

Present: Chairperson Verdi-Hus; Members: Fahlen, Johnson, Needham, Oen, Pagnucco and Schafer

Absent: Freedman, Kamp

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, seconded by Pagnucco, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, September 10, 2001 be approved as submitted.

Motion passes unanimously.

CASE NO. 1027

Petitioner & Property: John Kemp
21200 Smallwood
Lot 93 of Cranbrook Woods #3, TH24-03-127-010

Petition: Petitioner requests a front yard variance from the 150' average front yard setback to 87' for a new home.

The petitioners John and Mary Elizabeth Kemp were present with architect Jon Sarkesian. Sarkesian stated that he was hired by the Kemps to look at this site and make a proposal for a home on this lot. There is presently a contemporary ranch home on the site. Sarkesian described problems with the existing house. It has a shallow roof and no ventilation. There is no basement. It was determined that it would be expensive to renovate and correct inherent problems with that structure.

The Village Ordinance states that, where a front open space of greater or less depth than 40' exists in front of a single family residence presently on one side of a street in any block and within 200' of the lot, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences. The average front setback within 200' of the lot in question is 150'-7".

Sarkesian stated that the house to the east of the petitioners is set back 254'-6" from the front lot line. There happens to be a utility easement going through the midpoint of the lots. Building a new house with the average front yard setback of 150' would position the house further back than the rear of the existing home. Since a building cannot be constructed between the average front yard setback and the utility easement, a house would have to be built in the wooded area on the other side of the easement.

It is proposed to build a new house with a basement on the site in the same location but using a rectangular shape that would keep the back of the house further from the power lines. The Kemps wish to preserve the wooded area and to have a rear yard. The practical difficulty with this site is the relationship to the adjacent house that is set far back from the front lot line and the utility easement.

Sarkesian displayed an elevation drawing of the proposed new house, which is designed to fit into the character of the neighborhood. He emphasized that the only way to comply with the ordinance requirement relative to the average front setback is to build the new house behind the utility line. The Kemps would have to cut down trees and would not have the back yard they would like.

Questions from board members were answered by Sarkesian. The existing house was built in the early 1950's. Byrwa commented that the house on the lot to the east was probably built prior to the adoption of the Village Zoning Ordinance in 1958. The applicants indicated that the estimated cost of moving the utilities is between \$20,000-\$50,000. The petitioners stated that they plan to retain the natural wooded setting of the property. The materials used for the home will be cedar shake and stone for an English cottage look.

Kemp stated that he understands that the intent of the Zoning Ordinance is to provide continuity between the houses on a street. It is unfortunate that the house to the east was built so far back. He noted that the two houses to the west are almost in line with the existing house on the lot in question. He maintains that building a new home in the same location as the existing house would have no adverse impact on the neighborhood.

Nancy Gassdorf of 32575 Plumwood asked questions that were addressed by Sarkesian about the proposed new house. She expressed concern that the façade of the proposed house will not be in character with the majority of ranch homes in the neighborhood.

Carol Woodard of 32750 Bellvine Trail, who lives two houses from this lot and around the corner, thinks that the proposed home is beautiful and will be a good use for the lot. Woodard encouraged the board to approve the variance on the basis that the new home will not encroach any further forward than the existing home.

Mrs. Kubik of 32550 Bellvine questioned whether the petitioners purchased the house with the purpose of demolishing it and building another structure. Sarkesian commented on the time spent trying to determine if the house could be renovated before the decision was made to build a new house.

Decision: MOTION by Schafer, seconded by Pagnucco, to approve the variance to allow construction of a new house with an 87 ft. front setback in the location of the existing structure on the basis that enforcement of the ordinance creates a peculiar or exceptional practical difficulty, especially in light of the lot immediately to the east.

Roll Call Vote:
Motion passes unanimously.

CASE NO. 1028

Petitioner & Property: Ronald and Joanne Campbell
18180 Beverly Road
Lots part 1988, 1989 of Beverly Hills #1
TH24-02-280-041

Petition: Petitioner requests a side yard deviation from the required 12.5' open space to 5' side yard open space for a one story rear addition in order to continue with the existing line of the house.

Ronald and Joanne Campbell were present requesting a variance from the required 12.5' side yard setback to 5' on the west side. Ron Campbell stated that he spoke with their neighbors on both sides and to the rear, and they have no problem with the proposal. He submitted two letters from neighbors to the board.

The Campbells have been residents of the Village for almost 20 years and would like to remain in the community. They have a need for a family room. It is proposed to remove the existing 10' x 10' screened porch at the rear of the house and construct a 16' x 24' family room with mud room and half bath. Campbell maintains that the addition will add value to the house and to the neighborhood.

It was questioned whether the addition will encroach on the open space available on the narrow lot. Campbell commented on the adequate size of the rear yard. He noted that the adjacent neighbor has a similar family room at the rear of their house.

Schafer pointed out that the petitioner and the immediate neighbor to the east have much smaller lots in terms of width than other lots in the area. The setback requirements in the zoning district do not leave a lot of practical building area for the petitioner.

Verdi-Hus read a letter from Barbara Labadie of 18190 Beverly Road, who states that she has discussed this request with the Campbells and has no additional concerns or questions.

A letter from James Delaney of 18129 Riverside Drive states that his house backs up to the property in question. Delaney indicates that he has no problem with the request for variance and thinks that the board should grant the Campbell's request.

In response to an inquiry from the building official, Campbell stated that he will be in contact with Byrwa about plans for the air conditioning unit and downspout discharge.

Decision: MOTION by Fahlen, seconded by Needham, that the petition be granted on the basis that the addition will continue the existing line of the house that was built in 1952 prior to the adoption of the Village Zoning Ordinance, and there is no other location on the lot to build this addition.

Motion passes unanimously.

ZONING BOARD COMMENTS - BUILDING OFFICIAL COMMENTS

Byrwa was asked if there are any cases pending for the January Zoning Board meeting. He related that a site plan was submitted to the Village for proposed renovations to the McDonald's restaurant property on 31655 Southfield Road. Building permits have been issued for the interior work. A proposed exterior change to construct a pass through lane in front of the building to allow for internal vehicular access will eliminate several parking spaces. A variance will be requested with regard to the number of required parking spaces. Another variance involves the height and area of a new sign.

A second request for variance was received for property on Auburn Road similar to the case tonight in which a variance was requested to build an addition that would continue the existing line of a house constructed five feet from the lot line. The next Zoning Board of Appeals meeting is scheduled for January 14, 2002.

PUBLIC COMMENTS

Council liaison Munguia questioned the status of the Roma lot split request on Beverly Road. Byrwa commented that the Romas may make application to come before the Zoning Board of Appeals in January to request variances needed to pursue a lot split proposal.

Munguia stated that the Village Council adopted a Pathways Plan at its October 1, 2001 meeting. In consideration of how to implement the plan, Council formed a seven member Pathways Advisory Committee with the responsibility to prioritize the pathways identified in the plan, estimate the cost of constructing the pathways, and evaluate funding alternatives. Doyle Downey has been appointed as chairperson and Council representative to the committee. A representative was appointed from the Finance Committee and Planning Board. Council has appointed four residents to participate in this group.

Munguia informed the board that a copy of the Pathways Plan is available for review at the Village offices.

MOTION by Fahlen, seconded by Pagnucco, that the meeting be adjourned at 8:17 p.m.
Motion passes unanimously.

MaryAnn Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary