

Present: Chairperson Verdi-Hus; Vice-Chairperson Kamp; Members: Fahlen, Freedman, Johnson, Needham and Schafer

Absent: Pagnucco and Parks

Also Present: Building Official, Byrwa

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

APPROVAL OF MINUTES

On page 4, third paragraph, line two, add the word ‘only’ after ‘leave’.

MOTION by Fahlen, supported by Kamp, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, February 12 , 2001 be approved as amended.

Motion passes unanimously.

Verdi-Hus announced that the petitioner for Case No. 1011 has requested that the case be postponed until next month’s meeting scheduled for April 9, 2001.

CASE NO. 1010

Petitioner and Property: A. Michael Tucker
30325 Vernon Drive
Lot 109 of Berkshire Valleys #3
TH24-10-177-006

Petition: Petitioner requests a deviation from the maximum 720 SF to 888 SF for an attached garage.

The petitioner Michael Tucker related that he is a former Beverly Hills resident who is returning to a home on Vernon Drive. He is in the process of renovating the house and building an addition. Plans for the addition have been approved by building official Dave Byrwa. Tucker is present to seek a change to the garage portion of the approved plan.

Tucker displayed a diagram showing the existing house and proposed addition that is being built. He proposes to expand the garage on the north side of the building. Tucker explained the layout of the home and location of the family room, dining room, and garage. The dimensions of the addition are 46’ in length and 37’ wide. The 46’ length includes a 22’ section of living area and 24’ of garage.

The garage on the approved plan has a 16’ door on the first bay and is 18.5’ x 24’ or 444 SF; the second bay is 11.5’ x 24’ or 276 SF. The 720 SF garage indicated in the plan meets ordinance requirements. Tucker is requesting a variance to increase the size of the garage to include a work shop area. He proposes to have two 16’ doors on the side entrance garage. He is proposing an 888 SF attached garage. There are no changes to the exterior dimension, and the building will come no closer to the lot lines under the revised plan. Tucker is asking to increase the interior space of the garage.

Kamp commented that the garage is not an accessory building. He questioned the need for a variance. The ordinance clearly defines accessory buildings as a subordinate, detached building, the use of which is customarily incidental to the permitted principal use of the building on the same lot.

Byrwa stated that the ordinance has always been interpreted to allow a maximum garage size of 720 SF garage if the floor area is limited to sixty percent of the ground floor area of the principal building. What is being proposed is a four-car garage with two 16 foot doors, which is unprecedented in the Village. Byrwa questioned whether there is an ordinance clarification of a public and private garage that would limit the number of vehicles or size of the structure.

Kamp read the ordinance definition of private garage: “An accessory building having not more than 720 SF in area to be used for the storage of noncommercial vehicles.” It does not limit the number of cars. Kamp reiterated that the proposed garage is clearly an attached structure.

In answer to an inquiry, Tucker stated that he owns one vehicle and intends to purchase a pop-up camper and possibly a sport utility vehicle. He will also use the garage to store lawn furniture. Tucker asserted that the floor area of the garage is well under 60 percent of the ground floor area of the principal building.

Byrwa suggested that the Planning Board may want to review the ordinance and make a recommendation on how this section can be clarified with respect to the maximum size for a garage whether it is attached or detached. He thinks that the intent of the ordinance was to keep the size of garages to 3 ½ car garages or 720 SF on the basis that larger garages may not be conducive to a residential area.

Sharon Tischler of 21415 Virmar Court had a question on the ordinance which was addressed by Byrwa. She believes that this would be the first instance of a home in Beverly Hills with a four car garage.

Kamp understands Byrwa’s contention that, at some point, the use of part of an otherwise allowable building is so inconsistent with the neighborhood that it should not be permitted for one reason or another. The Planning Board could be asked to investigate this issue. If the petitioner was presenting a detached building and there was a question of whether that use was sufficiently incidental or customary, then the Zoning Board could rule on it. This does not apply in this case because it is an attached garage.

Michael Huddlestun of 21385 Orcutt Court commended Mr. Tucker for the improvements he is making to the property. This had been a rental piece of property. Huddlestun did express concern about how the garage will look from the street.

Johnson was concerned that, even though the proposed garage does not appear to fall within the jurisdiction of this board, it would be the first four-car garage in the Village.

Needham commented that the ordinance does not cover this situation. He agrees that this section of the ordinance should be clarified by the Village Planning Board.

Kamp is not aware of any portion of the Zoning Ordinance that clearly precludes a four-car garage in an otherwise properly formatted structure. He suggested that, in order to resolve the petition before the board, a motion should be proposed that states formally that it is the board’s view that a variance is not required because the sections of the ordinance on which the petition is based do not apply.

MOTION by Kamp, supported by Schafer, that the board construe the words “accessory building” in Section 22.08.100 (d) of the ordinance, which is the basis of the petition, according to the plain term of the definition which applies to “a subordinate detached building” to mean that that ordinance does not apply to the petitioner’s structure as proposed in the petition.

Roll Call Vote:

Fahlen - yes
Schafer - yes
Needham - yes
Kamp - yes
Verdi-Hus - yes
Freedman - yes
Johnson - yes

Motion passes unanimously.

Byrwa commented that the BOCA code, which is adopted by the Village, has a different definition for commercial garages and private garages and a cap on how many spaces are allowed in a private garage. He will review those restrictions.

Case #1011 has been postponed by the applicant. Byrwa indicated that the applicant wanted to do additional research on the parking situation for the facility.

ZONING BOARD COMMENTS

It was noted that the Planning Board members will receive minutes of this meeting and will be aware of the board's concern about the clarity of the Zoning Ordinance with respect to size of garages whether they are attached or detached.

MOTION by Freedman, supported by Johnson, to adjourn the meeting at 8:09 p.m.
Motion passes unanimously.

MaryAnn Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk