

Present: Chairperson Tillman; Vice-Chair Schafer; Members: Delaney, Donnelly, Eifrid, Fox, Mueller, Rass and Verdi-Hus

Absent: None

Also Present: Assistant Manager, Ellen Marshall

Chairperson Tillman 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 MARCH 11, 2013

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

Motion passed.

CASE NO. 1244

Petitioner/Property: David Dulio
22615 Highbank Dr.
#09-053-022

Village Ordinance: 22.24...Zoning Districts: R-1 single family residential zoning requires a minimum 15 and 20-ft. side yard setbacks and minimum 40-ft. front yard setback

Deviation requested: Petitioner requests to obtain a variance from front and side yard open space setbacks to rebuild attached garage (current footprint not in compliance) with a second story addition of bedroom, kitchen and bath over the garage.

Assistant Manager Ellen Marshall related that the petitioner would like to build an addition above the attached garage of an existing non-conforming residence. The homeowners have learned that the garage has foundation damage and have been advised that taking down the garage and rebuilding it with a new foundation is the best option. An entry door and small covered porch would be added to the side of the structure.

The site plan shows the front setback as 25.07 feet and one side setback as 11.52 feet. This will not be changed. The majority of the proposed addition would use the same footprint of the existing structure. The one instance where it would not be within the existing footprint is a small entry door and covered porch where the structure would be 17.53 ft. from the lot line. The porch extends an additional 6 ft. into the side open area. Marshall displayed photographs of the house and property. She pointed out the pie-shaped configuration of the lot that slopes down towards the ravine of the Rouge River. There is little to no rear yard area.

Tillman explained that a non-use variance is being requested, which requires five affirmative votes for approval. She outlined the points that need to be proved in order for the Board to grant a dimensional variance.

David Dulio stated that he is seeking a variance to build an addition over the garage. He explained that the front and one side setback were in violation of the zoning ordinance when he and his wife purchased the home. They are asking to rebuild the garage on the existing footprint. It is proposed to build a porch for an entryway that will extend about 6 feet from the current structure to provide a side entrance to the residence.

Dulio described the foundation and footing damage discovered at the time they looked into constructing an addition. The petitioners have submitted a soil analysis report conducted by the Hartley Geotechnical Group that shows the condition of the soil around the garage and demonstrates the need for this course of action. It is the contractors recommendation to take down the existing structure and pour a new foundation to avoid future problems.

The petitioner has provided the Village with a document indicating support of the building plans signed by the following neighbors:

Chris and Danielle Peterson	22627 Highbank Dr.
Brian and Tracy Frink	22643 Highbank Dr.
Paul and Michele Prentice	30101 Lincolnshire E.
Chris and Laura Meso	30119 Lincolnshire E.
Tom and Meg Gordy	30102 Lincolnshire E.
Stewart and Barbara Mandell	22601 Highbank Dr.

Dulio stated that he has received an email from the president of the Georgetown Green Homeowners Association stating that there are no objections to the proposed addition.

Questions from the Board on the proposed addition and issues with the garage foundation were addressed by Dulio. Because the lot is pie-shaped, the front corners of the house do not meet the side setback requirements. The northeast corner of the structure is 11.52 ft. from the lot line; the setback is 26.95 ft. off the back corner of the structure; the proposed porch would be 17.53 ft. from the side lot line.

The house was built in 1965. There were no records available that show that a variance had been granted in order to build the house in its current location. In response to an inquiry, Dulio stated that it was impossible to build off the back of the house due to its proximity to the ravine. The petitioner explained the reason for the side entrance and the porch extending out 6 ft. from the house. An existing door in the back of the structure will be removed based on the renovations. The proposed side door will provide a second access into the house.

Dulio stated that there is currently a small bathroom and a laundry room behind the garage. The new entrance door would go into a bathroom and mud room space; there is access to the second story from a stairway in that area. Dulio related that the addition is proposed to be an in-law suite with a bedroom, bathroom, living space and small kitchen.

Board members expressed concern that the second floor addition could be used as a rental unit by this resident or a future owner of the home. Dulio asserted that they were not considering using the addition as a rental unit. The plan was for his parents to live in the upstairs space as they get older. They had asked the architect to lay out the space in a way that it could be connected to the existing living area at some point.

Tillman noted that an R-1 zoning district allows only single family residential use. She mentioned that the Board could place a contingency on a motion to approve the variance stating that the second floor addition has to be accessible from the main floor.

The Board considered whether to grant the petition without adding a 6 ft. variance for an entry door and covered porch. The petitioner stated that the first floor powder room could not be included in the addition with the omission of the 6 ft. bump-out area for the stairwell. Further, accessibility from other sections of the lower level would adversely affect the layout of the upstairs bedrooms.

Adjacent neighbor Barbara Mandell of 22601 Highbank Dr. was asked if she was aware that the configuration of the addition that might suggest later use as a rental unit. Mandell commented that the Dulios are wonderful neighbors, and she is happy that they are going to remain in the area. She commented favorably on the elevation plans. Mandell would like some assurance that would prevent the addition from becoming a rental unit.

Decision: Motion by Fox, second by Delaney, to approve the variance from front and side yard setbacks to rebuild an attached garage and construct a second story addition over the garage as requested for the reason that the structure is already nonconforming. Further, consideration is given to the pie-shaped configuration of the lot and the slope of the lot towards the Rouge River ravine. The variance is granted on the condition that the structure remain a single family dwelling and maintain access to the second floor addition from the main floor.

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

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

None

MANAGER COMMENTS

None

Motion by Delaney, second by Rass, to adjourn the meeting at 8:26 p.m.

Motion passed.

Michele Tillman, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary