

Present: Chairperson Raeder; Members: Crawford, Crossen, Gatowski, Jawad, Maxwell, Mitchell, and Oen; Alternate: Keller

Absent: Vice-Chairperson Tillman; Alternate: Gennari

Also Present: Planning and Zoning Administrator, LaPere
Council Liaison, George

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 JULY 8, 2019

Motion by Oen, second by Gatowski, that the minutes of a regular Zoning Board of Appeals meeting held July 8, 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. 1366

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

Property: TH-24-03-302-003

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 a new home on a vacant lot that will be 40 feet from the Hampstead lot line where the average front open space is approximately 107.5 feet.

The property is zoned R-A, Single Family Residential. 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 designate Lahser road as front, 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. Prior to permit issuance, a complete set of plans detailing compliance with all other applicable sections of the Village Ordinance and Building Code will be required.

Nosan noted that the house could be constructed with the front façade facing Hampstead while maintaining Lahser as the front street; however, a variance would be needed for detached accessory structures on the north side of the property as this area would be the side yard per Zoning Ordinance definitions. He noted topographical constraints to locating the driveway off of Lahser. He also stated that they sought to include the property in the Hampstead neighborhood association.

Raeder contends that based on the location, size, and orientation of the lot it should remain as a Lahser facing lot. There was discussion regarding whether there was any reasonable practical difficulty to developing the lot as a Lahser facing home. Maxwell inquired about the rationale for the proposed locations presented by the petitioner. Nosan contends that facing Hampstead is the best option for the potential buyer of the property.

Motion by Oen, second by Maxwell, that the Zoning Board of Appeals denies a variance from requirements of Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space to designate Hampstead as the front lot line to build a new principal building on the vacant lot located at the northeast corner of Lahser and Hampstead, Parcel ID TH-24-03-302-003, that will be no closer than 40 feet from the property line along Hampstead due to the absence of any practical difficulty standards met.

Roll Call Vote:

Crawford	no
Crossen	yes
Gatowski	yes
Jawad	yes
Maxwell	yes
Mitchell	yes
Oen	yes
Raeder	yes
Keller	yes

Motion passed (8-1)

Oen explained he has a financial relationship with the property owner of Case No. 1369 and requested the Board recuse him from deliberation and voting on this matter.

Motion by Maxwell, second by Crossen that Oen be recused from Case 1369, due to his business involvement with the owner of the building.

Motion passed.

CASE NO. 1369

Petitioner: Kevin Deters, Metro Detroit Signs
11444 Kaltz Ave
Warren, MI 48089

Property: 31213 Southfield Rd, Village Pharmacy and Compounding

Village Ordinance: 22.32.090 Prohibited Signs in All Zoning Districts. The following signs are prohibited in all Zoning Districts: 20. Parasite signs.

22.32.095 Standards for All Signs, 6. Sign Colors: No sign shall contain more than three (3) colors. Black and White shall be considered to be colors except when either is used only as the background of the sign.

22.32.110 District Regulations: Ground Sign, Maximum Area, 30 Square Feet. Wall Sign, Maximum Area, one square foot for each linear foot of principal building frontage not to exceed 30 square feet. A business with 15,000 square feet or more may have up to 60 square feet

Deviation Requested: The petitioner seeks to install a new wall sign that will be 72 square feet and contain four colors, and to install two parasite signs attached to the existing ground signs for Market Fresh located on Southfield Road and 13 Mile Road.

The property is zoned B, Business. Chapter 22, Section 22.32 enumerates the requirements for signage in the Village. The petitioner is proposing to add a new wall sign and attach signage to the existing ground sign for the new tenant, Village Pharmacy and Compounding, who will occupy the space at 31213 Southfield Rd later this year. The proposal details the addition of two metal panels, which are 4.66 square feet, to be directly affixed into the exterior metal support of the existing ground signs on Southfield Road and 13 Mile Road. Section 22.32.090 prohibits parasite signs, which are defined in Section 22.32.020 Definitions as follows: A sign intended to draw attention to any one or more of various services, items for sale, contests, etc., and is attached as an appendage to a sign, sign support or any part of a principal building, accessory building or other structure located on the premises. Given that these are being attached as an appendage to the sign support, the signs as proposed are not allowable. Furthermore, the existing ground sign is 29.75 square feet, and the size limit for ground sign is 30 square feet so even if this were considered a part of the existing sign it is not allowable due to the size limitations.

The proposal for the wall sign details a 72 square foot sign that will contain four colors, gray, white, black, and red. As described in Section 22.32.095, black and white are considered colors unless solely used as background. The background for this sign is gray. The multi-color logo could be permitted at the discretion of the Planning Commission which would negate the requirement for a variance from the regulations on total number of colors. Per Section 22.32.110 the maximum size for a wall sign is 30 square feet and the petitioner is requesting approval for a sign that is 72 square feet.

A letter from the petitioner details their rationale for the larger sign size, color scheme, and attachment to the existing ground sign. Additionally, a copy of the petition form, renderings of the proposed signage, and permit application were provided. Prior to permit issuance, approval by the Planning Commission will be required.

Mary Ann Deters, Metro Detroit Signs, Gabe Zawada, Village Pharmacy and Compounding, and Johnny Karmo, Market Fresh were all present.

Deters explained the size of the proposed sign is proportional to the sign design and the street frontage of the store façade. The 72 square foot measurement includes the backer panel which is necessary for structural integrity due to the number of individual letters of the sign. Excluding the backer panel, the sign content alone measures approximately 47 square feet.

Zawada explained that this signage is consistent with his other locations and that he desires to maintain his logo for branding and recognition. When designing the sign, a smaller size was considered but reducing the size rendered the content unreadable from the street. He noted the speed limit and size of Southfield Road necessitate a larger sign. Further, he contended that the amount of brick wall face and overall size of the building will dwarf a smaller sign.

Raeder believes that the sign is consistent with other business signs and the size of the building. Mitchell also agreed that the wall sign is within reason based on the factors noted by the petitioner.

Discussion took place regarding the parasite signs. Zawada acknowledged that they are not allowable; therefore, he withdrew the request for parasite signs to be attached to the existing ground signs for Market Fresh located on Southfield Road and 13 Mile Road.

Motion by Maxwell, second by Mitchell, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.32.095 Standards for All Signs, and Section 22.32.110 District Regulations for installation of a new wall sign that will be 72 square feet and four colors for Village Pharmacy, 31213 Southfield Road, due to practical difficulties of visibility on major thoroughfare, overall size of store front, traffic speed and volume, and maintaining the established brand logo.

Roll Call Vote:
Crawford yes
Crossen no
Gatowski yes
Jawad yes

Keller	no
Maxwell	yes
Mitchell	yes
Raeder	yes

Motion passed (6-2-1 abstain).

PUBLIC COMMENTS

None.

LIAISON COMMENTS

George welcomed Maxwell and Keller to the Board. He reported the Council continued to discuss an overhaul to the Village Code and would like to see further discussion on side yard mechanical units.

ADMINISTRATION COMMENTS

LaPere reported that there are currently no petitions for the September meeting.

ZONING BOARD COMMENTS

Raeder welcomed members Maxwell and Keller to the Board.

Motion by Crawford, second by Oen, to adjourn the meeting at 8:56 pm.

Motion passed.

Charles Raeder
Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary