

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

Chairperson Schafer presided and called the meeting to order at 7:33 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES

Motion by Berndt, second by Oen, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, April 11, 2005 be approved as submitted.

Motion passed (9 – 0).

Chairman Schafer informed those present that five favorable votes of the members of the Zoning Board of Appeals are required to achieve a variance. There is a full board of nine members present tonight. Schafer outlined the factors that the Board considers in granting a dimensional variance.

CASE NO. 1143

Petitioner: Lunar Garage & Modernization
13291 E. Nine Mile, Warren

Property: 30325 Vernon
Lot 109 of Berkshire Valleys #3
TH24-10-177-006

Petition: Petitioner requests a front yard deviation from the average 91' front yard open space to 79.5' to construct an attached garage.

The house at the corner of Vernon and Virmar was built in 1956. The petitioner currently has garage space on the north side of the house. He is seeking to add an additional two-car garage off the front of the house, which would require a variance from the average 91' front yard open space to 79.5'.

Byrwa displayed photographs of the property pointing out an existing attached garage and a 724 sq. ft. detached garage on the lot. He indicated the location of the proposed addition in front of the house. The ordinance allows garage space on a lot to be 60% of the first floor square footage. Because the first floor of this house is almost 3000 sq. ft., the petitioner would be allowed 1800 sq. ft. of garage space. The total garage space would total about 1600 sq. ft. with the proposed garage space.

The homeowner Michael Tucker described the addition constructed on the existing ranch home on Vernon Drive in 2002. It has taken him some time to finance all of his home improvements.

Tucker stated that he worked out a construction contract with Lunar Home Improvement for what will be the last project on the property.

Tucker stated that he is requesting the variance to give his home more curb appeal and to construct a children's hobby room with space for storing bicycles. It is proposed to create a gabled structure on the right side of the home that mirrors the front porch structure on the left side. He proposes to bring the proposed addition out towards the road flush with the right edge of the house. He is limited on the use of space in terms of square footage; and, secondly, he is limited by the average depth of the front open space. Tucker commented on how the matching brick, windows, trim and columns will improve the curb appeal of the structure and of the neighborhood.

Tucker has learned that several of his neighbors are opposed to the proposal. He spoke to his closest neighbors and received signed statements from three neighbors who are not opposed to his project. Tucker pointed out that both of the homes that abut his property have projections that come forward from the front of the house.

The petitioner was asked to describe his hardship as it relates to this case. Tucker stated that the hardship results from the economics involved in the construction project. He cannot justify the economics of creating the gable and matching façade without building a structure as presented. The hardship is the need to create enough space to justify the investment.

Verdi-Hus responded that the Zoning Board does not consider an economic reason as a hardship in granting a variance.

Robert Naeyaert of Lunar Construction commented that the hardship is the original placement of the house on the lot. This is the only place to build the addition that would provide a façade on the house and give the homeowner the needed space. The columns and the gable proposed for the addition will make the house look better in terms of curb appeal in the neighborhood.

Peter Helger of 30340 Vernon, neighbor directly across the street from the petitioner, submitted pictures of the petitioner's home. He believes that some of the dimensions included in the information submitted to the Board by the applicant are somewhat misleading. He does not think the proposed addition will improve the aesthetics of the house or add value to the neighborhood. Helger noted that the intent of the subdivision deed restrictions is to preserve large setbacks.

Sharon Tischler of 21415 Virmar Court commented that the single story portion of the house is the original structure. The petitioner removed a garage and added a two-story addition, which incorporated a basement and garage space. There is more garage space on the property than she has seen for any house in Beverly Hills. Tischler finds it difficult to consider moving into the front yard setback to add another garage. Whether the proposed structure improves the aesthetics of the site is immaterial.

Diva Williams of 30370 Vernon commented on the extent of the additions to the original building. She does not think that encroaching into the front yard will provide curb appeal. Williams does not see a hardship in this case.

Kathleen Berwick of 31381 Kennoway Court is opposed to the proposed addition on the basis that the design does not blend with the other homes in the neighborhood. She asked the Board to consider preserving green space in this area of large lots. Berwick is concerned with how the building will affect drainage. She maintains that there is no hardship in this case.

Mike Huddlestun of 21385 Orcutt Court commented on the amount of garage space on the lot. He believes that people have the right to their collections. However, economic considerations should not be viewed as a hardship.

David Tillman of 30665 Vernon Drive applauded the petitioner for his investment in the neighborhood. Tillman stated that he likes the spacious lots in the area and the privacy that it affords neighbors. The petitioner currently has enormous garage space. Tillman would support the request if the homeowner could accomplish the objective without a variance. He believes that the hardship was self created.

Schafer read letters sent to the Village regarding the variance requested. In a letter dated May 4, 2005, Douglas Shore and Sylvia Voelker raised concerns about the environmental, esthetic, and practical consequences of the deviation. They appreciate the effort of the petitioner to improve the home but think that it is time to stop the construction at this site.

Richard Adel of 21410 Orcutt Court state in a letter dated May 5, 2005 that the property has garages for six cars currently, and the house is out of proportion to the rest of the neighborhood. He asked that the request for variance be denied.

Bob Walsh of 20655 Smallwood Court objected to the variance on the basis that no hardship has been demonstrated. He pointed out that there is a drainage problem on the north side of the house, which would affect the adjoining home.

Michael Tucker stated that people have made judgments and given opinions about what they think is appropriate for a garage. He reminded the Board that he is not asking for a variance from the Ordinance to exceed the amount of garage space.

Berndt stated that the Board is having difficulty identifying the hardship in this case. The petitioner has pointed out that the proposal does not exceed the allowable amount of garage space for the site. Berndt agreed that there are not a lot of alternatives on this site due to the amount of building that exists already. The petitioner's motivation is to change the curb appeal of the house; however, public interest is a small part of the criteria considered by the Board.

There is the issue of a self created hardship. The petitioner constructed a previous addition and now is requesting additional space. It is proposed to expand a large conforming structure into the front yard open space. The Zoning Board must have a compelling reason to alter the law that goes beyond financial hardship and aesthetics. The Board is not empowered to grant a variance for difficulties and hardships that the petitioner creates himself.

The petitioner Michael Tucker asked that his petition be tabled to give him an opportunity to present compelling evidence that would help the Board make a decision in his favor.

Byrwa asked interested residents to contact the Village to determine whether this case will be heard at an upcoming meeting. The Zoning Board of Appeals meets on the second Monday of each month. It was noted that the accuracy of the drawing submitted by the petitioner was a concern of the Board.

CASE NO. 1144

Petitioner & Property: Tim Holton
32011 Auburn
Part of Lot 629, all of Lot 630 of Beverly Hills #1
TH24-01-281-018

Petition: Petitioner requests a side yard deviation from the 12.5' minimum open space to 10' **and** a rear yard deviation from the 40' minimum rear yard open space to 32.1' for a bedroom addition in order to continue with the existing line of the house.

Byrwa stated that this property is located on the northwest corner of Auburn and Beverly Road. The house was built in 1952, prior to the adoption of the Village Zoning Ordinance.

The petitioner is proposing to build an addition off the northwest corner of the house. The request is to continue the line of the house to construct the addition 10' from the side lot line, which will expand the existing non-conformity. The second variance would be a deviation from the 40' minimum rear yard open space to 32.1' to construct a bedroom addition. Byrwa displayed photographs of the property and location of the proposed addition.

The petitioner Tim Holton stated that a hardship exists in that the house needs more bedroom and bathroom space to meet the needs of their family. It is proposed to add a 13' x 16' room. The addition will be constructed on the back of the house and will not be viewed by the neighbors.

Maryann Benton of 15810 Reedmere stated that the family needs extra room, and she does not think the proposal will affect any of the neighbors.

Needham commented that he cannot see how the petitioner could gain additional living space other than by adding a second story or by building the addition as proposed.

Fahlen stated that there is a similar addition on the back of the house to the south of the property in question.

In response to an inquiry, the petitioner stated that expanding the addition further towards Beverly Road would block off a window.

Berndt stated that the buildable footprint is minimal on this triangle-shaped lot. The addition proposed is the only location where it fits in terms of lot size and floor plan constraints.

Decision: Motion by Berndt, second by Fahlen, to grant the variance as requested given the unique shape of the lot, the placement of the house on lot, floor plan constraints, and public benefit through aesthetics as well as the

minimal nature of the variance requested. The house was built before the Beverly Hills Zoning Ordinance was adopted.

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

ZONING BOARD COMMENTS

Byrwa stated that the handbook prepared by the Zoning Board for distribution to applicants is in the process of being reviewed by Village Attorney Ryan. It may have to receive official approval by the Village Council before it is distributed to individuals who make application for a hearing before the ZBA.

Fahlen asked that Village administration consider mailing a notice to the approximately 14 affected property owners within 300 ft. of the homeowner at 30325 Vernon to notify them of the rehearing of Case No 1143.

BUILDING OFFICIAL COMMENTS

Byrwa stated that there will be ZBA hearing scheduled in June to review a couple of fence cases.

Board members and Byrwa discussed the new 2600 sq. ft. building being constructed on Southfield Road on the former Invisible Fence site. The parking requirements were met for the site with 13 spaces. The owner is soliciting a couple of tenants to lease the building.

Motion by Napier, second by Berndt, to adjourn the meeting at 8:44 p.m.

Motion passed.

Todd Schafer, Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary