

Present: Chairperson Verdi-Hus; Vice-Chair Schafer; Members: Berndt, Brady, Fahlen, Johnson, Needham, Oen and Stearn

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.

Byrwa introduced two newly appointed Zoning Board of Appeals members Michael Brady and Todd Stearn.

APPROVE MINUTES

Motion by Johnson, seconded by Berndt, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, September 8, 2003 be approved as submitted.

Motion carried.

CASE NO. 1097

Petitioner & Property: Nancy Lee Costello
31714 Sheridan
Part of Lot 1389, all 1390 of Beverly Hills #3
TH24-01-405-007

Petitioner: Petitioner requests rear yard deviations from the required 40' open space to 6' for the proposed addition on the north side and 31' for the proposed addition on the south side.

The petitioner Steve Costello is proposing to construct an addition to the kitchen and an addition off the back (north) of the existing garage. He mentioned that a rear yard variance had been granted by the ZBA to previous owners, which allowed the garage to be constructed in its present location 6 ft. from the rear lot line (Case 496 in 1978). The Costellos purchased the home about a year ago.

Nancy Costello stated that the additions would provide needed living space and would improve the layout and look of the house. Steve Costello commented that the kitchen is outdated and in poor condition. He proposes to make improvements to the wiring as part of this project.

James Biondo of 15975 Reedmere, a neighbor across the street, had no objections to the petition.

Decision: MOTION by Berndt, seconded by Johnson, that the variance be granted based on the configuration of the house and the location of the house on the lot.

Motion carried (9 – 0).

CASE NO. 1098

Petitioner & Property: Anthony DeSantis
22825 Highbank Drive
Lot 20, Georgetown Green
TH24-09-253-016

Petition: Petitioner requests a side yard deviation from the minimum 15' open space to 11.6' for an addition to extend the existing garage.

The petitioner Anthony DeSantis is requesting to continue an existing nonconformity by extending the garage to allow more space for parking of cars and for storage. He explained that the current garage is very tight for two cars.

Questions from the Board were addressed by the petitioner. DeSantis stated that the neighbor to the west has no objections to the proposed addition.

Decision: Motion by Fahlen, seconded by Stearn, that the petition be granted on the basis that the size of the garage is a hardship.

Roll Call Vote:

Verdi-Hus - yes
Schafer - yes
Brady - yes
Oen - yes
Needham - no
Johnson - yes
Fahlen - yes
Berndt - no
Stearn - yes

Motion carried (7 – 2).

CASE NO. 1099

Petitioner & Property: Michael J. Gordon, MGA Architects
31945 Crossbow Ct.
Lot 199 of Nottingham Forest #6
TH24-04-402-003

Petition: Petitioner requests a rear yard deviation from the minimum 40' open space to 30' for a rear addition and a deviation from the minimum 40' of front open space to 20' for a front garage addition.

Byrwa corrected the description of the petition on the published agenda. The proposed garage addition is in line with the existing garage. The petitioner is requesting a front yard deviation from the minimum required 40' to 20' for an addition.

Mike Gordon, architect, was present representing the homeowner who currently resides in Europe. He stated that the hardship in this case is the configuration of the site. The house sits on a corner lot and is located within a very narrow buildable envelope. The homeowner is asking for no more variance than what already exists. There is an existing winterized porch on the back of the home that is in poor shape. The existing family room is very small. It is proposed to widen the enclosed porch to the width of the family room to create a great room.

Gordon explained that the existing two-car side entrance garage is awkward in terms of moving large vehicles in and out because of the shape of the site. The addition will convert the structure to a front entrance garage that will have space to store the pool equipment.

Questions from Board members were answered by Gordon. A letter was received by the Village office regarding this case. There is no address to refer to and the name of the person who signed the letter is not legible. It states that granting a variance is not in the best interest of the property values of surrounding residents.

Decision: Motion by Stearn, seconded by Berndt, that the variance be granted based on the difficulty stated in the petition.

Roll Call Vote:

Schafer - no
Brady - yes
Oen - yes
Needham - no
Johnson - yes
Fahlen - no
Berndt - no
Stearn - yes
Verdi-Hus - yes

Motion carried (5 – 4).

CASE NO. 1100

Petitioner & Property: Patrick Durbin
31243 Cline Drive
Lot 92, Beverly Hills Estates #2
TH24-02-454-0016

Petition: Petitioner requests a rear yard deviation from the required 40' minimum open space to 32.9' open space for an addition in order to continue with the existing line of the house.

Patrick Durbin, builder, stated that the hardship is the depth of the lot (120') and the fact that the house is set back 49' from the front lot line, which creates a depth problem in the rear of the house. The house was built in 1963. This property was the subject of a Zoning Board of Appeals

Case in 1985, at which time the previous owner was granted a variance from the 40' rear yard setback to 32.9' in order to expand the kitchen.

The current owner has five children and only a partial basement. The family needs more living space. It is proposed to straighten out the back line of the home to construct more family space off the kitchen and in the master bedroom area.

The Board is in receipt of a letter signed by all of the surrounding property owners who indicate that they have no objections to the deviation requested. The addresses are as follows:

31265 Cline Drive
31262 Cline Drive
31240 Cline Drive
18600 Walmer
18620 Walmer
31270 Churchill
31286 Churchill
31220 Cline Drive
31302 Churchill

Decision: Motion by Fahlen, seconded by Oen, that the petition be granted on the basis that it is a continuation of the existing line of the house.

Roll Call Vote:
Motion carried (9 – 0).

CASE NO. 1101

Petitioner & Property: Matthew T. Boland
16079 Birwood
Part Lots 837, 839, All Lot 838 of Beverly Hills #1
TH24-01-2007-004

Petition: Petitioner requests permission to retain the 6' high fence that is not 35% open to air and light and is not 10' off of the side yard lot line.

The petitioner Matthew Boland has lived in the home for two years. He is requesting a variance from Ordinance Section 22.08.150 (B) Privacy Screens. Boland explained that a hardship exists due to the large size of his garage and the layout of the backyard, which allows only a small area for outdoor activity such as a patio. The area utilized for outdoor living is between the detached garage and the house and abuts the property line of 16089 Birwood. The proximity of the neighbor's garage and resulting noise and conversations is the reason the petitioner erected a privacy screen on the property line. Placing the screening fence 10' from the lot line would have further diminished his backyard living area.

Boland submitted signatures and approvals of the surrounding property owners including the neighbor adjacent to the privacy screen.

Amy McLandress	16080 Buckingham
George Yarberry	16086 Birwood
Shelly Morey	16089 Birwood
Michele Gallo	16078 Birwood
Richard Kauffman	16059 Birwood

Board members discussed the proposal. The intent of the Village Fence Ordinance was explained to the petitioner. Beverly Hills is a community that prefers open spaces, which is the reason for limiting fence height and requiring that a fence surface be 35% open to air and light. There is a provision in the ordinance for privacy screening, but this type of screen erected on the property line is considered a fence and conflicts with the limitations of the fence ordinance. The fence in question is a high, solid, bold white fence.

Arguments made for privacy screens in the past have related to adjacent structures, noise, animals, and appearance of abutting property. It was noted that everything that abuts the petitioner's property was there before he purchased the home. The suggestion was made that some property owners plant evergreens along the lot line to serve as a screen.

Decision: Motion by Fahlen, seconded by Oen, that the petition be granted.

Roll Call Vote:

Oen	- no
Needham	- no
Johnson	- no
Fahlen	- no
Berndt	- no
Stearn	- yes
Verdi-Hus	- no
Schafer	- yes
Brady	- no

Motion fails (7 - 2).

CASE NO. 1102

Petitioner & Property: Marcus Schrenk
18628 Devonshire
Part Lot 1948, all 1949 of Beverly Hills #4
TH24-02-279-017

Petition: Petitioner requests a side yard deviation from the required 15' minimum open space to 8.1' open space for a proposed 2-story rear yard addition in order to continue with the existing line of the house.

The petitioner Marcus Schrenk stated that they were not aware of the setback restrictions when they purchased the property three years ago. His family came from a 3,000 SF house in

Birmingham and planned to build an addition onto the 1,500 SF house they bought in Beverly Hills to provide needed living space.

The existing house is 8' from the side lot line. The proposed addition to the rear of the home will only extend the nonconformance about 7'-8' because there is an existing structure in that area that will be removed as part of the construction of the addition.

This house was built in 1956 prior to the adoption of the Village zoning ordinances. The peculiar lot size resulted in the original structure being built in a nonconforming position on the property. The petitioner has worked with an architect on the design of the addition. He indicated that an alternate layout would make it difficult to get a vehicle into the garage.

Byrwa corrected the petition to indicate that the Village zoning ordinance requires a 12.5' minimum side yard open space on this portion of Devonshire east of Norchester.

Steve Aiello of 18604 Devonshire, property owner immediately to the east, was present in support of the request for variance. He stated that continuing with line of the house does not change the nature of the structure. Aiello thinks that the addition will enhance the property and increase the value of the neighborhood.

Decision: Motion by Berndt, seconded by Schafer, to approve the variance as amended by the Village Building Official based on the size of the lot and the continuation of the existing nonconformity.

Roll Call Vote:
Motion carried (9 – 0).

ZONING BOARD COMMENTS

Board members welcomed new members Brady and Stearn.

In answer to an inquiry, Byrwa reported on the status of two cases tabled at the September Zoning Board of Appeals meeting.

Motion by Needham, seconded by Oen, to adjourn the meeting at 8:34 p.m.

Motion carried.

Maryann Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary