

Present: Vice-Chair Schafer; Members: Delaney, Donnelly, Eifrid, Fox, Mueller, Rass and Raeder

Absent: Tillman and Verdi-Hus

Also Present: Village Manager, Chris Wilson
Council liaison, Brian LaFerriere

Vice-Chair Schafer called the meeting to order at 7:35 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF ZONING BOARD MEETING HELD FEBRUARY 11, 2013

Motion by Rass, second by Mueller, that the minutes of the regular Zoning Board of Appeals meeting held on February 11, 2013 be approved as submitted.

Motion passed.

CASE NO. 1243

Petitioner/Property: Eric and Laura Neville
15622 Amherst Ave.
#01-431-017

Village Ordinance: 22.24...Zoning Districts: R2-B single family residential zoning requires a minimum 40-ft. rear open space setback.

Deviation requested: Petitioner requests to obtain a rear open space setback variance of 8.33 ft., resulting in a 31.67 ft. setback, for the addition of a master bedroom, 1½ baths, and a mud room.

Vice-Chair Schafer commented on the conditions that must be met and/or circumstances that must exist in order for the Zoning Board members to grant the variance requested. He outlined the rationale that should be demonstrated by the petitioner in order to receive a variance. The petitioners are asking for a dimensional variance, which requires five affirmative votes from the Zoning Board.

Manager Chris Wilson stated that the petitioners at 15622 Amherst are asking for a variance from the 40-ft. rear yard setback requirement. The house currently conforms to all front, side and rear yard setbacks. Wilson displayed a picture of the plot plan showing the existing house and the proposed addition, which will encroach into the rear yard setback by 8.33 ft. leaving a setback of 31.67 ft.

Wilson displayed drawings of the proposed floor plan of the house as well as the elevations of the addition from each direction. He described where the proposed addition will be located referring to photographs taken from the front and rear of the property. There is a five foot utility easement across the back of the property. The petitioner spoke with adjacent neighbors and indicated a willingness to plant a greenbelt as a buffer zone on the side and rear property lines.

Property owners Eric and Laura Neville presented their case to the Board. In a letter dated February 11, 2013 submitted with the petition, the homeowners said that they love Beverly Hills and want to remain in the community. They have been exploring renovation options because their home no longer meets the needs of their growing family. Eric Neville talked about various plans they considered before deciding on a proposal for expanding their ranch home to provide needed living space. Neville stated that they talked to neighbors about the renovation plan. He submitted a document signed by 15 neighbors and adjoining property owners who are in support of the variance requested, including neighborhood association president Dan Nelson.

Neville remarked that the adjacent neighbor preferred that the addition be built out toward the rear yard rather than across the back of the house. The petitioner added that building across the back of the house would not work as well architecturally in terms of the height and appearance of the roofline. The addition of a mud room and master bedroom is designed to fit in with the existing floor plan of the home. Building across the back of the house would result in giving up the mud room and the half bath. A large maple tree that shades their property and the deck would have to be removed.

Questions and comments from the Board were addressed by the petitioner. It was noted that homes across the street are in a different zoning district that allows structures to be built with a 30 ft. rear yard setback.

Schafer proposed that consideration be given to placing the following conditions on approval of the variance: 1) The existing garage would not be converted to living space; 2) The variance request for 8.33 ft. would apply only to the structure shown on the plans submitted; 3) The homeowners would agree to add landscaping to screen the rear and side yards.

Fox did not think that the petitioner demonstrated that the lot in question is unique. The current structure complies with all setback requirements, and there is space to build an addition behind the house. She questioned whether there were other options that would provide the needed space.

Neville responded that alternative design solutions would alter the roofline in a way that would not conform to the existing structure. Building the addition across the back of the house would not meet the approval of the adjacent neighbor. Neville commented that there will still be 55 ft. between their house and the closest structure.

After visiting the site and hearing the presentation, Raeder thought that the addition proposed would be better and more aesthetically correct than a structure that was built within the 40 ft. setback. Schafer talked about community standards and what people expect in a house today. The flow of the existing floor plan would have to work with the addition. The size of the house and the current layout are factors beyond the control of the petitioners. This variance request would not be injurious to the rest of the community.

Motion by Delaney, second by Mueller, to grant a rear yard setback variance of 8.33 ft. to allow a 31.67 setback in lieu of the required 40 ft. setback in order to construct an addition as shown on the plan submitted subject to the homeowners' agreement that they will not convert the garage to living space.

Roll Call Vote:

Schafer - yes
Raeder - yes
Delaney - yes
Donnelly - yes
Eifred - yes
Fox - no
Mueller - yes
Rass - no

Motion passed (7 – 1).

PUBLIC COMMENTS

Council liaison LaFerriere commented that he was impressed by the diligence of the Zoning Board members.

ZONING BOARD COMMENTS

None

MANAGER COMMENTS

Wilson provided follow up information from Case 1231 heard last month regarding a nonconforming fence. The court hearing regarding a ticket issued on the fence was postponed. The petitioner Daniel Ulep has until Memorial Day to bring his fence into compliance and remove the debris in his back yard. Mr. Ulep applied for a fence permit, which was approved by the Village. Questions regarding the case and fence requirements were addressed by Wilson.

Motion by Delaney, second by Donnelly, to adjourn the meeting at 8:19 p.m.

Motion passed (8 – 0).

Todd Schafer, Vice Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary