

Present: Chairperson Schafer; Vice-Chair Mercer; Members: Berwick, Brady, Davis, Farris, Francis, Tillman and Verdi-Hus

Absent: None

Also Present: Village Manager, Wilson  
Council Liaison, Berndt  
Council member, Oen

Chairperson Schafer called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road

**APPROVE MINUTES OF ZONING BOARD MEETING HELD AUGUST 10, 2009**

A correction was made on page 4, last paragraph, line 3, to delete the word ‘or’.

Motion by Tillman, second by Farris, that the minutes of a regular Zoning Board of Appeals meeting held on August 10, 2009 be approved as amended.

Motion passed (9 – 0).

**CASE NO. 1219**

**Petitioner/Property:** A. Heyman and R. Liss  
18189 Saxon  
Sidwell #24-02-227-006

**Deviation Requested:** Petitioner requests: 1) deviation from unattached garage setback requirement from 5’ to 3’ (current footprint) to replace existing garage; 2) deviation from height requirement of 15’ to 16’-4” (current height).

**Village Ordinance: 22.08.100 Accessory Buildings in Residential Zone Districts:** unattached garages must be at least 5 ft. from adjoining lot lines; unattached garages are limited to a maximum of 15 ft. in height.

Manager Wilson stated that the petitioners have an existing nonconforming garage that is 3 ft. from the east lot line. They are asking to construct a new garage in the same footprint and at the same height of 16’-4”. Wilson displayed photographs of the existing property, house, and garage. The property is zoned R-1 single family residential. The house was built in 1954 and the garage was erected about five years later.

Homeowner Alan Heyman stated that they are requesting a side setback variance to construct the garage 3 ft. from the lot line. A long, narrow driveway extends along the east side of the house and lines up with the garage. This is the only location for the driveway due to the size of the house and width of the lot. A garage built to comply with the 5 ft. side yard setback would require the driveway to be moved; further, it would create a logistic challenge in terms of maneuvering the car out of the garage and making a sharp turn onto the driveway.

Heyman is requesting to build the new garage at the same height as the current garage, which matches the pitch of the existing house. It would also accommodate loft storage.

Heyman spoke to his neighbors to the east and the west on Saxon and to the neighbor abutting his property to the rear, and they are all in support of the proposed plan. The garage reconstruction would not have an adverse impact on the neighbors. There are no structures in terms of a garage or home that are within about 30 feet of the proposed garage.

Wilson informed the Board that he does not think that a variance is needed from the height requirement to reconstruct the garage. It appears that a miscalculation was made by the building clerk; this structure does not exceed the 15 ft. height limit as measured to the mid span as required by the ordinance. The garage can be rebuilt with the same roof pitch without a variance. Wilson asked the Board to consider only the first variance request.

Schafer remarked that there would be no cost to the petitioner for re-notifying area residents if it was determined at a later date that a variance was needed on the roof height.

Letters in support of the variance request were submitted by neighbors Molly W. Reed of 18201 Saxon Drive, Chris Nowland of 18180 Kirkshire, and Charlie Galea of 18177 Saxon Drive.

Board members commented on the request for variance. The Board will not address the request for height variance based on Manager Wilson's interpretation of the proposed plan.

**Decision:** Motion by Davis, second by Verdi-Hus, to grant a variance allowing the petitioner to rebuild his garage within the current footprint with a 3 ft. side setback due to the location of the existing driveway and the need to construct a structurally sound building. The adjacent neighbors have no objections.

Roll Call Vote:  
Motion passed (9 – 0).

### **Case No. 1220**

**Petitioner/Property:** Jason Krieger, architect  
32041 Verona Circle  
Sidwell #24-01-282-007

**Deviation Requested:** Petitioner requests side yard deviation from the minimum side yard setback requirement for an attached garage and home addition.

**The Village Ordinance:** 22.24.010: R-2B single family residential zoning requires minimum side yard setbacks of 5 ft. and 10 ft.

Chairperson Schafer stated that Board members are in receipt of a copy of Zoning Board meeting minutes dated August 9, 1999. Case No. 972 pertains to the same property and variance request to build a similar addition onto the garage. The Zoning Board sitting at that time unanimously

granted a variance to build an addition that follows the existing line of the house. The project was never constructed.

Wilson stated that the property and home represent an existing nonconforming use. The property is located in a part of the Village that was rezoned to the R-2B zoning district. The drawing indicates where the setbacks should be located to comply with the ordinance. The applicant is requesting to build an attached garage onto the front of the building. Given the nature of the house, there appears to be no other way to design or build this addition.

The property owner Dale Irwin presented the request for variance in the absence of his architect Jason Krieger. The existing structure built in the 1940's is in a state of disrepair. Irwin related that it is necessary to redesign the structure because his wife is not able to use stairs; further, she needs to be able to drive into the garage and walk in the house without going outside. The petitioner proposes to bring the existing garage structure forward to provide a two-car garage. The side yard distance from the addition to the lot line would about 6 ft. according to the architect's measurements. Irwin is requesting a variance to continue with the existing line of the garage in order to build an addition on the front of the house.

Trish Oen of 32061 Verona Circle, abutting neighbor, had no objections to the variance requested on the basis that proposed addition will make the house look nicer.

Michael Martell of 32231 Verona Circle stated that he looked at the drawings and spoke with the architect. He thought that the variance should be granted for the reason that the addition will add to the value of the neighborhood.

Schafer stated that he spoke with Ms. Cunningham at 32215 Verona when he was visiting the site. She was in support of the petition.

Questions from Board members were addressed by the homeowner. It was suggested that there would not be a lesser variance unless the petitioner were to build onto the rear of the house. It was noted that this is one of the narrowest lots in the area.

**Decision:** Motion by Mercer, second by Brady, to approve the variance due to the placement of the house on the existing nonconforming lot. It appears that there is not a lesser variance that could be granted to construct an addition that meets current standards.

Roll Call Vote:  
Motion passed (9 – 0).

**PUBLIC COMMENTS**

None

**ZONING BOARD COMMENTS**

None

**MANAGER COMMENTS**

Wilson apologized for the administrative error regarding the height requirement on Case No. 1219. In answer to an inquiry, he mentioned that there are no cases filed to date for the December meeting.

Motion by Tillman, second by Mercer, to adjourn the meeting at 8:13 p.m.

Motion passed (9 – 0).

**Todd Schafer, Chairperson  
Zoning Board of Appeals**

**Ellen E. Marshall  
Village Clerk**

**Susan Bernard  
Recording Secretary**