

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

Absent: None

Also Present: Building Official, Byrwa
Council Liaison, Taylor
Council Members, Pfeifer and McCleary

Chairperson Schafer presided and called the meeting to order at 6:35 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

CLOSED SESSION

Motion by Berndt, second by Oen, to go into closed session to discuss Case No. 1137 submitted by William and Lisa Christie of 32380 Mayfair Lane presently pending in Oakland County Circuit Court.

Roll Call Vote:
Motion passed (7 - 0).

Members of the Zoning Board and Building Official Byrwa met in closed session with Attorney Tom Ryan at 6:38 p.m. Verdi-Hus was absent from the closed session. The Board returned to open session at 7:30 p.m.

APPROVE MINUTES

Motion by Stearn, second by Napier, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, October 12, 2004 be approved as submitted.

Motion passed (9 – 0).

CASE NO. 1138 (rehearing)

Petitioner and Property: Elizabeth Ross
18266 Devonshire
Part of Lot 1931, all of 1932
Beverly Hills #4, TH24-02-279-028

Petition: Petitioner requests a side yard deviation from the required 12.5' minimum open space to 9.5' for a two-story addition.

A decision on this case was held over from the last meeting at the request of the petitioner. Byrwa displayed a site plan and photographs of the house and property and described the proposal to construct a two-story addition off the rear of the house. The ordinance requires a 12.5 ft. side yard setback on one side and 17.5 ft. on the other side in an R-2 zoned district.

The petitioners Elizabeth and Greg Ross were present with architect Robert Stempien. Elizabeth Ross related that consideration was given to comments made at the October 12

Zoning Board meeting, which resulted in modifications to their plan and a revised variance request. The new proposal will keep the addition in line with the existing garage and require a variance from the required 12.5' side yard open space to 9.5' to continue with the existing line of the house. Ross explained that it is proposed to extend the garage back to provide a mud room and laundry room on the first floor and provide an entry from the garage into the residence. A master suite will be constructed above the garage.

Architect Robert Stempien of 18245 Devonshire displayed a site plan showing the layout of the house and proposed addition as well as a rendering of the elevation of the house and addition. He noted that 27 of the approximately 35 houses on the block from Norchester to Riverside have non-conforming side yard setbacks, or 77% of the homes on the street. The average non-conforming side yard setback is 7'-3" from the property line. Stempien pointed out the lots where variances have been granted over 20 years by a unanimous decision of the ZBA to allow non-conforming side yard setbacks.

Stempien explained that there is a structural concern as to whether the foundation of the existing garage wall can support the second level. This is one of the reasons why the original request was to expand the garage two feet further into the side yard and build a new foundation. The applicant does not want to be required to rebuild the structure to conform to existing zoning requirements if it is determined during construction that the foundation needs replacing.

Ross submitted a petition signed by 12 neighbors stating that they have reviewed the revised plans for the two-story addition to the Ross residence and support the request for a side-yard deviation from the required 12.5' open space to 9.5' for an addition to the existing attached garage in order to continue with the existing line of the house.

Schafer outlined the standards that must be met by the petitioner to establish that a practical difficulty exists which is sufficient to warrant relief by the granting of a dimensional variance by the Zoning Board of Appeals. A favorable vote from five of the nine members present is required to grant the variance.

Schafer understands that the house was built on this lot in 1954, which predates the adoption of the Village Zoning Ordinance. The petitioner is not asking for variance in excess of the non-conformity that currently exists. It does not appear to be a self-created hardship due to the placement of the house on the lot. The petitioner has shown that several other homes are similarly situated in the neighborhood.

Ross explained that the addition cannot be constructed at the rear of the house because there is a vaulted ceiling that extends from the current wall line on the second level all the way back over the kitchen and living room area. They are not able to add a master suite elsewhere in the home.

Schafer stated that a petition has been submitted in favor of the variance requested signed by property owners at the following addresses: 18271 Devonshire, 18261 Devonshire, 18240 Devonshire, 18211 Devonshire, 18201 Devonshire, 18161 Riverside, 18231 Devonshire,

18289 Devonshire, 18330 Devonshire, 18389 Devonshire, 18345 Devonshire, and 18280 Devonshire.

Josie Doherty of 18250 Devonshire, who lives next door to the petitioners, commented that she did not sign the petition in support of the variance. She and her husband are concerned with the proximity of the addition to their lot line and prefer that the green space be retained.

Decision: Motion by Stearn, second by Verdi-Hus, to approve the variance from the required 12.5' side yard setback to 9.5' on the basis that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the petitioner from using their property for a permitted purpose or render conformity to such restrictions unnecessarily burdensome; that this would do substantial justice to the petitioner as well as to other property owners in the area; that the plight of the petitioner is due to the unique circumstances of the property in that the petitioner is extending the current line of the house; and that the problem is not self-created by the petitioner.

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

CASE NO. 1137 (rehearing)

Petitioner and Property: William and Lisa Christie
32380 Mayfair Lane
Part of Lots 2351, 2352
Beverly Hills #6, TH24-02-180-007

Petition: Petitioner requests a deviation from the minimum 100' lot width to 79.5' and a deviation from the 16,000 square feet minimum lot size to 12,643 square feet to construct a new residence.

Schafer reviewed that, on August 11, 2003, the Beverly Hills Zoning Board of Appeals voted 4-4 on a motion to grant a variance from the ordinance requested by the Christies. The petitioners' rationale for the appeal was that enforcement of the ordinance creates a peculiar or exceptional practical difficulty. The motion was made to grant the variance on the basis that it was a buildable lot. Because an affirmative vote of the majority of the Zoning Board members or five votes is required to grant a variance, the motion failed and the request for variance was not approved.

The petitioners appealed the decision to the Oakland County Circuit Court. On July 28, 2004, Judge Deborah Tyner of Oakland County Circuit Court entered an order remanding the case to the Zoning Board of Appeals based upon her determination that the record on appeal from the Zoning Board was inadequate due to a failure to make findings of fact. The judge ordered that the case be remanded for a majority decision and findings of fact supporting the decision following a new hearing on the merits.

Schafer understands that the parties have previously decided that this is not a “lot of record” case. It has been agreed that there is one lot in existence pursuant to the Beverly Hills Zoning Ordinance. The Board is not being asked to make a decision on an ordinance interpretation question.

Before proceeding, the Board considered the following motion.

Motion by Brady, second by Stearn, that he be recused from voting on Case No. 1137 on the basis that his law firm Warner Norcross & Judd has represented a neighbor of the petitioners therefore presenting him with a conflict of interest as an attorney and Board member.

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

Schafer stated that the Zoning Board is now constituted as eight members. The petitioner will need a majority vote of the Board or five affirmative votes to grant a variance. If the petitioner would like to table their appeal, they would be allowed to do so and request that the Village Council appoint an alternate for Mr. Brady to vote on this matter.

James Derian, member of the law firm Butzel Long, was present representing William and Lisa Christie. He stated that the petitioners would like to proceed with the hearing with the understanding that there are potentially five votes to make a decision one way or the other.

Schafer stated that the original application for hearing before this Board has been revised. The petitioners are requesting a deviation from the minimum 100’ lot width to 79.5’ and a deviation from the 16,000 sq. ft. minimum lot size to 12,643 sq. ft. to construct a new residence. The petitioners have described the appeal stating that the peculiar placement of the home on Sidwell #24-02-180-006 by previous owners in 1941 (18 years before the current lot width and lot minimum ordinance was adopted) is a “topographic condition” of the property which imposes a “practical difficulty” upon their use of the property.

Schafer reminded everyone that each case heard by the Zoning Board of Appeals is unique and is decided on its own merits. He stated that a motion to approve the variance would be conditioned on a requirement that a lot split be granted by the Village Council through separate proceedings.

Schafer stated that Ordinance Section 22.38.040 empowers the Zoning Board of Appeals to allow variances that will remove existing hardships and practical difficulties and that are not contrary to the public interest nor inconsistent with the spirit and intent of the ordinance and not injurious to the surrounding neighborhood or imperil public safety.

A petitioner must demonstrate the four following standards to establish that a practical difficulty exists under Michigan Law which is sufficient to warrant relief by the granting of a dimensional variance by the Zoning Board of Appeals:

- (1) That compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk or density would unreasonably prevent the petitioner from using his property for a permitted purpose or render conformity to such restrictions unnecessarily burdensome.
- (2) That the grant of the variance applied would do substantial justice to the petitioner as well as to other property owners in the district and that a lesser variance then applied for would not give substantial relief to the owner of the property involved and would not be more consistent with justice to the other property owners.
- (3) That the plight of the petitioner is due to the unique circumstance of the property.
- (4) That the problem is not self-created by the petitioner.

Schafer concluded that these are the ordinance provisions and case law that govern the Board's determination as to whether practical difficulties are sufficient to grant a variance.

Derian clarified that the parcel in question involves four lots of Beverly Hills Subdivision #6, Lots 2351 through 2354 as platted before the adoption of the current Beverly Hills Zoning Ordinance in 1959. These lots have been reconfigured into three other lots with separate Sidwell numbers since 1941 when the existing house was built. The Christies are required to apply to the Zoning Board of Appeals for a variance because the lots as originally platted and even as reconfigured do not meet current requirements. The applicants agree that the lots are to be deemed a single lot of record for purposes of the 1959 ordinance and considering grandfathering. For all other purposes, these lots have been reconfigured into three separate Sidwell numbers, and they could be sold as such.

Derian pointed out that the Christies have never asked for three buildable lots for these four lots, which total 212' in width. The current ordinance requires 100' of lot width in this zoning district. The Christies are asking for two buildable lots on 212' of lot width, which is well within the current ordinance standards. Derian stated that the petitioners would be pleased to accept a condition on a variance limiting this parcel from any further lot splits.

Derian stated that the applicants are requesting two variances. The Christies are requesting a 20.5' variance from the minimum lot width of Lot 24-01-180-007 to allow a 79.5' lot in lieu of the required 100' lot width. The petitioners are asking for the accompanying minimum lot size variance of 12,643 ft. as opposed to 16,000 ft.

Derian reviewed that the petitioners discussed prior precedence in the Circuit Court presentation. The applicant understands that prior precedence does not mandate the granting of a variance on the part of the Zoning Board. The applicants think their request is consistent with the Zoning Board's prior precedence and that the granting of a variance would be consistent with that.

It has been pointed out by the chair that there is a clear standard for establishing that a practical difficulty exists. Derian addressed each of the four elements to demonstrate that relief is warranted by the granting of a dimensional variance.

The first requirement is whether compliance of the strict letter of the restrictions in the ordinance will unreasonably prevent use of the property for a permitted purpose or render conformity unnecessarily burdensome. In this situation there is a 212' wide lot where two buildable lots are going to come out of it eventually whether there is a tear down or some other reason. The applicant believes that conformity with the strict requirement of the ordinance for 100' of lot width in this case would be unnecessarily burdensome because it would require the Christies to tear down their existing house, which meets all the current zoning requirements. They are asking to build a new house that would meet every zoning requirement other than lot width. The ultimate result would be two lots on 212' of frontage that would remain consistent with the character of the neighborhood.

Derian stated that the basis for this is found in the ordinance, which says that a topographical condition of the land which created this practical difficulty can be a basis for granting a variance. This issue was addressed with the Circuit Court. The applicants' position is that a topographical condition of the land can be man made. Derian cited a California case that decided this question.

Derian stated that this case comes down to the basic fact that there was an ordinance in effect when this subdivision was platted, and there were four 53' wide lots. A house was built by the original owner in 1941 and sited over two of the four lots. It is not fair to infer any intention from that as to his expectations for the two other lots.

The problem was created by the location of the existing house and the subsequent amendment of the ordinance in 1959 widening the lot width standards. The Village is being asked not to subject the Christies to the unnecessary burden and expense of tearing down the existing house. Derian commented that the Christies would have the right to clear cut the lots and start over, which would not be in character with the neighborhood. The petitioners think that the granting of this variance would do substantial justice to the petitioners and to the surrounding properties. He emphasized that the same density as presently allowed under the current zoning ordinance would be met.

Derian maintains that the character of the neighborhood would not change by building a house on this 79.5' lot. Within a one-block vicinity, there are ten homes on 100' wide lots or greater and there are ten homes on 100' wide or less lots, including five lots that are 80' wide. The proposed new home would fit in with the neighborhood.

Derian stated that the problem is due to the unique circumstances of this property and the peculiar placement of the house on the property. This is not a self-created problem by the Christies. There has been some issue that the Christies should be charged with creating their own problem because they knew that there was a variance requested when they purchased the property. Derian suggested that the Board's ruling on the previous case this evening is evidence that it does not agree with that. The petitioners in the previous case knew that there

was a problem and that a variance was needed but took the property anyway. That is fully consistent with the Michigan Supreme court rulings on this matter.

Derian asked the Board to keep in mind that the prior owner built the house well before the adoption of the current ordinance. Any act on the original owner's part in siting the house in this manner should not be imputed to the Christies as evidence of their creating this problem. The lots were reconfigured in 1941 after the construction of this house and well before the adoption of the 1959 ordinance.

Derian raised a previous question regarding the intent of the previous owner, Dr. Noonan, as to how this property has been used. It goes without saying that any previous owner's vision or intent for the future use of his property has no effect whatsoever on a subsequent property owner. If Dr. Noonan wanted to place restrictions on the development or use of that property, it is a question he could have addressed at the time of the sale. Derian added that the house was built before Dr. Noonan purchased the property.

Derian stated that the applicant would be pleased to accept appropriate conditions placed on the granting of this variance, specifically that no other variances would be requested and that no other buildable lots would be attempted by virtue of a variance. The petitioners could address questions about what type of structure would be erected although the Christies do not have a specific plan.

For all the reasons stated, Derian asked that the Zoning Board grant the variance request for lot width and lot area.

Building official Byrwa displayed photographs of the vacant lot on Mayfair and described the variances requested.

Board members discussed the request for variance and asked questions of the petitioner and their representative.

Referring to a statement made by Derian, Berndt noted the differences between Case No. 1137 and the preceding case. The Christies bought the property with this project in mind. The property owners in Case. No. 1138 lived in the home for 12 years before an addition was proposed.

Derian responded the Christie house was built well before the adoption of the ordinance and no fault can be imputed to them legally for the creation of the existing structure, which is the topographical condition which has created the hardship. Derian referred to a Michigan Supreme Court case that says that people who purchase with notice of a zoning problem are not foreclosed from asking for a variance on that basis. Such a rule would penalize people who do due diligence and reward people who remain ignorant of existing conditions.

Berndt stated that he reviewed the precedence referenced and did not find anything that was remotely similar to the case in question in that the parties are not dealing with a lot of record.

In response to a comment from Berndt, Derian pointed out that this proposal could be favorable to the neighborhood in comparison to other possibilities if the property were sold to another party. Bill Christie commented that he and his wife and three children moved into the house last December and want to make it their permanent residence. They have no intention of clear cutting the property.

Berndt questioned whether the Christies have ever considered digging a basement to the south of their home and moving the house over in order to construct a larger house than proposed on the north two platted lots.

Bill Christie responded that their family plans to remain in the existing home and preserve the green space on the property. It is intended to use the lot on the north for an ice rink for his children. Lisa Christie added that their home is well built and there is no reason to tear it down. Bill Christie explained that they propose to build a new home within the building envelope of the 79.5' wide lot that will conform to the character of the neighborhood.

Stearn understands that the proposed new home would meet ordinance requirements in terms of front, side and rear yard setbacks. Setbacks are established to determine how much building can be placed on the property. Stearn remarked that the minimum square footage regulations are there for the same reason. Beverly Hills wants a certain amount of open space on lots.

Derian responded that the key is whether or not the variance request is a minimal request and whether or not the house that will be built on a smaller lot than required by the ordinance will fit in with the neighborhood. This has been addressed. He asked the Board members to look at this 212' wide property as a whole and consider whether it is an unnecessary exceptional practical difficulty to require the Christies to tear down their house or allow them to achieve their goal through the issuance of a minimal variance. The resulting house will be consistent with the character of the street and enhance the quality of the neighborhood.

Schafer stated that letters have been received from property owners of the following residences in support of granting the variance requested by the Christies:

20375 Lincoln Hills Court
18321 Riverside
18614 Warwick
21200 Smallwood Drive
18942 Riverside
19096 Bedford
19070 Bedford
31719 Glencoe
31243 Cline Drive
24255 W. 13 Mile Road
18945 Saxon

Letters from those opposed to the petition were received from the following residences:

18944 Warwick
19100 Warwick
32344 Mayfair
32371 Mayfair
32400 Mayfair

Schafer reiterated that the Zoning Board of Appeals refers to certain standards to establish that a practical difficulty exists that is sufficient to grant a dimensional variance. He asked that members of the audience keep their comments on topic and address why there is or is not an exceptional practical difficulty in connection with this proposal.

Leslie Carol Michals of 32415 Beaconsfield stated that she lives directly behind the Christies' property. She is opposed to granting the variance on the basis that there is no hardship involved. Michaels questioned whether the neighbors would have any say over the size or design of the house.

Gary Valentine of 32405 Mayfair, resident across the street from the Christies, is opposed to the Village dividing large parcels to make smaller lots on the basis that it is against the character of the neighborhood. He mentioned the aspect of undue hardship with respect to the Christies moving their house and asked if this is an issue that the ZBA will address or whether it will be decided at the court level.

Berndt responded that the Zoning Board looks at practical difficulties associated with strict enforcement of the letter in the law when considering dimensional variances. The law says that there is not a lot there, and it is too small if there is one. The question is whether there are reasonable alternatives, and whether something is a reasonable alternative gets into the issue of unnecessary hardship. In this case it calls for members of the Board to determine whether moving this house over onto a new basement constitutes an unnecessary hardship in that there would still be two houses on this piece of property in the end. There is some subjective analysis involved. Berndt asked whether there is an unnecessary hardship placed on the homeowners to accomplish the same thing that would be accomplished if a variance were granted.

Troy Larson of 19070 Bedford commented that he originally signed a petition in opposition to granting this variance. Since that time, he has a clearer understanding of the situation and now supports the proposal. He believes that the new residence will be in concert with the existing homes and will not denigrate the neighborhood. Larson thinks that asking the resident to move their home is an unnecessary hardship.

John Thomas of 18250 Birwood stated that he is glad to see improvements in the community on the basis that it improves real estate values. People who are putting money into their homes are looking to stay in the community or make an investment.

John Kemp of 21200 Smallwood thinks that granting the variance as requested would be a positive thing to do.

Drew Schmidt of 19096 Bedford commented that he was initially opposed to granting the variance but has reconsidered his position. He agrees with the request for a variance on the basis that the petitioners ultimately have the ability to build two homes on their 212' lot. Schmidt remarked that a developer could put two large homes on that property. He thinks it would be a significant hardship to move their house. If the house were moved, many trees would be lost on the north side of the lot.

Jim Lewandowski of 18945 Saxon Drive supports the request for variance on the basis that an undue hardship has been demonstrated. He thinks the proposal will improve the value of the community.

Rich Marsh of 32344 Mayfair, who lives in the house abutting the petitioners to the south, expressed opposition to building a second house on the property on the basis that it would change the character of the neighborhood. He maintains that none of the people who live on Mayfair are in support of granting this variance.

Roger Buck of 31719 Glencoe stated that he was a close neighbor of the Christies when they lived on Fairfax. The house they are planning to build on Mayfair fits in with the neighborhood and will make Beverly Hills better.

Leonard Janiga of 18910 Warwick stated that the back of his house would face the proposed new home. He and his wife do not support the request for variance. They bought their house because of the open space between homes. Janiga does not think the proposed house will add value to the community. He expressed the view that the hardship is self-created.

Colleen Perkins of 15911 Lauderdale, former next door neighbor to the Christies, spoke in favor of the request for variance. She commented on the improvements the Christies made to their former home.

Claire Janiga of 18910 Warwick asked the Board to uphold the ordinance requirement for a 100' lot width. She believes that approving this variance will set an unfavorable precedent. She moved to Beverly Hills for the spaciousness and size of the lots.

Nancy Marsh of 32344 Mayfair commented that there is already a lovely house on the property. She thinks that the discussion should not focus on undue hardship as the petitioners have asked for a variance based on practical difficulty.

Mike Fisher of 20375 Lincoln Hills Court commented favorably on the improvements the Christies made to their former home. He thinks the Christies will build a home that will enhance the community.

Jim Plasky of 31232 Cline expressed support for the variances requested. He stated that the Christies own their property and have a right to do what they want with the property.

Dave Fiscella of 32371 Mayfair expressed the view that the petition has been driven solely by a personal profit motive. He does not support the request for variance.

Helen Overhardt of 18944 Warwick does not support the petition. She remarked that she could tear down her house and build four houses on her property.

Kathleen Berwick of 31381 Kennoway Court stated that she is uncomfortable with this request for variance and believes that the second house will change the character of the neighborhood.

Mike Henneghan of 18321 Riverside stated that he fully supports the Christie's proposal. He thinks that they will build a beautiful house that will enhance the street and the neighborhood and increase property values.

William Christie addressed some of the concerns raised by residents. He proposes to build a new structure that is 2,500-3,000 sq. ft. There is a concern about green space and retaining the character of the street. Christie stated that they are trying to take these concerns into account with the ultimate goal of having two homes on the property. By keeping the house in conformance to setback requirements, there will be plenty of green space between the structures to retain the spacious look. He mentioned that there are three homes across from the Janigas that are on 80' wide lots.

Christie took offense with the accusation that the motive for his proposal is profit. He remarked that money from the construction of the new house will be used to improve his existing home. With respect to concerns that the garage taking up too much of the front of the proposed house, Christie would consider a detached garage.

Schafer questioned the assumption that the applicant is entitled to have two homes on the property in question. One of the standards that the Board applies in determining a hardship is whether compliance with the strict letter of the restrictions would unreasonably prevent the petitioner from using his property for a permitted purpose. Schafer stated that the purpose itself would still be residential. Whether conformity to such restrictions are unnecessarily burdensome is a consideration.

Schafer commented that Mr. Derian's remarks with respect to the self-created hardship issue trouble him to the extent that his reading of Michigan case law seems to eviscerate the self-creation test. Schafer does not believe that there is much the Zoning Board would hear if that standard is already met.

Berndt believes that the alternatives in this case would be unnecessarily burdensome in regard to the first standard. In looking at the issue of justice to the community as well as the petitioner, Berndt thinks that this variance is the minimum necessary to do justice to the petitioner. He thinks that there is a reasonable expectation that a house will ultimately be built on the property. He noted that the community has enjoyed this parcel as vacant green space for a number of years. That does not create an entitlement to continue to enjoy it at the expense of people who have paid for it and pay taxes on the land. Berndt commented that there is no hazard to the public safety, health and welfare.

Decision: Motion by Berndt, second by Verdi-Hus, that the Zoning Board of Appeals approves a variance from the 100 ft. minimum lot width requirement and the 16,000 sq. ft. minimum lot area requirement such that a building permit may be issued for construction of an otherwise conforming single family residence on this parcel of approximately 12,700 sq. ft. and 79.5 ft. road frontage identified by Sidwell #24-02-180-007. Approval is based on:

- (1) Satisfactory demonstration by the petitioners that they cannot reasonably construct a home on their property as otherwise permitted in this zone without this minimal relief;
- (2) The variances requested are the minimum required to do justice to the petitioners;
- (3) The public interest, health, safety and general welfare will not be harmed; and
- (4) The situation is unique in that this is the only parcel of its size not built upon in the area.

Approval is contingent upon the petitioners securing a subdivision of their current 212' frontage lot on Mayfair Lane from the Village of Beverly Hills to establish a separate lot under Beverly Hills law. Approval is also contingent upon the petitioners being bound from further construction on or attempting to split off the parcel identified by Sidwell #24-02-180-005.

Roll Call Vote:

Verdi-Hus	- yes
Berndt	- yes
Fahlen	- yes
Napier	- yes
Needham	- no
Oen	- no
Schafer	- no
Stearn	- no

Motion fails (4 – 4).

Schafer stated that there has been no affirmative decision on this matter as required by Judge Tyner's Order for Remand.

Motion by Fahlen, second by Berndt, to table Case No. 1137 until there is the ability for Council to appoint an alternate member of the Zoning Board of Appeals that would give the Board a ninth member and the ability for five votes to be cast.

Motion passed (8 – 0).

ZONING BOARD COMMENTS

Berndt stated that he has drafted a handbook for use by Board members and petitioners that will outline standards that must be met in granting a variance. Copies of the document will be distributed to members of the Board for review and comment. Schafer remarked that the handbook is well done and he appreciates the effort put into preparing it.

BUILDING OFFICIAL COMMENTS

None.

Motion by Verdi-Hus, second by Oen, to adjourn the meeting at 9:47 p.m.

Motion passed.

Todd Schafer, Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary