

Present: Chairperson Raeder; Members: Crawford, Crossen, Donnelly, Gatowski, Mitchell, and Tillman; Alternate: Gennari and Jawad

Absent: Vice-Chairperson Maxwell; Member: Lepidi

Also Present: Planning and Zoning Administrator, Erin 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 MARCH 11, 2019

Motion by Tillman, second by Gatowski, that the minutes of a regular Zoning Board of Appeals meeting held March 11, 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. 1363

Petitioner: Chet Friesen

Property: 31360 Pierce St

Village Ordinance: 22.24.010 (a) Front Open Space All Residential Zone Districts require front open space to be not less than the average front open space of existing homes within 200 feet on same side of the street.

Deviation Requested: The petitioner seeks to build an addition onto the existing home that will be 36.38 feet from the front lot line where the average front open space is 39.58 feet.

The petitioner is seeking a variance from requirements of Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space to build an addition onto the front of an existing, attached garage. The property is zoned R-2B, Single Family Residential. 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. The petitioner is proposing to add an addition to the existing attached garage that will be 36.38 feet from the front lot line where the average open space is calculated at 39.58 feet.

The proposed addition and interior renovations will result in an increase to the garage depth and an expanded laundry/utility room for the petitioner. The property adjacent to the addition on the north faces Amherst and this addition will remain several feet behind the rear corner of that house. The proposal otherwise meets the requirements of the Village Zoning Ordinance. A copy of the

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

Friesen spoke, explaining they have owned their home for 11 years, and with a growing family they needed to improve the space and functionality of the home. The current laundry space is unusable, and the garage is not large enough to park a car in. The intention is to match the roof line and brick on the home. After considering all options adding on in any other direction would become cost prohibitive.

Motion by Tillman, second by Donnelly, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space to build an addition onto the existing attached garage located at 31360 Pierce St that will be no closer than 36.38 feet from the front property line due to practical difficulties of the configuration of the house and the lot, load bearing walls are unusable in any other solution, the age of the home, and the need for additional space for conventional usage.

Roll Call Vote:
Motion passed (9-0).

CASE NO. 1364

Petitioner: Lauren Brown
36240 Woodward Ave,
Bloomfield Hills, MI 48304

Property: 17811 Beechwood Ave

Village Ordinance: 22.08.100 (c) Accessory Buildings, Structures, and Uses in Residential Zone Districts: Accessory structures may occupy a portion of the rear open space and are not permitted in front or side open space.

Deviation Requested: The petitioner seeks to retain an a/c condenser installed in the side open space.

Petitioner Lauren Brown, 36240 Woodward Ave, Bloomfield Hills, MI 48304, for property at 17811 Beechwood Ave, is seeking a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts to retain an a/c condenser located in the side open space. The property is zoned R-2A, Single Family Residential. Section 22.08.100 requires accessory structures and uses to be in the rear open space.

The petitioner is seeking to retain an a/c condenser that was installed in the side open space. The Village has permitted mechanical units, including 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. The petitioner has also indicated she will install plantings or screening to shield the unit from view. The proposal otherwise meets the requirements of the Village Zoning Ordinance. A copy of the petition form, site plan, and supplemental pictures detailing the location of the mechanical unit were provided.

LaPere explained that a permit was issued for the replacement of the /c condenser, however they were not notified of the location change at the time of issuance. It is considered the responsibility of the contractor to be aware of any rules related to unit placement.

Brown explained that the permits were issued, and that the contractor performing the work discovered corroded lines and were concerned about potential leakage. The new condenser is placed outside of the interior utility room. Neither she nor her contractor were aware of the 5 foot setback requirement when the unit was installed.

Jawad explained that leakage was unlikely, and the contractor could have easily installed new lines, leaving the unit where it was located originally.

Raeder reiterated the responsibility falls upon the contractor to be aware of any ordinances and set back requirements in the Village.

Collen Shovlin, Beechwood Ave., explained that the unit is approximately 16 inches from the side lot line and is not in compliance. The condenser being located so close to the lot line means that any green screen would not block the noise or sight of the unit. She noted the location could impede the use of her driveway.

Motion by Tillman, second by Mitchell, that the Zoning Board of Appeals denies a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts to retain an a/c condenser located in the side open space on the property located at 17811 Beechwood Ave due to the absence of practical difficulty standards met, including the lack of consent from abutting neighbor, the location of the unit is less than 5 feet from the lot line, and the petitioner has the ability to retain the unit in a compliant location.

Roll call vote:
Motion passed (9-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

LaPere reported the Planning Commission is working on updates to the construction fencing ordinance and have created subcommittees for other ordinance section reviews.

ZONING BOARD COMMENTS

None.

Motion by Tillman, second by Crossen, to adjourn the meeting at 8:08 pm.

Motion passed.

Charles Raeder
Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary