

Present: Chairperson Tillman; Members: Crossen, Donnelly, Eifrid, Maxwell, and Verdu-Hus; Alternate: Gatowski

Absent: Members: Lepidi, Mitchell, and Raeder; 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 Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Tillman, second by Eifrid to amend agenda regarding Case No. 1308; changing the Deviation Requested to “To keep a fence that is solid wood and 6ft above grade”.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD JANUARY 9, 2017

Motion by Crossen, second by Eifrid, that the minutes of the regular Zoning Board of Appeals meeting held January 9, 2017 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1308 (re-hearing)

Petitioner: Thomas Aylward

Property: 16150 Amherst

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations All Residential Zone Districts require fences to be 35% open to air and light, and no taller than 4 feet above grade.

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

Wilks explained petitioner Thomas Aylward, 16150 Amherst, 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 that is a solid wood privacy style along the rear and east side lot lines on August 29, 2016. Wilks provided photos of the property and fence. 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. The petitioner met with administration at the end of October and expressed his opinion on the fence ordinance to Planning Commission at their October 26th meeting. He intends to keep his request as originally submitted.

At the regular Zoning Board of Appeals meeting in November 2016, the Board tabled the case pending discussion by Planning Commission and Council regarding possible updates to the fence ordinance. At their joint meeting held February 8, 2017 there was discussion on the fence and privacy screen sections of 22.08.150. The consensus was to solicit additional input from residents. Given the desire to have public feedback prior to drafting any new language, and the requirements for public hearings and notification, any changes to the ordinance language will likely not take effect for at least a year.

Aylward maintains that the fence was erected for privacy, and that a green screen is not an option due to the plants failure to thrive. Sarah Brushund, Lauderdale, is Aylwards rear neighbor, and she emailed her support of the current fence. Tillman explained that consideration is being given to revising the Village fence ordinance, but that process can be lengthy, and the Board is not willing to table a decision that long.

Wilks explained that due to the property setback, there could be a practical difficulty for the rear fence placement. Additionally, he would only be permitted 20 total feet of privacy screen, and currently he has 104 feet. He would need a variance for the privacy screen to be less than 10 feet off the property line and for the total length of screening.

Dale Wolicki, Amherst, shared that he moved to the Village because it had open spaces and minimal fences. He expressed concern that allowing this fence would set a precedent, and fences would be erected through the Village.

Motion by Eifrid, second by Crossen, that the Zoning Board of Appeals approves a variance from the requirements of Section 22.08.150 to allow the petitioner to keep a solid wood privacy style fence on the rear and east sides of property, that would be no greater than 6 feet above grade due to practical difficulties of small backyard and close neighbor proximity.

Roll Call Vote:
Motion failed (0-7).

CASE NO. 1321 (re-hearing)

Petitioner: Michael Palmer, Premier Pet Supply

Property: 31215 Southfield Road

Village Ordinance: 22.32.110 Permanent Business Sign Standards Permanent wall signs in the B-Business District are limited to 30 square feet and 30% internal illumination.

Deviation Requested: To build a wall sign that is 108 square feet and 100% internally illuminated.

Wilks explained petitioner Michael Palmer, Premier Pet Supply, 31215 Southfield Rd, is seeking a variance from requirements of Section 22.32.110 to install a new wall sign that exceeds the allowable square footage and allowable internal illumination.

The petitioner has contacted Administration and stated he is working with his sign contractor to complete revised plans to present to the Zoning Board of Appeals. He respectfully requests his case be tabled until the March meeting.

Motion by Crossen, second by Maxwell, to table this item to the March meeting.

Motion passed.

CASE NO. 1322

Petitioner: Kathy & James Remski

Property: 18460 Beverly Road

Village Ordinance: 22.24 Schedule of Regulations Residential Zone District R-2B requires side open space of 10 feet on side one and 5 feet on side other.

Deviation Requested: To build a second story above the existing home which is 2 feet 6 inches from side lot line.

Wilks explained that petitioners Kathy & James Remski, 870 Lakeview, Birmingham, MI 48009, own the property at 18460 Beverly Rd, and are seeking a variance from requirements of Section 22.24 Schedule of Regulations to build a second story that will be 2 feet 6 inches from side lot line above the existing nonconforming home. The property is zoned R2-B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations requires side open space of 5 feet on side one, and 10 feet on side other.

Section 22.30.040 (a) Nonconforming Structures requires any enlargement or alteration to an existing nonconforming structure must conform with current ordinance, therefore a variance is required for this addition. The existing home encroaches into the side open space and the proposed second story addition would be built above the home but would not encroach any farther into the side open space. The addition is part of a project to renovate the entire residence. The second story would provide space for two bedrooms and the existing lower level bedrooms would be converted to a master suite.

Eifrid confirmed that the house will sit over the existing footprint and will keep within the original roofline.

Remski explained they are looking to renovate their current home that is non-complaint and the proposed addition is consistent with the neighborhood.

Motion by Maxwell, second by Crossen, that 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 that would be no closer than 2 feet 6 in from west side lot line due to practical difficulties of size of lot and existing non-compliance structure.

Roll Call Vote:
Motion passed (7-0).

CASE NO. 1323

Petitioner: Armando & Kathy Taborga

Property: 16302 Buckingham Ave.

Village Ordinance: 22.24.010 (a) Addendum to Section 22.24 Schedule of Regulations All Residential Zone Districts require the front open space shall not be less than the average depths of the front open space of existing residences within 200 ft on one side of the street.

Deviation Requested: To build an addition at the front of the home which will encroach 3 feet, 3 inches into the calculated average front setback.

Wilks explained that petitioners Armando and Kathy Taborga, 16302 Buckingham Ave, are seeking a variance from requirements of Section 22.24.010 (a) Front Open Space to build an addition onto the front of their home that will encroach 3 feet, 3 inches into calculated average front open space. The property is zoned R2-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requires front open space be no less than the calculated average of existing homes within 200 feet on that side of the street.

The calculated front open space is 41 feet 3 inches and the proposed addition would result in front open space of 38 feet. The addition is part of a project to renovate the front entrance and the living space at the front of the residence. The existing residence has the entrance located on the side of the home. The remodel would add a foyer and front entrance, as well as modifications to the existing bedroom at the front of the home.

Taborga explained the current front door cuts straight into the living room, and with their growing family they would like to create a foyer space. Due to the placement of the driveway there are no other options for the space; this will be the only entryway into the home, the other door will be closed off and finished. He provided a petition and letters of support from neighbors.

Bob Smith, Birwood Ave., expressed his support for the renovation, and feels it will bring a fresh look to the neighborhood.

Motion by Maxwell, second by Gatowski, that the Zoning Board of Appeals approves a variance from the requirements of Section 22.24.010 (a) to allow the petitioner to build an addition that would be no closer than 38 ft from front lot line due to practical difficulties of the size of the lot, and placement of the house.

Roll Call Vote:
Motion passed (7-0).

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud stated that the fence ordinance review will be done in the hopes of meeting the fencing needs of Village residents. The Planning Commission continues to work on the tree ordinance, and has put forth a construction fence ordinance. He reported that Village Hall renovations are nearly completed, and consideration is being given to a logo redesign.

ADMINISTRATION COMMENTS

Wilks updated the Board that the construction fence ordinance has advanced to Council, and that the Planning Commission will hold a public hearing regarding the tree ordinance.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Eifrid, to adjourn the meeting at 8:30 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary