

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

Absent: None

Also Present: Village Manager, Wilson
Assistant Manager, Marshall

Chairperson Schafer called the meeting to order at 7:32 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road

APPROVE MINUTES OF ZONING BOARD MEETING HELD NOVEMBER 9, 2009

Motion by Brady, second by Francis, that the minutes of a regular Zoning Board of Appeals meeting held on November 9, 2009 be approved as submitted.

Motion passed (9 – 0).

CASE NO. 1221

Petitioner/Property: David MacDonald
31226 Foxboro Way
Sidwell #24-04-478-009

Deviation Requested: Petitioner requests permission to construct a side yard addition in deviation of the required minimum setbacks.

The Village Ordinance: Village Ordinance 22.24 – R-1 Single family residential requires minimum 15 and 20-ft. side yard setbacks.

Manager Wilson displayed photographs of the property and existing house at 31226 Foxboro. He described the floor plan of the house and pointed out the locations of the existing side yard and the proposed addition. The house and lot are nonconforming in terms of both side setbacks in a district where 15' and 20' setbacks are required. The setback on the south side of the house where the addition is proposed is currently 13.5' from the lot line. The applicant is asking to increase the nonconformity to allow a 6' side setback in order to construct an addition. The addition would run at an angle to keep from encroaching on a 6' underground utility easement located along the side lot line. A proposed addition on the north side of the property will not increase the existing nonconforming side setback.

The Board is in receipt of a letter from neighbor Fritz Heuser of 31119 Sleepy Hollow Lane indicating that he is in favor of granting the variance. A note from Maxine Cloutier at 31236 Sleepy Hollow states that she has no objection to the proposal.

The petitioner David MacDonald cited the irregular shape of the house and proposed that the position and orientation of the structure on the lot make it virtually impossible to expand the living area without encroaching on the setback. He has reviewed the plans with adjacent

neighbors, who have no objections to the request for variance. McDonald viewed this as an opportunity to improve the value of his home.

Schafer questioned the reasons why it would be difficult to expand the building in line with the existing setback or to ask for a lesser variance.

MacDonald described the orientation and style of the house to explain why any other location would result in an impractical addition. The lot and placement of the house on the property represents a peculiar situation and merits a variance. He indicated that the house was constructed in 1963 or 1964. Questions from Board members were addressed by the petitioner.

Don MacDonald of 31208 Foxboro Way, vice-president of the Metamora Green Association, related that his residence was located south of the property in question. He had no objections to the proposed addition. MacDonald recalled that each of the seven additions constructed in Metamora within the past seven years had been before the ZBA for a nonconforming issue and was approved. Property values increase when people improve their homes and invest in the neighborhood. MacDonald observed that the lot is peculiar in terms of its size and depth. The construction will not encroach on neighbors' property due to the long distance from the proposed addition to the affected homes.

Decision: Motion by Brady, second by Farris, that the petition be approved as requested for a minimum 6 foot side yard variance on the south side based on an exceptional practical difficulty due to the unique shape of the lot and the placement of the house on the lot.

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

PUBLIC COMMENTS

Bunker Kelly of 21526 Corsaut Lane commented that the Zoning Board of Appeals recently denied a variance to a homeowner who requested to erect a fence on property along Beverly Road. Kelly observed that the fence was erected soon after the request for variance was denied. He asked if the Zoning Board or Village administration checks to determine that petitioners do not disregard the Board's decision.

Schafer responded that the Zoning Board does not have supervisory powers; however, the Village employs a code enforcement officer. The structure noted by Kelly is a privacy screen that was erected in accordance with the Zoning Ordinance; the location and the length of a fence could render it a privacy screen versus a fence. Manager Wilson affirmed that the petitioners could not erect the fence as originally requested. They were allowed to erect a similar privacy fence that met the requirements of the ordinance.

ZONING BOARD COMMENTS

None

MANAGER COMMENTS

Wilson informed the Zoning Board that he has met with representatives from LSL Planning to review the Village's site plan review process at Council's direction following a recommendation from the Planning Board chair. The Village is currently using part-time building inspectors to do some of its zoning review work. The intent will be to separate site plan review in terms of construction and zoning review. When site plans are submitted for construction where zoning compliance is a concern, that review will be done by LSL Planning. If an applicant is not in compliance with the ordinance, he or she will resubmit their application or go before the ZBA for a hearing.

Wilson thought that it would add value to the Village's site plan review process to separate the zoning review from the building aspect. He has received a proposal from LSL, which will go before Council for consideration.

Motion by Mercer, second by Ferris, to adjourn the meeting at 7:59 p.m.

Motion passed.

Todd Schafer, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary