

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.

APPROVE MINUTES OF MONDAY, APRIL 9, 2001 ZONING BOARD OF APPEALS MEETING

MOTION by Fahlen, supported by Parks, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, April 9, 2001 be approved as submitted.

Motion passes unanimously.

CASE NO. 1014

Petitioner and Property: Michael C. Fayz
16140 Locherbie
Lots 742 and part 743, Beverly Hills #3
TH24-01-254-013

Petition: Petitioner requests a side yard deviation from the minimum 12.5' open space to 6.7' for a proposed addition to an existing attached garage.

The petitioner Michael Fayz explained his request for a variance from the minimum side setback requirement in order to build an addition onto the back of an existing garage. The existing structure is 4.5' from the side lot line. The proposed garage addition would be constructed 6.7' from the side lot line, extending 10' back into the yard.

Fayz stated that the enforcement of the ordinance would create an exceptional practical difficulty due to the location of the existing garage. Constructing an addition that does not extend into the 12.5' setback would result in a peculiar shaped structure. There is also a problem with the location of a window in the center of the rear wall of the garage. If he can build an addition of adequate size that is symmetrical and centered on the back of the garage, that window can be used as a doorway to make the addition accessible from inside the garage during the winter. The garage addition would be off-centered and minimally useful without a side yard variance.

Questions from the board were addressed by the petitioner. It was indicated that the house and garage was built in about 1952, prior to the adoption of the Village Zoning Ordinance.

Decision: MOTION by Schafer, supported by Pagnucco, that the petition be granted due to the fact that enforcement of the ordinance creates peculiar or exceptional practical difficulties for this petitioner and because he is not exacerbating an existing situation. Rather than continuing with the existing line of the garage, the petitioner is constructing the addition 2.2' further back from the lot line.

Roll Call Vote:
Motion passes unanimously.

CASE NO. 1015

Property and Petitioner: Thomas F. Sheehan
32805 Faircrest
Lots 2719 and 2720 of Beverly Hills #7
TH24-02-126-005

Petition: Petitioner requests a variance to allow a second accessory building on the property. Also requested is a deviation from maximum of

720 square feet to a combined total of 1,135 square feet (existing garage and proposed accessory building).

Glenda Meads with Swanson-Meads Architects explained that the Sheehans have a large piece of property consisting of two 80' wide lots with the house located on the north half of the property. Such a large piece of property requires maintenance equipment, which cannot be accommodated within the existing detached garage. The Sheehans would like to have an additional accessory structure to house lawn equipment and the vehicles that they own. The proposed structure would be smaller than the existing garage and would be constructed to match the main building. It would be difficult to add onto the existing garage because the site slopes steeply to the back from both sides to the creek in the rear. There is a natural flat area across the front of the property, which is the only buildable area.

Meads presented photographs of the property for the board's review. Letters were submitted from the following five neighbors who have seen the plans and have no objections:

John Bologna	19135 Saxon Drive
Kent Anderson	19138 Riverside
Helen and William Chapman	32825 Faircrest
John J. O'Brien	32865 Faircrest
Joellen Gilchrist	

In response to questions from the board, Byrwa commented on conditions that pre-date the incorporation of the Village and the adoption of the Zoning Ordinance. Because the existing garage, swimming pool and pool house were constructed in 1930, the use is allowed to exist as long as the structures are properly maintained and the use has not been abandoned for six months.

Byrwa explained that the Zoning Ordinance considers the two 80' lots as one lot because a single 80' lot in an R-1 zoning district would not constitute a buildable lot. The minimum lot width required in an R-1 district is 100 feet. The use of the garage and pool shed predate the Ordinance and are allowed to remain for that reason. The Ordinance states that no more than one accessory building shall be located on a single-family residential lot. A garage is an accessory building having not more than 720 square feet in area.

Verdi-Hus read a letter concerning this case from Liz Hurbis of 19215 Riverside Drive. Hurbis asks questions about the use of the accessory building and recommends that the board deny the request for variance.

A letter dated May 14, 2001 from Neil and Eileen Hitz of 19216 Riverside Drive relates their opposition to granting the variance. They believe that the addition of multiple accessory buildings is not in keeping with the residential nature of Beverly Hills. An additional concern is the eventual use of this new building, considering that one unit on the property is now a rental unit. The letter indicates that there is significant space on the property for a third building adjacent to the first building without locating the structure six feet from the property line. If the board grants the variance, the Hitz' request that any structure placed within 20' of the property line be screened with full height evergreens.

A letter dated May 7, 2001 from Sandra L. Fitzpatrick of 19344 Riverside Drive indicates her opposition to granting a variance to allow the construction of a second accessory building on the basis that it would set an undesirable precedent in the Village.

Board members asked questions of the Sheehans about the use of the property and storage of items in order to determine if there are alternatives for using existing space as opposed to building another accessory structure in addition to the existing garage and pool house.

Sheehan stated that the proposed cost of the accessory building will be approximately \$50,000. It is planned to include a patio on the structure for outdoor entertaining near the pool. The structure will be about 90' from the street and will not be visible when the trees are in bloom. Sheehan indicated that the plans were changed to locate the structure 12' rather than 6' from the lot line in order to save a large tree. He emphasized that the slope of the land prevents him from adding onto the existing garage. Sheehan stated that the addition will add to the use and enjoyment of his property.

The peculiar or exceptional practical difficulty was questioned. Mead responded that there is an exceptional difficulty in that the ordinance allowing a 720 SF accessory building is not commensurate with the size of this house and property.

John O’Brien of 32865 Faircrest lives in the second house north of the Sheehan property. He expressed the view that the proposed addition would be an asset to the neighborhood, and a number of the neighbors are in favor of it. O’Brien thinks that the addition would be in keeping with the design of the house. He noted that the garage and pool house are not visible from the street. He asked for the board’s favorable consideration of this request.

Joanne O’Brien of 32865 Faircrest commented that the general neighborhood group seems to be in favor of the Sheehan’s proposal.

Bill Chapman of 32825 Faircrest, who lives adjacent to the Sheehans to the north, stated that he has no problem with the request for variance.

Decision: MOTION by Schafer, supported by Pagnucco, that the request for variance be granted on the grounds that the enforcement of the ordinance creates peculiar or exceptional practical difficulties in view of the age of the house and the size of the house and the amount of property involved.

Roll Call Vote:

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

Motion fails (8 – 1).

CASE NO. 1016

Property and Petitioner: Roland F. Hardy
19324 Warwick
Lots 2684 and 2685, Beverly Hills #7
TH-24-177-007

Petition: Petitioner requests a deviation from the minimum 40’ rear yard open space to 36.85’ for a one story rear addition.

The petitioner Roland Hardy explained plans to build an 18’-8” single story addition to the rear of the home for a master bedroom suite with a walk-in closet and bathroom. The proposed addition would extend 14’ from the rear of the house requiring a variance from the rear yard setback of 3.15’. A rear yard setback of 40’ is required, and 36.85’ is proposed. Hardy displayed photographs of the property as it was staked out to show the location of the addition.

Hardy submitted a letter approving the granting of the proposed variance signed by the following neighbors.

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|----------------------------|-----------------|
| Linda and William MacQueen | 32335 Inglewood |
| Thomas C. Morgan Jr. | 19344 Warwick |
| Robert E. Wilde | 19242 Warwick |
| Ralph Jones | 19344 Warwick |
| Donald J. Steffes | 19418 Warwick |

The petitioner was asked if the addition could be built to meet the rear yard setback requirement. Hardy maintains that the bedroom would be long and narrow with minimum closet space without the additional three feet. He indicated that the proposed addition would continue the line of house from the west side. The house was built in 1954.

Decision: MOTION by Kamp, supported by Parks, to grant a variance of 3.15’ from the rear yard setback that would allow an addition that would continue the line of the house. The variance would permit an addition of a suitable size and allow for reasonable use of the house.

Roll Call Vote:
Johnson - yes
Kamp - yes
Needham - yes
Pagnucco - yes
Parks - yes
Schafer - no
Verdi-Hus - yes
Fahlen - yes
Freedman - no

Motion passes (7 – 2).

CASE NO. 1017

The petitioner has requested that this case be withdrawn.

ZONING BOARD COMMENTS

Township of Southfield Trustee Fahlen stated that many of the Zoning Board of Appeals members have served with Bill Pfeifer on this board. The Township Board nominated William Pfeifer for a Volunteer Leadership Award sponsored by the State of Michigan as part of the Michigan Week 2001 celebration. The nomination was not accepted by the Governor’s office. However, the Southfield Township Board will hold a meeting at 1:30 pm on Thursday, May 17 in the Township offices to recognize William J. Pfeifer Jr. for his outstanding volunteer efforts over the years. Fahlen invited board members to attend this event and join the Township Board in a coffee and cake celebration.

In response to a question from Parks, Byrwa explained that an accessory building use that was in existence prior to the adoption of the Zoning Ordinance is allowed to remain as long as that use is maintained and not abandoned for greater than six months.

The Village has prevailed in the court case against Dana Allen Palmer regarding the erection of a gate in violation of the Zoning Ordinance. Byrwa believes that the gate and posts have been removed.

PUBLIC COMMENTS

Council liaison Munguia informed the board members that Council has selected a new Village Manager, Brian Murphy, who will start work on June 4.

Munguia informed the board that there is a vacancy on the Planning Board and two additional vacancies are expected at the end of June. He asked board members if they knew of anyone interested in serving on the Planning Board. Interested residents should be encouraged to file an application at the Village office.

David Souter of 32328 Sheridan asked how to obtain copies of the Zoning Ordinance. Byrwa responded that the Zoning Ordinance is available at the Village office and is available for review on the Village web site. (villagebeverlyhills.com)

MOTION by Fahlen, supported by Pagnucco, to adjourn the meeting at 8:30 p.m.

Motion passes unanimously.

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

**Ellen E. Marshall
Village Clerk**