

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

Absent: Member: Lepidi, Maxwell; Alternate: Hynes

Also Present: Planning and Zoning Administrator, Saur

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 JULY 10, 2017

Motion by Crossen, second by Donnelly, that the minutes of a regular Zoning Board of Appeals meeting held July 10, 2017 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1330 (re-hearing)

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.

Lozenich was not present and the Board postponed the case to the September 11, 2017 meeting.

Motion by Crossen, second by Tillman, to postpone decision on case #1330 to the September 11, 2017 meeting.

Motion passed.

CASE NO. 1331

Petitioner: Michael Lustrì

Property: 32721 White Oaks Trail

Village Ordinance: 22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts Residential Zone District R-1 allows accessory structures in the rear open space

Deviation Requested: To retain a newly constructed deck located in the side open space.

Lustri requested that the motion be postponed to the September 11, 2017 meeting due to a death in the family.

Motion by Crossen, second by Raeder, to postpone decision on case #1331 to the September 11, 2017 meeting.

Motion passed.

CASE NO. 1332

Petitioner: Racheal & Damon Hrydziuszko

Property: 31531 Evergreen

Village Ordinance: 22.08.430 Keeping of Farm Animals and Other Animals Residential Zone District R-1 prohibits the keeping of farm animals.

Deviation Requested: To be permitted to keep chickens on their property.

Saur explained that petitioners Racheal and Damon Hrydziuszko are seeking a variance from requirements of Village Ordinance 22.08.430 Keeping of Farm Animals and Other Animals to be permitted to use their property to keep chickens.

The property is zoned R-1, Single Family Residential. In all zone districts the keeping, raising, or breeding of farm and non-domestic animals is prohibited. The Village permits the keeping of domesticated animals commonly kept as pets, such as dogs, cats, etc.

The petitioners are seeking a use variance to allow a use of their property that is a permitted or special land use. Saur explained the main purpose for granting a use variance is to prevent land from being rendered useless. The petitioners are currently using their land as a single family residence. Additionally, the standards for a use variance are slightly different from dimensional requests, which are more commonly seen by the Zoning Board, and enumerated below:

- Without a variance, the property cannot be put to use as permitted under the existing zoning regulations;
- The hardship requiring the variance is unique or peculiar to the property for which the variance is sought;
- The hardship results from the application of the ordinance to the property;
- The granting of a variance will not alter the essential character of the area; and
- The property owner cannot receive a reasonable return on the land if used only for purposes permitted in the Zoning Ordinance.

The petitioners should be aware that a vote of two-thirds of the membership (6 Board members) is required to grant a use variance.

The petitioners have submitted a sketch indicating the proposed location of a coop and outdoor run area in the rear yard. A portion of the existing detached garage would be converted to a coop and the run would be along a portion of the rear property line. In their request, the petitioners indicated they felt there was support for such activities Village-wide. Saur noted that if there is broader community support to allow residential keeping of farm animals, such as chickens, the Village Planning Commission and Council would regulate that activity with modifications to the Zoning Ordinance.

Hrydziusko explained that she and her family are looking to live a sustainable lifestyle and when they purchased the home in 2010 it was with the belief that raising chickens would be permitted under the Michigan Right to Farm Act, which has since been revised by the State. Their property is .48 of an acre and is currently home to two dogs, two cats, and a rabbit. She is looking to house 10-12 chickens on the property for eggs and meat. She suggested that chickens are already being kept by residents in the Village.

Gatowski noted that other communities employ regulations and permitting when allowing chickens.

Tillman explained to the petitioner that the Zoning Board of Appeals grants use variances based on hardship standards and they cannot create ordinances. Tillman noted the petitioner is able to use the property as a single family residence without keeping chickens. She suggested the petitioner voice her interest to the Village Council, which is the legislative body that could enact an ordinance, to change the Village's requirements to permit the keeping of chickens.

Letters in opposition of Hrydziusko's request were submitted to Administration from residents; Frier, Ronsdale Drive; Sidlosky, Ronsdale Drive; Maks, Evans Court; Brody, Ronsdale Drive; and Schafer, Sunset Drive.

A letter supporting Hrydziusko's request was submitted to Administration from resident Tucker, Evergreen Road.

Tony and Jennifer Roma, Beverly Rd., support the request for chickens and would like to see further discussion on this issue.

Charles Copeland, Bellvine Trail, expressed his pro-chicken stance, he believes that allowing chickens would not change the character of the Village because neighbors would not be disturbed by the chickens. He felt that the variance should be granted.

Kathleen McCarty, Evergreen Rd., lives next door to the petitioner and enjoys taking her daughter over to pick fresh vegetables from the Hrydziusko's garden and would love for eggs to be allowed.

Raeder thanked everyone for sharing their opinions, and reiterated this type of change should be pursued at the Council level of government.

Dawn Nelson, Marimoor, has known Racheal for many years and supports an ordinance change allowing residential chickens.

Motion by Crossen, second by Raeder, that The Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.430 Keeping of Farm Animals and Other Animals to permit keeping of chickens at 31531 Evergreen due to hardship of the price to purchase organic, farm raised chickens and eggs.

Roll Call Vote:
Motion failed (0-8)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

Saur reported the Planning Commission continues to make forward progress on drafting changes to the fence ordinance.

ZONING BOARD COMMENTS

None.

Motion by Raeder, second by Crossen, to adjourn the meeting at 8:18 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary