

Present: Chairperson Raeder; Members: Crawford, Crossen, Gatowski, Maxwell, and Mitchell; Alternates: Gennari and Keller

Absent: Vice-Chairperson Tillman; Members: Jawad and Oen

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 OCTOBER 14 2019

Motion by Crawford, second by Mitchell, that the minutes of a regular Zoning Board of Appeals meeting held October 14, 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. 1372

Petitioner: Benjamin and Amy Glime

Property: 18921 Devonshire St

Village Ordinance: 22.24 Area, Height, Bulk, and Placement Regulations Residential Zone District R- 2B requires a setback of 40 feet from the rear property line for the principal building.

Deviation Requested: The petitioners seek to construct an addition that will be no closer than 36 feet from the rear property line.

The property is zoned R-2B, Single Family Residential. Chapter 22, Section 22.24 requires 40 feet of rear open space in this Zone District. In October 2016, the petitioners were granted a variance by the Zoning Board of Appeals to construct an addition that would encroach into the rear open space. At that time, the Board found the reduced setback was consistent with the existing homes in this area, and was necessary to maintain required side setbacks while providing continued access to a pedestrian door on the rear of the home. Per Section 22.38.040, c, construction must commence within one year or the variance is considered null and void. The petitioners had circumstances arise that prohibited their planned construction of the addition. In the interim, they have made some modifications to the design for this submittal including redesigning the pedestrian door access; however, the encroachment has not changed from the previously granted variance request.

Since the prior request for a variance the Village has adopted lot coverage maximums. The plans submitted detail an addition that will result in a 25.04% lot coverage, which is above the allowable maximum of 25% for this Zone District by 4.5 square feet. Village Ordinance allows administration to grant an increase up to 5% above maximum lot coverage where low-impact design practices are used to mitigate the increase coverage by buildings. The engineer for the Village has noted there is ample opportunity to mitigate this modest of an overage. The petitioner has agreed to work with the Village to address this administratively.

The proposed addition will provide a master bedroom with closets and bathroom on suite, and expand the existing kitchen area. The proposed addition has been designed to be offset from the existing west, side wall of the home to maintain the required side setback of Section 22.24 and minimum spacing between homes required by Section 22.08.090. The existing home was constructed in 1965 and is nonconforming due to side setback encroachment on both the east and west sides of the property.

The petitioner thanked the Board for hearing their case, and explained that it was unfortunate they were not able to go forward with the project in the past, but look forward to completing it in 2020.

Motion by Crossen, second by Maxwell, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Regulations to construct an addition at 18921 Devonshire St that will be no closer than 36 feet from the rear property line due to practical difficulties of the existing non-conforming placement of the home.

Roll Call Vote:
Motion passed (7-0)

CASE NO. 1373

Petitioner: Alice Miles and Ed Scritchfield

Property: 17234 Birwood Ave

Village Ordinance: 22.24 Area, Height, Bulk, and Placement Regulations Residential Zone District R- 2B requires a setback of 5 feet (side one) and 10 feet (side other) from the side lot lines for the principal building.

Deviation Requested: The petitioners seek to construct an addition onto an existing home that will be no closer than 5.9 feet where 10 feet is required.

The property is zoned R-2B, Single Family Residential. Chapter 22, Section 22.24 requires five (5) feet and ten (10) feet of side open space in this Zone District. The existing home has a side setback of 16.3 feet on the west side and, due to an addition, a setback of 7.6 feet on the east side. The existing detached garage is 5.9 feet from the west side lot line, which is conforming as a detached accessory building per Section 22.08.100.

The existing home was constructed in 1948, and the addition on the northeast corner was constructed in 1963. The proposed addition to the northwest corner of the home will expand the existing kitchen area, add additional living space/mudroom, and expand and attach the existing detached garage. Due to the existing location of the original house and previously constructed addition, the west side must be designated as “side other” and requires a 10-foot setback from the property line.

Section 22.08.100 (i) requires that accessory buildings, attached or detached, be designed so that no exterior wall is greater than two-times the length of another exterior wall unless the Planning Commission grants approval upon finding no adverse impact to surrounding neighborhood. The proposed addition will result in a garage that is 40 feet 8 7/16 inches long and 10 feet 4 inches wide. Procedurally, the petitioner will be required to receive Planning Commission approval for the design of the garage before permits can be issued, if a variance is granted. The proposed modifications otherwise meet Zoning Ordinance requirements including minimum separation between residences and lot coverage. There are additional modifications being proposed to the front porch and rear of the home which do not require a variance. Two letters from neighboring property owners in support of the proposed addition were received.

Petitioners and Brian Neeper, architect for the petitioner, explained that there is a large tree behind the garage that limits ability to add onto the rear. The goal of the renovation is to create an accessible home to allow the homeowners to age-in-place. The space is very limited to create an attached two car garage, but the attached garage will help them continue to live in their home.

Raeder clarified that the other proposed renovations do not require a variance and create a more useable home. He expressed concerns related to granting a side yard variance for an 81-foot wide lot.

The petitioner acknowledged that cars will still have to be stacked into the garage; however, this variance would make the garage easier to use and there will be no change to the paved area.

Motion by Mitchell, second by Crawford, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Regulations to construct an addition at 17234 Birwood Ave that will be no closer than 5.9 feet from the west, side property line due to practical difficulties of there being no alternative space to create accessibility for an attached garage

Roll Call Vote:

Mitchell yes
Raeder no
Gennari yes
Crawford yes
Crossen yes
Gatowski no
Maxwell yes
Motion passed (5-2)

Keller joined the table at 8 pm.

CASE NO. 1374

Petitioner: Spencer Doty, PLG Properties LLC

Property: 31645 Southfield Rd

Village Ordinance: 22.28.020 Off-Street Parking Requirements Professional offices of doctors, dentists, and similar professions, and medical and dental clinics are required to have one parking space per 125 sq ft of gross floor area.

Deviation Requested: The petitioners seek to use the existing building as a physical therapy office with the existing 13 parking spaces where 21 spaces are required.

The property located at 31645 Southfield Road has been a commercial site since the 1960s. In 2004 the existing building was demolished and subsequently the current building was constructed upon Village approval of the site with the proposed use described as a professional services office. Since construction, a number of tenants have occupied part or all of the building for a variety of uses. The most recent tenant has been a nail salon which has occupied a portion of the building since 2011. This use does not comply with Village parking requirements by 20+ spaces. Upon purchasing the property, the current owner/petitioner has had numerous discussions with Administration about his options to address this non-compliance.

Village Ordinance, Section 22.28 enumerates three methods to provide required off-street parking: onsite parking, joint parking with neighboring lot(s), or collective parking for multiple buildings or uses. The petitioner has an agreement with a nearby office suite (Medical Village) for use of 15 of their excess spaces to be utilized by the employees of the medical office which will allow patients use of the parking on-site; however, this agreement does not meet the Village Ordinance requirement that joint parking facilities be located within 300 feet as measured by most direct pedestrian access.

The petitioner is requesting the Zoning Board of Appeals grant a variance for the eight (8) parking space discrepancy on the existing site to provide only 13 parking spaces upon change of use to a physical therapy office. Section 22.28.020 requires the professional offices of doctors, dentists and similar professions, and medical and dental clinics to provide one space per each 125 square feet of gross floor area. The existing building has 2,604 sq ft of gross floor area which results in requirement for 21 spaces to be provided.

The petitioner's architect has submitted an informational letter regarding the property and the parking calculations that also notes the ability to expand parking on-site is not feasible due to the surrounding development and the parcel size. Additionally, the Village Planning Commission and Administration is currently in the process of updating several sections of the Zoning Ordinance, including the parking regulations. The Village most recently updated its parking regulations chart in 2000, and recommended parking guidelines have changed in the past 19 years. Administration plans to have draft language prepared for consideration in the next three months.

A copy of the petition form and description of the project, letter from Medical Village acknowledging the parking agreement and voicing support of the proposed change of use, the approved site plan from 2005, and aerial imagery of the site and pedestrian access to the parking were provided.

Doty explained that the current tenant does not use the entire building and his goal has been to move in a tenant that will use the entire property. If the variance is not granted then the contract with the nail salon would be renewed.

Francesca Schovers, Site and Landscape Specialist, Designhaus, LLC, explained that the new use will be a much less intensive than the current tenant. The physical therapy tenant would have three employees that would be using the parking at medical village. At any one time there would be 5-7 people receiving treatment and parking in the lot. There are not any other options or spaces to put more parking on the current lot.

Stephen Satovsky, owner Beverly Hills Club, explained that he is very concerned about the parking as there are often vehicles using his lot while at the nail salon. He believes this is not a practical use for the property and will create a parking overflow problem. The current design of the building is front and back rental space, and a loft area located within the front space.

LaPere clarified that the variance is being requested because the use would be considered medical use, not for professional office which would be compliant with current ordinance requirements. The current request is for a variance on the number of spaces provided on-site for a medical office use. Although an agreement is in place for additional parking off-site, it is not approvable as it does not meet ordinance standards.

Upon discussion amongst the Board members, there was concern about evaluating the options for providing off-street parking and sought additional information.

Motion by Crossen, second by Gatowski, that the Zoning Board of Appeals postponed decision on the request until the January 13, 2020 meeting.

Motion passed (8-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

George updated the Board that the development proposal for the vacant lot on Southfield Road was denied by Village Council.

ADMINISTRATION COMMENTS

LaPere reported the Planning Commission has made a recommendation for Council to review and consider approval of updates to the sections related to rezoning and uses. The Commission and administration continue to work on the PUD language and will be working on review of the parking requirements.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Mitchell, to adjourn the meeting at 9:30 pm.

Motion passed.

Charles Raeder
Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary