

Present: Chairperson Tillman; Vice-Chairperson Crossen; Members: Bugenski, Crawford, Gatowski, Mitchell, and Oen; Alternate: Keller

Absent: Members: Jawad and Maxwell; Alternate: Gennari

Also Present: Planning and Zoning Administrator, LaPere
Village Clerk/Assistant Manager, Rutkowski

Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. remotely via Zoom due to the ongoing COVID-19 pandemic. All Board members present participated remotely from Beverly Hills, Michigan.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD OCTOBER 12, 2020

Motion by Crossen, second by Crawford, the minutes of a regular Zoning Board of Appeals meeting held October 12, 2020 are approved as submitted.

Roll Call Vote:
Motion passed (7-0)

Mitchell arrived at 7:32 p.m.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1381

Petitioner: Christopher Weber
Property: 15701 Birwood Ave

Village Ordinance:

Section 22.24 Area, Height, Bulk, and Placement Regulations. In R-2A Single Family Zone District the side setback for principal building is five feet on side one and ten feet on side other.

Section 22.08.090 Minimum Distance Between Residential Buildings. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet.

Section 22.30.040 Nonconforming Structures, a. No such structure may be enlarged or altered unless the proposed enlargement or alteration conforms to the provisions of this Ordinance.

Deviation Requested: The petitioner seeks to construct an addition onto an existing nonconforming structure that will continue the existing encroachment along the side setback and spacing between buildings. The existing home is 4 ft 11 in from the east, side property line and 14ft 6 in from the residential building to the east.

LaPere provided an overview of the requested variance. The property is zoned R-2A, Single Family Residential. In this Zone District, Section 22.24 requires a side setback of 5 feet on side one and 10 feet on side other, and Section 22.08.090 requires a minimum of 15 feet between principal buildings. The existing home is 4 ft 11 in from the east, side property line and 14ft 6 in from the residential building to the east. The petitioner is seeking to add an additional bedroom off the rear of the existing home, along with other renovations and improvements to the property. The existing home encroaches one inch into the required side setback and is too close to the existing neighboring residence by 6 inches. Per Section 22.30.040 Nonconforming Structures, no existing nonconforming structure may be enlarged or altered unless the proposed modifications conform to the current Ordinance standards. Therefore, the petitioner must be granted a variance to complete this project.

In the submittal documents, the petitioner supplied the survey of the property detailing the existing home and proposed addition along with the drawings of the proposed renovations to the interior, proposed elevations, and the proposed floorplan. Additionally, he has provided a copy of

signatures of neighbors who are in support of the proposal. The Board was provided a copy of the petition form and all supplemental materials from the petitioner.

LaPere explained to the petitioner a non-use variance requires five affirmative votes and since only eight of the nine members of the Board were present, the petitioner could request the decision be postponed prior to the vote.

Christopher and Marti Weber, 15701 Birwood were present. Mr. Weber stated that there are similar nonconforming properties in the neighborhood. He is seeking to add a roughly 350 square foot addition to the home that would maintain the existing houseline from front to back. He considered the cost, timeline, and aesthetics of the project. The Webers are interested in adding extra space and widening the doorways to make the home more functional for the future.

Oen clarified that a variance would not be required if the proposed addition was moved 6 inches.

Mitchell stated that the variances granted for these situations should be consistent.

Tillman questioned whether the existing nonconforming home was functionally obsolete, given the era it was built and the size. She noted that these homes were built before the Ordinances were written.

Crawford stated that his only concerns with the proposal were mitigated by the fact that it would be a continuation of the existing houseline.

Motion by Oen, second by Bugenski, the Zoning Board of Appeals grants a variance from Chapter 22, Zoning Ordinance, Section 22.24 Area, Height, Bulk, and Placement Regulations, Section 22.08.090 Minimum Distance Between Residential Buildings, and Section 22.30.040 Nonconforming Structures, to construct an addition onto an existing nonconforming home at 15701 Birwood Ave that will maintain the existing side setback of 4 feet 11 inches from the east, side property line and maintain the spacing between buildings of 14 feet 6 inches from the residential building to the east due to the practical difficulty that both this property and the neighboring property are existing nonconforming upon finding that: this situation is unique to the subject property, applying the strict letter of zoning restrictions would unreasonably prevent the landowner from using their property for a permitted purpose, conformity with the zoning regulations is unnecessarily burdensome, approval of the variance would not negatively impact adjacent property owners or land within the district, and the circumstances requiring the variance were not self-created.

Roll call vote:
Motion passed (8-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

LaPere stated no petitions for December have been submitted as of tonight and wished Happy Holidays to everyone. She provided an updated on the recent election.

ZONING BOARD COMMENTS

None.

Motion by Mitchell, second by Oen, to adjourn the meeting at 8:00 p.m.

Motion passed (8-0)

Michele Tillman
Chairperson

Kristin Rutkowski
Village Clerk