

Present: Chairperson Tillman; Vice-Chairperson Raeder; Members: Crawford, Donnelly, Gatowski, Maxwell, and Mitchell; Alternate: Gennari

Absent: Members: Crossen and Lepidi; Alternate: Jawad

Also Present: Planning and Zoning Administrator, Saur
Council Liaison, Rock 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.

ELECTION OF OFFICERS

Tillman opened the floor for nominations for Chairperson and Vice-Chairperson of the Zoning Board of Appeals.

Maxwell nominated Raeder as the Zoning Board of Appeals Chairperson. There were no further nominations. Raeder was elected Chairperson by acclamation.

Tillman nominated Maxwell as the Vice-Chairperson of the Zoning Board of Appeals. There were no further nominations. Maxwell was elected Vice-Chairperson by acclamation.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD JUNE 11, 2018

Motion by Crawford, second by Gennari, that the minutes of a regular Zoning Board of Appeals meeting held June 11, 2018 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

Tillman 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. 1346 (re-hearing)

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. Per the original submittal, the two existing front (Greenfield Rd) wall signs are 106.5 square feet and 48 square feet. The existing side (13 Mile Rd) wall sign is 32 square feet and internally illuminated.

At the meeting held June 11, 2018 the Zoning Board of Appeals members had questions regarding the definition of a sign and how to measure the sign area. Below is the text from Chapter 22, Section 32 Signs which is the basis for considering all three structures as signs as well as the computation of the sign area.

22.32.020. Definitions, Sign: Any object, device, logo, display or structure, or part thereof, which is intended to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Signs shall include banners, bulbs or other lighting devices, streamers, pennants, balloons, propellers, flags and any similar device of any type or kind whether bearing lettering or not.

22.32.030. Measurement of Sign Area, 1. Single-Face Sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of the display used to differentiate such sign from the background against which it is placed.

The petitioner has submitted a revised signage proposal for consideration. The two proposed signs on the front of the building (Greenfield) would be 89.5 square feet and 40.8 square feet, and appear to be in compliance with the illumination standards. The proposed sign on the side of the building (13 Mile) has been reduced to 30.5 square feet and appears to be in 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 160.8 square feet. Additionally, the site also has an existing nonconforming 64 square foot pole sign which will remain. 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 further 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.

Alicia Deneau, from Fairmont Sign Company, was present to represent the applicant. She explained the original submission has been scaled down reducing overall height and square footage, however the length could not be reduced due to the design of the sign and the building face. The signs do meet the internal illumination requirement of 30%.

Through discussion, the Board suggested the replacement of the non-compliant pole sign with a monument sign. Deneau opted to modify the proposed request, removing the 40.8 square foot sign from the left of the of the east facing sign, potentially replacing it with an awning; retaining the proposed backlit 30.5 square foot sign on the north facing side of the building; and retaining the proposed 30% internally illuminated 89.5 square foot sign located on the east facing side of the building. She also proposed removing the pole sign and replacing it with a conforming monument sign.

Motion by Tillman, second by Donnelly, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.32.110 to allow the petitioner to install two, non-identical wall signs that would be 89.5 square feet and 30.5 square feet, and conform with illumination standards conditional upon the removal of the existing pole sign and replacement with a conforming monument sign due to practical difficulties of the location of the building , the existing façade architecture, and type of use.

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

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 have formally withdrawn their petition for a variance.

CASE NO. 1348

Petitioner: Jamie Rzewnicki

Property: 31505 Kennoway Ct

Village Ordinance: 22.24.010 (a) Front Open Space Residential Zone District R-A 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 attach an existing detached garage and to build a two-story garage addition that will be 59.5 feet from the front lot line where the average front open space is 102.8 feet.

Saur explained that petitioner Jamie Rzewnicki is seeking a variance from requirements of Chapter 22, Section 22.24.010 (a) to attach and expand the existing detached garage, including the addition of a second story.

The property is zoned R-A, 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 modify the existing detached garage which is nonconforming in the current location. The proposal is to attach the garage to the house, expand the garage footprint and add a second story. The building will be 59.5 feet from the front lot line where the average front open space is calculated at 102.8 feet.

The existing house and garage were originally constructed in 1922 and the surrounding area was one large parcel. Over time, the land was developed and additional houses were constructed around the property and existing buildings. The existing garage is nonconforming as detached buildings are not permitted in the front open space. By attaching the garage the petitioner will be eliminating that nonconformity.

The petitioner is proposing to enclose the area where there is an existing open breezeway and create a mudroom, thereby making the garage attached which requires conformance with the setback requirements of the principal building. The existing garage is 82 feet from the closest point, additionally the front property line curves in due to a platted cul-de-sac at the end of the roadway that was never constructed. In addition to the expansion of the garage footprint, the petitioner is proposing to add a second story which is permitted on an attached accessory building;

however, dwelling is prohibited in all accessory buildings therefore the space cannot be finished. The existing home is in conformance with the ordinance requirements for front open space. The range of front setbacks within the 200 foot averaging area is 46 feet to 165 feet.

Section 22.08.100 (i) requires that accessory buildings be designed so that no exterior wall is greater than two-times the length of another exterior wall unless the Planning Commission grants approval upon finding no adverse impact to surrounding neighborhood. The proposed addition will result in a garage that is 48ft 4in long and 23ft 1in wide. Procedurally, the petitioner will be required to receive Planning Commission approval for the design of the garage before permits can be issued if a variance is granted. The proposed modifications otherwise meet Zoning Ordinance requirements. The Board was presented with a copy of the petition form, site plan, floor plans, and elevations.

Rzewnicki explained that the existing garage does not match the aesthetic of the house and surrounding neighborhood. The size does not allow for practical use of the space. Their home has 5 bedrooms and they frequently have 3 or more vehicles at their home. The current garage roof is damaged and needs full replacement, at that time they would frame out two additional stalls onto the existing garage. A second story addition to the home was considered, but with the necessary work to maintain the roofline of the current home that was cost prohibitive. Despite the overall property size, a large portion is located within the floodplain which limits the building envelope. And they are limited by the location and orientation of the existing house and garage.

Kathleen and Jim Berwick, Kennoway Ct., expressed concern related to the garage encroaching on their property. They were reassured that the garage would be fully within the petitioner's property.

A letter in support of the variance was submitted by Catherine Hanson, Kennoway Ct. A letter in opposition of the variance was submitted by an anonymous adjacent neighbor.

Motion by Raeder, second by Crawford, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24.010 (a) to allow the petitioners to attach and expand an existing garage including an unoccupied second story addition that will be no closer than 59.5 feet from front lot line contingent on approval by the Planning Commission for the design per Section 22.08.100 (i) due to practical difficulties of a their regular lot shape and location within the floodplain..

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

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud thanked the Board for their service and Tillman for her leadership. He congratulated Raeder and Maxwell on their new positions.

ADMINISTRATION COMMENTS

Saur announced Crawford had become a full Board member, and a new alternative member, Ahmad Jawad has been selected. She thanked Verdi-Hus for her years of service to the Village. She reported the Fence Ordinance was passed at the June 19, 2018 Village Council meeting and goes into effect July 17, 2018.

ZONING BOARD COMMENTS

Tillman was thanked by the Board for her time and service as the Chairperson. Raeder was thanked for his time as Vice-Chairperson.

Motion by Crawford, second by Maxwell, to adjourn the meeting at 8:40 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary