

Present: Chairperson Verdi-Hus; Vice-Chairperson Kamp; Members: Fahlen, Freedman, Johnson, Needham, Oen, Pagnucco 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, JULY 9, 2001 ZONING BOARD OF APPEALS MEETING

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

Motion passes unanimously.

CASE NO. 1025

Petitioner: Mike Lukas
Concept One
6690 Montclair, Troy, 48098

Property: 19481 Beverly Road
Part of Lot 22 of Supervisor's Plat #13
TH24-02-302-022

Petition: Petitioner requests a deviation from the 40' minimum rear yard open space to 33' for a one story rear addition.

Mike Lukas, contractor from Concept One, represented the property owner William Evo of 19481 Beverly Road. Lukas withdrew the request for a variance from the 40' rear yard setback to construct an addition based on the findings of a property survey showing that the proposed addition will meet the rear yard setback requirements. Lukas explained that the request for variance was based on a fence location without the benefit of a certified mortgage survey.

Byrwa stated that the property owner or his contractor will have to submit construction drawings showing the location of the addition and the distance from the addition to the rear property line, which must be a minimum of 40 feet.

Resident William Evo stated that he has approached his neighbors to inform them of the proposed addition.

Mary Ann Upton of 31849 Waltham stated that she and her husband live in the house south of the property in question where the decorative fence has existed since they moved in about 29 years ago. Mary Ann and Allen Upton expressed concern that their sewer line may be damaged

by the construction of the addition. They were advised by Byrwa to contact the Village Public Services Director to determine the location of their sewer line.

CASE NO. 1026

Petitioner & Property: Marian M. Battersby
22949 Nottingham
Lot 198 of Nottingham Forest #6
TH24-01-451-003

Petition: Petitioner requests a deviation to replace existing privacy screen that is located less than 10 feet from property line and to exceed the 25% of the lot line portion of the rear yard.

Marian and Brenden Battersby were present requesting a variance to replace an existing fence on their property. Brenden Battersby displayed photographs of the back yard. Because of the configuration of the lots and the location of the homes built in 1965, their deck is only a short distance from the adjacent neighbor's front porch.

The petitioner indicated that the privacy screen is falling over and is in a state of disrepair. The brick pillars are deteriorating. The privacy wall and landscaping being proposed will be an \$11,000 improvement to the property and will improve the appearance of the cul-de-sac. Battersby proposes to erect the same type of cedar fence between brick pillars. He displayed samples of the proposed pillars and fence.

Battersby maintains that it is a hardship for his family not to be able to rebuild that wall because there is no privacy without it. He has a letter from the adjacent neighbors who have no objections and feel a new fence will be an improvement. Battersby displayed pictures of houses on the cul-de-sac that have six foot fences.

The petitioner believes that the privacy screen was constructed at the same time as the house. He was not aware of whether there was a variance granted to allow the construction of this wall.

The homeowners were asked if they have considered using greenery for screening. Battersby responded that they are in the process of removing the existing patio and deck and installing a new patio and landscaping. The property owners do not think they would have success with natural plantings due to the size of the existing trees in the yard and the heavily rooted ground. In addition, the screening would take up more of the limited space in the back yard. The petitioner was informed that the fence height is limited by ordinance to four feet.

Consideration was given to the shape of the lot and the layout of the house, which appears to render the area behind the house as an important activities location. The small size of the back yard and lack of space for additional landscaping was noted along with the closeness of the houses in the cul-de-sac. Board members indicated that they would support a petition that would replace the existing structure without increasing the height of the wall.

Decision: MOTION by Needham, supported by Kamp, that the petitioner be allowed to replace the existing privacy screen conditioned on the structure being no higher than the existing structure. Approval is based on the lack of privacy from the neighbor's yard due to the configuration of the lots and location of homes on the cul-de-sac. It is understood that the pillars and fence material are different heights. This approval permits some variation in additional height for the supporting columns that is not significantly different than the existing structure.

Motion passes unanimously.

ELECTION OF OFFICERS

Verdi-Hus opened the floor for nominations to the office of chairperson of the Zoning Board of Appeals.

Kamp nominated Verdi-Hus as chairperson for the next year. There were no further nominations. Verdi-Hus was unanimously elected chairperson of the board.

Pagnucco nominated Kamp as vice-chairperson. There were no further nominations. Kamp was unanimously elected as vice-chairperson of the Zoning Board of Appeals.

BUILDING OFFICIAL COMMENTS

Byrwa informed the board that the Planning Board will hold a public discussion and a public hearing at its September 26 meeting. There will be a public hearing on a request for rezoning and lot split as part of approval of a revised site plan for the Charrington Crossing condominium development located on Greenfield Road just north of 13 Mile Road. The developer is proposing to incorporate additional land into the development for the purpose of adding two building sites that were originally intended to be part of the condominium community.

The Planning Board is near completion of a 14 Mile Road Corridor plan and will conduct a public discussion on the topic at its September 26 meeting.

Council will hold a public hearing on the Pathway Plan prepared by the Planning Board and planning consultant at its October 1 meeting at Berkshire Middle School.

PUBLIC COMMENTS

Mark Melendy of 16905 Kinross asked where he could obtain information on the widening of 14 Mile Road, particularly at the intersections. He expressed concern about extending the roadway to five lanes at the Pierce intersection.

Byrwa presented background information on plans to widen and reconstruct 14 Mile Road to three lanes with five lanes at the intersections. He emphasized that it is a County road project scheduled to begin in early 2002. Melendy was advised to contact the Road Commission for Oakland County and request to see the plans for this project.

Melendy questioned how he could have a “no parking” sign erected on his street. He lives across the road from Our Lady Queen of Martyrs Church and is experiencing inconsiderate people parking in front of his house when there is sufficient parking on church property.

Melendy was informed that a Traffic Control Order authorizing placement of a traffic sign can be issued by the Public Services Director on a temporary basis. Council approval is required for permanent placement of a traffic sign.

Council Liaison Randy Munguia congratulated Verdi-Hus and Kamp on another term as chairperson and vice-chairperson of the board. He welcomed new board member John Oen.

Munguia mentioned that Council will hold a public hearing on the Pathway Plan at Berkshire School on October 1, 2001. A copy of the Pathway Plan is available for public review at the Village offices.

A special meeting of the Parks and Recreation Board will be held this Thursday with representatives from Hubbell, Roth & Clark to review plans for CMI grant related park improvement projects. Council will meet with the Parks and Recreation Board on Thursday, September 20 to look at those plans.

There will be a joint meeting of the Council and Finance Committee on Tuesday, September 18. The Planning Board will hold a public discussion on the 14 Mile Road Corridor plan on September 26.

Munguia reminded everyone that there will be a special county-wide school election for Intermediate Schools on September 25. There are two millage issues on the ballot.

MOTION by Fahlen, supported by Pagnucco, to adjourn the meeting at 8:38 p.m.
Motion passes unanimously.

MaryAnn Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk