

Present: Chairperson Tillman; Vice-Chairperson Raeder; Members: Crossen, Lepidi, Maxwell, and Verdi-Hus; Alternate: Crawford

Absent: Member: Donnelly, Gatowski, Mitchell; Alternate: Hynes

Also Present: Planning and Zoning Administrator, Saur
Council Liaison, Nunez

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.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD MAY 8, 2017

Motion by Raeder, second by Verdi-Hus, that the minutes of a regular Zoning Board of Appeals meeting held May 8, 2017 be approved as submitted.

Motion passed.

ELECTION OF OFFICERS

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

Maxwell nominated Raeder as the Vice-Chairperson of the Zoning Board of Appeals. There were no further nominations. Raeder was elected vice-chairperson by acclamation.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1329

Petitioner: Joe & Emma Melrose

Property: 32865 Faircrest St

Village Ordinance: 22.24 Schedule of Regulations Residential Zone District R-1 limits buildings to two-stories and 30 feet in height.

Deviation Requested: To expand an existing nonconforming third-story on a home that is 30 feet in height.

Saur explained petitioners Joe and Emma Melrose are seeking a variance from requirements of Village Ordinance 22.24 Schedule of Regulations to renovate and expand an existing nonconforming three-story home. The property is zoned R-1, Single Family Residential. In all residential zone districts, buildings are limited to 30 feet in height and two stories. The petitioners are proposing to renovate areas throughout the home, remove existing accessory

buildings, construct a new attached garage, and expand the third story. The original home was built in the 1920's and the existing third-story was utilized as living space for domestic help and later as a child's bedroom. Per §22.30.040 Nonconforming Structures the structure may be continued but no such structure may be enlarged or altered unless the proposed enlargement or alteration conforms to the provisions of the Zoning Ordinance. Therefore, the petitioners will need a variance to enlarge the third-story as proposed. The proposed renovations otherwise comply with the Zoning Ordinance, including requirements for building height and setbacks.

Saur provided photos and design plans to the Board detailing the proposed 80 sq ft expansion to the existing third-story. Upon expansion, the third-story will be 1,102 sq ft and the home, with all proposed additions, will total 4,773 sq ft. The proposed expansion to the third-story also showed detailed modifications to the roof line in the rear of the home to accommodate adequate headroom for persons traversing the stairwell and to accommodate the expansion to living space in the lower levels of the home.

Richard Kastler, Kastler Construction, representing the homeowners, explained the changes will not modify the front façade of the home. They are adding 80 sq ft to the existing third floor to allow for better use of the space and stairwell. It is necessary to modify the existing staircase to bring it into compliance with current building codes.

Joellen Gilchrist, Riverside Drive, owns a home with an existing third floor, and hopes this variance will allow her third floor to continue be used as livable space. It was explained to her that it is a livable space, she just cannot make modifications to it since it is a pre-existing non-conforming space.

Nancy Chapman, Faircrest, stated she is happy to see the home cared for and kept up, she looks forward to seeing the renovation completed.

Raeder complimented the design and agreed an update to the staircase was necessary. However, he specified that third floors continue to be in violation of Village code, unless they are pre-existing.

Motion by Raeder, second by Crossen, that The Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations to allow an 80 sq ft expansion of the existing third-story of the principal building at 32865 Faircrest due to practical difficulties of meeting current building codes and standards, and maintaining the architectural integrity of the home.

Roll Call Vote:
Motion passed (7-0)

CASE NO. 1330

Petitioner: Gary Lozenich

Property: 175 Charrington Ct

Village Ordinance: 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts Residential Zone District R-3 allows accessory structures in the rear open space.

Deviation Requested: To install a generator in the side open space.

Saur explained petitioner Gary Lozenich, is seeking a variance from requirements of Village Ordinance 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts to install a generator in the side open space. The property is zoned R-3, Single Family Residential. In all single family residential zone districts accessory structures are permitted, provided they are located in the rear open space. The petitioner is seeking to install a generator in the side open space.

The property is located within a site condominium development that was approved as a cluster option. As such, the space between the homes is condominium open space and the area where the generator is to be located is technically considered association property. The zoning ordinance regulations for single family home zone districts still apply given the zoning designation. The Zoning Board of Appeals has authority to grant a variance to allow the generator in the side yard; however imposing a condition of granting the variance contingent on condominium association approval for the generator is advised. A copy of the condominium by-laws was not made available to Administration.

The Village has permitted mechanical units, including air conditioners and generators, in the side yard provided the abutting neighbor indicates no objections to the location. The petitioner has sought the approval of the abutting neighbor who declined to sign the Village form; therefore, the petitioner has requested a variance. The petitioner notes the existing gas and electrical lines within his home are located on the west side of the building where he would like to install the generator. Additionally, within the Charrington Crossing development, the a/c units are all located in side yards.

Lozenich explained that after losing power at least once a year for the last 12 years, he has decided to invest in a generator. He has chosen a generator that relies on natural gas, and is a quiet and unobtrusive as possible. This generator would have to be activated once a month for approximately 5 minutes to keep it in working condition.

He explained the electrical and gas line location necessitate putting the generator on the west side of the home. The deck located on the rear of the home makes that space unavailable. Placing the generator in the rear of the home would limit any further use of the space. Additionally, there is 20 feet of space on the west side of the home, but less than 15 feet between the rear of the home and Greenfield Elementary. The primary complaint of the neighbor located to the west of the home is the noise created by the generator.

Roger Brown, Charrington Court, is the neighbor to the west and opposed the placement of the generator due to the proximity to his front porch. He stated other homes in the neighborhood have located their generators on the same side of the home where the a/c unit is placed. He also suggested Lozenich place the generator at the rear of his home.

Dorothy Pfeifer, Charrington Court, has a generator located in her side yard. She stated the location of his gas line presents a clear hardship. She related that the by-laws have no restrictions on generators or their placement.

Maxwell inquired if the petitioner had solicited a quote to move the gas and electric to the east side of the home. Lozenich reported that he had not, he was hoping for a variance.

Raeder suggested that Lozenich and Brown work together to reach a resolution. Lozenich should consider placing the generator at the most southwest point along the line of the home.

Lozenich requested that the motion be tabled. He was advised that if a resolution was not reached, the Board would expect to see a plot plan and estimates to move the gas and electric.

Motion by Tillman, second by Maxwell, to table decision on the case to the August 14, 2017 meeting.

Motion passed.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Nunez reported the Planning Commission continues to work on a tree ordinance. The Council will be discussing a fence ordinance at their upcoming meeting.

ADMINISTRATION COMMENTS

Saur reported the Planning Commission continues to make forward progress on the tree and fence ordinances.

ZONING BOARD COMMENTS

None.

Motion by Raeder, second by Verdi-Hus, to adjourn the meeting at 8:31 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary