

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

Absent: Members: Lepidi, Maxwell; 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 NOVEMBER 13, 2017

Motion by Crossen, second by Crawford, that the minutes of a regular Zoning Board of Appeals meeting held November 13, 2017 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1339

Petitioner: Scott Borovich

Property: 18380 Warwick Ave

Village Ordinance: 22.24 Area, Bulk, and Placement Regulations Residential Zone District R-2B requires rear open space of 40 feet.

22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts All residential Zone Districts require minimum setback from the side street equal to the minimum front setback for the Zone District where there is an abutting interior residential lot.

22.30.040 (a) Nonconforming Structures Residential Zone Districts require any alteration or enlargement to an existing nonconforming structure conform to the Ordinance.

Deviation Requested: To enlarge an existing nonconforming home by building a second-story addition that will be 36 feet from the rear lot line, a first-story addition that will be 36 feet from rear lot line and 33 feet from street side lot line, and an attached garage that will be 22.8 feet from the street side lot line.

Saur explained that petitioner Scott Borovich is seeking a variance from requirements of Chapter 22, Section 22.24, Section 22.08.070, and Section 22.30.040 (a) to build two additions and an attached garage on an existing nonconforming home.

The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Regulations requires rear open space of 40 feet. Chapter 22, Section 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts requires

the minimum setback on the street side equal to front setback for the Zone District where there is an abutting interior lot. Section 22.30.040 (a) Nonconforming Structures requires any alteration or enlargement to a nonconforming structure be in compliance with the ordinance. The petitioner seeks to enlarge an existing nonconforming home by building a second-story addition that will be 36.16 feet from the rear lot line, a first-story addition that will be 36.16 feet from rear lot line and 33 feet from street side lot line, and an attached garage that will be 22.8 feet from the street side lot line.

The existing home is nonconforming due to an encroachment in the rear setback and in the street side setback. As shown on the existing survey and site plan, the existing garage is 24.9 feet from the street side lot line and the rear of the house is 36.16 feet from the rear lot line.

The proposed attached garage at the front of the house is abutting the existing attached garage and would be 22.8 feet from the street side lot line. The garage meets front setback and front averaging requirements. The proposed first floor addition for a mud room would be 33 feet from the street side lot line and 36.16 feet from the rear lot line. The proposed second floor addition for a new master suite would be 36.16 feet from the rear lot line and meets street side set back requirements. The proposal also includes a new front porch which meets ordinance requirements.

As a corner lot, the property is subject to greater side setback requirements than an interior lot. In the R-2B Zone District, side setback requirements are 5 feet and 10 feet versus the 40 feet required for the street side of the corner lot. That requirement is in place to protect the neighboring interior lot. In this case, the proposed garage addition will be on other side of the existing home/garage and not visible to the interior lot to the north. The additional first floor mudroom could potentially impact the property owners to the north on Hillcrest due to the street side setback and rear setback encroachment. The proposed addition is approximately 12 feet behind the existing garage and will not encroach into the rear setback beyond the existing home. The proposed second floor addition will not encroach beyond the existing home.

Petitioner Borovich provided an overview of the existing layout of the house and rationale for the proposed additions and their respective locations. He noted the architectural and aesthetic features of the varied wall lines.

Motion by Raeder, second by Mitchell, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24, Section 22.08.070, and Section 22.30.040 (a) to allow the petitioner to build a first floor addition that will be no closer than 33 feet from street side lot line and 36.16 feet from rear lot line, to build a second floor addition that will be no closer than 36.16 feet from rear lot line, and to build an attached garage that will be no closer than 22.8 feet from street side lot line on an existing nonconforming home due to practical difficulty of the location of the existing non-conforming home and the additional setback restrictions of a corner lot.

Roll Call Vote:

Motion passed (8-0)

CASE NO. 1340

Petitioner: Sarah and Dan Donovan

Property: 16260 Amherst Ave

Village Ordinance: 22.24 Area, Bulk, and Placement Regulations Residential Zone District R-2A requires rear open space of 30 feet.

22.08.270 Easements Properties in all Zone Districts are prohibited from installation of a permanent structure (garage) on or across an easement of record.

22.30.040 (b) Nonconforming Structures Residential Zone District R-2A requires any existing nonconforming structure destroyed by any means greater than 60% of replacement costs be reconstructed to conform to the Ordinance.

Deviation Requested: To rebuild an attached garage that will remain 22 feet from rear property line and approximately four feet into the utility easement at the side lot line.

Saur explained that petitioners Sarah and Dan Donovan are seeking a variance from requirements of Chapter 22, Section 22.24, Section 22.08.270, and Section 22.30.040 (b) to rebuild an existing nonconforming attached garage that sustained storm damage.

The property is zoned R-2A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Regulations requires rear open space of 30 feet. Chapter 22, Section 22.08.270 Easements prohibits the construction of a permanent structure on or across an easement of record. Section 22.30.040 (b) Nonconforming Structures requires any existing nonconforming structure which is destroyed by any means greater than 60% of replacement costs to be reconstructed in compliance with the Ordinance. The petitioners are seeking to rebuild a nonconforming attached garage that was damaged by fallen tree limb in a storm event.

The existing garage is nonconforming due to an encroachment in the rear setback and in the utility easement along the side lot line. As shown on the plot plan, the damaged garage is approximately 22 feet from the rear lot line and is approximately 3.5 feet into the utility easement along the side lot line. The replacement garage would be in the same location. Due to the enclosed breezeway, this is considered an attached garage and subject to setback requirements of the principal building.

The petitioners have had their insurance adjuster review the damage and it was considered a total loss. Additionally, they have contacted DTE Energy regarding the building location within the easement and underneath the overhead powerlines. Per their submittal, DTE Energy has reviewed the structure's placement and has given permission for reconstruction to take place. The Village Building Official reviewed the proposed location with respect to building code compliance and noted the location underneath power lines is not prohibited.

Petitioners also noted the proposal will alter the pitch of the roof to increase the vertical clearance between the building and the power lines.

Motion by Crossen, second by Mitchell, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24, Section 22.08.270, and Section 22.30.040 (b) to allow the petitioner to rebuild a nonconforming attached garage that will be no closer than 22 feet from rear lot line and no more than 3.5 feet into utility easement on side lot line due to the practical difficulty of an existing non-conforming structure, that the replacement is due to a building destroyed by an act of God, and no lesser variance available to restore property to previous condition.

Roll Call Vote:
Motion passed (8-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported the Council held a public hearing on the proposed fence ordinance on December 5, 2017 and provided updates from MML and SEMCOG. He wished everyone Happy Holidays.

ADMINISTRATION COMMENTS

Saur reported no cases pending for the January meeting and the submittal deadline is December 14th.

ZONING BOARD COMMENTS

Raeder submitted the following comment regarding Case 1331, Michael Lustri, 32721 White Oaks Trail and the requested Side Deck Variance: “I would like to restate that a significant factor in my rejection of the request was the lack of side yard space. At my initial review of the site, I questioned the ability to complete the project and provide proper room to enter the rear garage. Subsequently, the requested site surveyed showed to the driveway to extend into the neighbor’s lot. Based on the survey, my decision was to reject the proposed variance.”

Crawford wished everyone Happy Holidays.

Motion by Crawford, second by Donnelly, to adjourn the meeting at 8:01 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary