

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

Absent: Freedman and Schafer

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, JUNE 11, 2001 ZONING BOARD OF APPEALS MEETING**

MOTION by Fahlen, supported by Kamp, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, June 11, 2001 be approved as submitted.

Motion passes unanimously.

**CASE NO. 1022**

**Petitioner and Property:** Dawn D. Hawkins  
30250 Woodhaven  
Lot 78, Berkshire Valleys #3, TH24-10-180-005

**Petition:** Petitioner requests a variance to retain a second accessory building. Pool equipment is stored in the other building.

The petitioner Dawn Hawkins explained her request for a variance from the ordinance in order to retain a second accessory building on the property. There was an existing pool house located adjacent to the pool for storage of the pump and heating equipment. A 10' x 14' redwood gazebo was erected as a changing room for privacy and to keep people from having to go into the home.

It was noted that the petitioner did not apply for a building permit before erecting this structure. The two accessory buildings do not exceed the maximum 720 SF for accessory structures on the site.

Hawkins stated that she has been in the house for a year. She was unaware of the building code requiring a permit for the erection of this structure.

Verdi-Hus remarked that the newer structure does not coordinate with the existing pool building. The petitioner was asked if she has considered connecting the two accessory pool structures and redoing the façade to create one building that would meet ordinance requirements. Hawkins indicated that she did have plans to change the façade of the other building to match the gazebo and to connect the two structures.

The petitioner was informed that failing to obtain a permit for the second accessory structure is not a factor that supports her petition. The Zoning Board of Appeals is a body of limited powers. It is incumbent upon the applicant to present the peculiar or exceptional practical difficulty that demonstrates why the law should be changed in their favor.

Kamp remarked that there are many people in Beverly Hills who have pools and are faced with the same kinds of issues in terms of using their property. He does not see anything that would distinguish the petitioner's case from the situation of anyone else in the Village who would like to have the same conveniences. There have been other cases recently where people have asked for second accessory buildings. They have had to show how their case is distinct from any other case.

Sharon Tischler of 21415 Virmar Court asked questions about the structure that were addressed by the petitioner. In response to a question, Byrwa related that the combined total of both structures does not exceed the 720 SF limitation for an accessory structure. Tischler thinks that the petitioner would be best served if she were to attach the two structures and make them appear more uniform.

Hawkins stated that she spoke with the neighbor across the street and the neighbor adjacent to the rear, and they support the request for variance.

Johnson questioned whether the petitioner would seek to withdraw her request for variance after hearing the concerns of the board. The petitioner could then apply for a building permit based on a proposal for one accessory structure that is in compliance with the ordinance.

Dawn Hawkins withdrew the request for variance.

### **CASE NO. 1023**

**Property and Petitioner:** Tom Driscoll  
17110 Beverly Road  
Lots 2269, 2270, Beverly Hills #5  
TH24-01-182-018

**Petition:** Petitioner requests a variance from the required 15' minimum side yard open space to 13.5' and a variance from the minimum 40' rear yard open space to 18' for a proposed attached two-car garage. Existing attached garage is to be converted into a master bedroom.

The petitioner Tom Driscoll explained his proposal to build a two-car garage directly in front of the existing garage for the purpose of converting the existing garage into a master bedroom and bath. A hardship exists because the house has only two bedrooms unlike most of the homes in the area. The petitioner would like to add a bedroom to accommodate a growing family and for resale purposes.

The house is on a corner lot. The existing rear yard setback is 28' in lieu of the required 40 feet. A variance is requested from the required 15' side yard setback to 13.5' in order to build a 20' x 20' garage.

The house was built in 1952 or 1953 prior to the adoption of the Village Zoning Ordinance. Driscoll displayed pictures of the house and lot before and after he purchased it almost two years ago. He noted that the houses on the other three corners between Beechwood, Bates, and Beverly all have garages that are closer to Bates than his existing garage.

Kamp commented that the configuration of the house on the lot does not maximize available setbacks to permit adequate living space. The petitioner is requesting a variance to continue the rear setback line and a 1.5' variance from the side setback requirement. Kamp noted that the petitioner has an illegal fence and privacy screen in his rear yard.

**Decision:** MOTION by Kamp, supported by Pagnucco, to approve the petition due to the unusual configuration of the house on the lot, which creates a peculiar and exceptional practical difficulty with adding the desired living space.

Roll Call Vote:  
Motion passes unanimously.

#### CASE NO. 1024

**Petitioner and Property:** Donald Abood  
31340 Pierce  
Lots 254-257 of Beverly Manor #1  
TH-24-01-451-003

**Petition:** Petitioner requests a side yard deviation from the required minimum 12.5' open space to 8.4' and a rear yard deviation from the required minimum 40' open space to 35' for a proposed one story rear addition in order to continue with the existing line of the house.

The petitioner Donald Abood explained his proposal to follow the existing line of the house in order to build a 24' x 13' addition that extends the kitchen and family room. The house was built before the adoption of the current Zoning Ordinance.

Abood stated that the hardship is that his family needs more living space in the house. They have been in the home for ten years and would like to remain in the neighborhood rather than moving to a larger home.

Verdi-Hus read a letter dated July 7, 2001 from Leonard and Joyce Norton of 31250 Pierce indicating that they are not opposed to the proposed deviation.

Building official Byrwa commented that there is dense foliage to the north and east of this lot that would make it difficult for the adjoining neighbor to see the petitioner's house. Abood added that he spoke with the adjacent neighbors, and they have no objections to the proposed addition.

**Decision:** MOTION by Fahlen, supported by Needham, that the petition be granted as a continuation of the existing line of the house. The hardship is that there is no other place to build.

Roll Call Vote:  
Motion passes unanimously.

### **ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

The election of officers was postponed until the next meeting when more board members are present.

### **ZONING BOARD COMMENTS**

Fahlen mentioned that Council did not reappoint Jim Parks to another term on the ZBA for the reason that he missed more than 30% of the meetings during his term of office. Fahlen hopes that Parks will reapply for the open position on this board.

Kamp stated that he was disappointed to learn that Parks did not receive reappointment to the Zoning Board of Appeals. The members will miss his judgment and temperament. He served well, and Kamp hopes that he returns to service in some capacity soon.

Pagnucco asked if the board members could receive an update on their attendance record during the year.

### **LIAISON COMMENTS**

Munguia commented that Jim Parks' attendance was below the 70% guideline for reappointment. He does have the option of making application for the opening on the Zoning Board of Appeals. The first announcement of a vacancy on the ZBA was announced at the July 2 Council meeting. An appointment will be made to fill this position at the first Council meeting in August.

Munguia commented that attendance is computed prior to the June Council meeting when reappointments are made. He will discuss the board's request for an interim attendance report with the manager.

Munguia questioned the status of a case that was withdrawn from ZBA consideration at the June meeting. The case involved a request to replace an existing fence located in the road right-of-way. Council approval is required to construct any structure in the Village right-of-way.

Byrwa stated that Village Attorney Ryan has advised the Manager that the Village should not grant permission to build a structure in a road right-of-way. Byrwa remarked that the property owner has the sense that the board prefers that he address the need for privacy screening with

plantings. Munguia asked that the disposition on this matter be communicated in a memo to Council.

Byrwa commented that this homeowner is aware of a Fence Ordinance provision that allows the property owner to repair or replace 25% of an existing fence without a permit. Kamp pointed out that Ordinance Section 22.08.150 A (1) states that no fence or privacy screen shall be replaced or altered by more than 25% of the vertical area. The language does not stipulate 25% per year. Byrwa will check this.

MOTION by Fahlen, supported by Needham, to adjourn the meeting at 8:01 p.m.

Motion passes unanimously.

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

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