

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

Absent: Verdi-Hus

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

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 OF A REGULAR ZONING BOARD OF APPEALS MEETING HELD ON MONDAY, APRIL 10, 2006

A correction was made in the motion on the top of page 3, line 4, to change word ‘obstructive’ to ‘obstructed’.

Motion by Oen, second by Brady, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, April 10, 2006 be approved as amended.

Motion passed (8 – 0).

CASE NO. 1166

Petitioner and Property: John L. Shrader
16031 Kinross
Part of Lot 774, all 775
Beverly Hills #1, TH24-01-253-007

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

Building Official Byrwa stated that the petitioner is seeking a side yard variance for a single-story rear addition that will continue the existing line off the house built in 1955. The required minimum 40’ rear yard setback will be maintained. Byrwa displayed photographs of the house and property and pointed out where the addition will be constructed. He noted that many of the homes in the area have additions built on the rear of the structures.

Designer Rick Lindbeck spoke on behalf of the property owners, who were also present. He described the single story addition that will expand the back bedroom and provide a mud entry area. The building materials and design will conform with the existing elements of the home with the elevation reflecting the gable elements of the structure.

The petitioner was asked to describe the hardship and comment on what is unique about the property that does not allow the expansion to be built in conformity with the ordinance. Lindbeck responded that the practical difficulty is the position of the house on the property. The house was constructed 9.7’ from the side lot line. The owner is trying to maintain the existing

line of the house and meet the rear setback requirement. Building the addition two feet narrower would dramatically effect the space on the inside considering the transition into the addition and the orientation and layout of the home. The addition as proposed makes more sense from an aesthetic standpoint.

In response to an inquiry about materials and design, Lindbeck indicated that the owners would be amenable to the variance approval being conditioned on the addition being constructed with like materials to the existing home.

Schafer mentioned that the minimum required lot size in an R-2 zoning district is 12,000 sq. ft. The lot in question is about 10,000 square feet. There is the likelihood that a variance would not be required if the lot size were larger.

Decision: Motion by Berndt, second by Oen, that, given the non-conforming size and width of the lot, placement of the home on the lot, and considering that the applicant is proposing to preserve the character of the neighborhood, the variance be granted with the condition that the exterior materials on the house be consistent throughout.

Roll Call Vote:
Motion passed (8 – 0).

Berndt thanked the petitioners for presenting a modest request for variance that would allow them to build the desired addition while preserving the character of the area.

REVIEW PROPOSED INTRODUCTION TO ZONING BOARD OF APPEALS HANDBOOK

Board members have received and reviewed a current draft of the Zoning Board of Appeals handbook. The document outlines standards to be met in order for the ZBA to grant a variance. It is proposed to distribute the handbook to individuals making application to come before the Board with a variance request.

Board members discussed the introduction and handbook text at some length and suggested modifications that will be incorporated into a revised document. A black lined and a clean copy of the draft will be distributed to Board members and to Attorney Ryan for review. The final draft will be forwarded to Council.

ZONING BOARD COMMENTS

Stearn expressed dismay that the March Zoning Board meeting was held on a Jewish holiday, Purim. Schafer responded that this holiday is probably not noted on most Gregorian calendars.

BUILDING OFFICIAL COMMENTS

Byrwa mentioned that the annual election of chair and vice-chairperson of the Zoning Board will take place at the June meeting.

Byrwa commented that the Village Council approved a budget for the 2006/07 fiscal year at its last meeting. He made comparisons between the budgets for the City of Birmingham and the Village of Beverly Hills, emphasizing the cost effectiveness of the Village.

Byrwa announced that Board member Bev Napier has indicated that she will not be seeking reappointment to the ZBA when her term expires on June 30 due to job related conflicts. On behalf of the entire Board, Schafer expressed appreciation for her service on the Zoning Board.

Schafer commented that he received an invitation as chairperson of the Zoning Board to a Foray into the Rouge Green Corridor on Thursday, May 18, an event that celebrates the culmination of the EPA funded partnership project for maximizing community assets related to the Rouge River in Southfield, Beverly Hills and Birmingham. The event will include a guided tour of the Rouge Green Corridor, strolling reception, and the unveiling of the corridor poster and logo at the Birmingham Bloomfield Art Center. Schafer is unable to attend and offered the invitation to anyone interested in going to the event.

Bev Napier announced that Snyder, Kinney, Bennett & Keating along with Sotheby's International is sponsoring a road rally of 12 houses that are for sale in east Beverly on May 18 from 5 – 7:30 p.m.

Berndt stated that the President of the Michigan State University will be speaking at a reception at the Birmingham Country Club tomorrow, May 9 at 6:00 p.m.

Motion by Fahlen, second by Stearn, to adjourn the meeting at 8:45 p.m.

Motion passed (8 – 0).

Todd Schafer, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary