed. He commented that it is professionally built and meets Village code requirements. Urquhart stated that the shed and the property are well maintained.

Byrwa clarified that the petitioner was advised at the time he submitted plans for a new garage that he was allowed one accessory structure on his lot. Urquhart was told that he would have to come before the Zoning Board of Appeals and request a variance if he chose not to remove the shed.

The Board questioned the issuance of a permit for garage construction before a request for variance came before the Zoning Board of Appeals. Byrwa responded that the petitioner submitted a statement to the Village acknowledging that the garage would be in violation of the Zoning Ordinance and agreeing to either remove the shed or come before the ZBA to request a variance.

Urquhart remarked that he could have built a larger garage than the 18' x 22' structure constructed, but he did not want the garage to be larger than the house. He expressed concern with property values and neighbors.

Fahlen asked if Coryell Estates has deed restrictions that prohibit accessory structures. Urquhart stated that he had the deed restriction issue researched by a real estate lawyer. A letter was submitted to the Village indicating that the deed restriction relative to accessory buildings does not apply.

Sharon Tischler of 21415 Virmar Court, president of the South Berkshire homeowner association, expressed concern with the number of requests received for sheds and accessory structures.

It was determined that a primary use of the accessory building is for a pool pump house. Byrwa commented that a number of property owners have a pump house that is an accessory structure for their pool.

Fahlen pointed out an error on the plot plan that shows the lot in question and determines which property owners were mailed notification of this hearing. It was agreed that the case should be tabled in order to mail notice of hearing to all property owners within a 300 foot radius of Lot 1 of Coryell Estates subdivision. The petitioner agreed to this

MOTION by Fahlen, supported by Dery, to table Case No. 987 until the February Zoning Board of Appeals meeting in order to mail notice to the property owners within 300 feet of the property in question.

Motion passes unanimously.

BUILDING OFFICIAL COMMENTS

Byrwa updated the board on a case heard in June and in August (#964 and #975) involving a request from a property owner on 13 Mile Road to erect a gate at the driveway. The board denied the request for variance. The property owner erected a gate and was issued a ticket by the building official. The jury trial set for January in District Court was postponed until February 22.

MOTION by Pagnucco, supported by Dery, to adjourn the meeting at 8:05 p.m.
Motion passes unanimously.

Mary Ann Verdi-Hus, chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk