

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

Absent: Member: Verdi-Hus; Alternate: Hynes

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

Zoning Board Chairperson Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD APRIL 10, 2017

Motion by Donnelly, second by Mitchell, that the minutes of the regular Zoning Board of Appeals meeting held April 10, 2017 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1327 (rehearing)

Petitioner: Kevin Clinton

Property: 32250 Bellvine Trail

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations All Residential Zone Districts prohibit fences extending back towards front of principal building more than 8 feet, and limit front yard fencing to 3 feet above grade.

Deviation Requested: To build a fence that encloses a portion of his front yard and is 4 feet above grade.

Saur explained petitioner Kevin Clinton, 32250 Bellvine Trail, is seeking a variance from requirements of Village Ordinance 22.08.150 Fence, Wall, and Privacy Screen Regulations to build a fence that is four feet above grade in the front yard, as defined by ordinance.

The property is zoned R-A, Single Family Residential. In all residential zone districts, fences in the front yard are permitted provided they are 35% open to air and light, no higher than three feet above grade, and do not extend back more than eight feet toward the principal building. Fencing in the side yard is permitted when the property abuts a road or street, or to enclose a side entrance. The petitioner is proposing to install four-foot-high aluminum fencing that will enclose a portion of his property off his garage on the Bellvine Trail side. The fence will extend back toward the principal building approximately 30-40 feet. The fence will be approximately 80 feet from Bellvine Trail.

The lot is pie-shaped and a corner lot with street frontage on Bellvine Trail and Plumwood. Additionally, the home faces neither street directly and is orientated so the front elevation faces the corner where two streets intersect. Village Ordinance §22.04 Definitions defines the front lot line of corner lots as the line “...which is designated as the front street in the request for a building permit.” Upon review and discussion with the Village’s planning consultant, the street address as designated on the permit is Bellvine Trail; therefore, that lot line is the front lot line and the area where the fence will be installed is the front yard.

Fencing as the petitioner proposes would be permissible by ordinance in the side yard abutting the street as a corner lot. Alternately, if the front elevation of the home faced Bellvine Trail, the fencing would also be permissible as there is an entry door on the attached garage. From a functional standpoint, the portion of yard in which the petitioner is seeking to install fencing is side yard abutting a street.

At the meeting held April 10, 2017, the Zoning Board of Appeals discussed and tabled this case to allow the petitioner to submit accurate dimensions of the proposed fence. A drawing with those dimensions has been submitted to the Board.

Raeder asked the petitioner why they felt it necessary, in a neighborhood that does not have many fences, to put a fence in an area that is highly visible. Clinton explained he desired to create a patio area where the pedestrian exit is located on the attached garage. This space would then be used for outdoor entertainment, as well as protection for the gardens from animals. Currently behind the rear of the home there is outdoor space where an in-ground pool had previously been installed and a cement slab remains.

He further explained that upon conversation with his wife, they are considering having a pool installed and creating a fenced in patio area at the rear of the house. The homeowner then supplied the Board with a diagram and dimensions of the rear pool and patio area being proposed, which shows a fence extending 70 feet north off the rear of the home, 80 feet east off the fence line, then 50 feet south to the rear of the home.

Resident Bill Wegert, Westlady, believes the initial request is to create a space for their dog and that they should invest in invisible fencing.

Resident Bob Walsh, Smallwood Ct., expressed his support that the fenced area be in the rear of the house and not in the side yard area.

The Board clarified that any changes or additional needs for the property once the deck, pool, and patio have been designed would require the petitioner to return for an additional variance.

Motion by Tillman, second by Maxwell, that the Zoning Board of Appeals grants a variance from fencing requirements of Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations to allow a four foot, aluminum fence along rear of house extending 70 feet north, 80 feet east off the fence line, then 50 feet south to the rear of the home, due to practical difficulties of shape of lot, placement of dwelling, and no technical rear lot.

Roll Call Vote:

Aye: Donnelly, Eifrid, Gatowski, Lepidi, Maxwell, Mitchell, Raeder, and Tillman

Nay: Crossen

Motion passed (8-1)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported that the tree ordinance has been returned to the Planning Commission for further review. Abboud reported that he recently attended a SEMCOG meeting at which there was discussion on autonomous vehicles and the future of driving and impact on communities. The Council subcommittee continues to work on updating the Village logo.

ADMINISTRATION COMMENTS

Saur reported the Lapels Dry Cleaning sign has been installed and a new projecting sign for Get Some Fitness is pending.

ZONING BOARD COMMENTS

Maxwell reported the church has approved use of their space for a Farmers Market, but will need an insurance rider with the Village and Council approval.

Eifrid shared what a pleasure it has been to serve on the board, and noted he will not be seeking re-appointment when his term concludes.

Tillman thanked Eifrid for his time and work on the Zoning Board. Board members concurred with gratitude to Eifrid for his service.

Motion by Raeder, second by Maxwell, to adjourn the meeting at 8:22 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary