

Present: Chairperson Tillman; Members: Crossen, Donnelly, Eifrid, Maxwell, Mitchell, Verdi-Hus; Alternate: Gatowski

Absent: Vice-Chairperson Raeder; Member Lepidi; Alternate: Hynes

Also Present: Planning and Zoning Administrator, Wilks
Council Liaison, Abboud

Zoning Board Chairperson Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. in the Southfield Township municipal building at 18550 W. Thirteen Mile Road.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD AUGUST 8, 2016.

Motion by Crossen, second by Maxwell, that the minutes of the regular Zoning Board of Appeals meeting held August 8, 2016 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1308

Petitioner: Thomas F. Aylward

Property: 16150 Amherst

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations. Zoning District R-2A requires fences be no more than 48 inches above grade and 35% open to air and light.

Deviation Requested: To keep a fence that is solid wood and 6ft above grade.

Wilks explained petitioner Thomas Aylward is seeking a variance from requirements of Section 22.08.150 to keep a fence that is 6ft above grade and less than 35% open to air and light. The property is zoned R-2A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screens requires fences to be no greater than 4ft above grade and 35% open to air and light. The petitioner erected a 6ft fence which is solid wood privacy style along the rear and east side lot lines on August 29, 2016. He is seeking a variance to keep the fence as built. His home is located within 10ft of the rear property line and there is not sufficient space to place the fence 10ft off the property line to be compliant as a privacy screen.

Aylward apologized for not coming for a permit before constructing his fence. He explained that he removed the existing cyclone fence and replaced it with the wooden fence. He installed the fence to create some privacy for his small yard. He stated he sent letters to the surrounding neighbors and all were agreeable to the fence.

Tillman read an anonymous letter from a resident on Lauderdale who expressed the opinion that all residents should be held to the laws, by-laws and ordinances.

Crossen asked if Aylward had considered planting a green screen. Aylward explained there was little room for plants and previously planted ones had died.

Eifrid suggested that Aylward consider adjusting the height of the fence to meet the code. Aylward pointed out there are many six-foot fences in his neighborhood. Tillman explained that those fences were in existence before the code was written, and are grandfathered in.

Dan Nunez, Marguerite Street, expressed support for allowing the fence, and would like to see a change to the fence ordinance. He suggested that residents speak at Council and Planning Commission meetings to effect change.

Harold Wasner, Marguerite Street, stated the fence is a very nice fence, however doesn't feel that Aylward should be exempt from following the ordinance.

Robert Stempien, Mayfair, is a member of the Planning Commission and he encouraged residents to speak to the Village Council if they would like to see change.

Aylward requested to table his request for variance while he worked with administration to explore alternatives.

Upon discussion, there was consensus of the Board to table the decision until the next meeting to allow the petitioner to meet with administration.

CASE NO. 1309

Petitioner: John & Angie Boyle

Property: 18201 Devonshire

Village Ordinance: 22.24 Schedule of Regulations. Zoning District R-2B requires rear open space of 40 feet.

Deviation Requested: To build a second story addition that is 36 feet 2 inches from rear property line.

Wilks explained petitioners John & Angie Boyle are seeking a variance from requirements of Section 22.24 Schedule of Regulations to build a second story addition onto rear of existing home. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations requires rear open space of 40 feet. The petitioners are seeking to add onto the second story of their existing home. The expansion onto the rear of the second story would encroach 3 feet 10 inches into the rear open space. The first story of the existing home already encroaches into the rear open space. The addition would not further

encroach beyond the first story. Additionally, the lot is not a true square, and the rear lot line is angled.

Eifrid asked if the intention was to expand the second story over the flat top of the first story addition.

Boyle explained they have lived in their home for eight years, and love the neighborhood, but have three children and are outgrowing their home. The previous addition was a first-floor family room and porch, with a roof built to support a second story. They will not go over the current variance and look to maintain the character of the neighborhood.

Motion by Eifrid, second by Maxwell, the Zoning Board of Appeals approves a variance from the requirements of Section 22.24 to allow the petitioner to build a second story addition onto the rear of their existing home that would be no closer than 36 feet 2 inches to the rear lot line due to practical difficulties of lot shape and placement of existing structure.

Roll Call Vote:
Motion passed (8-0)

CASE NO. 1310

Petitioner: Michael & Kathryn Timlin

Property: 18184 Buckingham

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations. Zoning District R-2B requires fences be no more than 48 inches above grade and 35% open to air and light.

Deviation Requested: To build a fence that is 5 feet above grade.

Wilks explained petitioners Michael and Kathryn Timlin, are seeking a variance from requirements of Section 22.08.150 to build a fence that is 5ft above grade. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screens requires fences to be no greater than 4ft above grade in the rear yard. The petitioners are seeking to build a fence that will be 5ft above grade in their rear yard. The fence is otherwise compliant with Village Ordinance. They are seeking to replace an existing 4ft chain link fence with a 5ft aluminum fence to prevent their dogs from jumping out of the yard.

Timlin explained they have two young boxers that can jump the current four-foot fence. There are 20 kids that live on the street, and their street is close to Southfield putting the dogs at risk of causing or being in an accident. A resident on another street has already threatened police action after their dogs got out. They considered an electric fence, but were concerned that it would breed aggression. Timlin showed examples of where the dogs chewed through tethering and pulled tethers out of the ground. Timlin provided a signed petition from neighbors in support of the fence.

Mitchell asked about the grade of the yard. Timlin explained that it is uneven; the existing fence ranges three feet to four above grade. The current fence was in place when they bought the house, and is a cyclone fence that needs replacement, as it is rusted and bent.

Verdi-Hus asked if the yard was large enough to create a penned area for the dogs. Timlin explained that there is not enough space in the yard. Wilks concurred using privacy screen regulations to create a pen would allow only a ten-foot by two-foot space.

Tillman suggested a four-foot fence with a green screen of arborvitae. Timlin explained that the arborvitae would not be enough to keep the dogs from jumping the fence. They explained that their attorney advised them if someone was injured because their dogs were out of the yard, they would be held liable.

Tillman explained that the Board can only grant variances based on unique circumstances with the lot, not the inhabitants. Verdi-Hus stated that choosing to own the dogs is a self-imposed problem, not one unique to the lot.

Aylward asked the Board when this fence ordinance was enacted. Tillman stated the fence ordinance was adopted in 1999.

Timlin explained that their request for a fence is not a privacy issue, but a safety issue for the dogs and the neighbors.

Tillman explained that the Board is required to grant variances based on standards in relation to the property.

Timlin requested to table the request for variance while they work with administration to explore other options.

Upon discussion, there was consensus of the Board to table the decision until the next meeting to allow the petitioners to meet with administration.

CASE NO. 1311

Petitioner: Ben & Amy Glime

Property: 18921 Devonshire

Village Ordinance: 22.24 Schedule of Regulations. Zoning District R-2B requires rear open space of 40 feet.

Deviation Requested: To build an addition that is 36 feet from rear property line.

Wilks explained petitioners Ben & Amy Glime, are seeking a variance from requirements of Section 22.24 Schedule of Regulations to build an addition onto rear of their existing home. The

property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations requires rear open space of 40 feet. The petitioners are seeking to add onto the rear of their existing one-story home. The expansion would encroach 4 feet into the rear open space to accommodate the additional living space. The existing home encroaches into the side yard setback, however this addition will not enlarge that encroachment and otherwise complies with Village Ordinance. The setback also remains consistent with other homes on the street.

Glime explained they bought the home in 2008, they love the neighborhood, but now have three kids and are looking to add a fourth bedroom and second bathroom.

Stempien, architect for the project, stated the petitioner is limited on where they can add an addition; they must maintain fifteen feet from the neighbor's property line, and could not go east due to the door for basement access. The design is consistent with the community and the only way to accommodate the addition.

Motion by Crossen, second by Mitchell, the Zoning Board of Appeals approves a variance from the requirements of Section 22.24 to allow the petitioner to build a one story addition onto the rear of their existing home that would be no closer than 36 feet to the rear lot line due to practical difficulties of maintaining basement access, and given the unique size of the lot.

Roll Call Vote:
Motion passed (8-0)

CASE NO. 1312

Petitioner: Frank Pfeiffer

Property: 30835 Vernon

Village Ordinance: 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts All Residential Zone Districts require corner lots with an abutting interior lot maintain side open space of 40 feet for permitted accessory buildings.

22.08.100 (b) Accessory Buildings, Structures, and Uses in Residential Zone Districts All Residential Zone Districts prohibit accessory buildings to be erected in side open space.

Deviation Requested: To build a detached garage that is 5 feet from street side lot line and in side open space.

Wilks explained petitioner Frank Pfeiffer, is seeking a variance from requirements of Section 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts and Section 22.08.100 (b) Accessory Buildings, Structures, and Uses in Residential Zone Districts. The property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts requires corner

lots with an abutting interior lot maintain side open space of 40 feet for permitted accessory buildings. The property to the west on Billington Court is the abutting interior lot. Village Ordinance, Chapter 22, Section 22.08.100 (b) Accessory Buildings, Structures, and Uses in Residential Zone Districts prohibit accessory buildings to be erected in required side open space.

The petitioner is seeking to build a detached garage that is 5 feet from street side lot line and in the side open space. The property is a corner lot, with the second street side along a cul-de-sac. Additionally, the rear property has a 12ft wide utility easement that is 30-35ft from the rear of the home.

Pfeiffer explained the house is on a slab and there is no basement for storage; the furnace and heater are in a closet. The garage is a two-car garage, but due to storage, there is only space for one car. DTE lines in the rear of the home limit any building. The door on the new garage would face the existing attached garage. The new garage would be placed in the horseshoe of the drive, and the east most wall would match the house. It would be a single-story building with a gabled roof. He did not consider extending the existing garage, because it would interfere with grading.

Tillman noted that the home is 1,800 square feet, and the ordinance limits total accessory building to 50%, therefore 900 square feet is the maximum size allowance. Pfeiffer expressed concern that building forward would not meet the front yard setback requirements.

Tillman expressed concern about having a garage so close to the street, and how it would compromise the aesthetic of the neighborhood. She explained that the structure was too large for the size allotted to the petitioner based on his square footage. She suggested the applicant explore a lesser variance.

Pfeiffer requested to table the request for variance while he works with administration to explore other options.

Upon discussion, there was consensus of the Board to table the decision until the next meeting to allow the petitioner to meet with administration.

CASE NO. 1313

Petitioner: Mike McCoy, Coy Construction 4214 Martin Rd, Walled Lake, MI 48390

Property: 32411 Old Post

Village Ordinance: 22.24 Schedule of Regulations. Zoning District R-1 requires rear open space of 40 feet.

Deviation Requested: To build an enclosed porch that is 32 feet from rear property line.

Wilks explained petitioner Mike McCoy, Coy Construction, on behalf of the property owners of 32411 Old Post, is seeking a variance from requirements of Section 22.24 Schedule of Regulations. The property is zoned R-1, Single Family Residential. Village Ordinance, Chapter

22, Section 22.24 Schedule of Regulations requires rear open space of 40 feet. The petitioner is seeking to build an enclosed porch that is 32 feet from rear lot line off the rear of the home. The porch will have a 3ft enclosure of tempered glass with removable screens. While the Village has allowed open porches to encroach into front/rear setbacks, we have required enclosed spaces to comply with setback requirements of the zone district. The enclosure would occupy a space on the property currently being utilized as a paved patio.

Upon discussion, there was consensus of the Board to table the decision until the next meeting due to absence of petitioner or designated representative.

CASE NO 1314

Petitioner: Brian & Sara Bell

Property: 31805 Evergreen Rd

Village Ordinance: 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts. All residential zone districts prohibit accessory buildings to be erected in side open space and limit detached accessory building height to 15 feet.

Deviation Requested: To build a detached garage that is 18 feet 1-1/2 inches in height and located in the side open space.

Wilks explained petitioners Brian & Sara Bell, are seeking a variance from requirements of Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts. The property is zoned R-1, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts requires detached accessory buildings be no greater than 15 feet in building height, and cannot be located in side open space.

The petitioner is seeking to build a detached garage that is 18 feet 1-1/2 inches in height and located in the side open space. The proposal is to convert the existing garage into living space upon construction of the detached garage. There will be a pergola between the two buildings, and there is 8 feet of open passage separating the buildings. The garage will sit 52 feet 6 inches from the side lot line at the closest point and will be 136 feet 4 inches from front lot line at the closest point. Additionally, this property is at the end of a private road and sits several hundred feet off Evergreen Road.

Bell explained that they lived previously on Birwood, and bought the home a year and a half ago. The current garage was built in the 1930s and they cannot get their car or SUV into the space. They opted to turn the current garage into a pool house/mud room and hope to build a useable garage to match the existing home. They are not attaching the garage to preserve the windows and light on the current garage. Wilks reminded the petitioner that the Village prohibits using the overhead space as living space.

Motion by Mitchell, second by Maxwell, the Zoning Board of Appeals approves a variance from the requirements of Section 22.08.100 to allow the petitioner to build a

detached 3-car garage in the side open space that would be no higher than 18 feet 1-1/2 inches in height, and that upper spaces in the existing and new garage must be unfinished storage, due to practical difficulties of topography and unique historical concerns.

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

PUBLIC COMMENTS

Sharon Tischler, stated that fences have been an issue for many years in the Village, and they will continue to be even if changes are made. She suggested that fence spikes should be eliminated for the safety of the deer. She shared that she attended a Zoning Board meeting in another city, and of a five-member board only three people were in attendance and it was not run well. She commended the Board for doing their due diligence to uphold the ordinances in the Village.

LIAISON COMMENTS

Aboud thanked the Board for the work that they do consistently upholding the ordinances. He attended the Michigan Municipal League convention earlier this month discussing topics like Connected Autonomous Vehicles (CAV) and their impact on downtowns, and involving Millennials as local government leaders. There is a SEMCOG meeting on October 13, 2016 that he will be attending. He announced that he is a final candidate for a leadership program at Michigan State University.

ADMINISTRATION COMMENTS

Wilks shared that Village office renovations were progressing, and the office would be closed Wednesday, October 19, 2016 while they move Administration into the new space.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Donnelly, to adjourn the meeting at 9:30 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary