

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

Absent: Stearn

Also Present: Building Official, Byrwa
Council Member, Pfeifer

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, second by Berndt, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, June 14, 2004 be approved as submitted.

Motion passed.

CASE NO. 1123

Petitioner and Property: William Sheehan
31709 Auburn Drive
Lot 1249 of Beverly Hills #3
TH24-01-427-004

Petition: Petitioner requests permission to build a new detached garage in the current location, which is partially in the rear yard easement **and** requests to retain the current 2' side yard open space instead of the required 5' minimum open space.

Building official Byrwa displayed photographs of the property and house and described the deviations requested by the petitioner. The house was built in 1940. The existing detached garage is built close to the lot line with 2' of side yard instead of the required 5' side yard setback. The petitioner is asking to rebuild the garage in the same location.

William Sheehan stated that the garage is in a state of disrepair. The concrete pad is cracked and the garage was built without footings. He purchased his 1,600 sq. ft. home in 1997 and added 1,000 sq. ft. The addition made it more difficult to pull into the right bay of the garage. Moving the garage 3' closer to the house would render it impossible to make the turn to pull in and out.

Moving the garage would also encroach on the green space of his small back yard, interfere with the root system of a large maple tree, and obstruct the view from a kitchen window. The shape of the lot is wider at the back than it is at the front, which is why the garage is angled in the back corner. The petitioner proposes replacing the garage with a new garage using materials that will match the house.

Sheehan stated that he has discussed the proposal with adjacent neighbors. He has a letter in support of the plan from the neighbor who lives behind the garage and is most affected by the project.

Questions from the Board were answered by the petitioner. Sheehan stated that he came before the Zoning Board and received a variance to construct the 1,000 SF addition to continue with the existing line of the house.

Board members were concerned about a corner of the garage located in the utility easement. Byrwa stated that the Village ordinance does not allow a permanent structure to be built in the utility easement. The survey shows a slight 10" encroachment of the garage into that easement. The Board cannot grant a variance to build into that easement unless it is documented as a vacated easement. The petitioner was advised that it is in his interest to move the garage forward or rotate it in order to avoid encroachment into the easement.

Motion: Motion by Berndt, second by Oen, that the variance be approved as requested based on the unique size and shape of the lot and the placement of the structure on the lot. Approval is conditioned upon the garage not being built in the easement.

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

CASE NO. 1126

Petitioner: Kevin Hart, Architect
700 E. Maple, Ste 101, Birmingham

Property: 18210 Kirkshire
Part of Lot 1666, all Lot 1667
Beverly Hills #4, TH24-02-227-015

Petition: Petitioner requests a side yard deviation from the required 15' side yard open space to 8.5' to construct a breakfast room addition.

Byrwa stated that the house was built in 1937. The petitioner is asking to construct a small addition on the side of the house in keeping with the existing nonconforming side yard setback of 8.5' in lieu of the ordinance requirement of 15'. He displayed photographs of the property and pointed out the location of the proposed 4' x 7.5' addition. The addition would not be visible from the street.

Architect Kevin Hart was present representing property owners Lisa and Jim Owens. He distributed a graphic of the site plan showing the dimensions of the existing non-conforming home. He noted a hardship with the narrowness of the existing kitchen and breakfast area. The addition will provide an extra 4' so that the homeowner can fit a table in the kitchen area. Hart outlined structural issues that have been a problem since an addition was constructed about 7-8 years ago. It is proposed to square up the wall on the eastern side of the building to simplify the existing structure and address problems with a window well that catches and collects snow and ice.

Another part of the project is to construct a small screened porch in the back and add a fourth bedroom above the porch for their growing family. He displayed the plans and noted that the additions will continue with the existing non-conforming line of the house.

There is very little view of the area by the neighbors to the east. There have been no letters received from neighbors objecting to the request for variance. A letter was submitted from Helen Powers at 18200 Kirkshire, who has reviewed the changes and supports the variance requested. The petitioner contacted the neighbors to the west and the people across the street, and all affected neighbors are in support of the petition.

Hart stated that the hardship is that this is an existing non-conforming house that negates any development or modification of that non-conforming house. We are trying to keep the encroachments simple and have as little intrusion on the neighbors as possible. Hart maintains that the plan proposed is the most straightforward and structurally proper means to accomplish this task. Questions from Board members on the additions were answered by Hart.

Decision: Motion by Fahlen, second by Oen, that the variance be granted as an extension of the deviation that was existing prior to the adoption of the Zoning Ordinance.

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

CASE NO. 1127

Petitioner and Property: Tim and Monica Mercer
17400 Locherbie
Lots 2057, 2058 and Part 2059

Beverly Hills Subdivision #5, TH24-01-154-008

Petition: Petitioners request a deviation from the required 12.5' side yard open space to 8' for a proposed garage enlargement.

The petitioner is requesting a side yard variance from 12.5' to 8' on the east side in order to expand his garage. Byrwa displayed photographs of the petitioner's property and pointed out the location of the proposed garage addition.

Petitioner Tim Mercer stated that he would like to have a three car garage with a double door and a single door. The third stall will not be used every day. If he were to maintain the side yard setback, he would have to build the garage back farther, extend the cement pad into the green space to accommodate a side entry garage, and install a garage door that faces his neighbor's property. The cement work would be costly. He proposes to save an existing tree with this plan. Mercer would like to use as little of his backyard as possible for the garage addition.

The existing garage was built around the time the house was built in 1951. It was attached to a family room, which is now a mud room since the construction of a family room addition last year. Mercer stated that there are some issues with the garage, and it is not built within code. It will come down one way or another. Proceeding with the proposed plan will lend the nicest look to the structure of the house and be in the best interest of the abutting neighbor. The petitioner maintains that the location of the house on the lot does not leave enough room to build the addition as proposed without a variance.

Board members questioned the hardship in this case and the pressing need to enlarge the garage to encroach into the side yard. The proximity to the neighbor's house was a concern. Alternatives to encroaching into the side yard were suggested by the Board. The petitioner responded that he would like to maintain the same line of the house in the back in lieu of building out the rear. He would lose a window with a view and a large Maple tree.

The petitioner submitted a letter from his neighbor to the rear. Karen Johnstone at 17455 Kinross supports the request for deviation.

Decision: Motion by Needham, second by Brady, that the petition be granted as requested due to the practical difficulty.

Roll Call Vote:
Motion fails (8 – 0).

CASE NO. 1128

Petitioner and Property: Lucille P. Nawara
30585 Vernon Dr.
Lot 58, Berkshire Valleys #2
TH24-10-126-015

Petition: Petitioner requests a deviation from the fence ordinance to install a fence around a garden in the side yard.

Byrwa stated that he worked with the homeowners about five years ago on a studio addition constructed at the rear of their home. They are asking to erect fencing in the side yard to protect a vegetable garden. Byrwa displayed photographs of the property and garden. The house is set back very deep on a large lot with the fencing proposed to be erected 200' from the road. The neighbor's house to the north is set in front of the petitioner's house. The neighbors have a 4' fence enclosing a swimming pool.

Mrs. Nawara referred to the displayed photograph to show where the front of the fence would be. They are proposing to erect an attractive 4' natural cedar lattice fence at the same height as their neighbor's fence. The fence is needed to keep deer and rodents out of the area and screen the tomato cages. Nawara is a professional landscape architect and

proposes to landscape the fence with shrubs, plantings and flowers. Nawara stated that the neighbor to the right, Daisy Coleman, has indicated that she is in favor of the fence.

Board members discussed the proposal. Berndt commented that the intent of the Village Fence Ordinance was to promote an open community. A cedar fence across the driveway may run contrary to the spirit of the ordinance.

In answer to an inquiry, the petitioner stated that the vegetable garden could not be located in the rear yard due to the rolling hills and slope down to the Rouge River. Nawara mentioned that the neighbor's fence is 21' closer to the street than her proposed fence.

Nawara related that a row of bushes several feet in front of the fence on the back side will discourage deer from jumping the fence. She agreed to screen the front of the fence with bushes. Nawara stated that an addendum to her application for a variance states that there will be boxwoods and daylilies in the 4' wide bed between the end of the drive and the vegetable garden. Jim Nawara emphasized that the fence will be over 200' from the street. In addition, a weathered cedar fence covered over with vines will not be noticed from the street.

Decision: Motion by Berndt, second by Oen, that the variance be granted based on the peculiar situation created by the addition of the studio on the back of the house and conditioned on there being vegetation permanently maintained so as to screen the fence from view and that no fencing be constructed further forward than the driveway wall of the studio.

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

CASE NO. 1129

Petitioner and Property: Brian and Sarah Bell
18210 Birwood
Lots 1706 and Part 1707 of Beverly Hills #4
TH24-02-229-021

Petition: Petitioner requests side yard deviations from the required 20' open space to 11.8' on the west side and from the required 15' side yard open space to 6.7' on the east side for two rear additions in order to continue with the existing line of the house.

Byrwa displayed photographs of the property and house, which was built in 1950. The petitioner is requesting side yard variances on the east and west sides of the house in order to construct two rear yard additions that continue with the existing line of the house.

Architect Bert Koseck was present representing the Bells. He displayed the site plan, floor plan and exterior elevation. The petitioner proposes to expand the existing house to meet their family's current needs. The proposed expansion was designed in a way that it would adopt to the existing house from the interior and exterior. The design would add a two-story addition to the rear of the house containing a kitchen, dining area, and family room on the first floor and a master bedroom suite on the second floor. The proposed design expands the one-story garage with a one-story addition to the rear to accommodate storage needs.

It is also proposed to construct an open porch across the front of the house to extend 6' in front of the existing house. The porch addition will enhance the elevation. Byrwa stated that the Village typically allows minor projections such as porches to project into the front setback provided that it is not enclosed living space.

Questions from Board members were addressed by the architect. The existing house has about 1,800 sq. ft.; the first floor addition adds 650 sq. ft., the second floor adds 500 sq. ft. The garage addition is about 180 sq. ft.

In answer to an inquiry, Koseck explained that numerous design options were investigated to accomplish the goals of the homeowner. The proposed design is complimentary to the architecture of the existing house and accomplishes the proper interior room relationship and circulation flow. Bumping over the entire addition would take out the access to light and air for the breezeway.

Berndt sees the difficulties in the addition of the main house. There is no practical way of coming into conformance with the contemporary expectation of housing in an upscale community and staying with the intent of those who originally wrote our ordinance to protect the character of the community.

Charles Galea of 18177 Saxon commented that he has driven by the house and does not object to the variances requested. He thinks it will be a nice addition.

Decision: Motion by Fahlen, second by Brady, to approve the variances as requested on the basis that they are an continuation of an existing non-conforming situation.

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

CASE NO. 1130

Petitioner and Property: Chris Meso
30119 Lincolnshire East
Lot 97 of Georgetown Green Subdivision
TH24-09-252-036

Petition: Petitioner requests a side yard deviation from the required 15' open space to 12' for an addition to the existing attached garage.

Byrwa exhibited photographs of the property and adjacent home. The petitioner requests a side yard deviation for an addition to an existing attached garage. This is the last house on Lincolnshire that faces east. The abutting neighbor's house is skewed facing southeast where the street starts to curve.

The petitioner Chris Meso proposes to add a room to the side of the garage to accommodate the large size vehicles they drive to transport four children and to safely house all of the children's outdoor toys. He described the need for space in their garage to confine toys. They currently move toys out of the garage in order to move cars out of the garage. The hardship is in redefining their living space to make it functional for a large family. The logical way is to bump out the side of the garage to house the toys. A large pine tree would be lost if the garage was to extend from the rear of the house.

Meso talked to the neighbor most affected, Paul Prentice, about the location of the doorway to the garage addition. The doorway would be in back of the structure and the sidewalk next to the garage would be flush to the garage addition. Prentice is comfortable with the proposal.

Questions from the Board were addressed by the petitioner. Berndt was troubled by the proximity of the neighbor's home. He mentioned that the purpose of setbacks is to preserve openness to light and air. While recognizing that children have a lot of toys, it is not grounds for granting a variance when there is opportunity to build a structure to the rear to serve as a toy room.

Meso commented that other people in the neighborhood have constructed a garage addition similar to the one he is proposing.

Bryan Frink of 22643 Highbank stated that he has no problems with the proposed addition. He mentioned that another neighbor constructed an addition similar to the addition proposed by Mr. Meso. An addition extending from the back of the house would create more of an eyesore for the neighbors.

Paul Prentice of 30101 Lincolnshire does not have a problem with the addition. The only concerns he had were addressed by Meso. Prentice stated that his house sits at an angle, and there is enough room on the side of their house that the addition does not bother them.

Michael Arbaugh of 30141 Lincolnshire had no objections to granting a variance for a garage addition on the basis that it will be an improvement to the neighborhood.

Questions from the Board were addressed by Meso. He explained that he could not extend the garage out from the front of the house because it would increase the slope of the driveway.

Decision: Motion by Oen, second by Needham, that the petition be granted as presented considering the placement of the house and the unusual shape of the lot.

Roll Call Vote:

Needham - yes
Oen - yes
Schafer - no
Verdi-Hus - no
Berndt - no
Brady - yes
Fahlen - yes
Napier - yes
Motion passed (5 – 3).

ELECTION OF CHAIRPERSON AND VICE-CHAIR

Needham nominated Todd Schafer for the office of Chairperson of the Zoning Board of Appeals.

Schafer nominated Maryann Verdi-Hus to the position of Chairperson of the Board.

Roll Call Vote to elect Schafer as Chair:

Schafer was elected Chair of the Zoning Board (7 yes; 0 no; 1 abstention).

Oen nominated Ron Berndt to the office of Vice-Chairperson of the Board. There were no further nominations. Ron Berndt was elected by acclamation.

ZONING BOARD COMMENTS

Brady thanked the outgoing Chair and Vice-Chair for their service to the Zoning Board of Appeals. New member Bev Napier was welcomed to the Board.

Motion by Schafer, second by Berndt, to adjourn the meeting at 9:14 p.m.

Motion passed.

Maryann Verdi-Hus, Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary