

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

Absent: Alternates: Gennari and Keller

Also Present: Planning and Zoning Administrator, LaPere

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 AUGUST 12, 2019

Motion by Crossen, second by Mitchell, that the minutes of a regular Zoning Board of Appeals meeting held August 12, 2019 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. 1370

Petitioner: William and Carol Gaggos

Property: 31555 Fairfax Ave.

Village Ordinance: 22.08.150 Fence, Wall, and Privacy Screen Regulations All Residential Zone Districts allow four (4) foot high fencing that is 35% open to air and light in the rear yard

Deviation Requested: The petitioner seeks to install a four-foot, open style fence that extends into the side yard.

Petitioners are seeking a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations to construct a fence that will extend beyond the rear yard of their property. The property is zoned R-2A, Single Family Residential. Chapter 22, Section 22.08.150 permits fencing in the rear open space that is four feet in height above grade and 35% open to air and light. The petitioner is seeking to install a portion of fencing along their northern, side property line.

The property is a pie shaped parcel at the intersection of Glencoe and Fairfax. Due to the atypical lot configuration and the orientation of the home on the lot, applying the definitions of 22.08.150 results in the portion of the fencing to be located in the side yard. The definition of front open space described in Section 22.04 defines this area front open space; however, because the request is for a fence and that section has specific definitions to be used for fencing it is considered a side yard.

Section 22.08.150 states that fencing is not permitted in the side yard unless there is an exterior door which will be enclosed by the fence or the side yard abuts a side street. Because neither of those circumstances apply, a variance is required for the approximately 20 feet of fencing and a pedestrian gate that will extend beyond the rear corner of the attached garage. In addition to noting the lot configuration and shape, the petitioner has submitted photos which denote the existing landscaping and patio pavers relative to the attached garage door which they contend limit their ability to comply with the ordinance standards. The fencing to be installed is four-foot, black aluminum style fencing that otherwise complies with the Ordinance requirements.

Upon inquiry from the Board, LaPere verified that if this lot were a typical rectangular corner lot, no variance would be needed. Prior to the meeting, LaPere spoke to the northwest property owner who is not opposed to the fence but feels everyone should be held to the same rules.

Motion by Crossen, second by Oen, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations to construct a fence at 31555 Fairfax that will extend into the side yard approximately 20 feet and include a pedestrian gate due to practical difficulties of the irregular shape of the lot and orientation of the house on the property.

Roll Call Vote:
Motion passed (9-0)

CASE NO. 1371

The petitioner has withdrawn the request.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

LaPere reported that there are currently no petitions for the November meeting.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Tillman, to adjourn the meeting at 7:42 pm.

Motion passed.

Charles Raeder
Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary