

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

Absent: None

Also Present: Building Official, Byrwa
Council Liaison, McCleary

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 Stearn, seconded by Oen, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, December 8, 2003 be approved as submitted.

Motion carried.

CASE NO. 1104

Petitioner and Property: Scott Dolan
31587 Mayfair Lane
Part of lot 3254 of Beverly Hills #12 Subdivision
TH24-02-326-010

Petition: Petitioner requests a rear yard deviation from the required 40' open space to 27' for a one-story rear addition.

Ralph Nunez from Design Team Limited was present representing Scott and Julie Dolan. He displayed plans for the project pointing out the existing 1500 sq. ft. house built in approximately 1956. The rear yard setback is 40' and there is 27' from the rear lot line to the existing attached garage.

The Dolans have lived in the neighborhood about 14 years and have twin daughters. They would like to expand the house to about 2000 sq. ft. and stay in Beverly Hills. They are proposing to extend the garage area to the south by 8' and convert it into a master bedroom suite. A new attached garage will be constructed at the front of the house with a 20' side yard setback. The plan includes removing a large portion of asphalt that extends to the existing rear garage. Because it is a joint driveway shared with the adjacent neighbor, the petitioners propose to repave the neighbor's portion of the driveway.

Board members questioned alternative layouts that would allow the addition to be built inside the setback area. The petitioner indicated that the homeowner looked at the possibility of building up but decided to construct an addition that would maintain the ranch style of the home. Dolan explained how the proposed scheme addresses the problems with the house and is more in keeping with the existing layout.

It was clarified that the only variance requested is a rear yard deviation from the required 40' to 27', which already exists with the location of the garage. It is proposed to move the garage wall 8' to the south.

Dolan stated that they have notified 11 of the surrounding neighbors about the proposed plan. There have been seven responses received in favor of the proposal.

Decision: Motion by Stearn, seconded by Brady, to approve the deviation requested in Case No. 1104 on the basis that it is a continuation of a variance that was in existence.

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

CASE NO. 1105

Petitioner and Property: Paul A. Turner
18208 Buckingham
Lots 1738 and part 1739 of Beverly Hills #4 Subdivision
TH24-02-230-015

Petition: Petitioner requests a side yard deviation from the minimum 15' open space to 9.5' for a proposed two story addition including garage.

The petitioner Paul Turner stated that he would like to add to his 1953 house to accommodate his family of six. It is proposed to incorporate another bathroom and bedroom upstairs, enlarge the kitchen, and attach the garage. They are not asking to change the footprint of the existing house. Turner feels that his family can remain in this house indefinitely with these improvements.

A revised drawing submitted on January 28, 2004 was distributed to the Board members. It indicates the area where the addition will be built.

In answer to an inquiry, Byrwa stated that a garage built in the side yard today would require a variance from the ordinance. The Ordinance requires that detached accessory structures be located in the rear yard with a setback of five feet from any lot line. An attached structure cannot be located closer than 15 to the side property line. The petitioner is proposing a 6 foot side yard setback in lieu of the required 15 feet.

Turner submitted a letter from property owner to the east Lola Worley of 18200 Buckingham indicating her approval of the proposed plan. Turner has talked to her son and clarified some of her concerns about the project.

Verdi-Hus read a letter dated February 9, 2004 from Jon Thomas of 18250 Birwood stating that he is in favor of the construction on the basis that it will improve property values in the neighborhood.

Decision: Motion by Johnson, seconded by Needham, that the variance be granted based on the peculiar or exceptional practical difficulty with the original placement of the house on the lot.

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

CASE NO. 1106

Petitioner and Property: James and Kathleen Berwick
31381 Kennoway Court
Lot 24 of Kennoway #1 Subdivision
TH24-03-451-004

Petition: Petitioners request permission to store a recreational vehicle in the side yard.

Jim Berwick stated that he received a violation notice from the Village indicating that the location of the motor home on his property is in violation of the ordinance. Berwick related that he has parked the motor home on his property since he acquired it in 1982. He originally stored it on the far side of the lot closer to his neighbor to the north. The placement was questioned and the building official at that time, Don Smith, surveyed the situation and suggested that it would satisfy his requirements if the motor home were moved south and back to the edge of the ravine. That is where it has been parked ever since.

Berwick stated that the house to the north has been on the market, and he believes that a realtor questioned the Village about regulations for parking a motor home on a lot. The Village building official issued a violation based on his interpretation of the regulations. The ordinance says that a recreational vehicle must be parked in the rear open space no closer than 10 feet from the rear lot line nor 5 feet from the side lot line.

Berwick stated that there is a ravine in his rear yard that drops down to the Rouge River. He considers the flat part of his property to be the open space area of his lot since he cannot use the ravine portion. The motor home is parked as far back on the lot as it can be located. Berwick is questioning the interpretation of the ordinance.

Byrwa stated that the current ordinance regulating the outside storage of these types of vehicles took effect in 1980. It allows recreational vehicles to be stored in the rear yard. There was a complaint received about the location of the Berwick's motor home. Byrwa verified that the motor home is located in the side yard, which is a violation of the ordinance. There are other issues reported regarding outside storage of tires, antennas and miscellaneous items that are in view of the neighbors. Another issue is that the motor home does not have a current license plate

and it appears to be inoperable. A situation exists whereby the front yard of the neighbor to the north of the Berwicks faces their side yard.

Byrwa suggested that the garage could possibly be altered to accommodate the vehicle. Another alternative is to use a storage lot.

In response to inquiries from the Board, Berwick stated that the vehicle does not have a license plate currently because he and his wife were not able to travel last summer. He stated that they used the vehicle the summer before last. The motor home is insured. He has not looked into storing the motor home off site.

Berndt commented that the law is clear that the people of Beverly Hills want to prohibit storage of recreational vehicles from where they can be seen by neighbors or detract from property values. The exceptions allow parking of these vehicles in the rear yard, while loading or unloading, or limited parking for guests. He suggested that the garage could be expanded to house the petitioners' motor home. The vehicle can be stored in another location. Berndt commented that he does not support the view of a hardship in this case.

Verdi-Hus read a letter dated February 9, 2004 from Anne Rawls of 31505 Kennoway Court. Rawls indicated that she learned that the sale of her house failed to take place largely because of the presence of the Berwick's camper, which can be seen from her property. The house is currently on the market. Rawls feels that whoever buys it will not want to view a camper from their front yard. She urged the Board not to grant a deviation in this case on the basis that the value of her property has already been jeopardized by the camper.

Dragica Schwartz of 31533 Kennoway commented that, because of the way the houses in the neighborhood are situated, she can view the camper from her living room for six months out of the year. Her view of the ravine and river is hampered by this motor home. She maintains that the camper has not been moved in three or four years. There are other ongoing problems with the property. Schwartz noted that the prospective buyer of the Rawls home approached her home and asked her about the camper and the surrounding property. The buyer indicated that the camper was a major issue.

Schwartz would like the Village to review this ordinance. She has another neighbor with campers, trailers, and motorcycles on their property. The houses are situated such that this neighbor's side and back yard are in front of her yard. Schwartz stated that there are many areas of the Village, particularly to the west of Evergreen Road, where homes are situated so one person's back yard is another person's front yard.

Byrwa stated that he researched the City of Birmingham's ordinance, which is similar to the Village's ordinance in that no recreational vehicles are allowed in the front or side yards. There are some provisions for storage in the rear yard. There is a 30 day provision for the side yard storage with a special permit.

Schafer stated that requests for Village review of an ordinance should be directed to the Village Council. The Zoning Board of Appeals interprets ordinances adopted by the Council and grants variances when appropriate.

Berwick withdrew his petition. In answer to an inquiry from Byrwa, Berwick indicated that he would be able to find off-site storage within 30 days.

ZONING BOARD COMMENTS

Fahlen provided background on the ordinance that applies to recreational vehicles before and after 1980. The ordinance was changed in 1980 to allow residents to store recreational vehicles in the rear yard. Fahlen stated that many other communities do not allow recreational vehicle storage in the rear yard. He maintains that there are locations available to store vehicles.

Stearn requested that Council take a look at the ordinance in terms of allowing recreational vehicle storage in the rear yard. Fahlen supported this request.

BUILDING OFFICIAL COMMENTS

Byrwa stated that the Zoning Board of Appeals will not meet on Monday, March 8 due to the Village Election. A special meeting of the ZBA is scheduled for Monday, March 22 to hear a case that has been filed with the Village office.

Motion by Schafer, seconded by Needham, to adjourn the meeting at 8:23 p.m.

Motion carried.

Maryann Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary