

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

Absent: Members: Mitchell and Lepidi; Alternate: Gennari

Also Present: Planning and Zoning Administrator, LaPere

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 MAY 13, 2019**

Motion by Crawford, second by Tillman, that the minutes of a regular Zoning Board of Appeals meeting held May 13, 2019 be approved as submitted.

Motion passed.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

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. 1365**

**Petitioner:** Mike and Alaina Brown

**Property:** 18153 Kinross Ave

**Village Ordinance: 22.08.130 Minimum Separation** Residential Zone Districts R-2A, R-2B, and R-3 require minimum separation between structures on abutting lots within the same Zone District to be not less than 15 feet.

**Deviation Requested:** The petitioner seeks to build an addition onto the existing home that will be 14.1 feet from the abutting residence to the west.

LaPere provided an overview of the request by the petitioner to build a second story addition onto the rear of an existing, nonconforming house. The property is zoned R-2B, Single Family Residential. Section 22.08.130 requires minimum separation of 15 feet between structures on abutting lots in the same Zone District. The petitioner is proposing to construct an addition onto the second story of the existing nonconforming house that is 14.1 feet from the neighboring home to the west at the closest point (rear corner). The proposed first and second floor additions and interior renovations will result in a remodeled kitchen, additional living space on the first floor, an expanded bedroom, and additional bath and bedroom on the second floor. The portion of the work that requires a variance is at the rear corner where the petitioner is seeking to expand the second story over the existing first floor. The proposed addition will not encroach any closer to the abutting home to the west than the existing house.

A copy of the petition form, site plan, and supplemental drawings detailing the proposed location of the addition were provided.

Petitioner Alaina Brown noted that this request is for a second story above an existing first floor that is nonconforming and the neighbors are in support of the proposal. Upon inquiry by Tillman, Brown clarified that moving the addition inward would require structural engineering to properly support the second story and the existing first floor would remain nonconforming.

Motion by Tillman, second by Crossen, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.130 Minimum Separation to build an addition onto the existing nonconforming house located at 18153 Kinross Ave that will be no closer than 14.1 feet from the abutting neighbor to the west due to practical difficulties of existing nonconforming location of building, upward continuation of encroachment and does not change the footprint of the building, there are no public safety, health, or welfare concerns, and the circumstances are unique to this property.

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

#### **CASE NO. 1366**

**Petitioner:** Terry Nosan, Nosan Signature Homes  
30600 Northwestern Highway, Ste 400  
Farmington Hills, MI 48334

**Property:** Lot 5, Lahser Road, TH-24-03-302-003

**Village Ordinance: 22.24.010 (a) Front Open Space** Where a front open space of greater or less depth than forty feet exists in front of a single family residence or residences presently on one side of a street in any block and within two hundred feet of the lot or parcel, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences.

**Deviation Requested:** The petitioner seeks to designate Hampstead as the front street and construct a new single family residence on the vacant lot that will have a front open space of 40 feet where the average front open space on Hampstead is calculated at approximately 100 feet.

LaPere provided an overview of the request by the petitioner to be granted a variance from requirements of Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space to construct a new home that will be located no closer than 40 feet from the property line along Hampstead. The property is zoned R-A, Single Family Residential and Chapter 22, Section 22.24.010 (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. Section 22.04, defines front lot line as follows “...In the case of a corner or double frontage lot, the line separating said lot from the street which is designated as the front street in the request for a building permit.” The petitioner is seeking to designate Hampstead as the front street and Lahser as the side street for the building permit to construct a new home on this property. By doing so, the front open space requirement is calculated based on the existing homes along the north side of Hampstead.

The vacant parcel is approximately 250 feet deep (east to west) and 150 feet wide (north to south), and includes 0.8834 acres of land. The lots to the north and south of the parcel front Lahser road, have similar dimensions and lot orientation, and have a front open space ranging from approximately 100-150 feet from the property line. The lots to the east, along Hampstead, are of a similar size and dimension but oriented so the depth is north to south. These homes are set back approximately 100-125 feet from the property line along Hampstead. Given the orientation and dimensions of the lot, the petitioner requires a variance to designate Hampstead as the front street. If the petitioner chose to designate the front street as Lahser, the variance would not be required as a building envelope exists large enough to construct a home that meets the minimum required usable floor area per Village Ordinance.

As a corner lot, Section 22.08.070 requires the street side have a minimum setback of 40 feet where there is an abutting interior lot. That condition exists on both Lahser and Hampstead so the requirement for the street side will be a minimum of 40 feet regardless of the designation for the front street.

The Board was provided a copy of the petition form, site plan, and supplemental pictures detailing the location of the proposed new home. LaPere noted that prior to permit issuance, a complete set of plans detailing compliance with all other applicable sections of the Village Ordinances and Building Code(s) will be required.

Raeder inquired whether the Village Ordinance had any requirements dictating the orientation of the building within the buildable envelope of the lot, or other design requirements that would require the front façade of the building face the front street. LaPere noted that the Village does not regulate the orientation of the home within the buildable envelope.

Nosan noted his concern about interpretation of the Zoning Ordinance if the front façade faced Hampstead while maintaining Lahser as a front street.

Bill Watson, Lasher, noted he lives at the abutting residence to the north and is interested in maintaining the vegetative screening along the property line.

John Stewart, Lasher, supports the variance in theory but is interested in detailed plans for the project.

Upon further discussion, Raeder suggested Nosan meet with Administration to discuss the options available.

Motion by Crossen, second by Jawad, to postpone further discussion and decision until the meeting of July 8, 2019 to allow the petitioner to further discuss the proposal with Administration.

Roll call vote:  
Motion passed (8-0)

## **PUBLIC COMMENTS**

None.

**LIAISON COMMENTS**

John George updated the Board of upcoming changes to an Ordinance related to construction site fencing.

**ADMINISTRATION COMMENTS**

LaPere reported the Planning Commission subcommittees are working on updates to various sections of the Zoning Ordinance and the Village Council is considering amending the Ordinance to modify the sections regulating minimum separation, childcare and adult care facilities, and notification language. LaPere thanked Donnelly for his service to the Zoning Board of Appeals.

**ZONING BOARD COMMENTS**

None.

Motion by Tillman, second by Crossen, to adjourn the meeting at 8:29 pm.

Motion passed.

**Charles Raeder**  
Chairperson

**Kristin Rutkowski**  
Village Clerk

**Elizabeth M. Lyons**  
Recording Secretary