

Present: Chairperson Tillman; Members: Delaney, Donnelly, Eifrid, Fox, Mueller, Raeder, Rass and Verdi-Hus

Absent: None

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 JUNE 9, 2014

Motion by Delaney, second by Mueller, that the minutes of the regular Zoning Board of Appeals meeting held on June 9, 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.

Chairperson Tillman reviewed that this case was tabled at the June 9, 2014 meeting in order to have a full complement of Zoning Board members present. The petitioner Alexandra and Anthony Bertoni were present tonight requesting to exceed the 14 day maximum time period to locate a temporary storage container on their driveway. They have expressed a need to store items while they are in the process of staging and selling their home.

Tillman related that she spoke with Village Attorney Tom Ryan, who indicated that this is a dimensional variance and not a use variance. This is an authorized use; a variance is requested to extend the time of use. Tillman summarized the conditions that apply to granting a dimensional variance. The petitioner will have to demonstrate that enforcement of the ordinance creates an exceptional practical difficulty or undue hardship.

Anthony Bertoni of 30335 Woodhaven distributed written material and outlined his request for variance to extend the time period to have an 8’ x 16’ portable shipping container on his property. The container is located on a paved driveway surface in an area where it is not an eyesore for the neighbors. He noted that Woodhaven is not a main road.

Bertoni stated that the container is required in order to prepare their house for sale. It provides temporary shelter for the family's possessions while the house is cleaned and staged prior to being placed on the market. The container is now half packed in preparation for moving away. It would create a considerable hardship to move all their belonging to an offsite storage facility. Bertoni does not expect the container to remain on the property for a long period of time because the house was listed for sale last week.

Bertoni submitted a petition signed by seven neighbors on Woodhaven who have no objection to the presence of the temporary container remaining on the property until the home is vacated. Bertoni asked the Board members to consider that they have been residents for over 20 years and have been active in the community.

Zoning Board members discussed the request for variance. Questions were addressed by the petitioners, who provided further explanation relative to their use and need for the storage container. It was indicated that the pod has been located on the property for about 40 days. The petitioner is requesting an additional 60 days or less if the home is sold and vacated sooner. The house was listed last week and is ready for sale. In response to an inquiry, Mr. Bertoni stated that the home has not been shown yet for the reason that debris from a recent storm had to be removed. The applicants have not yet purchased a new residence. It was noted that the container can be moved offsite for a fee each time it is transported.

There were members who were amenable to allowing additional time for the use of the storage container with a time limit set. The requirements for staging and selling a house were addressed. Alternatives to extended use of a pod were suggested.

Some of the Board members thought it was excessive to allow a pod to remain in the driveway for the period of time requested in addition to the 40 days it has been on the site. Storage containers can become an eyesore. It was suggested that the intended use of a pod was to load it and move it away.

Wilson stated that the petitioners were given a 10 day correction notice to rectify the situation. If the case is not approved tonight, the homeowners will be issued a citation for appearance in district court.

Kevin Dimitri of 30255 Woodhaven, who lives two doors from the Bertonis, affirmed that the neighbors who signed the petition do not have an issue with the pod. Dimitri did not think the storage container was an eyesore. The Bertonis have been great neighbors and he supported their request for variance.

Decision: Motion by Eifrid, second by Tillman, to grant the request for variance to allow a temporary/portable structure (8'x16') to remain in the driveway at 30335 Woodhaven Lane for an additional 60 days from today. The hardship has been finding additional space for their possessions during the transition process of selling their house and moving and the cost involved in moving the pod.

Roll Call Vote:

Fox - no
Mueller - no
Rass - no
Tillman - yes
Verdi-Hus - no
Raeder - no
Delaney - no
Donnelly - no
Eifrid - yes

Motion failed (7 – 2).

CASE NO. 1266

Petitioner: Metro Sign (on behalf of Michigan Beer Growler)
23544 Hoover Road, Warren

Property: 31215 Southfield Road

Village Ordinance: Section 22.32, (5) (10): No sign shall be nearer than 20 feet to any other sign or structure other than a structure to which it is lawfully attached.

Deviation requested: The petitioner requests to erect a permanent wall sign closer than 20 ft. The storefront is only 18 feet from adjacent businesses.

Manager Wilson stated that this case was referred by the Planning Commission to the Zoning Board of Appeals. The wall sign for a new business, Michigan Beer Growler Company at 31215 Southfield Road, was approved by the Planning Commission as submitted contingent upon a variance being granted by the Zoning Board of Appeals from the sign spacing standard of the Zoning Ordinance. The new sign ordinance requires that no sign be nearer than 20 feet to any other sign or structure. The sign demonstrates compliance with all other aspects of the sign ordinance.

This new business will be located in the former dry cleaner tenant space within a multi-tenant commercial building. The center of the Michigan Beer Growler storefront is only 18 ft. from either of the adjacent signs. Based on the limitation of the ordinance, the business would not be allowed to have any sign. The 20 ft. distance is a requirement of the new sign ordinance. It was noted that the Papa John's sign is only 8 ft. from the Jimmy John's sign. Wilson thought that the intent of the ordinance language was for sign spacing to apply to ground or monument signs and not wall signs.

Paul Deters from Metro Detroit Signs concurred with the summary presented by Chris Wilson. He affirmed that there was no way that the petitioner could comply with the sign ordinance standard. Deters addressed questions from Board members.

Decision: Motion by Fox, second by Mueller, to approve the variance requested for signage at 31215 Southfield Road as submitted in the application based on the practical difficulty complying with the ordinance requirement for 20 feet between signs considering that there is less than 20 feet from the center of the storefront to the adjacent businesses in the strip mall.

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

ELECTION OF CHAIRPERSON AND VICE CHAIR

Tillman opened the floor for nominations for chairperson of the Zoning Board of Appeals. Tillman nominated David Eifrid as chairperson. There were no further nominations. Eifrid was elected chairperson by acclamation.

Tillman asked for nominations for vice chairperson. Fox nominated Michele Tillman for this position. There were no additional nominations. Tillman was elected as vice chairperson by acclamation.

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

Delaney questioned the status of the proposal before the Village for a self storage building on Southfield Road to be located at the former McDonald's site. Wilson reviewed that the applicant withdrew the petition to come before the Zoning Board of Appeals for a variance. Wilson has heard nothing from the property owner, the developer or his attorney since that time.

Tillman mentioned that she received an email from Todd Schafer. He suggested that the 20 ft. separation between signs was meant to apply to ground signs and not wall signs. Schafer expressed concern that the ability of an applicant to table their case could be used to circumvent ordinance requirements.

Wilson responded that the tabling issue and the \$65 application fee have been topics of discussion. Historically, the fee was probably low in recognition of extensive noncompliance in residential areas of the Village. Many of those issues have been addressed by zoning ordinance changes. It may be time to increase the fee to come before the Zoning Board of Appeals in order to cover the costs of mailing, review, and Village Manager's time. In response to an inquiry, Wilson stated that it is within the rights of the Zoning Board to vote on a case if there is not a full complement of members present.

Raeder made the point that alternate members of the Board should be notified if they are needed at an upcoming meeting.

ADMINISTRATION COMMENTS

None

Motion by Fox, second by Raeder, to adjourn the meeting at 8:33 p.m.

Motion passed.

Michele Tillman, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary