

**Present:** Chairperson Tillman; Vice-Chairperson Raeder; Members: Crossen, Donnelly, Mitchell, and Verdi-Hus; Alternate: Gatowski

**Absent:** Member: Eifrid, Lepidi, Maxwell; Alternate: Hynes

**Also Present:** Planning and Zoning Administrator, Saur

Zoning Board Vice-Chairperson Raeder 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.

**REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD MARCH 13, 2017**

Motion by Crossen, second by Mitchell, that the minutes of the regular Zoning Board of Appeals meeting held March 13, 2017 be approved as submitted.

Motion passed.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

**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.

Case withdrawn at the request of the petitioner.

Tillman arrived at 7:34 p.m.

**CASE NO. 1325**

**Petitioner:** Lori Lemon

**Property:** 16228 Birwood Ave

**Village Ordinance: 22.08.100 (c) Accessory Buildings, Structures, and Uses in Residential Zone Districts** All Residential Zone Districts require detached accessory buildings to be no closer than 5 feet from all adjoining lot lines.

**Deviation Requested:** To build a detached garage 3 feet from side lot line.

Saur explained petitioner Lori Lemon, 16228 Birwood, is seeking a variance from requirements of Village Ordinance 22.08.100 (c) Accessory Buildings, Structures, and Uses in residential zone districts to build a garage that is closer than five feet to the side lot line. The property is zoned R-3, Single Family Residential and there is no garage on the property. In all residential zone districts, detached accessory buildings are permitted to be located no closer than five feet from all adjoining lot lines. The petitioner is requesting a variance of two feet from that requirement to place a new detached garage three feet from the side lot line. This lot is 40 feet wide, and there are existing detached garages in the neighborhood which are less than five feet from side lot lines.

Lemon explained that she is requesting this variance because the lots are so narrow it does not allow for ease of access to a garage, the further right the garage is placed the more difficult it becomes to back in and out. Verdi-Hus pointed out the petitioner was aware of this problem when she purchased the lot. Lemon explained that she is looking to improve her property, and when the house next door was built it received a similar variance.

Resident Kobel, Birwood, shared that the homes in this neighborhood are very old with limited lot space. He supports Lemon, as she has done a lot to update and care for her property.

A letter was submitted by resident Griffith, Birwood, explaining that he had received a variance of one foot the previous year to build a garage four feet from side lot line and would like to see the petitioner be permitted the same.

Lemon amended her variance request to build the garage no closer than four feet from the side lot line.

Motion by Crossen, second by Raeder, that the Zoning Board of Appeals grants a variance from setback requirements of Village Ordinance, Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts for the detached accessory building at 16228 Birwood to be no closer than 4 feet from the side property line on the west due to practical difficulties of narrow 40 foot lot, placement of existing structures, and keeping with character of the neighborhood.

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

**CASE NO. 1326**

**Petitioner:** Paul & Sarah Thomas

**Property:** 16214 Locherbie Ave

**Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations** All Residential Zone Districts require fences to be no greater than 4 feet above grade, 35% open to air and light, fences cannot be placed in side yard, and fences cannot extend back towards principal building more than 8 feet.

**Deviation Requested:** To build a 6 foot, solid wood fence along rear lot line, and a 3 foot fence extending into side yard from the front yard.

Saur explained petitioners Paul & Sarah Thomas, 16214 Locherbie, are seeking a variance from requirements of Village Ordinance 22.08.150 Fence, Wall, and Privacy Screen Regulations to build a solid fence that is six feet above grade along the rear property line, and a split rail style fence that extends from the front yard into the side yard along east side property line.

The property is zoned R-2A, Single Family Residential. In all residential zone districts, fences in the rear yard are permitted provided they are 35% open to air and light, and no higher than four feet above grade. The petitioner is requesting a variance for height and opacity requirements for ninety-eight feet of six foot, solid fencing along the rear lot line. The rear yard of their property abuts the parking lot and driveway access to Our Lady Queen of Martyrs Church. Sites proposing nonresidential uses abutting residential areas are now required to install and maintain a landscape buffer and/or wall; however, the church was an existing site when those regulations were adopted therefore no such buffer exists.

The petitioners are requesting a second variance for a section of fencing along the east side lot line to replace a previously existing fence. In all residential zone districts fencing in front yards cannot extend back more than eight feet toward the principal building, and cannot be in the side yard. They are proposing to install sixty-nine feet of fencing that will extend from the front yard back into the side yard separating the two adjoining properties. The fence proposed is otherwise compliant with the ordinance. There had been a fence of similar style in this location that was damaged and subsequently removed during the severe storm in March.

Thomas provided photos of the existing damaged fence along the east side lot, along with a letter of support from the neighbor sharing the property line. The house was purchased with the fence, and the expectation of the fence remaining. She is requesting a variance to replace all the damaged fence at one time instead of in parts over time.

Thomas provided photos of the rear lot line. The parking lot access from Kinross Rd. is open for school days, during church services, events, and weekends. There is also a power unit and open dumpsters located in the parking lot along the rear lot line. Despite several requests from the Thomas family, the church does not maintain this area. Young people often gather in this area, creating noise late into the evening. She does not feel safe allowing her pets and children in the yard unattended. Several attempts have been made to plant a green screen, but due to poor conditions nothing grows. When they purchased the property, they planned to install a fence along the rear lot line.

Verdi-Hus left the meeting at 8:28 p.m.

After some discussion, the petitioner amended her request to build a fence 35% open to air and light that is six feet above grade along the rear property line.

Motion by Raeder, second by Crossen, that the Zoning Board of Appeals grants a variance from fencing requirements of Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations to allow ninety-eight feet of fence that is six foot above grade, and 35% open to air and light installed along the rear property line due to practical difficulties of abutting public property/parking lot.

Roll Call Vote:  
Motion passed (6-0)

Motion by Mitchell, second by Donnelly, that the Zoning Board of Appeals grants a variance from fencing requirements of Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations to allow sixty-nine feet of three foot, split rail style fence along east side lot line due to practical difficulties of damage to existing fence and near public space.

Roll Call Vote:  
Motion failed (0-6)

#### **CASE NO. 1327**

**Petitioner:** Kevin Clinton

**Property:** 32250 Bellvine Trail

**Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations** All Residential Zone Districts prohibit fences extending back towards front of principal building more than 8 feet, and limit front yard fencing to 3 feet above grade.

**Deviation Requested:** To build a fence that encloses a portion of his front yard and is 4 feet above grade.

Saur explained petitioner Kevin Clinton, 32250 Bellvine Trail, is seeking a variance from requirements of Village Ordinance 22.08.150 Fence, Wall, and Privacy Screen Regulations to build a fence that is four feet above grade in the front yard, as defined by ordinance.

The property is zoned R-A, Single Family Residential. In all residential zone districts, fences in the front yard are permitted provided they are 35% open to air and light, no higher than three feet above grade, and do not extend back more than eight feet toward the principal building. Fencing in the side yard is permitted when the property abuts a road or street, or to enclose a side entrance. The petitioner is proposing to install four-foot-high aluminum fencing that will enclose a portion of his property off his garage on the Bellvine Trail side. The fence will extend back toward the principal building approximately 30-40 feet. The fence will be approximately 80 feet from Bellvine Trail.

The lot is pie-shaped and a corner lot with street frontage on Bellvine Trail and Plumwood. Additionally, the home faces neither street directly and is orientated so the front elevation faces the corner where two streets intersect. Village Ordinance §22.04 Definitions defines the front lot line of corner lots as the line "...which is designated as the front street in the request for a building permit." Upon review and discussion with the Village's planning consultant, the street address as designated on the permit is Bellvine Trail; therefore that lot line is the front lot line and the area where the fence will be installed is the front yard.

Fencing as the petitioner proposes would be permissible by ordinance in the side yard abutting the street as a corner lot. Alternately, if the front elevation of the home faced Bellvine Trail, the fencing would also be permissible as there is an entry door on the attached garage. From a functional standpoint, the portion of yard in which the petitioner is seeking to install fencing is side yard abutting a street.

Clinton explained that they wished to enclose the pedestrian entrance to their backyard. They plan to build a patio, and would like to create an enclosure from the road for that space. The fence is compliant both in height and opaqueness requirements.

Resident Wegert, Westlady Drive, felt that there are no other fences in the neighborhood and does not see a hardship in this request.

Resident Walsh, Smallwood Ct., felt that through the neighborhood there were open yards and patios, and does not see a necessary hardship.

Discussion among the Board ensued regarding dimension and design of fenced area. Many expressed concern that a specific design with dimensions had not been submitted. Clinton agreed to return to his fencing company and request a design plan with dimensions.

Motion by Raeder, second by Tillman, to table until the May 8, 2017 meeting.

Motion passed.

### **CASE NO. 1328**

**Petitioner:** Marcia & Kurt Doolin

**Property:** 32230 Lahser Road

**Village Ordinance: 22.08.100 (e) Accessory Buildings, Structures, and Uses in Residential Zone Districts** All Residential Zone Districts allow maximum of 2 accessory buildings (attached or detached).

**Deviation Requested:** To replace an existing detached accessory building that would maintain a total of 3 accessory buildings on the property.

Saur explained petitioners Marcia & Kurt Doolin, 32230 Lahser Road, are seeking a variance from requirements of Village Ordinance 22.08.100 (e) Accessory Buildings, Structures, and Uses in residential zone districts to replace an existing accessory building.

The property is zoned R-A, Single Family Residential and there are three accessory buildings on the property. In all residential zone districts, the cumulative total number of attached or detached accessory buildings allowed on any lot is two. The petitioner is requesting a variance to replace an existing detached accessory building which would maintain a total of three accessory buildings on the lot. In addition to the attached garage, there is a historic pump house which is used for an irrigation system, and the existing accessory building which is used as studio/workspace. The existing and proposed buildings do not meet definition as a dwelling and the use is allowable per ordinance.

The proposed building is otherwise compliant with Village Ordinance including allowable height, square footage, and location. The petitioner has noted the existing building is not able to be restored due to the age and construction. The building is the upper portion of the historic barn original to the property and has no foundation.

Doolin explained they have owned the home 21 years. The home is a historic home, and the pump house is a historic structure. It houses the sprinkler system for the property and is not habitable. The structure they are looking to rebuild is not located on a proper foundation, is sinking, and is infested with rodents. The rebuild will keep within the architectural style of the historic home and would be used as a studio and exercise room.

Motion by Crossen, second by Mitchell, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts for the detached accessory building at 32230 Lahser Road to allow replacement of a third accessory building due to practical difficulties of the historic nature of the existing pump house, and the existing building being unrepairable.

Roll Call Vote:  
Motion passed (6-0)

### **PUBLIC COMMENTS**

Resident inquired about prior construction of Lahser Road and was informed to contact the Road Commission for Oakland County.

### **LIAISON COMMENTS**

Aboud reported that the Planning Commission has submitted a tree ordinance to Council for approval. If approved, the Zoning Board of Appeals would hear any requests for a variance from the ordinance.

### **ADMINISTRATION COMMENTS**

None.

**ZONING BOARD COMMENTS**

None.

Motion by Raeder, second by Tillman, to adjourn the meeting at 9:20 pm.

Motion passed.

**Michele Tillman**  
**Chairperson**

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

**Elizabeth Lyons**  
**Recording Secretary**