

REGULAR ZONING BOARD OF APPEALS MEETING MINUTES – JUNE 11, 2018 – PAGE 1

Present: Vice-Chairperson Raeder; Members: Crossen, Maxwell, Mitchell, and Verdi-Hus;
Alternates: Crawford and Gennari

Absent: Chairperson Tillman; Members: Donnelly, Gatowski, and Lepidi

Also Present: Planning and Zoning Administrator, Saur

Zoning Board Vice-Chairperson Raeder 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 9, 2018

Motion by Mitchell, second by Crawford, that the minutes of a regular Zoning Board of Appeals meeting held April 9, 2018 be approved.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Thomas F. Aylward, Amherst, expressed frustration that he was required to remove his fence, and has seen illegal fences erected at other homes.

Cynthia Nagle, Kirkshire, spoke representing the Concerned Owners of Kirkshire. They are concerned about new development, existing drainage problems, and maintaining the aesthetic of the neighborhood. She referenced the Vision and Goals for the Village of Beverly Hills in the Master Plan and what that looks like for the future of her neighborhood.

Raeder explained the responsibilities of the Zoning Board of Appeals and outlined the statutory requirements for demonstrating a practical difficulty for a petitioner to be granted a dimensional variance.

CASE NO. 1345

Petitioner: Rick Merlini, Live Well Custom Homes, 433 N. Washington, Royal Oak, MI 48067

Property: 16276 Kirkshire

Village Ordinance: 22.08.130 Minimum Separation Residential Zone District R-3 requires minimum of 15 feet of separation between buildings on abutting parcels.

22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts All Residential Zone Districts require a minimum 5 foot setback for detached accessory buildings.

Deviation Requested: To build a two-story home that will be 12.8 feet from the existing house to the west and to build a detached garage that will be 3 feet from the side lot line to the west.

Saur explained that petitioner Rick Merlini, is seeking a variance from requirements of Chapter 22, Section 22.08.130 and Section 22.08.100 to build a two-story house and detached garage. The property is zoned R-3, Single Family Residential. Village Ordinance, Chapter 22, Section

22.08.130 Minimum Separation requires 15 feet between buildings on abutting parcels. Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts requires setback of 5 feet from side lot line for a detached accessory building. The petitioner is seeking to build a two-story home that will be 12.8 feet from the house to the west and to build a detached garage that will be 3 feet from the west, side lot line.

The property is in the R-3 Zone District which is the area of greatest density in the Village and the subject lot is 40 feet wide. The proposed home will meet or exceed setback requirements for the lot and meets separation requirements on the east side of the property. The petitioner is proposing a side setback of 10+ feet on the west side of the property. However, the existing house on the lot to the west of the petitioner's property is nonconforming and is 2.8 feet from the lot line at the closest point. If this nonconformity did not exist, the petitioner would meet separation requirements. The proposed detached garage will be 3 feet from the side lot line on the west. Similar requests have been put forth in this area of the Village due to the narrow lots and navigability of garage entrance.

The proposed house and garage otherwise meet Zoning Ordinance requirements. The survey showing the proposed buildings, petition form, and floor plans and elevations for the proposed house was provided to the Board.

Merlini explained that his request for the 3 foot variance for the garage is for ease of ingress and egress of a second car in the garage. He conceded that it was not a necessary request and agreed to remove the variance related to 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts from the petition.

Pamela Tennant, Kirkshire, expressed concern related to the basement excavation and how it could disrupt the foundation of their home.

The following residents spoke opposed to the garage variance requested;

Michael Forberg, Kirkshire
Kay Michael, Kirkshire

The following residents spoke opposed to the minimum spacing variance requested;

Therese Caroselli, Kirkshire
Joh Davis, Kirkshire
Pamela Tenant, Kirkshire
Cynthia Nagle, Kirkshire

Emails from Jan Corning, Kirkshire, who is opposed; and Jeffrey Nowak, Kirkshire in support of the home, were submitted.

Raeder explained that many homes on this block of Kirkshire were originally built closer to the lot lines due to inaccurate surveys as well as different zoning requirements in-place at time of construction.

Both Raeder and Crawford suggested that residents approach the Village Council related to infrastructure concerns.

Crossen reiterated that the existing house on the lot to the west of the petitioner’s property is nonconforming and is 2.8 feet from the lot line at the closest point. If this nonconformity did not exist, the petitioner would meet separation requirements.

Motion by Maxwell, second by Mitchell, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.08.130 to allow the petitioner to build a two-story home that will be no closer than 12.8 feet from west, side lot line due to practical difficulties of the location of the non-conforming home located to the west of the property.

Roll Call Vote:

Maxwell - no
Mitchell - yes
Raeder - yes
Verdi-Hus - yes
Crawford - yes
Gennari - yes
Crossen - yes

Motion passed (6-1).

CASE NO. 1346

Petitioner: John Carroll, Araneae Inc, 28785 Haas Rd, Wixom 48393

Property: 31005 Greenfield Rd, Valvoline

Village Ordinance: 22.32.110 Permanent Business Sign Standard Wall signs shall not exceed 30 square feet. Businesses with two street frontages are allowed two identical principal wall signs.

Deviation Requested: To install three, non-identical wall signs that will be 106.5 square feet, 48 square feet, and 54.75 square feet.

Saur explained that petitioner John Carroll, is seeking a variance from requirements of Section 22.32.110 to install three new wall signs that exceed the allowable square footage per sign and the number of wall signs permitted.

The property is zoned B, Business. Village Ordinance, Chapter 22, Section 22.32.110 Permanent Business Sign Standards limits wall signs to 30 square feet. The petitioner seeks to remove three existing nonconforming wall signs and install new wall signs in same locations. The last permit record for permanent signage at this property is 1987, at which time the signs were in compliance with the ordinance standards.

The two existing front (Greenfield Rd) wall signs are 106.5 square feet and 48 square feet. The proposed signs would be the same square footage and be in compliance with the illumination standards. The existing side (13 Mile Rd) wall sign is 32 square feet and internally illuminated. The proposed sign would be 54.75 square feet and brought into compliance with the illumination standards.

The proposed total wall sign square footage permitted on this site is 60 square feet (30 square feet per sign) and the petitioner is requesting total wall sign square footage of 209.25 square feet. Additionally, the site also has an existing nonconforming 64 square foot pole sign which will remain and bring total signage on site to cumulative of 273.25 square feet. The petitioner is permitted two, identical wall signs because the business has two street frontages. The proposed wall signs are not identical and the petitioner is requesting three total wall signs.

Per Section 22.32.010 Purpose and Intent, part of the stated intent of the Village’s sign ordinance is to discourage visual competition among businesses. Administration reviewed abutting businesses existing wall signs. The business to the west has a compliant 29.5 square foot ground sign and no wall signage. The business to the north has existing nonconforming signage which exceeds total allowable square footage at approximately 130 square feet of cumulative signage including the wall and pole sign. The businesses farther north have wall signage that does not exceed 30 square feet per sign.

Section 22.32.120 Nonconforming Signs, paragraph (4) Intent states that “it is the intent of this Section to encourage eventual elimination of signs that may, as a result of the adoption of this Section, become nonconforming over a period of time.” The applicant has the right to retain the existing nonconforming sign, but removal and installation of a new sign could be viewed as contrary to the intent of the Village sign regulations.

Procedurally, if granted a variance, the sign permit application would still require approval by the Planning Commission. The petition form, sign permit applications, photos of existing signage and renderings of proposed signage were provided to the Board.

There was discussion related to the sign area over the front entrance. However, the Board was not inclined to approve the signs as submitted without modifications to the size given the lack of practical difficulty demonstrated.

Carroll, petitioner, explained that the signage is part of a national rebranding campaign and is a corporate request.

The petitioner requested to table their case to redesign the signage for a lesser variance from the ordinance square footage requirements.

Motion by Crossen, second by Crawford, that the Zoning Board of Appeals postpones all discussion on Case #1346 to the next meeting.

Motion passed.

CASE NO. 1347

Petitioner: Ian and Anne Perry

Property: 16239 Marguerite

Village Ordinance: 22.24.010 (a) Front Open Space Residential Zone District R-2B requires front open space to be not less than the average front open space of existing homes within 200 feet on the same side of the street.

Deviation Requested: To build a second story addition and attached garage to the existing home that will be 25 feet from the front lot line where the average front open space is 38 feet

Petitioners Ian and Anne Perry, 16239 Marguerite, are seeking a variance from requirements of Chapter 22, Section 22.24.010 (a) to build a second story addition and an attached garage onto their existing home.

The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requires front open space to be not less than the average front open space of existing homes within 200 feet on the same side of the street. The petitioners are seeking to build a second story addition and attached garage that will be 25 feet from the front lot line where the average open space is calculated at 38 feet.

The petitioners are proposing to renovate the interior including converting the existing attached garage into living space, to add an attached garage to the front of the home, and to add a second story over the existing home and new garage. The existing home is in conformance with the ordinance requirements for front open space at 45 feet from the front lot line. The neighboring homes are as close as 34 feet from the front lot line. Due to the curve of the roadway, the front open space on every lot in this area is variable.

The proposed house and garage otherwise meet Zoning Ordinance requirements. The petition form, site plan, floor plans, and elevations were provided to the Board.

Richard Bruder, was in attendance representing the petitioners. He explained that the curve of the street created the cause for non-compliance and the need for the variance. Because of the curve, the structure would not protrude into the neighbors' line of vision. The proposed location is the only feasible location for the new garage. An addition on the rear of the home would require the removal of excessive plant and trees, as well as block the open windows across the family room located there.

An email from Alinda Wasner, Marguerite, in opposition of the variance, was submitted.

The Board expressed concern that by extending the garage out in front does not maintain the aesthetics of the neighborhood and that it would shorten the driveway which combined with the curve of the street creates a higher risk of accidents. They would like more consideration given to other locations for the garage.

Bruder requested to table the case until the petitioners were able to further review their plans and attend the meeting.

Motion by Crossen, second by Mitchell, that the Zoning Board of Appeals postpones all discussion on Case #1347 to the next meeting.

Motion passed.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

Saur reported the Fence Ordinance will have a second reading and vote at the June 19, 2018 Village Council meeting and there will be one new case for the July 9, 2018 Zoning Board of Appeals meeting.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Maxwell, to adjourn the meeting at 8:54 pm.

Motion passed.

Charles Raeder
Vice-Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary