

Present: Chairperson Tillman; Vice-Chair Schafer; Members: Delaney, Donnelly, Eifrid, Mueller and Verdi-Hus

Absent: Fox, Rass

Also Present: Village Manager, Chris Wilson

Chairperson Tillman called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF ZONING BOARD MEETING HELD MARCH 10, 2014**

Motion by Delaney, second by Donnelly, that the minutes of the regular Zoning Board of Appeals meeting held on March 10, 2014 be approved as submitted.

Motion passed.

**CASE NO. 1265**

**Petitioner:** Alexandra Bertoni

**Property:** 30335 Woodhaven Lane

**Village Ordinance: Section 22.08.220: “22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES.** 3. The maximum duration for use of such containers shall be fourteen (14) days within any six (6) consecutive months. A property owner may seek a longer duration in accordance with the provisions above whereby Zoning Board of Appeals approval is required.

**Deviation requested:** The petitioner requests to keep a temporary/portable structure in driveway for an as yet undetermined period of time.

Manager Wilson stated that this is a relatively new ordinance passed by the Village in reaction to instances where storage units were being used for more permanent temporary storage in side yards or rear yards. The Planning Commission drafted an ordinance that would allow these storage units on a temporary basis with restrictions. The petitioner in tonight’s case is requesting to go beyond the 14 day maximum allowable period to store items in order to place her home on the market for sale.

Tillman stated that this is a use variance that requires six affirmative votes to be granted. There are seven out of nine members present this evening. The petitioner may ask the Board to table her case until the next meeting when a full complement of the Board is present. Tillman outlined the requirements of a use variance for the benefit of those present.

The applicant, Alexandra Bertoni, explained that she and her husband are in the process of placing their house on the market. The home is in the process of being staged and should be listed by the end of this week. Bertoni said that she is an artist and will move her art supplies into the storage unit along with excess furniture to be placed in an estate sale. She is requesting to

keep these items in the unit on her property and not pay the monthly fee to have the unit stored off site. Bertoni said that the unit would be needed for about two months in order to provide them with the necessary time to sell the house and find a place to live. The storage unit is on the premises currently; an application to appear before the Zoning Board was filed on May 13, 2014.

The petitioner addressed questions and comments from Board members regarding the cost of off-site storage, the location and visibility of the unit, timing issues, information on the house, financial considerations, and other areas where the items could be stored. The size of the storage unit is 8' x 16'. Bertoni indicated that she needs the unit in the driveway in order to have access to the items that will be placed in the estate sale after the house is sold.

Board members expressed concern relative to setting an unfavorable precedent. The indefinite time period that the pod will be needed was also considered. It was noted that financial hardship is not considered a basis for granting a variance. It was suggested that any motion should include a durational limitation. An application for a hearing must be submitted 15 days in advance of the monthly ZBA meeting date.

In answer to an inquiry, Wilson stated that the Village does not have a permitting process for use of temporary storage units. When units are observed by the code enforcement officer, notification is sent informing residents that the units are allowed for a period of 14 days. Historically, enforcement action is stopped once a ZBA petition is filed. If the request for variance were denied, the Village would issue a field correction notice that allows the property owner 10 days to correct the situation. If the correction is not made, a ticket could be issued at that point requiring an appearance in district court. It could take 30 days before a hearing occurs. A fine for a civil infraction is \$100.

Neighbor Diva Williams of 30370 Vernon affirmed that the circumstances related to the homeowners and the sale of their house involve a hardship that should be considered by the Board. She noted that the pod is located toward the back of the driveway and is barely noticeable from the street. The storage unit remains closed unless Ms. Bertoni is working on filling it. The pod is not an eyesore; there have been no complaints from neighbors.

Rock Abboud of 18207 Gould Court, Planning Commission member, stated that the Planning Commission was involved in drafting this ordinance. Granting a variance from the ordinance could set a precedent.

There were comments regarding the ordinance language with the suggestion that it needs to be revisited. The wording that requires ZBA approval for a longer duration was a topic of discussion. The question was raised as to whether the variance could be granted based on what the Zoning Board is allowed to do. Consideration may not have been given to the fact that the Zoning Board has requirements for granting a use variance.

Wilson mentioned that the original draft of the ordinance included a 30-day time limit for temporary storage units. It was altered to limit the time period to 14 days pending ZBA approval for a longer duration.

Chairperson Tillman questioned what would occur if the petitioner asked that the case be tabled until there was a full complement of the Zoning Board. Wilson responded that the Village would probably issue a field correction notice if the case were tabled. If a ticket is eventually issued and the matter goes to court, it is likely that no action will be taken if there is a pending Zoning Board of Appeals case on this hearing.

The applicant Alexandra Bertoni requested that her case be tabled.

### **PUBLIC COMMENTS**

None

### **ZONING BOARD COMMENTS**

Schafer informed the Board that he will not be seeking reappointment after serving on the Zoning Board for over 15 years. He said that it has been an interesting experience and a pleasure working with everyone on the ZBA.

Schafer reiterated that Ordinance Section 22.08.220 Temporary and Portable Buildings, Uses and Structures needs work. He suggested that the Zoning Board recommend that the Planning Commission revisit the language.

Delaney thanked Schafer for his time on the Board and added that he has appreciated his comments. Schafer's absence will be a loss to this Board. Delaney requested an update on the self storage building proposal for the former McDonald's property on Southfield Road.

Tillman thanked Todd Schafer for his tenure on the Zoning Board of Appeals. He has provided the Board with knowledge, guidance, and insight. The Village has been fortunate to have him volunteer his time and expertise over the last 15 years. Todd will be missed.

Members congratulated Chris Wilson on the birth of his son Elias.

### **MANAGER COMMENTS**

Wilson stated that the applicant withdrew his petition to come before the Zoning Board of Appeals regarding a proposal for a self storage building on Southfield Road. Wilson will keep Zoning Board members apprised of any further activity regarding this matter.

On behalf of Village Council and Administration, Wilson thanked Todd Schafer for his innumerable years of service. The terms of MaryAnn Verdi-Hus and Michele Tillman are also up for renewal. He hopes they will be interested in applying for another term. Wilson said that the alternate members will be given first choice to fill the vacancy created by Todd Schafer. Council will discuss this at their June 17 meeting.

Wilson stated that there will be a case before the Zoning Board next month involving a sign request from Michigan Beer Growler, a new business at 31215 Southfield Road. The Planning Commission approved the site plan. The business owner is proposing a wall sign on the multi-tenant strip mall. They will be requesting a variance from the ordinance language stating that no sign shall be nearer than 20' to any other sign or structure other than a structure to which it is

attached. The Planning Commission approved the sign permit contingent upon a variance being granted by the ZBA from the sign spacing standard of the Zoning Ordinance.

Wilson remarked that the case heard by the Board at this meeting brought up an issue related to civil infractions. A number of years ago, municipalities across the state went from misdemeanor infractions on a lot of ordinance violations to civil infractions. It has been a great tool in about 95% of cases. Civil infractions have almost become a tax in many cases. If someone goes to court and pays the \$100 fine, the Village does not have the mechanism to remove the violation. The Village can issue another ticket and take the individual to court, but the judge may issue a larger fine. Wilson said that certain cases cannot be remedied under the municipal civil infraction standard. There are instances where the municipal civil infraction standard can become a hamstring to getting otherwise resolvable issues resolved. The storage unit issue is an example of this.

Schafer commented on the Michigan Beer Growler signage case, noting that there is a potential ordinance interpretation question regarding whether the 20' separation was intended to apply to wall signs. Wilson did not think that this petition was filed as an ordinance interpretation question.

Motion by Schafer, second by Delaney, to adjourn the meeting at 8:36 p.m.

Motion passed.

**Michele Tillman, Chairperson**  
**Zoning Board of Appeals**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**