

Present: Chairperson Verdi-Hus; Vice-Chairperson Kamp; Members: Clark, Fahlen, Pagnucco, and Pfeifer

Absent: Dery, Freedman and Parks

Also Present: Village Building Official, Byrwa
Council Liaison, Downey

Chairperson Verdi-Hus presided and called the meeting to order at 7:30 p.m. in the Township of Southfield meeting room at 18550 W. Thirteen Mile Road.

APPROVAL OF MINUTES

MOTION by Fahlen, supported by Clark, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, June 14, 1999 be approved as submitted.

Motion passes unanimously.

CASE NO. 971

Petitioner and Property: Erin O'Neill
19955 Sunnyslope Drive
Lot 2872 of Beverly Hills #10, TH24-03-230-007

Petition: Petitioner requests a deviation from the Point of Observation section of the ordinance to permit a board on board style fence.

Erin O'Neill was present requesting a variance from the Point of Observation section of the Fence Ordinance. She stated that this request is a follow up to a previous Zoning Board of Appeals meeting where she requested a deviation to replace an existing four foot cedar stockade fence in her back yard that was not 35% open to air and light (Case No. 962). O'Neill was unable to attend that meeting but sent individuals to represent her. The variance was not approved.

O'Neill related that she came to the Village office after her variance was denied with the intention of meeting ordinance requirements and applying for a fence permit. She provided a color photo of the proposed board on board fence that would replace her existing stockade fence. As part of the permit process, O'Neill was informed that she must receive approval from the local subdivision association. She received that approval and returned to the Village office to request a fence permit. O'Neill stated that she was granted a permit by the Village for a four foot high, board on board, 35% open fence and had it constructed on her property.

O'Neill then received a field correction notice on June 16 saying that she had not obtained a fence permit and had altered the fence so it did not comply with the 35% "open to air and light" provision of the Fence Ordinance. O'Neill related her next meeting with the building official at which time she was accused of attempting to defy an ordinance. She requested clarification of the Point of Observation clause at that time.

O'Neill then requested a meeting with Village Manager Hanlin. O'Neill explained to Hanlin that she attempted to meet the ordinance requirements with all good intentions. Hanlin admitted to O'Neill that it might be appropriate in the future for the Village to provide a drawing, picture, or structure that would demonstrate the Point of Observation ordinance requirement.

O'Neill stated that she is a 13-year resident of this community and supports it wholeheartedly. She would do nothing to defy its ordinances. She is suggesting that the Village take measures to prevent this type of confusion in the future. O'Neill maintains that the Point of Observation requirement was not discussed with her nor was it discussed at the Zoning Board meeting at which time her original case was reviewed.

O'Neill stated that she has support from every one of the neighbors surrounding her property who are all present tonight. She contacted the fence company and was informed that there is no way to alter the fence. It would have to be entirely removed and replaced.

Board members asked questions about the events that took place which were addressed by O'Neill. She clarified that she had a stockade fence on her property for 15 years. It was not removed until the permit was granted for a replacement fence. Board members reviewed a picture of the fence that was submitted to the Village upon request for a fence permit.

Kamp asked if O'Neill requested a copy of the Fence Ordinance. O'Neill stated that she was given pages 23-25 of the Fence Ordinance which did not include an explanation of the Point of Observation clause.

Kamp stated that a petitioner is required to demonstrate peculiar or exceptional circumstances or undue hardship. O'Neill is saying that the undue hardship is that she was misled by Village officials or that she received incomplete information. She had a fence constructed in the context of good faith compliance with the ordinance and learned later that she did not comply.

Kamp stated that it is not the obligation of the government to educate its citizens about the law or alleviate the responsibility for a non-complying person if there is a violation of those laws. He can appreciate the frustration on the part of the applicant in these circumstances, but the responsibility for understanding the law and complying with the law is hers and not the Village's or any representative of the Village.

Kamp believes that the new Fence Ordinance is clear in terms of the Point of Observation requirement. You stand 10 feet away from the fence. If you cannot see through it 35%, it does not comply. The issue is whether or not circumstances surrounding the petitioner's good faith attempts to comply with the ordinance are sufficient in this particular case to grant a variance under peculiar or exceptional difficulties or undue hardship.

Byrwa commented that there was a serious failure to communicate in this case. As the Board is aware, Ms. O'Neill did not attend the May 10, 1999 Zoning Board meeting but there were delegates on her behalf at that meeting. Byrwa related that O'Neill came into the office prior to her first case and requested a fence permit to replace a fence that existed on her property for 15 years. He thoroughly reviewed the Point of Observation clause with her at that time and explained why she would have to appear before the Zoning Board of Appeals for a variance. That request was heard and turned down by the Zoning Board.

Byrwa stated that he was informed by the building clerk that Ms. O'Neill was in the office and had decided to comply with the Fence Ordinance after her variance was denied. She requested a fence permit for a board on board style fence. He looked at the picture of the proposed fence. Byrwa stated that he has seen board on board fences that are 35% open. The rear board is cut smaller than the front board. Byrwa informed the building clerk that the fence should be 35% open and wrote this on the application for the fence permit. Ms. O'Neill was issued a permit.

It was brought to his attention after the fence was erected that it did not comply with the ordinance. O'Neill was issued a notice for not having a permit for that style of fence. She came into the office and inquired about the ordinance language. Byrwa conceded that O'Neill was not given the definition section of the Ordinance which addresses the Point of Observation issue.

Byrwa displayed pictures of fences that were erected in the last year that comply with the ordinance, based on the information that is disseminated from the Village office. Since this occurrence, the definition of Point of Observation is included in the materials distributed. Byrwa believes that this is an unfortunate situation that involves miscommunication and money spent by the resident on a fence that is not in strict compliance with the ordinance.

Kamp thinks the issue is a matter of who bears the burden of complying with the ordinance and educating themselves about the ordinance. He thinks the applicant attempted in good faith to comply

with the Ordinance. The question for the Board is whether the events meet the circumstances of a variance.

Martin Kotch of 32900 Evergreen, the neighbor immediately behind Ms. O'Neill's property, supports her application for a variance. Kotch stated that he is a professor of constitutional law and submits that the government has an obligation to provide information and not to mislead a citizen. A citizen is required to find out what is necessary to comply. He questioned the reliance on the information provided by the government when a question to see the ordinance is replied to by providing three pages.

Kotch stated that there are neighbors present who will unanimously support the application. The undue hardship is relying in good faith on the representations of the permit issuing government agency. He added that there is a substantial amount of money which would be required on the citizen's part to fully comply with the ordinance of which she was unaware. Kotch affirmed that this case involves a variance request, not an assault on the ordinance.

Kotch stated that the fence is barely visible from the street and only affects three neighbors in terms of sight line. He is grateful for the fence because it provides privacy and shields his home from headlights. He feels that the history of this case and the location of the fence are more than adequate grounds for granting this variance.

Byrwa read the following from the top of page 24 of the Fence Ordinance which the petitioner received when she inquired about the Ordinance: "b. Requirements in Single Family Residential Districts: 1. Fences. Fences are permitted in front yards, rear yards, and side yards that abut streets, subject to the following requirements (see Section 22.04 "Point of Observation")." Byrwa added that the following language indicates that, "a fence in a rear yard shall not exceed 48 inches in height above grade, its vertical surface shall not have less than 35% open to air and light....".

Verdi-Hus stated that there has been deliberation on the situation that occurred. It is up to the Board to decide whether there is sufficient evidence to come to a decision on this case.

Decision: MOTION by Fahlen, supported by Verdi-Hus, that the petition be allowed based on the peculiar and exceptional circumstances and undue hardship presented in this case, taking into account the previous petition and the conduct of the respective interested parties at that time and since then.

Roll Call Vote:
Resolution passes unanimously.

CASE NO. 968

Petitioner & Property: Stuart Bergsma
23063 Nottingham
Lot 191 of Nottingham Forest #6
TH24-04-327-006

Petition: Petitioner requests a deviation to extend the fence 7' past the rear of the house to enclose a pool.

The petitioner Stuart Bergsma presented his request to install a pool enclosure fence seven feet forward from the rear of the house. He explained that the placement of the pool was dictated by the narrow, pie-shaped lot. The variance is requested in order to provide decking around the pool while meeting codes as far as distance from the house and property lines. Seven feet was requested because it places the fence between windows. The variance will allow the property owners the space and safety to supervise pool activity without the deck furniture being in the walkway.

Verdi-Hus read a letter dated July 13 regarding this case from Dr. Lillian Rosenberg Hurwitz of 23049 Nottingham Drive who asks the Board to deny the request for variance on the basis that the

change will have a negative impact on the value of the two houses on the cul-de-sac as well as the quality of their environment.

Another letter in support of the request for variance was submitted by Charles and Christine Huckabay of 23035 Nottingham Drive. They feel that the variance will be beneficial to the functional value of the pool deck and have no negative affect on the property values of houses in the cul-de-sac.

Bergsma thinks the comments in Dr. Hurwitz's letter are focused more on the pool itself. The location of the pool will not change the noise or activity level.

Fahlen asked if there are any requirements for the amount of space around a pool. Byrwa stated that they try to keep the pool at least 10 feet from the house and 5 feet from any lot line. There is no requirement for concrete or decking.

Decision: MOTION by Fahlen, supported by Kamp, that the variance be granted based on the hardship that exists due to the lack of appropriate space between the house and the pool to allow for the freedom of movement around the pool.

Roll Call Vote:
Resolution passes unanimously.

CASE NO. 969

Petitioner and Property: Rukni Abboud
18207 Gould Court
Lot 2 of Supervisor's Plat of Gould Court
TH24-02-427-002

Petition: Petitioner requests a rear yard deviation from the required 30' open space to 18'-2" and an east side yard deviation from the required 15' to 13'-4" and a west side yard deviation from the required 10' to 8'-4" in order to construct an addition to an attached garage.

Rukni Abboud referred to the written material he prepared to support his case. He stated that what is now Gould Court was originally an alley. Because of this, the back side and front side of the home have switched. A variance to the ordinance is requested to attach the garage to the house and add a family room addition. Abboud noted that the lot has a significant downward slope from front to back. This makes the front yard the best place to build due to the grade change.

Steve Weber, who designed the addition, commented on how the change in the status of the road created confusion between what functions as the front and the back of the house. He described the addition and the variances requested. He maintains that there is a hardship because of the narrow lot which makes it difficult to improve the front facade of the home. The proposed addition will increase property values and improve the look of the neighborhood.

Abboud stated that he contacted his neighbors. The Petersons could not attend the meeting but indicated that they have no objections to the variances. His parents who live on the east side support his proposal. Abboud asked that the Zoning Board members support the proposal so his family can have a presentable home.

In answer to an inquiry, Abboud stated that Gould Court was supposed to run from Southfield Road into Huntley Square. What is currently Gould Court is actually the alley. The Board discussed the unusual circumstances of this proposal. The property owner was commended for his efforts in maintaining his property.

Decision: MOTION by Pfeifer, supported by Clark, that the variance as requested be approved on the basis that this is a very small parcel of land in a unique position with no way to accommodate improvements to the structure without granting the variances.

Roll Call Vote:
Motion passes unanimously.

CASE NO. 970

Petitioner & Property: Greg and Lisa Miracle
18499 Hillcrest
Lots 1863, 1864 and part of 1865 of Beverly Hills #
TH24-02-254-012, 013

Petition: Petitioner requests a side yard deviation from the required 15' minimum open space to 5' side yard open space in order to add an addition that would attach the existing detached garage to the house.

Architect Kevin Hart explained the property owners' proposal to build an addition that would house a new kitchen, mud room, family room, first floor master suite, and second floor bedroom. The addition will be in keeping with the existing structure of the home. The proposal will include attaching the existing detached garage which is non-conforming because it is closer than 10 feet from the side lot line.

Lisa Miracle explained the need for a variance to build the addition. Her parents moved in a few years ago which prompted the need to attach the garage and build an addition to the home. If the variance is not approved, the only other option for the family will be to leave the area and look for another home. Ms. Miracle indicated that they have the support of the adjacent neighbors.

Eric Andrew of 18521 Hillcrest, neighbor to the north, stated that he has no objections.

It was indicated by the Board that this design does not increase the non-conformity.

Decision: MOTION by Fahlen, supported by Clark, that the request for variance be allowed on the basis that it will continue the same line of the garage that was created in 1936 before the Beverly Hills Zoning Ordinance was adopted.

Roll Call Vote:
Resolution passes unanimously.

CASE NO. 973

Petitioner: Paul Weisenbach
Frank Rewold and Son, Inc.
333 East Second Street, Rochester, MI

Property: 31535 Southfield Road (former Halo building)
Part of Lot 17 of Crystal Springs Subdivision
TH24-02-427-009, 010, 011

Petition:

1. Petitioner requests a deviation from the permitted 120 SF total sign area per business to 460 SF signage includes 196 SF at east elevation, 200 SF at south elevation and 64 SF of ground signage.
2. Petitioner requests permission to retain the existing sign height of 16' in lieu of the maximum 13.5' permitted sign height.
3. Petitioner proposes to provide 186 parking spaces in lieu of the required 243 spaces.

Verdi-Hus stated that there are changes in the variances being requested from the initial application and information received by the Board.

Paul Weisenbach with Frank Rewold and Son stated that their company would be the contractor if the project goes forward. He introduced other people from his office and from the architectural firm of Stephen Auger and Associates. The property owner Linden Nelson was present.

Weisenbach stated that the representatives of the tenant have had an opportunity to rethink and revise the appeals that they would like to bring before the Zoning Board of Appeals. They are now asking for less square footage for signage than indicated on the original request. The applicant is requesting a slightly greater parking variance. Weisenbach asked that the Board address these issues separately.

Weisenbach stated that the Board members have been presented with drawings. As of this morning, there was approval by the potential tenant, Bed Bath & Beyond, to accept a different entrance configuration which affects a variety of site plan issues. The main entrance will be moved from the east side of the building to provide entrances on the west and southwest sides. There will be a display window with signage on the Southfield Road side of the building.

Weisenbach outlined the proposal for Bed Bath & Beyond to move into the former Halo Creative Concepts in Marketing building located at 31535 Southfield Road. The front part of the existing facility will be demolished to create a square box of approximately 41,000 SF. The initial plan had an entrance on the east and an entrance on the south side. After meeting with the Planning Board and representatives from the Village as well as local merchants from the north and south, it was decided that it would cause a little less traffic and activity to create a rear entry on the back side and a southwest entry.

The tenant is anxious to come into the area and continue the success they have had in Michigan. Bed Bath & Beyond is a large, highly sophisticated, mass merchandising, storage type of facility. They have very nice products and are a strong draw for any community.

Weisenbach addressed the proposal for signage at the site. He displayed a drawing of the proposed signage. The east wall will be constructed with a display window and a sign with the Bed Bath & Beyond logo which will be seen from Southfield Road. There will be a south entrance and a main, double-sided entrance at the southwest corner. The building is 117' long and approximately 22' high.

The Village Ordinance allows a maximum of 120 SF of signage on the site. The applicant is proposing a Bed Bath & Beyond logo sign that is 7' high and 28' long (196 SF) on the east side facing Southfield Road. There is an existing 16.5' high pole sign on the site. Weisenbach explained that they propose to replace this with a smaller monument sign (11 SF) and set it back into the greenbelt area. There will be three 20 SF signs that are one foot high over each of the entrances - the south entrance, the southwest entrance and the rear entrance. They will say Bed Bath & Beyond and will identify the entrance. The applicant is requesting 281 SF of signage on the site. The variance requested is 163 SF.

Board members have received several pages of photographs taken as you are heading north going past the facility and going south starting at McDonalds. These photographs show that there are obstacles or a hardship view that does not let a motorist know that they are approaching the facility. Considering that the building is set back so far from the road, Weisenbach hopes that the Board agrees that there should be some consideration to expand this view so that people approaching can recognize the building.

Board members reviewed the plans for signage and asked questions addressed by Weisenbach. The hardship being presented is the obstacles blocking the view of this building from vehicles approaching on Southfield Road. Weisenbach noted that the Grill and adjacent two-story building are located in front of the proposed facility. Signage will not be visible to people until they are almost at the site.

Kamp asked if consideration was given to erect a taller sign closer to the road right-of-way. Weisenbach commented that the ordinance requirement for sign height is 13.5 feet. A sign at this height would be completely blocked by the foliage on the existing trees. The proposed monument sign will blend in with the landscaping at the front of the building.

Weisenbach stated that the impact look of Bed Bath & Beyond is a norm for retail and commercial. If two signs are needed, 60 SF per sign is not a large amount of signage. The building sign is located far from the road. The effort here is to make this a pleasing, presentable view for the Southfield Road corridor. The entrance was moved to the rear, but there is a need to provide some identification to the front view of the building.

Kamp asked how this tenant's circumstance differs from any other business along that corridor. He noted that the Racquet Club is set further back.

Weisenbach stated that they are going to create a landscaping view to the front of the building that is new to Southfield Road. The Planning Board is interested in seeing landscaping and design improvements along the whole Southfield Road corridor. Weisenbach outlined the landscape plan for the site. He pointed out that the front of their property does not have the wide-open view that is currently available to the Racquet Club. The applicant is requesting small identification signs at the side and rear entrances. The facility is set back substantially from the road. They request a sign that will make some impact from Southfield Road.

Kamp explained that this Board has limited powers. It starts with an ordinance that reflects the public policy of the Village. There is limitation on square footage of signs at 120 SF. It is within the authority of this body to consider whether the circumstances presented represent exceptional or undue hardship for the applicant under the circumstances. He questioned how this petitioner's circumstance is different from any other business or person who might want to develop property along Southfield Road.

Weisenbach stated that Bed Bath & Beyond needs to promote itself in this arena. Most of the signs on other Bed Bath & Beyond facilities are 10' x 40'. A realistic sign has been designed for the front of this building. There are drawbacks to this site, one of which is the narrow throat into the rear parking area. The customer needs to know that the store is there which is done by presenting a sign that is in keeping with the design and presentation of the entrance.

Weisenbach remarked that some cities base the sign on the front area of the store using a percentage to calculate allowable sign area. The maximum signage allowed for a business in Beverly Hills is 120 SF whether a store front is 10' long or 120' long. He maintains it is a hardship to require 120 SF of signage on a building this large that is set back this far from the road.

Fahlen maintains that people will not have a problem finding the building on Southfield Road with the monument sign near Southfield Road.

Weisenbach is hearing that there is too much signage on the site. The monument sign is 10.5 SF. There are 1' x 20' signs over each entrance. He questioned if the signage would be acceptable if they reduced the size of the front building sign to 6' x 24' and limited the signage on the south side of the building.

Byrwa commented that, if the ZBA approves a variance for signage, the signage for this site will go before the Planning Board for review and approval. The Planning Board looks at the location, lighting and other aspects of compliance to the Sign Ordinance.

Doyle Downey of 30865 Lincolnshire West commented that large signs are not looked at favorably in Beverly Hills. He understands the need for signage in the rear to identify the entrances.

Norman Robiner of 30600 Lahser, Planning Board member, stated that the applicant made substantial changes in the proposal which he thinks the Planning Board will find more acceptable. The original proposal showed the main entrance at the front of the building. The plan to have the main entrance in the rear alleviates congestion at the front of the building. Robiner agrees that a larger sign than allowed by the ordinance may be appropriate because of the setback of this building from the road. The signs in the rear of the building will not be observed by anyone except those people parking in that lot. To the west is woods own by the Birmingham Public School system.

There are apartments to the south. Robiner thinks the applicant's argument for signage is logical. He emphasized that he is not speaking on behalf of the Planning Board.

Sandy Shapiro, attorney representing the Beverly Hills Racquet Club, stated that his client has been held to strict adherence to the Village Zoning Ordinance. The Beverly Hills Club is opposed to anything that does not comply with the Zoning Ordinance. He maintains that there has been no demonstration of undue hardship with respect to these signs. There are no statistics. Shapiro believes that their opposition is appropriate.

Pfeifer questioned the hardship on which this request for variance is based. Weisenbach stated that the focal point whereby people recognize a facility is at the street sign. In order to build a monument sign with the same impact as the facilities to the north and the south, they would have to remove the extensive landscaping efforts on the plan. The applicant wants to create landscaping presence that has ambiance and intelligence in its design. They propose to put a small sign at the street and a larger sign on the building itself.

The front of this building cannot be seen as you drive north until you are in front of it. There is a need for a larger sign on the front of the building because it is set about 200 feet from the street. The proportion of the sign should be considered in light of the size of the building. The hardship is caused by the existing building and the surrounding facilities.

Shapiro contends that the proposal to locate this particular use at the existing building creates the hardship. It should not be assumed that the building should be used as proposed. The Village should ask if this use is appropriate for this site. Parking is a big problem on the site.

Pfeifer suggested that this Board did not have an opportunity to review any of the new material presented this evening. He proposes tabling the requests for variance until the next meeting on August 9 after further consideration of the new information. He asked the petitioner to briefly outline the parking variance requested.

Weisenbach stated that the Beth Bath & Beyond organization is anxious to get this building in its best condition as quickly as possible. He asks if the Board would consider the case this evening for the purpose of maintaining a schedule so that the tenant can get into the building at a time that would be most profitable.

Verdi-Hus commented that the Board members do not want to make an uninformed decision. There has been a large amount of information presented, some of which is new to this body tonight.

Pfeifer informed the applicant that he must receive five positive votes from the Board tonight in order for a variance to be granted. There are six Board members present.

Weisenbach stated that, if it is the recommendation of the Board to resubmit at another time, appropriate steps will be taken to resubmit.

Pfeifer asked how many parking spaces will be provided on site. Weisenbach stated that the Village Ordinance states that 230 parking spaces are needed for a facility of 34,432 SF and the appropriate additional space for storage or shipping. A total of 239 spaces are required based on the Village Ordinance. There are 169 spaces shown on the present drawing. A variance of 70 spaces is being requested.

Weisenbach outlined the reasons for considering a variance from the parking requirements. This facility is a different retail space than most typical stores in a smaller strip center or in a free-standing unit. The concept of this particular project is a high, multi-stacked stock situation where everything is out on the floor. The typical standard known as the International Council of Shopping Centers Code requires 5.2 spaces per 1,000 SF which is less restrictive than one space for 150 SF that is required by Beverly Hills.

The tenant has 189 of these facilities and will not go into a facility unless they have at least 4.5 spaces per 1,000 SF. The tenant reviews the parking needs based on demographic studies before negotiating a lease. This lease offers a 4.5 per 1,000 SF space which is about 163 spaces. Their

history tells them that this is how many spaces that are required. There are 169 spaced provided on the site with 8 handicapped spaces. The contractor has based the plan on the number of parking spaces that the tenant requires for this type of facility.

Weisenbach remarked that the direction indicated from the Planning Board and planning consultant led them to design the parking lot with maximum landscaping. Because of the extended landscaping design, the applicant has negotiated out of 18 available parking spaces. It was thought that all parties would rather have landscaping in that area as opposed to asphalt. That is the approach taken in designing the latest parking variance request of 70 spaces.

Kamp stated that there is no doubt that people in the Village would like to see this property used. This Board must determine whether there is a hardship. He asked Weisenbach to address the issue of why there is a hardship in his client's case to comply with the ordinance requirements relative to parking spaces.

Weisenbach stated that the design of the Bed Bath & Beyond store is a hybrid of retail and mass merchandising. When there is that much stock on the floor, there is less space for sales. He displayed the floor plan and compared a standard retail facility with a hybrid design as proposed. There is some office space and receiving area but there is no storage in this building. Everything is out on the floor. It is self-service, nicely merchandised program.

Weisenbach does not think it can be suggested that every foot of space in their store is sales floor space because so much of it is laden with stock. To say that every 150 SF will require a parking space in this particular hybrid design is where the hardship exists. The current facilities are very comfortable with 163 parking spaces. The statistics show the stores typically (92% of the time) have between 200-350 customers a day. Within that time period, about 15% of the customers come in the morning hours; 65-70% will come during the afternoon, with the bulk of them coming from 1:30-4:30; evening traffic represents 20-25% of the customers. The bulk of their business is done during the day after lunch and before dinner. At any given time, there would be no more than a flow of 60 cars in the lot.

Sam Shapiro stated that the Village Ordinance does not provide for any hybrids. It requires one parking space for every 150 feet of floor space. The petitioner does not speak to the health and welfare of the community or how the parking variance affects the surrounding businesses. He asked where people are going to park during the three weeks when the store is successful. Shapiro maintains that there is not sufficient parking for all of the buildings presently. Adding a high use destination store will increase the parking and congestion problems. There has been no discussion about the traffic pattern on Southfield Road and how people are going to make a left turn out of that parking lot.

Weisenbach stated that there will be no pass through between this facility and the Racquet Club. He referred to the landscaping berm proposed between the adjacent site to the north. There is no way to park off of this site. The tenant is comfortable with the parking proposed. The 4.5 ratio of parking is based on the worst scenario, not typical use. The traffic flow for people north and south into this location will be no worse than the traffic north and south into the Racquet Club.

MOTION by Pfeifer, supported by Fahlen, to approve a total of 187 SF of signage which would allow for a 5' x 20' sign on the front of the building, a 12 SF monument sign, and three 25 SF signs over the south and west entrances. This variance is granted on the basis of a hardship in allowing the front of the building to be visible due to the set back of approximately 200' from the front property line.

Roll Call Vote:

Resolution passes unanimously.

Fahlen referred to the ordinance requirements for parking spaces. He questioned whether the Institute of American Architects (AIA) has come out with new standards for this type of operation.

Byrwa stated that this was discussed at the last Planning Board meeting. The Village planning consultant verified that the national average according to the books and resource material used by Birchler Arroyo is 5.2 spaces per 1,000 SF. The Village Ordinance requires 6.6 spaces for every 1,000 SF of useable floor area. The planning consultant thought that the Village ordinance was more restrictive than the national average according to the material his firm uses.

Fahlen asked if the Planning Board has copies of that resource. Byrwa indicated that this information will be provided to the Planning Board at their next meeting.

MOTION by Fahlen, supported by Verdi-Hus, that consideration of a variance from parking requirements be tabled pending receipt of up-to-date information on current industry standards from the Village planning consultant.

Roll Call Vote:
Motion passes unanimously.

Weisenbach asked the Board if there is an opportunity for the Zoning Board to meet prior to the August 9 date if the Planning Board is in agreement with the recommendation by the planning consultant. He stated that the contractor is trying to work expeditiously to rectify a situation that is not pleasing to Southfield Road. Additional information from the Planning Board may help in this Board's decision and expedite this program so that facility can be operational by the holiday season.

Byrwa stated that the chairperson of the ZBA can call a special meeting if there are circumstances that warrant such a meeting. There was no action taken by the Zoning Board of Appeals to schedule a special meeting.

DISCUSSION OF ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

MOTION by Pfeifer, supported by Fahlen, to table this item until the next meeting.

Motion passes unanimously.

PUBLIC COMMENTS

Doyle Downey expressed the view that efforts should be made to provide as many parking spaces as possible on the Southfield Road site. He remarked that industry standards should not circumvent Village ordinances.

Norman Robiner indicated that there was a great deal of emphasis at the Planning Board meeting on giving up more parking spaces in the front for beautification of the site.

Kamp does not think the merits of the case should be discussed at this point in the meeting other than on a broad perspective. Discussion of the variance request of Bed Bath & Beyond will be continued at the August 9 meeting.

Linden Nelson, owner of the building at 31535 Southfield Road, understands that there have been concerns about cleaning up the building. He informed the Board that he wants this site operational more than anyone.

MOTION by Fahlen, supported by Clark, that the meeting be adjourned at 10:10 p.m.

Motion passes unanimously.

MaryAnn Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk