

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

Absent: Oen

Also Present: Building Official, Byrwa  
Council liaison, Mooney

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**

Motion by Fahlen, seconded by Schafer, approve as submitted the minutes of a regular Zoning Board of Appeals meeting held on February 11, 2002.

Motion passed unanimously.

**CASE NO. 1037**

**Petitioner/Property:** John Danckaert  
16176 Wetherby  
Part of Lots 1419, 1421, all Lot 1420  
Beverly Hills #3 Subdivision, TH24-01-401-017

**Petition:** Petitioner requests a rear yard deviation to encroach 1.7' into the rear yard easement to construct an addition to the existing detached garage.

The petitioner John Danckaert proposes to extend the existing rear wall of his garage 4' - 4½" east within the existing easement in order to construct an addition to the detached garage. The garage currently extends 1.7' into the six foot easement at the rear of the property. Danckaert believes that that garage was built in 1953 at the same time the house was constructed. The addition will afford more efficient use of the interior space and will not encroach into the easement more than the existing structure.

Danckaert stated that the garage is 20' x 20' with an interior dimension of 19 square feet. He has two personal vehicles and a collector vehicle that he stores in the garage. He would like to be able to store vehicles and his yard equipment in the garage space.

Barry Green of 16162 Wetherby lives in the house abutting the Danckaert's home, and the proposed addition would be most visible from his property. He has seen the plans and has no objections to the proposal.

Kamp stated that the garage infringes on an easement. The petitioner should note that, if he chooses to build in the easement, the owner of the easement could ask him to vacate that easement. Zoning Board of Appeals approval of the variance does not affect the respective property rights between the petitioner and the owner of the easement.

Schafer pointed out that an additional variance is required to extend the current non-conforming structure, which encroaches into the required five foot rear yard setback.

**Decision:** MOTION by Pagnucco, seconded by Kamp, to grant variances allowing a 4' garage addition to extend into the easement and to allow the addition to encroach into the 5 foot rear setback due to a peculiar or exceptional practical difficulty considering the original placement of the garage on the property prior to the adoption of the Zoning Ordinance.

Roll Call Vote:  
Motion passed (8 – 0).

**CASE NO. 1038**

**Petitioner/Property:** Dan Nelson  
32311 Sheridan  
Lot 647 of Beverly Hills #3, TH24-01-253-019

**Petition:** Petitioner requests a rear yard deviation from the minimum 40' open space to 38.7' for a rear second floor addition.

The petitioner Dan Nelson requested an aerial variance in order to build a second story addition on an existing foundation. The overhang on the second story addition encroaches 1'-3" from the required 40' rear yard setback. The overhang will allow for a closet in the bedroom addition. Nelson addressed questions from the Board on the proposed addition.

Byrwa clarified that a small aerial encroachment such as an awning does not require a variance. In this case, the second floor bearing wall starts the living space of the structure and is the point of measurement.

**Decision:** MOTION by Needham, seconded by Freedman, to grant the variance in view of the practical difficulty with gaining additional space any other way than what has been designed.

Roll Call Vote:  
Motion passed (8 – 0).

**CASE NO. 1039**

**Petitioner/Property:** Philip and Nancy Uchno  
16910 Wetherby  
Lots 2730-2734 of Beverly Hills #4, TH24-01-326-012

**Petition:** Petitioner requests a deviation from the 40' minimum rear yard open space to 26.9' for two one-story rear additions.

The petitioner Philip Uchno explained the request for a deviation from the required 40' setback to 26.9' in order to construct two additions at the rear of the ranch house. One addition will be a master bedroom and hallway and the other will be a family room.

The house is located at the corner of Wetherby and Pierce. The hardship in this case is the original positioning of the house, which is set back 12.6' further from the front property line than the rest of the homes on Wetherby. Uchno contends that this gives them less room in the back yard for an addition. The ranch house has three small bedrooms and no family room. They have three children and would like to add onto the existing house to make it more suitable for their family.

Uchno mentioned that the next three homes on Wetherby between Pierce and the cemetery have permanent additions built right to the 40' setback. There are several homes with additions on Wetherby across Pierce that have been built to within 33' of the rear lot line. Uchno referred to the aerial map to emphasize that his home is positioned further back than the homes to the west on Wetherby.

Uchno stated that they have less back yard to work with and would like to build into that area to construct a master bedroom and family room. The additions will add 1250 square feet to the existing home, which is approximately 1450 square feet. The petitioners would like to stay in that house and add more living space.

Questions were addressed by the petitioner. Uchno has considered other configurations for the additions, but they did not provide the needed space. He would consider an addition that reduces the encroachment into the rear setback.

The Board discussed the proposal and the hardship involved in this case. It was suggested that a hardship exists in the original placement of the home on the lot.

The petitioners submitted a letter from Jan and Michael Borchak of 16909 Beverly Road, whose back yard adjoins the petitioner's rear yard. The Borchaks indicate that they have seen the plans for the addition and feel it will add value to the neighborhood.

**Decision:** MOTION by Fahlen, seconded by Freedman, to grant the deviation due to the platting of the lot and location of the house on the combined lots.

Roll Call Vote:  
Motion passed (8 – 0).

#### **CASE NO. 1040**

**Petitioner/Property:** Mark Attard  
16284 Birwood  
Lot 78 of Henry Winegar's Eco City, TH24-01-202-028

**Petition:** The petitioner requests a deviation to remove a one-story structure and rebuild a two-story structure on the existing foundation.

The property owner Mark Attard explained that, due to the extreme deterioration of the house, he would like to take the house down to the foundation and build a two-story structure on the existing footprint. The current setbacks are non-conforming. He is asking for a variance from the ordinance section that requires that a structure that is destroyed to the extent of more than 60% of its replacement costs shall be reconstructed in conformity with the provisions of the ordinance.

Attard stated that the hardship is that the house was over-spanned when it was originally built, and it cannot technically support the existing structure let alone an addition. It would be more cost effective to destroy the house and rebuild than to repair the existing structure.

Byrwa commented that the house is in an extreme state of disrepair. A two-story house would not be out of character for the neighborhood. He suggests that a new house in that location would be beneficial to the area and may encourage additional renovations on that street.

Attard displayed plans for the proposed structure. The elevation of the new house would not differ significantly from the current elevation of the house. Questions from Board members were addressed by the petitioner and Byrwa. It was noted that meeting setback requirements for a new home on a 40' lot would result in a 15' wide house.

Dan Nelson of 32311 Sheridan, homeowner association president in that area, questioned the location of the house.

**Decision:** MOTION by Kamp, seconded by Pagnucco, that the variance be approved on the basis that the request for variance does not increase the non-conformity. There is a peculiar and exceptional practical difficulty in remodeling the current structure as opposed to replacing it.

Roll Call Vote:  
Motion passed (8 – 0).

#### **ZONING BOARD COMMENTS**

In answer to an inquiry, Byrwa stated that Vic's Fruit Market comes before the Zoning Board of Appeals each year requesting a variance for seasonal outdoor sales for bedding plants in the spring, pumpkins in October, and Christmas trees in December. Fahlen mentioned that there are currently items for sale in the front of the store.

Byrwa responded that the building code allows the sale of items that are displayed under the extension of the canopy or roofline, which is considered part of the building. The sale of goods cannot extend into the parking lot or public areas. Byrwa was asked to check for violations in the back of all the buildings in that shopping area with respect to items stored in the alley.

**BUILDING OFFICIAL COMMENTS**

Byrwa informed the Board that the Village will hold an appreciation dinner for its volunteers on Thursday, June 13 at the Birmingham Country Club.

Byrwa related that McDonald's Corporation representatives decided to erect a sign that conforms with the ordinance at the Southfield Road restaurant. A site plan that would have required parking lot variances was withdrawn.

New Council liaison Janet Mooney was acknowledged.

MOTION by Freedman, seconded by Schafer, to adjourn the meeting at 8:21 p.m.

Motion passed unanimously.

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

**Ellen E. Marshall  
Village Clerk**

**Susan Bernard  
Recording Secretary**