

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – SEPTEMBER 11, 2017 – PAGE 1

Present: Chairperson Tillman; Vice-Chairperson Raeder; Members: Donnelly, Gatowski, and Verdi-Hus; Alternate: Crawford

Absent: Member: Crossen, Lepidi, Maxwell, Mitchell; 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 AUGUST 14, 2017

Motion by Raeder, second by Crawford, that the minutes of a regular Zoning Board of Appeals meeting held August 14, 2017 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1331 (re-hearing)

Petitioner: Michael Lustrì

Property: 32721 White Oaks Trail

Village Ordinance: 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts Residential Zone District R-1 allows accessory structures in the rear open space.

Deviation Requested: To retain a newly constructed deck located in the side open space.

Saur explained petitioners Michael and Kylene Lustrì, are seeking a variance from requirements of Village Ordinance 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts to retain a deck built in the side open space. The property is zoned R-1, Single Family Residential. In all single family residential zone districts accessory structures are permitted, provided they are located in the rear open space. The petitioner has constructed the 16' x 24' deck in the side open space with access from the home through a pedestrian door located on the side of the attached garage.

On June 1, 2017, Village Code Enforcement was notified of construction at the property, and upon site visit the petitioner was informed the work required a building permit and to cease construction until a permit was issued. Subsequently, the petitioner applied for a building permit to construct the deck. Upon review of the Village's Zoning Ordinance and applicable requirements of the Building Code, the Village informed the petitioner he would only be permitted to construct the minimum required three (3) foot landing for pedestrian door access

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – SEPTEMBER 11, 2017 – PAGE 2

with required stairs and requested he submit revised drawings. The petitioner continued construction and a stop work order was issued on June 6, 2017, although construction on the deck was essentially completed. The petitioner is seeking relief from the requirement that decks be located in the rear yard.

Lustri explained that when the home was purchased there was a door located on the side of the attached garage and they were instructed to have it removed or construct a landing due to the liability risk of the existing grade. The only other door exiting the home to rear yard was a door that exited from the master bathroom. When the area around the door was dug up, remainders of a stairway and porch were found. Once the petitioner was made aware that a permit was needed, they submitted an application to the Village office. The deck was 75% completed when the stop work order was issued, and the petitioner felt it was necessary to install the railings for safety reasons.

Raeder stated that without precise location and dimension measurements, it becomes difficult for the Board to make a ruling.

Lustri stated there are approximately 25-30 feet between the deck and the property line, and approximately 60 feet to the neighbor's home. He could not offer exact dimensions related to the home, or distances from the front, rear, or side lot lines.

Lustri submitted a petition containing 30 signatures of neighbors in support of allowing his deck. Joe and Tara Bolton, White Oaks Trail, immediate neighbors to the north, submitted a letter of support prior to the meeting. David Collins, Corsaut Lane; Hillary Morgan, North Nottingham; Pat Durbin, White Oaks Trail; and Ramona Moore, Robinhood all expressed their support of Lustri and the deck at the meeting.

Zeno Windley, Friar Tuck Lane and an anonymous resident who lives in Nottingham Forest subdivision submitted letters opposing the deck on Lustri's property.

Lustri requested that the motion be postponed to the October 9, 2017 meeting to provide further information about the placement and dimensions of the deck.

Motion by Raeder, second by Crawford, to postpone decision on case #1331 to the October 9, 2017 meeting.

Motion passed.

CASE NO. 1333

Petitioner: Rick Merlini

Property: 16220 Birwood

Village Ordinance: 22.08.130 Minimum Separation Residential Zone District R-3 requires 15 foot separation between structures on abutting lots.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – SEPTEMBER 11, 2017 – PAGE 3

Deviation Requested: To be permitted to construct a new home that will be 12.64 ft from the abutting home on the lot to the west.

Saur explained that petitioner Rick Merlini, 433 N. Washington, Royal Oak, 48067, for property at 16220 Birwood Ave., is seeking a variance from requirements of Village Ordinance 22.08.130 Minimum Separation to construct a new home that will be 12.64 ft from the abutting home on the lot to the west. The property is zoned R-3 which has a side setback from lot lines of 5 feet on either side, additionally Section 22.08.130 requires 15-foot separation between structures on abutting lots. The petitioner is proposing to construct a new, two-story home with attached garage that will have side setbacks of 5 feet on the east side and 10 feet on the west side.

There is an existing, non-conforming home on the property to the west that has a side setback of 2.51 feet on the adjoining lot line. Due to the nonconformity on the neighboring lot, any home constructed on this property would be required to maintain a setback of 12.49 feet on the west side. The proposal meets all other ordinance requirements for height, bulk, and setbacks. Saur provided the petition form, and a site survey, drawings and elevations of the proposed new home. It was clarified that the home would be built on the existing foundation.

Mike and Annele Richards, Birwood Ave., submitted a letter opposed to the request for variance.

Sharon Murray, Birwood Ave., is the east side neighbor and would like to ensure the home does not encroach on her property.

Motion by Raeder, second by Donnelly, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.130 Minimum Separation to build a new home that will be 12.64 feet from existing home foundation to the west due to practical difficulties of the non-conforming house on the property to the west.

Roll Call Vote:
Motion passed (6-0)

CASE NO. 1334

Petitioner: Jason Strayhorn

Property: 31299 East Rutland Street

Village Ordinance: 22.24.010 (a) Front Open Space Residential Zone District R-2A requires front open space not be less than calculated average of residents within 200 feet on that side of the street.

22.30.040 (a) Nonconforming Structures Residential Zone District R-2A requires any alteration or enlargement to an existing nonconforming structure comply with ordinance.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – SEPTEMBER 11, 2017 – PAGE 4

Deviation Requested: To be permitted to renovate an existing non-conforming home, enclose front porch, and add a second story that will be closer than calculated average front open space.

Saur explained that petitioner Jason Strayhorn, 43422 West Oaks Dr, #184, Novi, 48377, for property at 31299 East Rutland St, is seeking a variance from requirements of Village Ordinance 22.24.010 (a) Front Open Space and Village Ordinance 22.30.040 (a) Nonconforming Structures to build a second story to an existing non-conforming home and enclose the front porch.

The property is zoned R-2A Single Family Residential. Chapter 22, Section 22.24.010 (a) requires the front open space of any building remodeled shall not be less than the average depths of front open space within 200 feet of the lot or parcel on one side of the street when there is a front open space greater or less than the 40 foot stated minimum within that 200 feet. The existing home has a front open space of 24.6 feet and the average front open space as calculated per 22.24.010 is 33.5 feet.

The petitioner is proposing to renovate the entire home including the addition of living space to the rear of the home, construction of a second story, and enclosure of the front porch. The existing home is non-conforming due to the front set back and has the smallest front open space in the area subject to front open space averaging. The Village has historically permitted open front porches to encroach into the front open space but does require enclosed porch space to conform to front set back requirements. By enclosing the front porch, the new front open space would be reduced to 18.7 feet on the first floor.

Second stories are permitted in every residential district, provided they do not exceed height or setback requirements. The proposed second story addition would be above the existing first story and maintain the front open space of 24.6 feet at the closest point. The proposal meets height, side setback, and rear setback requirements. Saur provided the petition form, and a site survey, drawings and elevations of the modifications proposed to the existing home.

Verdi-Hus left the meeting at 8:23 p.m.

Ken Crutcher, architect for the project, clarified that it would be an open front porch; they would extend its length, but not add windows or heat. The porch would be considered an open air sitting porch, and the plans can be modified to include a rail, and he would work with administration to ensure the design meets all open porch requirements. He amended his request to be for the addition of a second story with front open space of 24.6 feet.

Letters of opposition were submitted prior to the meeting by Steven Arco, East Rutland; Kim Menzel, East Rutland; and Lynne Ingberg, West Rutland.

A letter of support was submitted by Jeff Miller, West Rutland.

Paula Rotti, East Rutland; Dan Reck, East Rutland; Deborah Lamage, Margueite; Richard Reed, East Rutland; and Ingberg were all in attendance at the meeting and voiced concerns related to the change in character of the neighborhood. None were aware that the Village allowed the addition of second floors.

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – SEPTEMBER 11, 2017 – PAGE 5

Miller was also in attendance and expressed his support of the petitioner.

Tillman clarified that there are no ordinances in the Village prohibiting a second story addition within requirements.

Crutcher requested that the motion be postponed to the October 9, 2017 meeting to allow time to provide further information related to the changes to the front porch.

Motion by Raeder, second by Crawford, to postpone decision on case #1334 to the October 9, 2017 meeting.

Motion passed.

CASE NO. 1335

Petitioner: Marc Harrington

Property: 15535 W. 14 Mile Rd.

Village Ordinance: 22.08.100 Accessory Buildings, Structures, and Uses Residential Zone District R-3 requires accessory structures to be located in rear open space.

Deviation Requested: To be permitted to install an air conditioner in the side open space.

Saur explained that petitioner Marc Harrington, 15535 W 14 Mile Rd, is seeking a variance from requirements of Village Ordinance 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts to install an air conditioner unit in the side open space. The property is zoned R-3, Single Family Residential. In all single family residential zone districts accessory structures are permitted, provided they are located in the rear open space. The petitioner is seeking to install an air conditioner unit in the side open space.

The Village has permitted mechanical units, such as air conditioners and generators, in the side yard provided the abutting neighbor indicates no objections to the location. The petitioner has sought the approval of the abutting neighbor who declined to sign the Village form; therefore, the petitioner has requested a variance.

Catharina Harrington, homeowner, explained that the rear of the house would be used as an exit point from the basement space, and there is no available space for the unit at the rear of the home. She provided drawings of the modifications that would be made to include the rear door. There is an existing brick wall and green screen between the properties. There is a large expanse between the cinderblock wall and the home on the property.

Motion by Raeder, second by Gatowski, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts to install an air

**REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – SEPTEMBER 11,
2017 – PAGE 6**

conditioner unit in the side open space at rear corner of home as proposed in the submitted drawings, due to practical difficulties of allowing for future renovations to the rear of the home, prohibit putting it in the rear yard due to egress, size of the lot, and placement of the home.

Roll Call Vote:
Motion passed (5-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported that David Jensen was honored for his service to the Planning Commission. The Planning Commission continues to work on the fence ordinance and the Southfield Corridor development project.

ADMINISTRATION COMMENTS

Saur reported petitioner for case 1330 has formally withdrawn his petition.

ZONING BOARD COMMENTS

None.

Motion by Tillman, second by Raeder, to adjourn the meeting at 9:15 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary