

Present: Chairperson Schafer; Members: Brady, Fahlen, Needham, Oen and Verdi-Hus

Absent: Berndt, Stearn and Napier

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 Oen, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, March 14, 2005 be approved as submitted.

Motion passed (6 – 0).

CASE NO. 1141

Petitioner & Property: Faith Straton
18241 Birwood
Part of Lot 1724, All 1725
TH24-02-230-006

Petition: Petitioner requests a side yard deviation from the required minimum 15' side yard open space to 8' for a 1½ story addition and garage.

Building official Byrwa displayed photographs of the property and house, which was built in 1941 prior to the adoption of the Village Zoning Ordinance. The petitioner is proposing to remove the existing attached garage and build an attached garage and 1½ story addition to the home. The existing side yard setback of approximately 4' would be increased to 8' under the proposed plan, which would minimize the existing nonconformity.

It was clarified that the existing garage is attached to the home by a permanent awning. Because the garage is attached with a common roof, Byrwa views the house and garage as one principal building.

The petitioner Faith Straton stated that there is about 4' of space between the structure and the side lot line currently. The garage is 18.5' wide, which is a hardship in terms of having enough room to park and maneuver two cars. The proposed addition will result in a wider attached garage that does not encroach into the 40' rear yard and that provides additional side yard open space. The proposed addition will be 8' from the side lot line to the garage and 10' from the lot line to the living space portion of the addition.

Straton submitted a letter from the adjacent neighbor, Jim Calder of 18251 Birwood, who has viewed the plans and has no objections to the proposal.

Straton commented on the design and flow problems with the current layout of the house and garage. They have three children and need more space. The proposed plan will attach and widen the garage and correct the space problem in the house. Straton stated that building a detached garage in the rear yard would result in most of their beautiful back yard being covered by a driveway and a garage structure.

Questions from Board members were answered by Straton. The second floor addition will consist of one bedroom and one bathroom. The proposed garage will be 20' x 20'. Fahlen remarked that it would be a shame to require the petitioner to locate the garage in the back yard where it would be viewed from the family room.

Decision: Motion by Fahlen, second by Needham, that the deviation be granted based on the problem of relocating the garage to any other location on the lot and considering that the deviation requested minimizes the existing nonconformity.

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

CASE NO. 1142

Petitioner & Property: Mark Stielow
21891 Hampton
Lot 23 of Berkshire Grove
TH24-03-032-004

Petition: Petitioner requests a deviation to attach a 220 square foot garden shed to the existing 720 square foot detached garage.

Byrwa displayed photographs of the property and existing house and garage. The 24' x 30' detached garage is 720 square feet. The petitioner is requesting to exceed the maximum allowable for garage space in order to attach a 220 square foot garden shed to the rear of the garage. Byrwa pointed out the large size of the lot and the dense foliage that would block the view of the garden shed from the neighbors during most of the year. In answer to an inquiry, Byrwa stated that an accessory structure is required to be 5' from any lot line and cannot be built on an easement.

The petitioner Mark Stielow stated that the house and garage is located on an acre of land. He has a riding lawn mower, snow blower, leaf blower, and other equipment used to maintain his property. The petitioner prefers to store his lawn and garden equipment, seasonal furniture, and collector cars under a roof so that the property does not appear cluttered. The petitioner does not want to add on to the existing attached garage because it

would change the view of the house from the street. Adding the garden shed onto the detached garage in the rear yard would be less obtrusive and more cost effective.

Stielow stated that the exceptional practical difficulty is to construct a garden storage shed to house everything he needs to maintain his large lot in a location that will not be visible from the street. The addition will have the same architecture as the existing garage structure.

Stielow commented that they have spoken to all the neighbors except the people directly behind them. None of the neighbors who were approached have a problem with the proposed garden shed addition. Stielow stated that he observed another property on Stafford that has a 720 square foot detached garage and an approximately 180' square foot pool house.

Questions from Board members were answered by the petitioner. Stielow described the appearance of the proposed wood garden storage shed.

Schafer read letters from neighbors who have no objections to the deviation requested including Virginia Watson of 31680 Lahser, Thomas Najor of 31800 Lahser Road, and Roger and Kathleen Meyers of 21880 Hampton.

Robert Walsh of 20655 Smallwood Court, president of the Valley Woods Homeowners Association, questioned the hardship in this case. He mentioned that the foliage screening the garden shed could be gone next year. Walsh noted that the lot is 300' deep, but the detached garage with the garden shed addition would be 30' from the rear lot line, which is getting closer to the adjacent neighbor's property.

Kathleen Berwick of 30381 Kennoway Court commented that she is uncomfortable with an addition to the large detached garage structure on the lot. She supports upholding the Zoning Ordinance.

Board members discussed the request for variance. Consideration was given to the fact that the property is exceptionally large. Board members were not convinced that an exceptional practical difficulty was demonstrated in this case.

The petitioner stated it would be more aesthetically pleasing to locate the garden shed on the rear of the detached garage. Constructing an addition on the attached garage would push the driveway right up to the property line. The deviation requested would allow him to build a garden shed addition where it would have less impact on the property and would allow him to house all of his equipment.

Schafer informed the petitioner that he has the right to request that his case be tabled before the vote is taken and have it reheard at a time when there may be a full quorum. Five affirmative votes are required to grant a deviation.

Decision: Motion by Brady, second by Oen, that the petition be granted for a variance to allow an addition that would not encroach on the side or rear yard setbacks and considering the exceptionally large size of the lot.

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

ZONING BOARD COMMENTS

The ZBA handbook adopted at the last meeting will be distributed electronically to every Board member and to the building official. The Building Department was asked to distribute the guidelines to individuals seeking an application to come before the Zoning Board of Appeals for a variance.

BUILDING OFFICIAL COMMENTS

In answer to an inquiry, Byrwa stated that Board will be meeting in May to hear at least one case.

Byrwa reported on the building being constructed on Southfield Road on the former Invisible Fence site. The plan is to construct a one and one-half story 2600 sq. ft. building that will be rented to two tenants. Byrwa will make sure that there is adequate parking for the site.

Motion by Oen, second by Brady, to adjourn the meeting at 8:17 p.m.

Motion passed.

Todd Schafer, Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary