

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

Absent: Members: Maxwell and Oen; Alternate: Gennari

Also Present: Planning and Zoning Administrator, LaPere  
Village Clerk/Assistant Manager, Rutkowski  
Council Liaison, George

Raeder called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. via Zoom, per Executive Order 2020-75.

**REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD FEBRUARY 10, 2020**

Motion by Crossen, second by Mitchell, that the minutes of a regular Zoning Board of Appeals meeting held February 10, 2020 be approved as submitted.

Roll Call Vote:  
Motion passed (8-0)

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

None.

**CASE NO. 1376**

**Petitioner:** Greg Morgan, Phillips Sign & Lighting, Inc.  
40920 Executive Drive, Harrison Township, MI 48045

**Owner:** Michigan Orthopaedic Surgeons

**Property:** 17877 W. 14 Mile Road

**Variance Requested:**

Section 22.32.095 Standards for All Signs, 2. Height, setback, and projection requirements, d. No part of a ground sign may be close than four (4) feet to the right-of-way.

**Deviation Requested:**

The petitioner seeks to construct a new sign to replace the existing sign that is in a nonconforming location, 22 inches from the right-of-way.

Petitioner Greg Morgan, Phillips Sign & Lighting, is seeking a variance from the requirements of Village Ordinance, Chapter 22, Section 22.32.095, Standards for All Signs 2, Height, setback, and projection requirements, d, No part of a ground sign may be closer than four (4) feet to the right-of-way, on behalf of the owners of Michigan Orthopaedic Surgeons located at 17877 W 14 Mile Road to install a replacement ground sign for the medical office entrance.

The existing sign location has been consistent since 1980s, and the current sign was installed in 1997 in conformance with regulations in effect at that time. In 2013, the Village has modified the sign regulations and now requires ground signs to be no closer than four feet to the right-of-way.

The current ground sign is 22 inches from the right-of-way and the petitioner is seeking approval to replace the sign in the same location. The application has been reviewed for compliance with the Village's Zoning Ordinance requirements for signage and the proposal appears to be in compliance with the other applicable requirements.

The petitioner has noted that the existing sign was damaged and is in need of replacement. Section 22.32.120 Nonconforming Signs notes that nonconforming signs cannot be replaced if replacement costs exceed 60%. Further, the petitioner is seeking a variance because they contend that the existing site layout and street trees along 14 Mile Road limit the ability to relocate the new sign. Procedurally, if granted a variance the sign request will require review and approval by the Planning Commission before permit issuance.

The petitioner has submitted detailed plans for the proposed work and a copy of the petition form and supplemental documentation was provided to the Board.

The petitioner provided an overview of the sign and answered questions from the Board.

There was discussion regarding the new proposed location of the sign and the proposed footings.

Tillman asked about the distance from the ground to the bottom of the sign and expressed concern over sight impediments.

LaPere clarified ground sign requirements.

Crawford asked about the total size of the sign and suggested making it smaller. The petitioner stated that if the overall size of the sign was reduced, then the copy would be smaller and more difficult to read.

Jawad commented that he was in favor of the proposed location because a snow plow would be less likely to hit it and that vehicles entering and exiting the parking lot would be able to see around it.

LaPere explained to the petitioner that he would need at least five affirmative votes to be granted a variance and since there were only eight of nine board members present, the petitioner has the option to ask the Board to table his request to the next meeting. The petitioner preferred for the Board to move forward with the vote.

Motion by Tillman, second by Crossen, that the Zoning Board of Appeals grants a variance from Village Ordinance, Chapter 22, Section 22.32.095, Standards for All Signs, 2. Height, setback, and projection requirements, d. No part of a ground sign may be closer than four (4) feet to the right-of-way, for a replacement ground sign at 17877 W 14 Mile Road that will be less than four feet, but as close as possible to the curb of the parking lot, no more than 6 inches from the curb to the centerline of the front post for the reason that applying the strict letter of zoning restrictions would unreasonably prevent the landowner from using their property for a permitted purpose given the configuration of the parking lot and existing structures on the property; approval of the variance would not negatively impact adjacent property owners or land within the district; and the circumstances requiring the

variance were not self-created as the lot and structures have been in this configuration for many years.

**Roll Call Vote:**

Gatowski – yes

Jawad – yes

Mitchell – yes

Raeder – yes

Tillman – yes

Keller – yes

Crawford – no

Crossen – yes

Motion passed (7-1)

**CASE NO. 1377**

**Petitioner:** Tyler McVety, 31625 Auburn Drive, Beverly Hills

**Property:** 32405 Bellvine Trail

**Variance Requested:**

Section 22.24, 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 same side of the street.

**Deviation Requested:**

The petitioner seeks to construct a new home that will be 72.25 feet from the front lot line where a setback of 80.23 feet is required.

Petitioner Tyler McVety, 31625 Auburn Dr, is seeking a variance from the requirements of Village Ordinance, Chapter 22, Section 22.24, a Front Open Space, for a property located at 32405 Bellvine Trail. The petitioner has an offer to purchase this property and is seeking to construct a new home with an attached garage on the site. The prior home was demolished by the current owners in February 2019.

Village Ordinance, Section 22.24, a Front Open Space requires compliance with average front open space of existing homes within 200 feet on the same side of the street. There are three homes within that averaging area, with setbacks that range from 76.1 feet to 85.8 feet. The average calculated front setback is 80.23 feet. Due to the curve of the roadway, the proposed house setback measurement varies and is partly in conformance; however the proposed attached garage will be 72.25 feet from the front property line at the closest point. Attached accessory buildings are subject to the same setback requirements as the principal building.

The petitioner has noted that the majority of proposed home will be in conformance with the front setback and he is seeking to maximize the space from the rear of the house and accessory structures to the existing power lines that bisect the rear open space.

The petitioner has submitted survey of the proposed new home and garage location, and a copy of

the petition form and supplemental documentation was provided to the Board

LaPere explained to the petitioner that this variance would require five affirmative votes and that there are only eight members of the Board present, so the petitioner has the option to request the Board table the case until the next meeting. The petitioner preferred to proceed with the vote at this meeting.

The petitioner stated his intent was to maximize the backyard area without having a patio located underneath powerlines. He did not think his request was egregious given the curve of the property line. He answered questions from the Board regarding the rear entry garage design.

There was further discussion from the Board regarding the proposed garage, the location of the powerlines, and whether the hardship is self-created.

Keller and Jawad commented that the hardship seems self-created and that there are other possible solutions from architectural and engineering standpoints.

Raeder did not think this variance would negatively impact the value of the adjacent properties. He commented that he would like to see the tree remain in the back yard.

Susan Brodie, 32410 Bellvine Trail, commented that she would like to see the garage straightened out.

Raeder and LaPere clarified procedural requirements for bringing requests to the Zoning Board of Appeals. The petitioner stated that he would like the Board to proceed with the vote at this meeting.

Motion by Crossen, second by Mitchell that the Zoning Board of Appeals grants a variance from Village Ordinance, Chapter 22, Section 22.24, a, Front Open Space for a new residence at 32405 Bellvine Trail that will be no closer than 72.25 feet from the front lot line due to the practical difficulties of the curve of the road and the egress to the garage with the position of said garage upon finding that this situation is unique to the subject property, applying the strict letter of zoning restrictions would unreasonably prevent the landowner from using their property for a permitted purpose, conformity with the zoning regulations is unnecessarily burdensome, approval of the variance would not negatively impact adjacent property owners or land within the district, and the circumstances requiring the variance were not self-created.

Roll Call Vote:

Jawad – no

Mitchell – yes

Raeder – yes

Tillman – no

Keller – no

Crawford – no

Crossen – no

Gatowski – no

Motion failed (2-6)

Motion by Tillman, second by Jawad, the Zoning Board of Appeals denies a variance from Village Ordinance, Chapter 22, Section 22.24, a, Front Open Space for Case #1377, a new residence at 32405 Bellvine Trail due to the lack of practical difficulty demonstrated, and upon finding that the circumstances are not unique to this property, the landowner can reasonably use the property without the variance, maintaining conformity with the zoning regulations is not unnecessarily burdensome, and the circumstances requiring the variance were self-created.

Roll Call Vote:

Mitchell – yes

Raeder – no

Tillman – yes

Keller – yes

Crawford – yes

Crossen – yes

Gatowski – yes

Jawad – yes

Motion passed (7-1)

#### **PUBLIC COMMENTS**

None.

#### **LIAISON COMMENTS**

George reminded the Board members that board/commission reappointments are scheduled to take place at the June 16, 2020 Village Council meeting.

#### **ADMINISTRATION COMMENTS**

LaPere commented that the deadline for submittals for the July ZBA meeting is June 18, 2020.

#### **ZONING BOARD COMMENTS**

Raeder stated that he would be unable to attend the July meeting.

Motion by Crawford, second by Tillman, to adjourn the meeting at 8:31 p.m.

Motion passed.

**Charles Raeder**  
Chairperson

**Kristin Rutkowski**  
Village Clerk