

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

**Absent:** Needham, Oen and Stearn

**Also Present:** Building Official, Byrwa  
Council Liaison, Taylor  
Council Member, Pfeifer

Chairperson Schafer 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 Verdi-Hus, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, December 13, 2004 be approved as submitted.

Motion passed (6 – 0).

**CASE NO. 1139**

**Petitioner:** Brian Monczka  
First Choice Remodeling, Ferndale

**Property:** 20650 Breezewood Court  
Lot 52 of Cranbrook Woods  
TH24-03-203-008

**Petition:** Petitioner requests a front yard deviation from the 72.65’ average front yard setback to 48’ in order to attach an existing detached garage to the house.

Building official Byrwa displayed photographs of the property and house, which was built in 1952 prior to the adoption of the Village Zoning Ordinance. The garage is located slightly in front of the home, and there is a three foot walkway space between the garage and house. The petitioner is proposing to connect the house to the garage with a roof over the existing walkway between the structures. It will not be enclosed.

Byrwa noted that the front yard is heavily wooded. The immediate neighbor to the east has indicated that he has no objections to the proposal.

The petitioner Brian Monczka with First Choice Remodeling was present on behalf of the homeowners, the Hawkinsons. The homeowners would like to connect the garage to the house and cover the walkway to prevent snow and ice from building up during the winter months. It is proposed to reconstruct the garage in its current location and bring it up to neighborhood standards. A deviation is requested from the average setback of 72.65 feet to the existing footprint of 48 feet from the front lot line to the building.

In response to an inquiry, Byrwa stated that the ordinance requires that, if more than 60% of a non-conforming structure is removed, the new structure must comply with the ordinance. Currently, there is a principle dwelling with a detached accessory building in the front yard. By attaching the garage to the house by a common roofline, it will become one principle building with the garage being an accessory use.

Berndt states that this proposal demonstrates an unnecessary hardship case where there is no purpose in not granting a variance. The petitioner could be required to retain the existing structure, but it would be imposing unnecessary hardship on the homeowner and ultimately not benefit the health, safety and welfare of the public in terms of retaining an old, unsound structure. Berndt does not believe that the issue of a complete tear down versus partial repair to the structure has any bearing on the variance.

Robert Walsh of 20655 Smallwood Court, president of the Valley Woods Homeowners Association, abuts the north side of the property in question. He commented on how the ordinance applies to the petitioner's proposal. Walsh supports the request for variance.

Kathleen Berwick of 31381 Kennoway Court proposed that the garage be moved to the side yard if it is going to be reconstructed. The petitioner commented this would result in an encroachment into the side yard open space.

**Decision:** Motion by Berndt, second by Verdi-Hus, that the variance be granted as requested based on the demonstrated practical difficulty with respect to the placement of the existing structure on the lot and owing to the unnecessary hardship that would be imposed as well as negative impact on the public welfare by any of the alternatives that exist.

Roll Call Vote:  
Motion passed (6 – 0).

#### **ZONING BOARD COMMENTS**

Fahlen questioned the outcome of the Planning Board review of the Christie lot split request at its February 9, 2005 meeting. Byrwa summarized the Planning Board discussion. The Planning Board unanimously passed a motion to recommend approval of the Christie land division application for property located at 32380 Mayfair at the recommendation of the Village planning consultant.

Fahlen questioned the status of the location on Southfield Road where the Invisible Fence building was torn down. Byrwa related that a plan for construction of a one and one-half story 2,600 square foot building on this piece of property was reviewed and approved by the Planning Board and Council. The property owner is soliciting tenants for the building. Byrwa will bring drawings for display at the next meeting if Board members are interested.

Berndt related that the issue was raised by a Planning Board member that something needs to be done about utility service entrance equipment (water or gas meter, electrical wire, piping, phone connection box) being mounted on the fronts of houses. This is happening in the Rutlands, on Marguerite, and in other neighborhoods and will have an adverse affect

on property values. Contractors that move meters for Consumers Energy are telling people falsely that they have to move the gas meter.

Berndt stated that there are communities whose zoning ordinances prohibit service entrance equipment on the front wall or within so many feet of the front wall of a house. He asked the Council representatives present to convey this concern to Council.

Schafer asked if Board members have had an opportunity to review the draft handbook prepared by Berndt outlining standards to be met in granting a variance by the Zoning Board of Appeals. Schafer has forwarded his comments and proposed changes to Berndt.

Schafer stated that he has heard nothing further on the letter that he received from counsel to Tim and Monica Mercer (Case No. 1135). Byrwa will follow up on this with Village Attorney Ryan and report to the Zoning Board at its next meeting.

Motion by Berndt, second by Brady, to adjourn the meeting at 8:01 p.m.

Motion passed.

**Todd Schafer, Chair**  
**Zoning Board of Appeals**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**