

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

Absent: Napier and Verdi-Hus

Also Present: Village Building Official, Byrwa
Council Liaison, Walsh

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 OF A REGULAR ZONING BOARD OF APPEALS MEETING HELD ON MONDAY, DECEMBER 12, 2005

Motion by Berndt, second by Oen, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, December 12, 2005 be approved as submitted.

Motion passed (7 – 0).

CASE NO. 1162

Petitioner and Property: Thomas F. Aylward
16150 Amherst
Part of Lot 1504 and 1505
Beverly Hills #3, TH24-01-404-019

Petition: Petitioner requests a side yard deviation from the required 12.5' minimum open space to 5' to completely tear down the existing detached garage and replace with a new 1½ story attached garage in the same location.

Byrwa reviewed that this case was before the Zoning Board of Appeals at its October 11, 2006 meeting. At that time, the Board granted side yard and rear yard setback variances to allow the petitioner to construct an addition to connect the existing house and garage. In the course of designing the renovation, it was determined that it would not be practical to salvage the existing garage. The petitioner now proposes to remove the existing garage with "rat wall" foundation and replace it with a new garage with 42" deep footings in the same location. New doors are planned along with new siding and a new roof structure to complement the primary structure.

The petitioner is requesting a variance from Section 22.30.040b of the Zoning Ordinance, thereby allowing the existing garage to be removed and rebuilt in its current location. This section states, "Should such structure be destroyed by any means to an extent of more than 60% of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance."

Byrwa displayed photographs of the house and property pointing out the location of the new garage and the addition. The house was built in 1955, prior to the adoption of the Village

Zoning Ordinance. He noted that the purpose of the addition is to enlarge the family room and provide direct access to the garage without going outside.

In answer to an inquiry, Byrwa stated that this case is before the Board because the petitioner is proposing to remove and replace the existing garage as part of the renovation project whereas the original notification to area residents indicated that the proposal was to retain the existing garage. Byrwa pointed out the roof pitch of the garage will be steeper to complement the Cape Cod style of the house. The overall height of the garage will be increased. He added that the Zoning Ordinance requires reconstruction in conformance with the current ordinance when 60% or more of a structure is removed.

No letters from neighbors have been received regarding this case. The petitioner spoke to some of his neighbors to make them aware of his reconstruction proposal.

Schafer noted that the form letter states that the petitioner requests a side yard deviation from the required 12.5' minimum side yard open space to 5' to replace the garage. A rear yard deviation has also been requested and received at the October 11 Zoning Board meeting.

Terence Bilovus, architect, was present with the homeowner Thomas Aylward. Bilovus stated that he has met with building official Byrwa, and they agreed to come before the Board to make sure that everyone is comfortable with the current situation. He emphasized that it was after the variance was granted that the architect discovered that it would not be practical to salvage the existing garage. Bilovus commented on proposed changes to the structure, which will result in a better product.

In answer to an inquiry, Bilovus stated that the garage will use attic trusses, which will provide storage space accessible by pull-down stairs. He indicated that the building height of the new garage is 16'-5" at the midpoint. There is unfinished attic space on the upper level of the house.

Kathleen Berwick of 31381 Kennoway Court asked if this structure will be a "big foot" house. She expressed a concern about drainage on the site.

Schafer responded that he does not believe the lot has a non-impervious area that will become impervious surface as a result of the proposal. The drainage should not be changed significantly if at all.

Byrwa noted that the footprint of the garage will not change. The garage height will increase. The house is approximately 1500 sq. ft. and the garage is approximately 400 sq. ft. Bilovus stated that the footprint of the site plan will remain exactly as it was when it was originally presented in October.

Berndt commented that the Board has granted the necessary dimensional variances requested by the petitioner and has imposed conditions on the motion. He questioned the basis on which the ZBA can act on this case. Schafer stated that this case has come before the Board to clarify that the proposal has been modified to tear down the garage.

Stearn stated that he will support the variance but thinks that the new garage will be more of an obstruction on the property than the existing garage.

Motion by Berndt, second by Brady, that, if a variance is required to the extent not previously granted in Case No. 1160 in order to facilitate the construction of the garage as proposed, the variance be granted by this Board subject to retaining the conditions of the previous variance.

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

ZONING BOARD COMMENTS

Stearn referred to an email sent by Council President Dave Taylor to Village boards and others regarding proposed Zoning Ordinance amendments.

Byrwa commented that copies of proposed zoning reforms were submitted by Dave Taylor for consideration by Administration, Planning Board, Zoning Board of Appeals, Finance Committee and other boards and interested parties.

With regard to the status of the ZBA Handbook, Schafer remarked that he and Ron Berndt will be discussing specific modifications suggested by Village legal counsel. A revised draft will be circulated by the next meeting for the Board's review.

BUILDING OFFICIAL COMMENTS

Byrwa reported that there are no cases pending as of this time for the March meeting.

Motion by Oen, second by Berndt, to adjourn the meeting 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