

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

Absent: Tillman and Verdi-Hus

Also Present: Village Manager, Chris Wilson  
Council Liaison, LaFerriere

Vice-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 NOVEMBER 13, 2013**

A correction was made in the motion under Case No. 1259 after (i), to read “the topography and hydrology of the property require that concessions **were made** in locating....”

Motion by Delaney, second by Rass, that the minutes of the regular Zoning Board of Appeals meeting held on November 13, 2013 be approved as amended.

Motion passed.

**CASE NO. 1260**

**Petitioner:** Sergio Navarrette  
32100 Sheridan Road

**Property:** 16253 Kirkshire  
24-01-202-019

**Village Ordinance 22.08.130:** Houses must be 15 feet from any structure on abutting parcel with same zone classification.

**Deviation requested:** The petitioner requests a variance from the ordinance to allow less than 15 feet between houses. A variance is also requested from the minimum 5 ft. side yard setback requirement.

Village Manager Wilson stated that the petitioner is requesting to tear down the existing home on Kirkshire and build a new structure on a 40 ft. wide lot in an R-3 zoning district. The ordinance requires a minimum of 15 feet between structures. There is currently 8 ft. of space between the existing house and the neighboring homes on each side. Only 18 ft. of buildable space would be available to construct a house that would maintain 15 ft. between houses on either side. The petitioner is requesting a variance to maintain 10 ft. of space between the neighboring houses. A variance would also be required from the 5 ft. minimum side yard requirement.

The petitioner Sergio Navarrette of 32100 Sheridan stated that he and his wife recently purchased property on Kirkshire. They propose to do a tear down and construct a new house on the lot. As the property exists now, the proximity of the home to each neighboring structure is 8

feet. Navarrette is requesting a variance to allow 10 ft. between the neighboring properties in lieu of the required 15 feet.

Board members had questions and comments that were addressed by the applicant. Navarrette said that he would also need a variance from the 5 foot minimum side yard setback to 2 feet. He stated that the square footage of the current home is 874 sq. ft. It is proposed to construct a two-story home with 2200 sq. ft. Navarrette indicated that he spoke with the adjacent neighbors, and they expressed no opposition to the project. The current garage will be rebuilt with the same dimensions; the garage will be constructed to ordinance requirements.

Robert Stempien, Beverly Hills resident and architect representing the petitioner, gave a PowerPoint presentation to illustrate project details. He displayed a plot plan showing Kirkshire and the surrounding area. The existing house was built in 1928. The lots are very narrow. The R-3 zoning district requires a 40 ft. front yard setback; 30 ft. rear yard setback; 5 ft. side yards on each side; and a 15 ft. distance between homes.

Stempien displayed a street view of the property and house. He pointed out the proximity of the house to the west and the similar distances of neighboring homes continuing down the street; the distance between homes is generally 8 feet. The same condition exists with houses on the east side of the property in question and across the street. Some of the houses are built right on the property line. The applicant is proposing to alleviate the proximity of the parcels by positioning the new house 10 ft. from the west property line and 2 ft. from the east property line, which will maintain a 10 ft. distance from the house to the east. The current house is built on the east property line.

Schafer questioned whether the house could be configured to require a lesser side yard variance. Stempien responded that reducing the front footage would reduce the overall footprint and limit the amount of usable square footage on both levels. Most of the homes on the street are 32 ft. wide.

In response to another inquiry, Stempien did not think that a two-story 2200 sq. ft. home would be out of character on the street. Many of the homes on the block are one and one-half story bungalows. The new house will be constructed to fit in with the context of the neighborhood in terms of design and building material. The petitioner concurred and added that the two houses directly across the street appear to have been remodeled to have more square footage. There is a new two-story home at the corner of Kirkshire and Pierce.

Raeder suggested that the Planning Commission be asked to review this neighborhood relative to future redevelopment issues and provide the Zoning Board with some input and guidance. Fox mentioned that similar neighborhoods in Birmingham are accommodated by constructing two-story homes on narrow lots. Wilson mentioned that the Village does not have a lot coverage maximum in its zoning ordinance, which has led to concerns about big foot structures.

**Decision:** Motion by Fox, second by Delaney, to approve the following two variances requested for new home construction on 16253 Kirkshire: 1) allow a 2 ft. side yard setback on the east side of the house in lieu of the required 5 ft.; 2) grant a

variance from the required 15 ft. between structures to allow 10 ft. between the proposed home and the adjacent structures on each side. The variances are granted due to a practical difficulty in that the neighborhood preexisted the zoning ordinance, and most of the homes in the area are nonconforming. The proposed structure will provide more open space between the two adjacent houses. The new house plan will present community cohesiveness.

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

**PUBLIC COMMENTS**

None

**ZONING BOARD COMMENTS**

None

**MANAGER COMMENTS**

Wilson addressed inquiries from the Board on the redevelopment proposal for the former McDonalds property on Southfield Road. There is a use issue with the proposed site plan in that it is not an allowable use per the Village Ordinance. Administration is working with the petitioner and the Village attorney on how to proceed. If the site plan is denied administratively based on a use that is not allowed by the ordinance, the applicant may choose to go before the Zoning Board for an ordinance interpretation or a use variance.

Motion by Fox, second by Raeder, to adjourn the meeting at 8:20 p.m.

Motion passed.

**Todd Schafer, Vice-Chair**  
**Zoning Board of Appeals**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**