

Present: Chairperson Raeder; Vice-Chairperson Maxwell; Members: Crawford, Crossen, Gatowski, Mitchell, and Tillman; Alternates: Gennari and Jawad

Absent: Members: Donnelly and Lepidi

Also Present: Planning and Zoning Administrator, Erin Saur  
Council Liaison, Rock Abboud

Zoning Board Chairperson Raeder called the regular Zoning Board of Appeals meeting to order at 6:00 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Mitchell, second by Crossen, that Case #1353 be heard following Case #1350.

Motion passed.

**REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD AUGUST 13, 2018**

Motion by Tillman, second by Maxwell, that the minutes of a regular Zoning Board of Appeals meeting held August 13, 2018 be approved as submitted.

Motion passed.

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

None.

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

**CASE NO. 1350**

**Petitioner:** Paul Mooney, PRM Custom Builders LLC, 7457 Franklin, Ste 230, Bloomfield Twp, MI 48301

**Property:** 20655 Glenhill Ct

**Village Ordinance: 22.24.010 (a) Front Open Space** All Residential Zone Districts require 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.

**Deviation Requested:** To build a new house that will be 117 feet from the front lot line where the average front open space is 137.10 feet.

Saur explained the property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requires 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 petitioner is proposing to construct a new home that will be 117 feet from the front property line at the closest point where the average front open space is 137.10 feet.

In 2015, the Zoning Board of Appeals approved a variance for this property, case number 1293, to construct a new home in this location. At that time, there was an existing home on the property that was located 117 feet from the front property line. The existing house was subsequently demolished; however, a building permit for the construction of the new home was not obtained, and per §22.38.040, “A variance shall become null and void if the grantee has not secured a building permit to construct under the variance before one (1) year from the date the variance was granted by the Board.” The petitioner is proposing to move forward with construction of the home consistent with the variance that was granted in 2015.

The existing house to the east of the property is 93.3 feet from the front property line and the existing house to the west of the property is 180.9 feet. The front open space average only includes those two existing houses due to the demolition of the house that previously existed on the property.

A copy of the current petition form, documentation from Case No 1293, and minutes from Zoning Board of Appeals meeting held December 14, 2015 were provided.

A letter of objection was submitted by Joseph Kochanek and Julia Dougherty, Glenhill Court.

Mooney spoke, explaining that due to unexpected family issues they were unable to complete the build within the original time allotment, but is prepared to move forward at this time.

Motion by Tillman, second by Crawford, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24.010 (a) to allow the petitioners to build a new single family residence that will be no closer than 117 feet from front lot line due to practical difficulties of location of the previous home and cul-de-sac, shape of the lot, topography, and variance previously granted in 2015.

Roll Call Vote:  
Motion passed (9-0).

### CASE NO. 1353

**Petitioner:** Julie Fream and Robert Lawrence, 1620 Northlawn Blvd, Birmingham, MI 48009

**Property:** 20605 Glenhill Ct

**Village Ordinance: 22.24.010 (a) Front Open Space** All Residential Zone Districts require 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.

**Deviation Requested:** To build a new house that will be 71 feet from the front lot line where the average front open space is 137.10 feet.

Saur explained the property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requires 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 petitioner is proposing to construct a new home that will be 71 feet from the front property line at the closest point where the average front open space is 137.10 feet.

The existing house is 93.3 feet from the front property line and the only other house within the averaging area is located 180.9 feet from the front property line. The petitioners are proposing to demolish the existing house and are seeking to angle the new house closer to the cul-de-sac. The petitioner has submitted a site plan which shows the proposed location of the new house meets all other setback requirements. A survey will be required for building permits to be issued that confirm conformance with the remaining setback requirements as well as plans demonstrating compliance with applicable Zoning Ordinance standards.

A copy of the petition form and site plan were provided.

A letter of objection was submitted by Joseph Kochanek and Julia Dougherty, Glenhill Court.

A letter of support was submitted by Leonard and Eileen Terman, Village Drive.

Lawrence explained he and his wife purchased the lot with the intention to build their primary residence there. The lot is a deep lot, with a large wooded area in the rear that they would like to preserve, it creates a green screen for the home and surrounding neighbors.

Motion by Mitchell, second by Tillman, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24.010 (a) to allow the petitioners to build a new single family residence that will be no closer than 71 feet from front lot line due to practical difficulties of the rear yard slope and drop off, and the placement of neighboring lot.

Roll Call Vote:  
Motion passed (9-0).

### CASE NO. 1351

**Petitioner:** Colleen Miller, 847 Davis Ave, Birmingham, MI 48009

**Property:** 32785 Eastlady Dr

**Village Ordinance: 22.24.010 (a) Front Open Space** All Residential Zone Districts require 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.

**Deviation Requested:** To build a new house that will be 80 feet from the front lot line where the average front open space is 94.9 feet.

Saur explained the property is zoned R-A, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requires 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 petitioner is proposing to construct a new home that will be 80 feet from the front property line at the closest point where the average front open space is 94.9 feet.

Within the averaging area, the existing house sits 109.4 feet from the front property line and the neighboring homes have front setbacks that measure 89.9 feet and 85.6 feet. The submitted survey notes an easement for overhead utility lines that bisects the rear open space.

A copy of the petition form, topographic property survey, proposed floor plans, and front elevations of proposed house were provided.

Miller explained that they purchased the home with the intention for it to be their primary home with four children. She expressed her concern that having utility lines close to her home and rear patio create a risk of fire or otherwise to her home and family.

Joe Wright, Eastlady, requested clarification on the front of the home relative to other homes on the street.

Motion by Crossen, second by Tillman, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24.010 (a) to allow the petitioners to build a new single family residence that will be no closer than 80 feet from front lot line due to practical difficulties of the location of the utility easement, and the potential danger of utility lines near a two story home.

Roll Call Vote:  
Motion passed (9-0).

#### **CASE NO. 1352**

**Petitioner:** Derrick Haselhuhn, Vangeloff Management KFC, 26448 Grand River Ave, Redford, MI 48240

**Property:** 15616 Thirteen Mile 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 will be 156 square feet.

Saur explained 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 the existing nonconforming wall sign and install a new wall sign on the front of the building as part of a major interior and exterior renovation. The last permit record for permanent signage at this property shows the wall sign was in compliance with the ordinance standards at that time.

At the meeting held August 22, 2018 the Planning Commission discussed the proposed new sign and how to calculate the square footage of the proposed wall sign. The submittal details application of a wall decal onto a red and white stripped aluminum panel measuring 156 square feet that would be affixed to the front façade of the building. Below is the text from Chapter 22, Section 32 Signs which defines what is considered a sign as well as the method for computation of the sign area.

22.32.020. Definitions, Sign: Any object, device, logo, display or structure, or part thereof, which is intended to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Signs

shall include banners, bulbs or other lighting devices, streamers, pennants, balloons, propellers, flags and any similar device of any type or kind whether bearing lettering or not 22.32.030. Measurement of Sign Area, 1. Single-Face Sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of the display used to differentiate such sign from the background against which it is placed.

At the Planning Commission meeting, the petitioner verbally agreed to painting the panel solid red, in lieu of striping, which would match the approved façade updates which detail the building to be painted red in the area the aluminum panel will be installed. The proposed decal has also been modified from the submittal to the Planning Commission to remove lettering and symbols, and will only include the image of Colonel Sanders, which measures 41.8 square feet. The signage will to be in compliance with the illumination standards.

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.

Procedurally, if granted a variance, the sign permit application still requires approval by the Planning Commission. Attached are the renderings of proposed signage and minutes from the Planning Commission meeting held August 22, 2018.

Haselhuhn explained that the building updates and requested variance fall within the scope of a national rebranding campaign by Kentucky Fried Chicken. The placement of the exterior sign allows for interior redesign as well. He has been before the Planning Commission and has complied with all other requested modifications to the original proposal.

Reader suggested that the applicant meet with his design team to determine if the sign decal could be scaled to a smaller size to come into compliance.

Motion by Tillman, second by Mitchell, that the Zoning Board of Appeals postpones all discussion on Case #1352 to the next meeting.

Motion passed.

#### **CASE NO. 1354**

**Petitioner:** Glenn Hummel, 4219 Sheridan Dr, Royal Oak, MI 48073

**Property:** 19242 Warwick St

**Village Ordinance:** 22.08.070 Corner Lot Setback on the Side Street in Residential Zone  
**Districts:** All Residential Zone Districts require the minimum setback on the street side equal to the front setback for the Zone District where there is an abutting interior lot.

**Deviation Requested:** To build a second story addition that will be 36 feet from the street side lot line where the minimum front open setback is 40 feet.

Saur explained the property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.070 Corner Lot Setback on the Side Street in Residential Zone Districts requires the minimum setback on the street side equal to front setback for the Zone District where there is an abutting interior lot. The petitioner is proposing to construct a second story addition that will be 36 feet from the street side property line where the stated minimum front setback is 40 feet.

The proposed addition will sit farther back from the street than the existing garage and neighboring home. The existing attached garage is 30 feet from the street side property line and the abutting house to the north on Inglewood has a front setback of 30 feet.

A copy of the petition form, site plan, floor plans, and elevations was provided.

The Village received 11 letters from surrounding neighbors, including the neighbor directly north abutting the property, in support of the variance and improvements to the house. Thomas Morgan and Ralph Jones, Warwick; Cathy Sheppard, Inglewood; Michelle Fournier, Inglewood; Susan Weed, Warwick; Mark Harabedian, Inglewood; Sharon Grabowski, Warwick; Witold and Lynn Szykiel, Warwick; Michael and Marina Moriarty, Warwick; Candace Raimi, Warwick; William and Linda MacQueen, Inglewood; Jeff Knudson, Warwick.

Hummel explained that the property is located on a corner lot. Staying within the existing footprint is a priority, and the rear pitch and angle of the home make it difficult to build off of the back.

Motion by Mitchell, second by Gatowski, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.08.070 to allow the petitioner to build a second story addition that will be no closer than 36 feet from street side lot line due to practical difficulties of the shape of the lot, current location and footprint of home on the lot, and topography.

Roll Call Vote:  
Motion passed (9-0).

**PUBLIC COMMENTS**

None.

**LIAISON COMMENTS**

Aboud thanked the Board for their time and efforts.

**ADMINISTRATION COMMENTS**

Saur thanked everyone for attending the training session. She advised them the November meeting would be held in the Southfield Township office.

**ZONING BOARD COMMENTS**

None.

Motion by Mitchell, second by Tillman, to adjourn the meeting at 7:10 pm.

Motion passed.

**Charles Raeder**  
**Chairperson**

**Chris Wilson**  
**Village Clerk**

**Elizabeth M. Lyons**  
**Recording Secretary**