

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

Absent: None

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.

APPROVE MINUTES OF MONDAY, MARCH 19, 2001 ZONING BOARD OF APPEALS MEETING

MOTION by Fahlen, supported by Schafer, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, March 19, 2001 be approved as submitted.

Motion passes unanimously.

CASE NO. 1013

Petitioner and Property: Victor Ventimiglia Jr.
Vic=s Fruit Market
31201 Southfield
Acreage, TH24-02-480-013

Petition: Petitioner requests permission to display the following:
1. Bedding plants and flowers from 5-1-01 to 7-1-01.
2. Pumpkins from 10-1-01 to 10-31-01.
3. Christmas trees from 11-16-01 to 12-31-01.

Vic Ventimiglia, owner of Vic=s Fruit Market, was present requesting permission to display products outside of his store as he does each year. In response to a question, he indicated that the handicapped parking spaces will be moved to another area of the parking lot when seasonal items are displayed.

Decision: MOTION by Freedman, supported by Kamp, that the variance be granted due to the fact that enforcement of the ordinance creates an exceptional or undue hardship by failure to permit the actions as requested.

Roll Call Vote:
Motion passes unanimously.

CASE NO. 1012

Petitioner and Property: Pamela Theisen
16159 Locherbie
Part of Lot 737, all of Lot 738 of Beverly Hills #7
TH24-01-254-014

Petition: Petitioner requests a side yard deviation from the minimum 12.5' open space to 9.7' side yard open space for a one story addition in order to continue with the existing line of the house.

The petitioner Pam Theisen explained the proposal to build an addition on the back of the house for a bedroom and bathroom. The addition will follow the existing line of the house. Contractor Gary Gold displayed the plans for the addition.

A letter dated April 4, 2001 was received from Elwood Totte of 16137 Locherbie. He does not object to the proposed addition but expressed concern with heavy equipment coming across his lot line and damaging his lawn.

Gold stated that he will stay as close to the property line as possible. Any damage to the neighbor's lawn will be taken care of by reseeding the area.

Kamp remarked that Mr. Totte's letter to the Village indicates that he does not want any trespassing on his property. Kamp clarified that approval of the petition by this board does not grant permission to trespass on the neighbor's property. That is an issue between the abutting property owners.

Jeffrey Albrecht of 16193 Locherbie, who lives two doors to the west of the property in question, has no objection to the request for variance. He noted that 90% of the houses east of Southfield would be in violation of the ordinance with a similar request for addition. He suggested that the Zoning Board of Appeals might want to recommend to the Village Council allowing residents living in non-conforming homes to build an addition that extends the existing line of the house further back into the lot. It takes time for homeowners, contractors, and Zoning Board of Appeals members every time someone wants to improve their property without further encroaching upon their neighbors.

Byrwa stated that existing houses were grand fathered at their current size when the Beverly Hills Zoning Ordinance was adopted in 1959. A resident planning to expand his house must comply with the current ordinance. A resident cannot expand a non-conforming use without a variance from the Zoning Ordinance. Verdi-Hus added that the Zoning Board considers each case on its own merits.

Michael Fayz of 16140 Locherbie, who lives across the street, commented that he will be bringing a similar case before the Zoning Board of Appeals. He has no objection to the proposed addition.

Decision: MOTION by Parks, supported by Kamp, that the variance be granted given the particular non-conformance of the house located on the property, the narrow configuration of the lot, and the fact that the property owner proposes to follow the existing line of the house.

Roll Call Vote:
Motion passes unanimously.

ZONING BOARD COMMENTS

Fahlen stated that he has observed a four-car garage in the Village since the last meeting when it was indicated that there were none in the Village. Byrwa concurred that there are several four-car sized garages in the community.

BUILDING OFFICIAL COMMENTS

Byrwa stated that a petitioner with a case pending requesting a variance to locate a mobile cat scan unit on Medical Village property has withdrawn the petition and decided to propose a permanent building addition that would incorporate the mobile unit. This proposal will come before the Village Council and Planning Board for site plan review in the next couple of months.

The 2000 Census figures were announced last week. The Village's population is down by 172 people with a total population of 10,437.

Byrwa informed the board that the Village Council and Finance Committee are meeting in the Village municipal building tonight to review the proposed budget for fiscal year 2001/02.

Parks asked if the Village has a prepared information sheet that could be published in the Village newsletter to inform residents about the need to apply for a permit before erecting a fence. He suggested that residents should be advised to check with the Village before erecting a fence to make sure it complies with the ordinance.

MOTION by Pagnucco, supported by Johnson, to adjourn the meeting at 7:49 p.m.
Motion passes unanimously.

**MaryAnn Verdi-Hus, Chairperson
Zoning Board of Appeals**

**Ellen E. Marshall
Village Clerk**