

Present: Chairperson Verdi-Hus; Vice-Chairperson Kamp; Members: Fahlen, Freedman, Johnson, Needham, Pagnucco, Parks, and Schafer

Absent: None

Also Present: Building Official, Byrwa  
Council Liaison, Munguia

Chairperson Verdi-Hus presided and 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 Fahlen, supported by Kamp, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, December 11, 2000 be approved as submitted.

Motion passes unanimously.

#### **CASE NO. 1007**

**Petitioner & Property:** Steven Gerwin  
31665 Sheridan  
Lots 399, 400, 401 of Beverly Manor #1  
TH24-01-453-020

**Petition:** Petitioner requests a side yard deviation from the minimum 12.5' open space to 10' open space for an extension to his attached garage.

The petitioner Steven Gerwin explained that he would like to enlarge his one and one-half car garage to create a two-car garage that would accommodate his family's vehicles. A side yard variance is needed in order to expand his garage.

Kamp commented that the Zoning Board of Appeals has limited powers with respect to granting requests for variances from the Zoning Ordinance. The Village Council has adopted ordinances that dictate property requirements in an attempt to maintain a certain character in the community. It is the burden of the petitioner to demonstrate the exceptional or undue hardships in his or her case that would justify a variance from the law.

Gerwin stated that there is a hardship with respect to the configuration of the house on the lot. The house was originally built too close to the property line. The distance between the existing garage and the lot line is currently 13.5 feet. The adjacent neighbor's house is five feet from the property line. There will be 15 feet between the garage and the neighbor's house after the addition is built. Gerwin noted that there are other examples in the area where there is less than 15 feet between houses.

Gerwin answered questions from the board. The house was built in 1941. Gerwin has lived in the home for 23 years. He is proposing to add onto the garage at this time because his children are older and have cars. His family would like to stay in the area and improve the existing house to make it more livable. Gerwin has not talked to his adjacent neighbor about the request for variance.

Kamp expressed concern about the proximity of the adjacent residence. He noted that this area of the Village has many houses with one-car garages. That hardship is shared equally with a number of residents. Kamp agrees that there would be no need for a variance if the house was configured differently on the lot. He would view this as a hardship if the petitioner's home was not extremely close to the living space of the neighbor's house on the north side.

Kamp added that constructing a garage addition would obstruct access to the back yard from the north side unless the existing greenbelt were removed. Gerwin responded that his neighbor is in the landscaping business and would probably approve of re-landscaping the area between the houses. He does not think there will be a problem if the side yard area is landscaped.

Fahlen questioned the dimensions of the addition. Gerwin stated that the garage is currently 17.7' wide. He is proposing to add about 3.4' to create a 21-foot wide garage.

Verdi-Hus read letters received from property owners within 300 feet of the petitioner's property. A letter dated February 1, 2001 from Augustus L. and Milda B. Moss of 31140 Sheridan urges the ZBA to grant the requested extension. A note from David Thompson of 16156 Madoline dated February 9, 2001 indicates that he has no objections to the proposal.

Fahlen commented that the petitioner would not be before this body if it were not for the odd placement of the house on the lot.

**Decision:** MOTION by Fahlen, supported by Freedman, to approve the request for variance based on the hardship that exists due to the location of the house on the lot.

Roll Call Vote:

Fahlen - yes  
Freedman - yes  
Johnson - yes  
Kamp - no  
Needham - yes  
Pagnucco - yes  
Parks - no  
Schafer - no  
Verdi-Hus - yes

Motion passes (6 – 3).

**CASE NO. 1008**

**Petitioner and Property:** Anthony T. Finn  
31830 Sheridan  
Part of Lot 1381, 1383, all 1382, Beverly Hills #3  
TH24-01-405-002

**Petition:** Petitioner requests a rear yard deviation from the required 40' open space to 33.8' rear yard open space for a one-story addition in order to continue with the existing line of the house.

The petitioner Anthony Finn proposes to convert a seasonal porch into a permanent room in conjunction with renovating the house to expand the adjacent kitchen. The existing porch has been a non-conforming use since the house was built. It is proposed to extend the porch area another 3-4 feet into the rear yard. This gives the architect the ability to design the addition proportionately with the house.

Finn addressed questions from the board regarding the existing and proposed structures. The current porch is within 37' of the rear lot line. The applicant was asked if he had considered any other design for the addition that would not require a variance. The petitioner responded that a more rectangular addition would hinder the function of the kitchen and living space.

The hardship in this case was questioned. The petitioner stated that the ordinance creates a peculiar and exceptional practical difficulty in terms of creating a space at the rear of the structure that improves the use and function of the house. There is a difficulty in designing a permanent structure on the back of the house consistent with the lines of the existing house without a variance from the required rear yard setback. Finn stated that his family of four needs more living space.

Fahlen commented that an addition without the depth requested would place it further south where it would interfere with windows and a bedroom area. The petitioner is asking to retain the rear line of the house with an additional setback of a few feet.

**Decision:** MOTION by Johnson, supported by Fahlen, that the variance be granted based on the exceptional practical difficulty of replacing an existing unheated space with a permanent room.

Roll Call Vote:

Motion passes unanimously.

**CASE NO. 1009**

**Petitioner and Property:** Barbara Aylesworth  
16039 Lauderdale  
Lots 1333 and 1334 of Beverly Hills #3  
TH24-01-407-001

**Petition:** Petitioner requests a rear yard deviation from the required 40' open space to 28.4' rear yard open space for a one story addition in order to continue with the existing line of the house.

The petitioner Barbara Aylesworth requests a variance from the rear yard open space requirement in order to expand the kitchen, great room, and back bedroom to be in line with the existing garage. She mentioned that an existing concrete porch requires repair, and water is entering her basement from the rear yard. In conjunction with these repairs, she intends to improve the house and make it more livable for her family.

A note from Linda Harrison of 16036 Amherst, property owner directly behind the petitioner's house, states that she has no objections to the request for variance.

Kamp expressed concern that the addition in conjunction with the large trees and shrubbery in the rear yard will leave only a narrow area of back yard that is useable. Aylesworth responded that she proposes to use the rear yard as a patio area for entertaining with an abundance of shrubs and greenery.

**Decision:** MOTION by Schafer, supported by Parks, to grant the variance as requested due to the shape of the lot and the location of the house on the lot. The proposed addition will not exacerbate the variance created by the existing non-conforming attached garage, which is 28.4 feet from the rear lot line.

Roll Call Vote:  
Motion passes unanimously.

**BUILDING OFFICIAL COMMENTS**

Byrwa updated the board on the status of a recent court case involving a property owner on Thirteen Mile Road who erected a gate that is in violation of the Zoning Ordinance. A date of April 4, 2001 is set for oral arguments.

Byrwa stated that there is a Zoning Board of Appeals case pending, which may require scheduling a meeting on a day other than the Village Election date of March 12. He will keep the board advised.

**PUBLIC COMMENTS**

Council liaison Munguia informed the board that there are five candidates to fill three positions on the Village Council. There will be a proposal on the March 12 ballot asking voters to decide on a dedicated millage of 0.25 mills for five years to improve Beverly Park.

Munguia mentioned that the State of Michigan approved a grant to the Village of Beverly Hills in the amount of \$199,000 for park improvements under the Clean Michigan Initiative grant.

Munguia updated the board on the ongoing process of recruiting and selecting a new Village Manager.

MOTION by Freedman, supported by Schwartz, to adjourn the meeting at 8:15 p.m.  
Motion passes unanimously.

**MaryAnn Verdi-Hus, Chairperson  
Zoning Board of Appeals**

**Ellen E. Marshall  
Village Clerk**