

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

Absent: Francis

Also Present: Building Official, Byrwa
Council member, Oen

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, FEBRUARY 12, 2007

Motion by Verdi-Hus, second by Mercer, that the minutes of a regular Zoning Board of Appeals meeting held on February 12, 2007 be approved as submitted.

Motion passed (8 – 0).

CASE NO. 1183

Petitioner & Property: Robert and Michelle Mills
31636 Auburn
Lots 1225 and 1226 of Greenfield Beverly subdivision
TH-24-01-430-008

Petition: Petitioner requests a side yard deviation from the minimum requirement of 12.5' to 8'-3" for an addition.

Byrwa displayed photographs that illustrate the orientation of the house on the street and the relationship of abutting property. He described the proposed addition to the rear of the home and the variance requested. The current side yard setback is 5'-6". An existing addition will be removed and replaced by a new structure on the rear of the house that will be 8'-3" from the side lot line. The home was built in 1950.

At Schafer's inquiry, Byrwa clarified that the new open porch shown on the plans will not require a variance as long as the porch is not enclosed or made part of the living space. The existing front yard open space is nonconforming. Byrwa will review the porch design upon receipt of plans for this addition.

Brian Gill from TDG Architects was present along with the homeowners, Robert and Michele Mills. He clarified that the existing addition will be taken down and the new structure will be constructed as far to the east as possible to minimize the size of the variance and to decrease the encroachment into the side yard space. It was pointed out that the lot is pie-shaped and the house is angled on the lot so the side yard narrows towards the back of the structure.

Gill stated that several design options were explored that would provide a reasonable sized kitchen and living space at the rear of the home without overwhelming the back yard space. It was necessary to encroach slightly into the side yard in order to provide the living space required for the new kitchen and family room.

Questions and comments from Board members were addressed by the architect and Byrwa.

Motion: Motion by Mercer, second by Needham, to grant the requested variance for an addition as shown on the plan presented by the petitioner at this meeting. Approval is based on: 1) placement of the house on the lot; 2) the variance is necessary in order to provide a usable space; 3) the resulting setback decreases the size of the existing nonconformity; and 4) the house was built in 1950 prior to the adoption of the Village Zoning Ordinance.

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

Schafer commented that he appreciated the efforts put forth by the petitioner and their architect in arriving at a design for the addition that requires a minimal variance.

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

Tillman stated that the Planning Board is working on amendments to ordinance language related to accessory buildings and amendments to the area and bulk requirements for residential districts and corresponding changes to the Village Zoning Map in an effort to reduce nonconformities in the northeast section of the Village. She asked that Zoning Board members forward any comments or suggestions to her via email or attend the March 28 Planning Board meeting.

Mercer offered a comment from a building standpoint with respect to accessory structures. He suggested setting the maximum size of a structure at a number that can be divided by four or eight, which corresponds with the size of building materials.

Fahlen made reference to a 40' wide lot on Marguerite and reviewed background and reasons for granting a variance to build a house on that lot. Variances were granted for the reason that experience has shown that, when a case goes to court, the attorneys involved often arrive at a settlement that allows more latitude than the Board would consider.

BUILDING OFFICIAL COMMENTS

Byrwa highlighted the two cases that will come before the Zoning Board at its April meeting.

Schafer asked if Market Fresh and Starbucks have submitted their annual requests for variance for outdoor displays and outdoor tables. Byrwa responded that petitions have not been filed with the Village.

Mercer questioned whether Starbucks should be required to seek a regular variance for the use of outdoor tables where people sit after purchasing food or drink inside. It was noted that an aisleway is provided for use of pedestrians. There followed discussion by the Board. Schafer commented that this could be reviewed as an ordinance interpretation question.

Motion by Tillman, second by Needham, to adjourn the meeting at 8:18 p.m.

Motion passed (8 – 0).

Todd Schafer, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary