

Present: Chairperson Schafer; Members: Brady, Fahlen, Farris, Francis, Mercer, Needham, Tillman and Verdi-Hus

Absent: None

Also Present: Building Official, Byrwa
Council Liaison, Peddie
Council member, Oen and 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 OF A REGULAR ZONING BOARD OF APPEALS MEETING HELD ON TUESDAY, NOVEMBER 13, 2006

Motion by Mercer, second by Verdi-Hus, that the minutes of a regular Zoning Board of Appeals meeting held on November 13, 2006 be approved as submitted.

Motion passed (9 – 0).

CASE NO. 1181

Petitioner: Kevin Hart, Architect, 700 Maple, Birmingham, MI

Property: 31624 Glencoe
Lots 1264-1266 of Beverly Hills #3
TH24-01-432-021

Petition: Petitioner requests a front yard deviation from the average front yard setback of 64.21' to 56.63' for a proposed enclosed entry.

Byrwa stated that this residence located on Glencoe street south of Beverly Road was built in 1941. The petitioner is requesting a front yard setback variance in order to construct a new front entry in conjunction with other home improvements. The ordinance states (in part): "Where a front open space of greater or less depth than 40' exists in front of a single family residence or residences presently on one side of a street in any block and within 200' of the lot or parcel, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences."

A drawing was submitted with the petition that determines that the average front setback of homes within 200' of the property in question is 64.21' measured from the road edge. Byrwa noted that the house is already nonconforming in terms of the front setback by about 4 feet. The variance requested would extend the entry by about 3.5 ft. The total variance requested is 7.58' from the average setback of homes within 200' of the site.

Byrwa displayed photographs of the house and property, noting the amount of side yard space particularly on the east side of the house. He pointed out that the house fronts are not in a straight line because Glencoe is an arched shaped street. Byrwa described the proposed modifications to the front entry.

Patty Keller, designer from Kevin Hart Associates, was present along with the homeowner Virgil Adams. She displayed drawings showing the existing condition of the property and the design of the renovations. She called attention to the curvature of the street and noted that the closest house to the average is across the street with a 56.5' front setback. The distance from the right-of-way to the requested porch addition would be 56.6 feet.

Keller stated that the first floor of the existing home has only 740 square feet. The front foyer improvement is being designed to coordinate with the overall addition. The front door currently opens into an existing 3'x 3' foyer with a small 18" deep closet. Keller described plans to renovate and enlarge the existing entryway and create a larger foyer and closet. The design is intended to be sensitive to the neighborhood and harmonious with the architectural integrity of the house. The proposal is for a modest and minimally detailed front entrance.

Keller addressed questions relative to the least possible variance that would address the situation. The intent of the front entrance improvement is to upgrade the interior and exterior. There will be a covering for the front door to protect guests and resolve water and weather issues. Keller referred to the existing floor plan of the house built in 1941. The property owners aspire to maintain the historical character of the front portion of the house. Other topics of discussion included how the average front setback was determined.

Dorothy Pfeifer of 160 Charrington Court received notification of this request for variance. She commended the property owner for undertaking renovations to their home. Pfeifer noted the curved street and recognized a practical difficulty in terms of the layout of the house and small size of the entryway. She had no objections to the variance requested.

Decision: Motion by Mercer, second by Fahlen, to grant the variance and not strictly construe the ordinance based on the undue hardship with the house being situated on a curved street and further due to a practical difficulty with respect to the existing floor plan of the house and need for an enclosed entryway.

Roll Call Vote:

Brady	- yes
Fahlen	- yes
Farris	- yes
Francis	- yes
Mercer	- yes
Needham	- yes
Schafer	- no
Tillman	- yes
Verdi-Hus	- yes

Motion passed (8 – 1).

ELECTION OF VICE-CHAIRPERSON

Fahlen nominated Brady for the office of Vice-Chairperson of the Zoning Board of Appeals. There were no further nominations. Brady was elected by acclamation.

ZONING BOARD COMMENTS

Schafer welcomed the newly appointed Zoning Board members Maureen Francis, Michelle Tillman and Michael Farris.

Tillman commented that she will serve in a joint capacity as a member of the Planning Board and the Zoning Board of Appeals to fulfill the requirements of the new Zoning Enabling Act. She informed Board members that the Planning Board is currently working on an analysis of nonconforming lots and setbacks in the northeast section of the Village and discussing recommendations for ordinance changes that would reduce nonconformity and encourage renovation while attempting to preserve the character of those neighborhoods.

Mercer recalled that a petitioner who presented a request for variance at the November meeting to retain a nonconforming fence on his property referred to the fact that he compiled a list of properties in his area that were also nonconforming. Mercer questioned whether the Village building official or code enforcement officer investigates potentially nonconforming issues that are brought to their attention. His concern was whether ordinances are being applied equally throughout the Village.

Byrwa recounted the disposition of that particular fence case and indicated that he did not receive a copy of the list of nonconformities referred to by the petitioner. He affirmed that the Village will investigate reports of nonconformities that are brought to their attention. Byrwa also mentioned that there are instances when a reported fence ends up being a privacy screen that is allowed or a fence that was erected prior to the adoption of the ordinance. Mercer will attempt to obtain a copy of that list of nonconformities and pass it along to the Village for investigation.

Needham recalled that a survey was conducted a number of years ago at which time there were more than 200 nonconforming fences identified in the Village. He noted that there was a problem with establishing when the fences were erected.

BUILDING OFFICIAL COMMENTS

Byrwa commented that the Planning Board may be working on updating or clarifying ordinances this year and would welcome suggestions from the Zoning Board. Byrwa informed the Board that the Planning Board will be holding a public hearing on the updated Village Master Plan on Wednesday, January 24 at 7:30 in the municipal building.

Byrwa commented on a case that will be on the agenda for the February ZBA meeting involving a side yard setback requested for a property on the east side of the Village.

Motion by Brady, second by Tillman, to adjourn the meeting at 8:20 p.m.

Motion passed (9 – 0).

Todd Schafer, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary