

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

Absent: Fahlen and Oen

Also Present: Council Liaison, McCleary

Chairperson Verdi-Hus presided and called the meeting to order at 7:33 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES

Motion by Johnson, seconded by Berndt, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, August 11, 2003 be approved as submitted.

Motion carried.

CASE NO. 1093

Petitioner and Property: David Larson
30650 Embassy Drive
Lot 19, Coryell Estates, TH24-10-228-001

Petition: Petitioner requests a variance to locate a two-car detached garage in the side yard.

David Larson stated that he and his wife Linda moved into the neighborhood about two months ago and are requesting a variance in order to build a detached garage that will extend into the side yard. Larson submitted photographs and plans with his application. He feels that his proposal is in harmony with the existing home.

In answer to a question relative to the hardship involved with this case, Larson explained that the proposed location of the garage will allow him to save two mature hardwood trees on the lot. In addition, placement of the structure as proposed will result in a side-facing garage, which effectively blocks its view from adjacent properties. The house is on a corner lot that affords a considerable amount of side yard space around the home. The petitioner feels that any alternate placement of the garage in the back yard would be more visible and obtrusive to him and the neighbors.

Larson related that the lot currently features a large asphalt storage apron, which accumulates cars parked outside. The house with a two-car attached garage does not have enough space because the home does not have a basement.

Board members discussed the plan proposed and whether a hardship exists. The petitioner was informed that he has the option to table the request for variance to another meeting if he would like to present an alternate plan for the Board's consideration.

Larson asked that his case be tabled to allow him an opportunity to consider alternate locations for the garage.

CASE NO. 1091
(Tabled at 7-14-03 meeting)

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

Petition: Petitioner requests a variance for a 6' high fence along the rear lot line.

The petitioner Mark Attard stated that his original request for variance presented to the Board on July 14, 2003 was to erect a 6' high fence along the rear and sides of his property. Attard pointed out the condition of a cement block garage located at the rear of the lot adjacent to his backyard. While the general idea of the fence ordinance is to retain openness in the community, Attard maintains that the particular area where he lives does not have that open character.

Since the July meeting, Attard has amended his petition to request a 6' fence only along the rear lot line. He mentioned that the adjacent neighbor's garage has been brought up to a standard acceptable by the Village. Because the neighbor's garage is large and negates any sense of openness, Attard does not think a 6' fence on his rear property line will detract from the property.

The Board discussed the request for a 6' fence on the rear lot line and whether there is a hardship involved. It was suggested that going from a four foot to a six foot fence will not make a great difference in terms of viewing the abutting garage. Needham stated that he lives in the same neighborhood where there is a 75-year-old barn that covers three-fourths of his rear lot line. He settled for erecting a four foot fence.

Schafer asked the petitioner to state why the zoning ordinance should not apply in his case. Attard responded that a 6' fence would break up the wall of the large structure that is seen from his back yard. He noted that the conditions have changed since he originally requested a variance.

Therese Caroselli of 16285 Kirkshire, the abutting neighbor to the rear, stated that she painted her garage white and installed three sheets of lattice to break up the back wall of the garage. A new roof was installed. She objects to the request for a 6' fence because she only has a small space in which to work between her garage and the fence line.

Verdi-Hus stated that she spoke with building official Byrwa, who does not recommend approval of the variance requested.

Petition: Motion by Needham, seconded by Johnson, that the petitioner's request be granted.

Roll Call Vote:

Pagnucco - no
Schafer - no
Verdi-Hus - no
Berndt - no
Johnson - no
Needham - no

Motion failed (6 – 0).

CASE NO. 1094

Petitioner and Property: Richard Kamp
32101 Auburn
Lot 481 of Beverly Hills #1, TH24-01-281-011

Petition: Petitioner requests a side yard deviation from the required 5' minimum open space to 1.3' to rebuild the garage in the existing location.

The petitioner Richard Kamp requests a variance to replace his existing garage with a new garage in the same location. If the variance was imposed, it would be difficult to access the garage from the driveway. There is a garden on the side of the existing garage and a mature lilac tree in the back that would have to be removed if the variance was imposed on the new structure.

The garage existed when the applicant moved into the house about 27 years ago. The rebuilt garage will improve the aesthetics of the property for the homeowners and their neighbors. Kamp has discussed the plans with the neighbors on either side of him and behind him, and they have no objections to the new garage being built in the location of the existing garage.

In their review of the petition, Board members observed that the plot plan shows the side yard open space as being 2.6' and depicts a 1.3' encroachment into the rear easement, which is not mentioned in the request for variance. It was questioned whether two variance requests are needed.

Verdi-Hus did not think it was appropriate for the Board to modify the petition as presented. The Board should consider approval of a side yard variance without including approval of a variance to encroach into the rear yard easement.

Decision: Motion by Berndt, seconded by Johnson, that the variance be approved as requested for the reason that enforcement of the ordinance creates exceptional or undue hardship.

Schafer - yes
Verdi-Hus - yes
Berndt - yes

Johnson - yes
Needham - yes
Pagnucco - yes

Motion carried (6 – 0).

CASE NO. 1095

Petitioner and Property: Robert J. Slattery
32854 Red Oaks Trail
Lot 2 of Nottingham Forest #1
TH24-04-203-002

Petition: Petitioner requests a rear yard deviation from the minimum 40' open space to 15.6' AND a side yard deviation from the minimum 15' open space to 4.6' for an attached garage.

The petitioner Robert Slattery is requesting rear and side yard variances to build an attached garage on the lot. He proposes to convert the existing attached garage into a great room/exercise room. Slattery outlined the layout of the house and suggested that an alternate location for the addition would be difficult considering the floor plan. Slattery submitted a petition signed by his neighbors in support of the proposal. He presented pictures of his lot to the Board.

The petitioner stated that the existing house does not conform to the minimum setback requirements. The distance from the side lot line to his garage is 31.6', and his rear yard setback is currently 15.6'. The lot is on a cul-de-sac with the surrounding lots being pie-shaped. Slattery stated that his house is completely behind the house of the adjacent neighbor most affected by the proposed garage.

Berndt asked the petitioner if he has talked to his builder about the 24" drop off in grade on the side property line. Slattery responded that he plans to address grade issues when he builds the structure.

The petitioner was asked if he has considered decreasing the size of the garage from 27' to a width of 20' or 21' and jogging the driveway, which would reduce the amount of encroachment significantly while providing room to improve the drainage. Slattery answered that moving the driveway would entail reducing the size of an existing deck with a ramp and removing landscaping.

Verdi-Hus commented that she views this proposal as over-utilization of the lot. She questioned whether the applicant has considered alternate footprints with the builder. Slattery reiterated that an alternate location for the addition would be difficult considering the existing layout. He emphasized that this is an existing non-conforming situation.

Berndt recognizes a hardship with placing the addition elsewhere on the lot. However, granting the variance as requested may create an unforeseen hardship for the adjacent neighbor, and building that close to the lot line creates a feeling of crowding on the lot.

The petitioner questioned whether the Board would consider granting a variance if the garage were shortened. Slattery asked that his case be tabled so that he could give some consideration to modifying his request for variance.

CASE NO. 1096

Petitioner and Property: Ann Lambrecht
32291 Verona Circle
Lots 428 and 429 of Beverly Hills #3
TH24-01-279-017

Petition: Petitioner requests a rear yard deviation from the minimum 40' open space to 7' for an attached breezeway and garage.

The petitioner Ann Lambrecht presented her proposal to build an attached garage with a breezeway connecting to the house. She discussed the need for security when she enters her garage and house at night. Lambrecht mentioned that she has documentation that she has been stalked. Her request is to build an attached garage and an interlock to provide secure access to the house. Lambrecht converted an existing 1-1/2 car garage into a family room when she purchased the house.

Chuck Cairns, urban planner, was present representing the petitioner. He displayed a large scale drawing of the plot plan and commented on the security issue. Cairns believes that the spirit if not the intent of the ordinance would be met by this proposal. The house is on a corner, fan-shaped lot with a large rear yard area. The garage will be located in the rear yard with a driveway from Greenfield Road. This is the only functional area on the site for this structure, and it is a practical location considering the layout of the house. There is a similar structure that abuts this property to the north.

Cairns maintains that the pitch of the roofs will necessitate putting a structure between the existing home and the proposed garage structure. The petitioner wants to be able to come into the garage and access the home through a fully enclosed structure.

The applicant is willing to remove four evergreen trees so that the west wall of the garage can extend far enough back to provide the required minimum side yard open space. The only variance needed in this case is the rear yard variance to the north.

It was reviewed that Case No. 1078 was tabled at the June 9, 2003 Zoning Board of Appeals meeting at which time the petitioner came before the Board with a proposal to convert the garage into a family room and build a detached garage. The petitioner requested a side yard variance because she did not want to remove four evergreen trees in order to comply with the ordinance.

If the petitioner's request for deviation to build an attached garage is approved, Case No. 1078 will be withdrawn.

It was explained that it is necessary to build a connecting structure in order to reach the grade of the proposed attached garage. The new family room, which was converted from a garage, is approximately 24" above the surface of the proposed garage. A landing of at least 3' and three steps are needed before entering the attached garage. Comments and questions from Board members regarding this case were addressed by Lambrecht and Cairns.

Lambrecht submitted a letter signed by adjacent neighbors who are in favor of the proposal. Signatures were from Karen Mahl, John Hearst of 32292 Walmer, and Caroline Oen of 32275 Verona.

Decision: Motion by Berndt, seconded by Needham, that the variance be approved as requested based on the hardship as stated being security along a major road and the need for an attached garage, which would make an otherwise conforming detached garage into a non-conforming attached garage.

Roll Call Vote:

Schafer - yes
Verdi-Hus - yes
Berndt - yes
Johnson - yes
Needham - yes
Pagnucco - yes

Motion carried (6 – 0).

It was determined that Case No. 1078 is not necessary due to the approval of the variance in Case No. 1096.

Motion by Schafer, seconded by Berndt, to adjourn the meeting at 8:30 p.m.

Motion carried.

Maryann Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary