

Present: Chairperson Raeder; Members: Crawford, Crossen, Donnelly, Gatowski, Mitchell, and Tillman; Alternate: Jawad

Absent: Vice-Chairperson Maxwell; Member: Lepidi; Alternate: Gennari

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 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 SEPTEMBER 10, 2018

Crawford requested that Page 5, Paragraph 2, that the word “stripping” be changed to “striping”.

Motion by Tillman, second by Mitchell, that the minutes of a regular Zoning Board of Appeals meeting held September 10, 2018 be approved as amended.

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. 1355

Petitioner: Steve Ramaekers, Main Street Design Build, 555 S Old Woodward Ave, Birmingham, MI 48009 for Brian and Rita Date

Property: 16257 Birwood Ave

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.

22.24 Schedule of Regulations Residential Zone District R-3 requires side open space not less than 5 feet on side one and 5 feet on side other

Deviation Requested: To build an addition on the first story of an existing home that will be 39.44 feet from the front lot line where the average front open space is 43.83 feet and 3.8 feet from the side lot line.

Saur explained the property is zoned R-3, 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. Additionally, Section 22.24 Schedule of Regulations requires minimum open space of 5 feet from

side one and 5 feet from side other. The petitioner is proposing to add a first floor addition that will be 39.44 feet from the front lot line where the average open space is calculated at 43.83 feet and will be 3.8 feet from the east, side lot line. The existing house is nonconforming due to the side encroachment. Per Section 22.30.040, any alteration or addition to a nonconforming structure must be in compliance with the current Village Ordinance.

The petitioner was granted a variance from the front open space requirements at the meeting held August 13, 2018, Case Number 1349. At that time, the petitioner proposed a bay window style addition to the living room which did not expand the existing side open space encroachment. The variance was granted for front open space of 40.83 feet which is consistent with the two neighboring homes, both of which have a front open space of 40.42 feet. The square footage of the approved addition is approximately 20 square feet and projects just over 2 feet from the existing home.

The expanded addition as proposed for Case 1355 is for a 13 foot by 4.79 foot expansion of the first floor of the home for a total square footage of 62.27 square feet. The proposed front open space will be 39.44 feet from the front property line as the addition will project just under 5 feet from the existing home. This is a significant increase in the overall size of addition, requires a greater variance from the front open space regulations, and requires an additional variance from the side open space regulations.

The Zoning Board of Appeals is obligated to grant the least variance possible to provide relief given unique circumstances of the property which render strict adherence to the Zoning Ordinance to be unreasonably burdensome. The petitioner must demonstrate why the previously granted variance is no longer sufficient to provide relief.

Provided to the Board was a copy of the petition form, letter from petitioner, site plan, front averaging data, and elevations. The minutes from the August 13, 2018 Zoning Board of Appeals meeting and a copy of the site plan and elevations from the approved proposal were also provided.

Ramaekers explained that despite the average open space of 43.83 feet, the other homes on the street extend farther past the front of the Dates' home. Their request averages out to the difference between the neighboring homes. The previously proposed open porch extends farther than the newly proposed addition.

Brain and Rita Dates, owners of the property, are 40+ year residents and they are looking to expand for more space to entertain their growing family. After the previous variance was granted and they began to draft plans, they realized the new window did not allow for the increase in space they required. They noted the conditions of a narrow lot and grading for drainage in the rear still limit their ability to construct in another location.

The Board suggested that the addition be limited to 40 feet from the front lot line, consistent with the neighboring homes.

Motion by Crossen, second by Gatowski, that the Zoning Board of Appeals grants a variance from the requirements of Section 22.24.010 (a) and Section 22.24 to allow the petitioners to build a first floor addition on to an existing home that will be no closer than 40 feet from front lot line and no closer than 3.8 feet to the east, side lot line due to practical difficulties of a narrow lot and rear property grading for drainage, on the condition that no

permit be issued for Case No. 1349.

Roll Call Vote:
Motion passed (8-0).

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported the Planning Commission approved the signs for KFC and the Southfield Plaza.

ADMINISTRATION COMMENTS

Saur reported case number 1352 was withdrawn. Planning Commission continues to work on accessory buildings, structures, and uses, and lot coverage ordinances. Due to Veterans Day holiday and a scheduled Council meeting, the November meeting will be held on Tuesday, November 13th at the Southfield Township offices.

ZONING BOARD COMMENTS

None.

Motion by Crawford, second by Tillman, to adjourn the meeting at 8:10 pm.

Motion passed.

Charles Raeder
Chairperson

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary