

Present: Chairperson Eifrid; Vice-Chair Tillman; Members: Crossen, Delaney, Fox, Drummond, Raeder and Verdi-Hus

Absent: Donnelly, Mueller, 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 AUGUST 11, 2014

Motion by Raeder, second by Fox, that the minutes of the regular Zoning Board of Appeals meeting held on August 11, 2014 be approved as submitted.

Motion passed.

It was noted that Case 1268 was withdrawn by the petitioner earlier today.

CASE NO. 1269

Petitioner: Maureen Giammara

Property: 32435 Madison

Village Ordinance: Section 22.24.010... R2-A zoning designation requires a 30-ft. rear open space setback.

Deviation: The petitioner is requesting a deviation from the required rear setback for a bathroom addition and relocation of garage.

Manager Wilson related that the property in question is in the R2-A zoning district, which requires a 30 ft. rear open space in lieu of 40 ft. required in other zoning districts. The petitioner is proposing to tear down the existing garage in order to construct an attached garage and an addition to the rear of the home. The addition would extend into the rear yard setback by 8.5 ft. making the structure 21.5 ft. from the lot line. The house is on a large lot with a sizable side yard open space as evidenced on the plan submitted. Wilson displayed photographs of the house and property on the smart board and pointed out where the addition would be constructed.

The petitioner Maureen Giammara said that an addition would be built that would extend from the back of the house to square off the structure. A new garage is proposed to be added to the rear of the house. The existing detached garage is located near or on the side lot line and is in a state of disrepair. A new two-car garage would be further from the adjacent neighbor's house. The garage door would not be visible from the street.

Giammara said that the house has one bathroom on the second level and no half-bath on the first floor. The proposal is to add about 13 ft. to the rear of the house for a half bath and to provide more room in the small kitchen. There will be an 8 ft. entranceway for access into the house and

garage and will include a laundry room. The new garage will be further from the residences to the side and to the rear.

Questions and comments from Board members were addressed by the petitioner. It was noted that the parcel consists of a double lot with 97 feet in the front and 107 feet across the back. There is a large open space to the right of the house. The proposal is for a two-story addition to the house. Space will be added to a bedroom and a bathroom on the second floor. Giammara displayed the house plans for Board members.

Decision: Motion by Tillman, second by Delaney, to approve the variance requested on property located at 32435 Madison to allow a deviation from the required 30 ft. setback for a 21.50 ft. setback in order to construct an addition to the rear of the home consisting of living space and an attached garage. The variance is granted with the condition that there be no accessory structures built directly behind the dwelling and existing garage. Further, granting of the variance is conditioned on their being no improvements or construction in violation of the utility easement existing on these two parcels.

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

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

Fox commented that there may be an item on next month's meeting agenda concerning a nonconforming privacy screen erected on property in her neighborhood. She brought this nonconforming privacy screen to the attention of Manager Wilson in June and questioned whether it would be removed or come before the Zoning Board for a variance. Fox related that she spoke with the Village's code enforcement officer about this issue and was told that he was not going to take any action regarding the nonconforming privacy screen. Fox expressed her concern with what appeared to be selective enforcement by the individual who is responsible for code enforcement of the Zoning Ordinance.

Delaney mentioned that a house on Warwick was demolished in November or December of 2013, and no work has been done on constructing a new house after a basement was dug. The garage remains on the site. Wilson responded that Village Administration has been dealing with this property. He provided some background indicating that the house was proposed to be remodeled when a surveying error was uncovered as part of a proposal to expand the residence at 18450 Warwick. A land division application was presented to the Planning Commission that would shift the common side lot line by 10 feet to the east conveying 1,300 square feet of lot area from 18414 Warwick to 18450 Warwick. This lot reconfiguration was reviewed and recommended by the Planning Commission and approved by Council in April of 2014.

Wilson said that the basement was poured in the early Fall. No other work has transpired. He will check with the Royal Oak building department and Public Services Director Tom Meszler to determine why progress is not being made on this residence. Delaney questioned the Village's authority in matters like this. Wilson stated that a building permit is usually valid for one year

and is likely to expire soon; it will be at the discretion of the Royal Oak building department whether to extend the building permit. Available options were discussed. Wilson added that this is an unusual problem to have in Beverly Hills. Delaney suggested that the property be fenced to keep the area safe.

Delaney questioned the success and function of the transfer of Village building department services to the Royal Oak building department. Wilson talked at some length about operations that are going well and other processes that need improvement. He outlined the responsibilities and functions performed by the Village. It was noted that there are technical software issues that will be expanded in the coming months. Delaney emphasized that it is important to encourage people and make it as easy as possible for residents to update and remodel their homes and to do it with a permit.

Raeder commented on the Ordinance section regulating temporary and portable buildings, uses and structures. He commented that this ordinance does not function well. The ordinance states that the maximum duration for use of these containers is 14 days within six consecutive months. A property owner may seek a longer duration by requesting a variance from the Zoning Board of Appeals. Raeder noted that appeal case #1268 involving a request for an extension of the allowable time for use of a pod was withdrawn today prior to tonight's hearing.

Wilson said that he would propose an application process that would allow a temporary storage building to remain on a property for 30 days. The adopted ordinance allows a structure to remain on site for 14 days with no application to the Village. If there was a permitting process, the Village could issue a ticket if the structure was in use without a permit. Currently, when a pod goes unnoticed for a number of days, the Village can instruct the homeowner to remove the structure within 14 days or file an application to come before the Zoning Board of Appeals. It is a month long process to arrange a hearing before the ZBA.

Raeder questioned the tone of the Planning Commission concerning its effort to compel small business owners to replace nonconforming signs throughout the Village. He thought that the Village should attempt to preserve small businesses in the community.

Wilson addressed an inquiry from Delaney on the status of the 31333 building tenants.

ADMINISTRATION COMMENTS

None

Motion by Fox, second by Tillman, to adjourn the meeting at 8:28 p.m.

Motion passed.

**David Eifrid, Chairperson
Zoning Board of Appeals**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**