

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

Absent: Oen and Verdi-Hus

Also Present: Council Liaison, Walsh

Chairperson Schafer presided and called the meeting to order at 7:35 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING HELD ON MONDAY, NOVEMBER 14, 2005

Schafer asked that the second sentence in the motion on page 10 be changed to read as follows: “Approval is subject to the condition that no future variance may be sought for construction on the east side of the house, that the additions be of like materials to the existing structure, and that a limitation be placed on further building over the one-story portion of this property that encroaches into the side yard.”

Motion by Needham, second by Berndt, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, November 14, 2005 be approved as amended.

Motion passed (7 – 0).

CASE NO. 1161

Petitioner and Property: Kathy Barnas
16231 Wetherby, Part of Lot 1423 & all Lot 1435
Beverly Hills #3, TH24-01-402-004

Petition: Petitioner requests a side yard deviation from the required 12.5’ minimum open space to 9.7’ AND a rear yard deviation from the required 40’ minimum to 38.4’ open space for a rear addition in order to continue with the existing line of the house.

Byrwa displayed photographs of the property and house on Wetherby built in the mid-1950s prior to the adoption of the Village Zoning Ordinance. He described the two variances requested and pointed out that other homes on the street have similar additions projecting about 10 feet off the back of the houses. There is currently a sun room at the rear of the house.

Patrick Westerlund, architect representing the petitioner, distributed an aerial map of the neighborhood that indicates the rear yard dimensions of properties adjoining the petitioner’s lot. He pointed out that only one of a number of houses on the street meets the 40 ft. setback requirement.

Westerlund displayed a drawing of an initial layout designed to meet the petitioner’s needs and the layout of the addition proposed this evening. The original layout provided more architectural features that would enhance the elevation of the structure. Following a discussion with the Village building official, Westerlund scaled back the design to present a scheme that

was more in line with the existing structure and closer to the intent of the ordinance. The plan submitted will still accommodate the homeowners' goals, but it represents the bare minimum dimensions that the architects can work with for the addition. The family is proposing an addition to their three-bedroom, 1500 sq. ft. house that would expand the kitchen area and add a master bedroom bath and walk-in closet.

Westerlund addressed questions from Board members regarding the proximity of the proposed addition to the neighbor's garage, the differences between the initial design and the plan submitted, and why a variance is needed to build an addition. Byrwa indicated that he has visited the site and has no concern with the proximity of the neighbor's garage. There is enough distance for fire safety, and it is consistent with other structures in the neighborhood. It was noted that the width of the lot in an R-2 zoning district is required to be 75 feet; this lot is 73 feet wide.

Westerlund explained that failure to obtain a variance would restrict an addition to the house in terms of room dimensions and required wall thickness and would be unfeasible from a construction standpoint. It was indicated that the proposed addition continues the existing line of the house.

There was no one present who wished to comment on this case. The following residents submitted letters to the Zoning Board in support of granting the variance requested:

Elizabeth Landsman	16247 Wetherby
Charles Muller	16216 Wetherby
David and Diane Patton	16252 Reedmere
Tricia Cho	16161 Wetherby
Andrew and Michele Farah	31745 Sheridan
Colette and David Gonska	16177 Wetherby
Charles and Bonnie Cairns	16207 Wetherby

A letter was received from John Bahadurian of 16206 Wetherby objecting to the variance requested.

Decision: Motion by Berndt, second by Brady, that the variance be granted as requested based upon the non-conforming size of the lot and the preexisting structure on the lot, which does not conform with either side yard setback, and also based upon the non-functional nature of the spaces to be invested in at any lesser dimension than proposed.

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

ZONING BOARD COMMENTS

Berndt called the attention of the Council liaison to tonight's case with respect to the non-conforming nature of the lot on which the house was built. The house on Wetherby was

constructed prior to current side and rear yard minimum setback requirements mandated by the adoption of the Beverly Hills Zoning Ordinance.

BUILDING OFFICIAL COMMENTS

Byrwa informed the Board that Case No. 1154 involving a lot split request on 14 Mile Road has been withdrawn by the petitioner. This case was discussed and tabled by the applicant at the September Zoning Board of Appeals meeting.

Motion by Berndt, second by Napier, that the meeting be adjourned at 8:00 p.m.

Motion passed (7 – 0).

Todd Schafer, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary