

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

Absent: None

Also Present: Building Official, Byrwa

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 Pagnucco, seconded by Needham, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, August 12, 2002 be approved as submitted.

Motion passed unanimously.

CASE NO. 1059

Petitioner and Property: John Thomson II
18025 Buckingham
Part Lot 12, all of lots 29-33 of D.J. Healy’s Golfhurst subdivision
TH-24-01-107-001

Petitioner: Petitioner requests the following deviations: 1) To extend privacy screen into the side yard beyond the rear corner of the house; 2) to construct a detached garage with a 10’ side yard open space instead of the required 20’ minimum side yard open space.

The petitioner John Thomson, who lives at the corner of Buckingham and Southfield Road, is requesting to replace an existing 4’ fence along Southfield Road with a 6’ high fence and extend the fence along the lot line forward to the front of the house. The reason for the 6’ fence is to block out noise and provide privacy from Southfield Road traffic. Thomson displayed photographs of similar fences along Southfield Road that extend beyond the rear of the house.

Thomson amended his petition to request a variance to build a detached garage 11’ from the west lot line rather than 10’ from the lot line. His house is 20’ from the side lot line on a corner lot. The variance is requested to allow access into the proposed detached garage. Locating the garage directly behind the house would make it unusable. There is an existing attached garage built in 1958.

Thomson stated that a hardship exists in that the current 18’ x 20’ garage does not provide enough space for vehicles and storage needed for a growing family. They have two vehicles and a collector car. Thomson displayed photographs of similarly situated garages in the neighborhood.

The petitioner was informed that each case is considered on its own merit. A similar non-conforming use on property in the area is not considered precedent setting.

Board members discussed the proposal. Questions were answered by the petitioner and Building Official. It was noted that the ordinance permits a solid, six foot fence on property where the rear yard abuts Southfield Road. The suggestion was made that landscaping could be planted along the lot line from the rear of the house forward to provide privacy.

The Village is in receipt of a letter regarding this case from Mr. and Mrs. Norbert C. Roth of 18105 Buckingham. They have no objection to the deviations requested by the petitioner.

Bernard Johnson of 18050 Dunblaine, property owner directly south of the petitioner, stated that he has no objection to the variances requested.

Decision: Motion by Freedman, seconded by Needham, that a variance be granted to allow the garage to be constructed 11' from the side lot line due to a hardship that exists with the peculiar shape of the lot making it impractical to build the structure in any other place.

Roll Call Vote:

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

Motion passed (8 – 1).

Motion by Pagnucco, seconded by Oen, to approve a 6' high cedar fence to be constructed along the property line abutting Southfield Road extending beyond the rear corner of the home.

Roll Call Vote:

Verdi-Hus - no
Fahlen - no
Freedman - no
Johnson - no
Kamp - no
Needham - no
Oen - no
Pagnucco - no
Schafer - no

Motion fails (9 – 0).

It was clarified that the Fence Ordinance allows the petitioner to construct a 6' high solid wood fence from the southwest property line along the westerly side of his property to a point even with the rear of the house.

CASE NO. 1060

Property and Petitioner: Mary J. Brinkman
31676 Allerton Drive
Lot 26 of Crystal Springs #2 subdivision
TH24-02-402-012

Petition: Petitioner requests a 6' high cedar fence along the back lot line. Fence would be between her property and Beverly School property.

The petitioner, Mary Brinkman, stated that she is the only property owner on Allerton who does not have a 6' fence along the rear yard. She did not choose to have a fence previously due to the trees and shrubbery that existed along the property line. A number of years ago, Detroit Edison in conjunction with the Birmingham School Board had the trees removed. Her property is adjacent to a baseball diamond. She is now requesting a 6' high fence for privacy and security reasons.

Byrwa commented that the Fence Ordinance permits an exception to the 4' fence height only when a property abuts a major road. However, every other residence along Allerton has a 6' fence along the rear property line. If the Board approves this 6' fence, he suggests that they grant approval to allow the finished side of the fence to face inward as is the case with the other fences along Allerton.

Motion: Motion by Fahlen, seconded by Pagnucco, to allow the petitioner to construct a solid 6' high fence along the rear property line with the structural side of the fence facing the school entrance driveway.

Roll Call Vote:
Motion passed unanimously.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Verdi-Hus opened the floor for nominations for the office of Chairperson. Pagnucco nominated Mary Ann Verdi-Hus to serve as chair for the next year. There were no further nominations.

Motion by Fahlen, seconded by Kamp, to elect Verdi-Hus as Chairperson of the Zoning Board of Appeals.

Roll Call Vote:
Freedman - yes
Johnson - yes
Kamp - yes
Needham - yes
Oen - yes

Pagnucco - yes
Schafer - yes
Verdi-Hus - abstain
Fahlen - yes

Motion passed (8 yes – 1 abstention).

Pagnucco nominated James Kamp as Vice-Chair of the Zoning Board of Appeals. There were no other nominations.

Motion by Pagnucco, seconded by Fahlen, to elect James Kamp as Vice-Chairperson of the Zoning Board of Appeals.

Roll Call Vote:

Johnson - yes
Kamp - abstain
Needham - yes
Oen - yes
Pagnucco - yes
Schafer - yes
Verdi-Hus - yes
Fahlen - yes
Freedman - yes

Motion passed (8 yes – 1 abstention).

Motion by Fahlen, seconded by Needham, to adjourn the meeting at 8:11 p.m.

Motion passed unanimously.

MaryAnn Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary