

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

Absent: Vice-Chairperson Raeder; Alternate: Hynes

Also Present: Planning and Zoning Administrator, Saur
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.

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

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

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1337

Petitioner: Michael Palmer, Premier Pet Supply

Property: 31215 Southfield Rd

Village Ordinance: 22.32.110 Permanent Business Sign Standards Wall signs shall not exceed 30 square feet.

Deviation Requested: To install a new wall sign that is 95 square feet

Saur explained that 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. The property is zoned B, Business. Village Ordinance, Chapter 22, Section 22.32.110 Permanent Business Sign Standards limits wall signs to 30 square feet. The petitioner seeks to remove an existing nonconforming wall sign and install a new wall sign. When the existing sign was installed in 2007, it complied with the ordinance in effect at that time. The existing wall sign is 95 square feet and 100% internally illuminated. The proposed sign would be 95 square feet and brought into compliance with the illumination standards at 7.4% internal illumination of total sign area. The remaining signage will be backlit. The proposed sign requires a variance of 65 square feet.

Per §22.32.010 Purpose and Intent, part of the stated intent of the Village's sign ordinance is to discourage visual competition among businesses. Administration reviewed five existing wall signs in this development and the average size is 51 square feet. Three signs range between 25 and 36

square feet, and there are two larger signs at Premier Pet (95 sq ft) and Brady’s (70 sq ft). This property is located within the Village’s Overlay District which was created to enhance the Village’s unique character. The Planning Commission’s goal is to establish a sense of place within this area of the Village which includes consistency across commercial signage.

Section 22.32.120 Nonconforming Signs, paragraph (4) Intent states that “it is the intent of this Section to encourage eventual elimination of signs that may, as a result of the adoption of this Section, become nonconforming over a period of time.” The applicant has the right to retain the existing nonconforming sign, but removal and installation of a new sign could be viewed as contrary to the intent of the Village sign regulations.

Additionally, Section 22.32.095 (10) Sign spacing requires all signs be no closer than 20 feet from any other sign; however, the Planning Commission has discretion to reduce this spacing when existing conditions preclude an otherwise permissible sign. The Commission has allowed signs within this development to be located closer than 20 feet due to the existing conditions and placement of business spaces. Procedurally, if granted a variance, the sign permit application would still require approval by the Planning Commission.

Palmer explained that in 2017 the store underwent a full remodel, expanding from 6,000 feet to 11,000 feet. The store now occupies 51% of the plaza space and the petitioner would like the size of the sign to reflect the size of his business. The current sign does not match the changes to the store branding including the updated logo and font. Additionally, when Market Fresh expanded their building out toward Southfield Road, the Premier Pet sign and storefront lost visibility from the street.

The Board thanked Palmer for reducing the size of the sign to match existing, and for modifying the illumination to be in compliance with current ordinance, as suggested at the previous hearing. They acknowledged the expansion to Market Fresh impacted visibility.

Motion by Crossen, second by Maxwell, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.32.110 to allow the petitioner to build a wall sign that would be no more than 95 square feet due to due to practical difficulty of the build out of the Market Fresh building blocking view of storefront and compliance with illumination standards.

Roll Call Vote:
Motion passed (9-0)

CASE NO. 1338

Petitioner: Tom & Rita Lauer

Property: 32000 Bellvine Trail

Village Ordinance: 22.24.010 (a) Front Open Space Residential Zone District R-A requires front open space not be less than calculated average of residences within 200 feet on that side of the street.

22.30.040 (a) Nonconforming Structures Residential Zone District R-A requires any alteration or enlargement to an existing nonconforming structure comply with ordinance.

Deviation Requested: To construct an addition onto the existing nonconforming home that will be 57 feet from the front lot line.

Saur explained that petitioners Tom & Rita Lauer, 32000 Bellvine Trail, are seeking a variance from requirements of Section 22.24.010 (a) Front Open Space and 22.30.040 (a) Nonconforming Structures to build an addition on the west side of their existing home. The property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requires the front open space to be not less than the average front open space of existing homes within 200 feet on the same side of the street. The front open space calculated per ordinance is 90 feet. The existing home has front open space of 58.9 feet at the closest point. The petitioners are seeking to build an addition on the west side of their home which will be 57 feet from the front property line. The complete proposal is to renovate a portion of the existing home, add living space, and construct a new attached garage.

The house is located on an atypical lot. The property is situated along a curve on Bellvine Trail and only has three property lines due to the curve in the roadway. The front lot line is along Bellvine Trail, the rear lot line is to the south, and the one side lot line is on the east. Additionally, the lot has considerable road frontage relative to the depth of the lot.

The calculation of front open space includes the subject property, the property to the northeast, and the two properties south on Bellvine Trail. Due to the curve in the road and change in orientation of the homes, the addition would extend the footprint of the home into an area of the property which abuts the rear open space of the lot to the south. There is a greenbelt along the south property line offering an additional buffer between the two properties. The addition will be 197 feet from the closest point on Bellvine Trail south of the curve. Given the shape of the lot, curve in the road, and the 40 foot rear setback, imposing a 90 foot front setback would significantly limit the buildable area of the lot.

The proposed addition and renovations otherwise meet height, side setback, and rear setback requirements.

Lauer presented the Board with his plan, explaining that due to the irregular shape of the lot the variation is necessary. He felt the addition would be an improvement to the property and maintains the aesthetics of the neighborhood. He provided letters of support from his neighbors.

Motion by Mitchell, second by Gatowski, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24.010 (a) Front Open Space and 22.30.040 (a) Nonconforming Structures to build an addition on the west side of their existing home

no closer than 57 feet from the front property line due to the practical difficulty of the atypical shape of the lot.

Roll Call Vote:
Motion passed (9-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported the Planning Commission recommended Council consider approval of the revised Fence Ordinance and Council has scheduled a public hearing for December 5, 2017.

ADMINISTRATION COMMENTS

Saur reported one case is pending for the December meeting and the submittal deadline is November 16th.

ZONING BOARD COMMENTS

Tillman congratulated Maxwell on her new baby girl Finley.

Motion by Crossen, second by Mitchell, to adjourn the meeting at 8:01 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary