

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

Absent: Chairperson Raeder; Members: Maxwell, Mitchell, and Oen

Also Present: Village Manager, Wilson
Council Liaison, George

Tillman 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 JANUARY 13, 2020

Motion by Crawford, second by Crossen, that the minutes of a regular Zoning Board of Appeals meeting held January 13, 2020 be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

Tillman 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. 1375

Petitioner: Ben Templeton, Templeton Building Co
735 Forest Ave, Ste 204, Birmingham, MI 48009

Owner: Ayers and Suzan Morison

Property: 30250 Embassy Street

Village Ordinance: 22.24.010, a. Front Open Space. Where a front open space of greater or less depth than forty feet (40') exists in front of a single family residence or residences presently on one side of a street in any block and within two hundred feet (200') of the lot or parcel, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences.

Deviation Requested: The petitioner seeks to add a front entrance onto the existing house that will be 56 feet, 6 inches where the front open space average calculated per 22.24.010, a. is 64 feet, 5 inches.

Petitioner Ben Templeton of Templeton Building Co, 735 Forest Ave, Ste 204, Birmingham, MI 48009, is seeking a variance from the requirements of Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space for the property located at 30250 Embassy on behalf of the property owners, Ayers and Suzan Morison.

The existing residence was constructed in 1954, which predates the Village’s incorporation. Since that time the residence has had an addition that was constructed in 1976, interior renovations to the kitchen in 1984, and another addition in 1998.

The current project entails additions to the rear, front, and side of the home along with related interior renovations and extensive landscaping. Other than the proposed addition on the front, the project meets Zoning Ordinance requirements including height, setbacks, lot coverage, etc., and it has been reviewed and approved by the Village Engineer for compliance with applicable grading and drainage standards.

The petitioner is seeking approval for the addition of 74 square feet of living space off the front of the existing home to expand a portion of the kitchen area. Where there is an existing residence with greater or less than the stated minimum setback, Village Ordinance requires that any existing building subsequently erected or remodeled meet the average front open space of existing homes within 200 feet on the same side of the street. The existing home measures 63 feet, 7 inches to the front property line and the proposed addition will measure 56 feet 6 inches. The average front open space calculated per Section 22.08.010 (a) measures 64 feet 5 inches; therefore, a variance of 7 feet 11 inches is required. The petitioner has submitted detailed plans for the proposed work, along with signatures from nine neighboring property owners who are in support of the project.

The Morisons explained that they have lived in the home for many years and are excited to finally create their dream home. The hope is that through the redesign they will also mitigate water flooding problems that they have on the property.

Templeton explained that there are no plans to fully remodel the kitchen; however, this addition will add a dining area within the kitchen. They will continue the roofline across the porch and the addition will not extend past the existing front porch.

Jawad asked the applicant to reiterate that there would be no footprint extending past the front of the porch. Templeton confirmed that the existing porch extends 12 feet and the addition will only extend 9 feet.

Morison explained they have experienced an excessive amount of flooding in their yard and they hope the rebuild and redesign will solve the drainage problems on the property. In a recent attempt to change the landscape, they hit water at one foot down.

Motion by Tillman, second by Crossen, that the Zoning Board of Appeals grants a variance from requirements of Village Ordinance, Chapter 22, Section 22.24.010 (a) Front Open Space requirements for an addition of a breakfast room on the south side of the property at 30250 Embassy that does not exceed 11.8 ft x 8.5 ft with a maximum 2.5 ft overhang due to the practical difficulties of drainage caused by the lower elevation making the rear space unusable and the requested addition’s proximity to the kitchen, and noting the addition extends less than the existing front porch upon finding that this situation is unique to the subject property and applying the strict letter of zoning restrictions would unreasonably prevent the landowner from using their property for a permitted purpose. The property to the east has a setback that is comparable and the properties to the west have sloping lots that are not parallel to the front; therefore 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:
Motion passed (7-0)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

George informed the Board there would be a Birmingham Public School Bond issue on the upcoming ballot and encouraged them to learn more and support the Bond issue

ADMINISTRATION COMMENTS

Wilson reported there will be a review of the sign ordinance for conformity with state and federal regulations.

ZONING BOARD COMMENTS

None.

Motion by Crossen, second by Gatowski, to adjourn the meeting at 8:00 pm.

Motion passed.

Michelle Tillman
Vice-Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary