

Present: Chairperson Tillman; Vice-Chairperson Raeder; Members: Crossen, Donnelly, Eifrid, Maxwell, Mitchell, Verdi-Hus; Alternate: Gatowski

Absent: Members Maxwell, Lepidi; Alternate: Hynes

Also Present: Planning and Zoning Administrator, Wilks
Council Liaison, Abboud

Zoning Board Chairperson Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. in the Southfield Township municipal building at 18550 W. Thirteen Mile Road.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD OCTOBER 10, 2016

Motion by Crossen, second by Maxwell, that the minutes of the regular Zoning Board of Appeals meeting held October 10, 2016 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1308 (re-hearing)

Petitioner: Thomas F. Aylward

Property: 16150 Amherst

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations. Zoning District R-2A requires fences be no more than 48 inches above grade and 35% open to air and light.

Deviation Requested: To keep a fence that is solid wood and 6ft above grade.

Wilks explained petitioner Thomas Aylward, 16150 Amherst, is seeking a variance from requirements of Section 22.08.150 to keep a fence that is 6ft above grade and less than 35% open to air and light. The property is zoned R-2A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screens requires fences to be no greater than 4ft above grade and 35% open to air and light. The petitioner erected a 6ft fence which is solid wood privacy style along the rear and east side lot lines on August 29, 2016. He is seeking a variance to keep the fence as built. His home is located within 10ft of the rear property line and there is not sufficient space to place the fence 10ft off the property line to be compliant as a privacy screen. After meeting with administration at the end of October and expressing his opinion on the fence ordinance to the Planning Commission at their October 26th meeting, he intends to keep his request as originally submitted.

Raeder inquired of Administration and Council Liaison, Abboud if the fence ordinance would be on the upcoming agenda for the Council and Planning Commission. Abboud explained that any changes to an ordinance could take up to a year.

Tillman noted that it is rare to have an application for a variance violation come before the Board while the ordinance is being reviewed by the Planning Commission. She suggested the Board table the case for ninety days to obtain a general consensus from the Planning Commission and Council regarding the fence ordinance.

Verdi-Hus felt it set a bad precedent to table an issue for an indefinite or long period.

Motion by Raeder, second by Crossen to table the discussion for 90 days.

Motion passed.

CASE NO. 1310 (re-hearing)

Petitioner: Michael & Kathryn Timlin

Property: 18184 Buckingham

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations. Zoning District R-2B requires fences be no more than 48 inches above grade and 35% open to air and light.

Deviation Requested: To build a fence that is 5 feet above grade.

Wilks explained petitioners Michael and Kathryn Timlin, 18184 Buckingham, are seeking a variance from requirements of Section 22.08.150 to build a fence that is 5ft above grade. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screens requires fences to be no greater than 4ft above grade in the rear yard. The petitioners are seeking to build a fence that will be 5ft above grade in their rear yard. The fence is otherwise compliant with Village Ordinance. They are seeking to replace an existing 4ft chain link fence with a 5ft aluminum fence to prevent their dogs from climbing out of the yard. The petitioner met with administration after the October Zoning Board meeting and intend to add arborvitae and request a 5ft fence along the sides with a 4ft fence along the back. There is a change in grade of the property which creates an uneven fence line.

Timlin provided a diagram of the slope of the yard and the grade change across. Raeder explained that if the elevation doesn't change between lots, it's not a grade issue.

Gatowski questioned how the grade variance was discovered and how it affected the dogs. Timlin explained that the grade variance was revealed when contractors removed trees on the property.

Donnolly asked if Timlin had the support of his neighbors. Timlin provided a petition signed by neighbors in favor of the fence. The proposed fence is a black aluminum fence along the sides, with the existing chain link fence remaining along the back of the lot. Verdi-Hus expressed concern that erecting the side fence would encourage the dogs to jump the rear fence.

Mitchell asked for clarification that the newly installed fence will follow the slope of the property and not be even across the top fence line. Timlin verified that they would not even the grade. Tillman stated that the grade alone is not creating any hardship to using the property.

Motion by Raeder, second by Donnelly, the Zoning Board of Appeals approves a variance from the requirements of Section 22.08.150 to allow the petitioner to build a fence that would be no greater than 5 feet above grade due to practical difficulties of the grade differential and animal control on side and front yards.

Roll Call Vote:
Motion failed (0-8)

CASE NO. 1312 (re-hearing)

Petitioner: Frank Pfeiffer

Property: 30835 Vernon

Village Ordinance: 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts All Residential Zone Districts require corner lots with an abutting interior lot maintain side open space of 40 feet for permitted accessory buildings.

22.08.100 (b) Accessory Buildings, Structures, and Uses in Residential Zone Districts All Residential Zone Districts prohibit accessory buildings to be erected in side open space.

Deviation Requested: To build a detached garage that is 5 feet from street side lot line and in side open space.

Wilks explained petitioner Frank Pfeiffer, 30835 Vernon Drive, is seeking a variance from requirements of Section 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts and Section 22.08.100 (b) Accessory Buildings, Structures, and Uses in Residential Zone Districts. The property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts requires corner lots with an abutting interior lot maintain side open space of 40 feet for permitted accessory buildings. The property to the west on Billington Court is the abutting interior lot.

Village Ordinance, Chapter 22, Section 22.08.100 (b) Accessory Buildings, Structures, and Uses in Residential Zone Districts prohibit accessory buildings to be erected in required side open space. The petitioner is seeking to build a detached garage that is 5 feet from street side lot line

and in the side open space. The property is a corner lot, with the second street side along a cul-de-sac. Additionally, the rear property has a 12ft wide utility easement that is 30-35ft from the rear of the home.

The petitioner is not present, but met with administration several times in October and has settled on a design that is within the ordinance.

Motion by Tillman, second by Crossen, to table for 60 days, to verify no other variances are needed.

Motion passed.

CASE NO. 1313 (re-hearing)

Petitioner: Mike McCoy, Coy Construction 4214 Martin Rd, Walled Lake, MI 48390

Property: 32411 Old Post

Village Ordinance: 22.24 Schedule of Regulations. Zoning District R-1 requires rear open space of 40 feet.

Deviation Requested: To build an enclosed porch that is 32 feet from rear property line.

Wilks explained petitioner Mike McCoy, Coy Construction, on behalf of the property owners of 32411 Old Post, is seeking a variance from requirements of Section 22.24 Schedule of Regulations. The property is zoned R-1, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations requires rear open space of 40 feet. The petitioner is seeking to build an enclosed porch that is 32 feet from rear lot line off the rear of the home. The porch will have a 3ft enclosure of tempered glass with removable screens. While the Village has allowed open porches to encroach into front/rear setbacks, enclosed spaces are required to comply with setback requirements of the zone district. The enclosure would occupy a space on the property currently being utilized as a paved patio. This petition was tabled from the October meeting due to absence of a petitioner or designated representative.

Rich Safarian, Coy Construction, explained the homeowners wished to enclose their rear patio space because due to excessive greenery and growth behind the home, and the homeowner's severe allergies the back yard cannot be used.

Tillman inquired if the enclosure is consistent with the neighborhood and Wilks verified that it is consistent with neighboring home's rear open space.

Motion by Crossen, second by Raeder, that the Zoning Board of Appeals approves an 8ft. variance from the requirements of Section 22.24 to allow the petitioner to build an enclosed porch onto the rear of their existing home that would be no closer than 32 feet to the rear lot line due to practical difficulties of the greenery and growth behind the home, and the medical concern due to the homeowner's severe allergies.

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

CASE NO 1315

Petitioner: Craig LaDuke, LaDuke Construction, 1725 Busha Hwy, Marysville, MI 48040

Property: 31405 Sherdian Drive

Village Ordinance: 22.24 Schedule of Regulations. Zoning District R-1 requires rear open space of 40 feet.

Section 22.08.070 Corner Lot Setbacks in Residential Zone Districts. Every corner lot in any residential Zone District which has on its side street an abutting interior residential lot, shall have a minimum setback from the side street equal to the minimum front setback for the Zone District in which such building is located.

Deviation Requested: To build a two-story addition and expand attached garage on existing home that is 30 feet from rear property line and 25 feet from street side property line.

Wilks explained petitioner Craig LaDuke, LaDuke Construction, on behalf of Michael Nagy, for property at 31045 Sheridan Drive, is seeking a variance from requirements of Section 22.24 Schedule of Regulations and Section 22.08.070 Corner Lot Setbacks in Residential Zone Districts. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations requires rear open space of 40 feet, and Section 22.08.070 Corner Lot Setbacks in Residential Zone Districts requires street side open space equal to the minimum stated setback of that zone district where there is an abutting interior lot. There is an abutting interior lot on Madoline therefore the side setback is 40 feet.

The petitioner is seeking to build a two-story addition and expand the attached garage on the existing home. The addition off the rear of the home would be approximately 31 feet from the rear property line at the closest point. The attached garage would be approximately 27 feet from Madoline side property line at the closest point. As a corner lot, the property has a greater side setback on their street side than the allowable side setbacks of 5 feet and 10 feet in R-2B zone district. This project does entail bringing the garage out toward Sheridan Drive. As there are no abutting Sheridan facing lots within the block, the averaging requirements of 22.24.010 do not apply and the front setback remains at the 40 feet stated minimum. The addition to the garage would not encroach into that front setback.

LaDuke explained it is a unique situation with a corner lot, and they are maintaining much of the character of the home and staying consistent with the style of the neighborhood while meeting the design needs of the homeowners.

Verdi-Hus inquired how many square feet the home would be. LaDuke explained that after code updates and design adjustments, it would be just under 3,000 feet.

Motion by Raeder, second by Crossen, that the Zoning Board of Appeals approves a variance from the requirements of Section 22.24 and Section 22.08.070 to allow the petitioner to build a two-story addition onto the rear of their home that would be no closer than 30 feet from rear property line and expand their attached garage into the side open space that would be no closer than 25 feet to the side property line that abuts Madoline due to practical difficulties of the shape of the lot, and the placement of the existing structure.

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

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported that two incumbent members were re-elected to Council, as well as one new member, Dan Nunez. He thanked the Zoning Board for the depth of consideration they give to each case. He informed the Board that Council and Planning Commission will be discussing the fence ordinance in the upcoming year.

ADMINISTRATION COMMENTS

Wilks informed the Board that Case #1307 has been formally withdrawn.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Donnelly, to adjourn the meeting at 8:39 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary