

Present: Chairperson Tillman; Vice-Chairperson Raeder; Members: Donnelly, Gatowski, Maxwell, Mitchell, and Verdi-Hus; Alternates: Crawford and Gennari

Absent: Members: Crossen and Lepidi

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 MARCH 12, 2018

Raeder requested that his Board Comments be updated to read "...regarding new construction in the northeast quadrant of the Village."

Motion by Mitchell, second by Crawford, that the minutes of a regular Zoning Board of Appeals meeting held March 12, 2018 be approved as amended.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Tracey Breen, Riverside Drive, inquired about the Village Ordinance related to nonconforming homes and any additional accessory structures added at those sites.

Tillman explained that concerns related to building or other code violations should be directed to Administration who could send the Code Enforcement Officer to do an initial inspection.

Saur explained that per Section 22.30.040 an accessory structure can be built on a site with a nonconforming home so long as the new structure conforms to the ordinance requirements.

Tillman explained the responsibilities of the Zoning Board of Appeals and outlined the statutory requirements for demonstrating a practical difficulty to be granted a dimensional variance.

CASE NO. 1342

Petitioner: Elizabeth Arsov

Property: 32231 Verona Cir

Village Ordinance: 22.24 Area, Bulk, and Placement Regulations Residential Zone District R-2B requires rear open space of 40 feet and side open space of 5 feet side one and 10 feet side other.

22.30.040 (a) Nonconforming Structures Residential Zone Districts require any alteration or enlargement to an existing nonconforming structure conform to the Ordinance.

Deviation Requested: To build a two-story addition on an existing nonconforming house that will be 35.4 feet from the rear property line and attach an existing garage that is 30.3 feet from the rear property line and 6.9 feet from the side property line.

Saur explained that petitioner, Elizabeth Arsov, 32231 Verona Cir, is seeking a variance from requirements of Chapter 22, Section 22.24 and Section 22.30.040 (a) to build a two-story addition onto an existing nonconforming home and attach the existing detached garage. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Regulations requires rear open space of 40 feet, and 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 alteration or enlargement to a nonconforming structure be in compliance with the ordinance. The petitioner is seeking to build a two-story addition on a nonconforming house and attach an existing detached garage.

Upon completion of a boundary survey, the petitioner's request for a variance is slightly revised from the request at the March 12th meeting to a lesser variance for the rear encroachment and greater variance for the side encroachment. The existing home encroaches into the rear setback approximately 3 feet on the first floor only. The existing second story does not extend over the entire footprint of the house and meets rear setback requirements. The existing garage is conforming as a detached building; however once attached, it becomes subject to the setback requirements of the principal building.

The petitioner is proposing to expand the first floor and second floor, and attach the existing garage to the house. Per the boundary survey submitted, the expanded two story house would encroach 4.6 feet into the rear setback and the attached garage would encroach into the 3.1 feet into the side setback and 9.7 feet into the rear setback. The proposed addition and renovations otherwise meet Zoning Ordinance requirements, including the requirements for minimum separation.

A copy of the boundary survey along with the previously submitted petition, site plan, floor plans, and elevations was provided to the Board.

Petitioner Arsov was in attendance along with her architect. The architect explained that attaching the garage would allow for fireproofing and greater fire safety. Currently the home and garage are not in compliance with state building codes.

Based on the location of the garage 2.5 feet from the home, and the home being nonconforming as built, they are unable to build any sort of addition that would be in compliance with the ordinance.

A letter of support was submitted from neighbors Robert and Marilyn Cunningham, Verona Circle.

Motion by Raeder, second by Maxwell, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24 and Section 22.30.040 (a) to allow the petitioner to build a two-story addition onto the rear of a nonconforming house that will be no closer than 35.4 feet from rear lot line and attach an existing garage that is 30.3 feet from the rear lot line and 6.9 feet from the east side lot line at the front and not less than 9 feet from the east lot line at the rear due to impracticality of lot size and the need to resolve safety, health, and fire hazards.

Motion passed (9 - 0).

CASE NO. 1344

Petitioner: William McConnell

Property: 31574 E. Bellvine Trail

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations Single Family Residential Zone Districts prohibits fencing in the side yard except to enclose a side door or along street side of corner lot.

Deviation Requested: To replace a fence that is 27 feet beyond the rear of the home and enclosing a portion of the side yard.

Saur explained that petitioner, William McConnell, 31574 E. Bellvine Trail, is seeking a variance from requirements of Chapter 22, Section 22.08.150 to replace an existing fence enclosing a portion of the side yard.

The property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations requires fences enclose the rear yard only except where the property abuts a street or has a commonly and consistently used side entrance. The petitioner is seeking to replace an existing fence which encloses a portion of the side yard of an interior lot without a side entrance.

The existing fence connects to the original rear corner of the house. An addition in 1992 to the rear of the house created the noncompliant location as that space meets the definition of a side yard. Per the plans submitted in 1992, the addition extends 27 feet off the rear of the home. The petitioner would like to replace the fence in the current location with an otherwise conforming fence. A copy of the petition, sketch of fence location, and fence permit application was provided to the Board.

Homeowner McConnell, and contractor from Action Fence explained the current fence was installed in 1969 when the pool was installed. They are looking to replace it with a black fence that matches the rest of the fence line on the property and brings the current gate and fence up to pool safety standards. Replacing the fence along the existing fence line also maintains the uniformity of the existing fence line.

Motion by Raeder, second by Maxwell, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.08.150 to allow the petitioner to build a 4 foot tall, 35% open to air and light aluminum fence enclosing a portion of the side yard that extends no more than 27 feet into the side yard on the south due to practical difficulties of the location of the existing fence, the need to maintain the safety of a pool fence, and to avoid variations in fence line.

Motion passed (9 - 0).

PUBLIC COMMENTS

None.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

Saur reported the Fence Ordinance subcommittee continues to meet. The Planning Commission has formed subcommittees on backyard chickens, lot coverage, zoning compliance permits, and recreational marijuana.

ZONING BOARD COMMENTS

None.

Motion by Donnelly, second by Maxwell, to adjourn the meeting at 8:10 pm.

Motion passed.

Michele Tillman
Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary