

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

Absent: Needham and Oen

Also Present: Building Official, Byrwa
Council Liaison, McCleary

Chairperson Verdi-Hus presided and called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES

Motion by Pagnucco, seconded by Johnson, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, February 10, 2003 be approved as submitted.

Motion passed unanimously.

CASE NO. 1065

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

Petition: Petitioner requests permission to display the following:

1. Bedding plants from 5-1-03 through 7-1-03
2. Pumpkins from 10-1-03 through 10-31-03
3. Christmas trees from 11-16-03 through 12-31-03
4. Porch displays from 3-1-03 through 10-31-03

Vic Ventimiglia was present requesting a variance from the ordinance to display the above listed items at his place of business as he has done for a number of years.

Fahlen expressed several issues with the request for outdoor displays. He mentioned the trailer parked on the site. He is concerned that the Starbucks's coffee shop may add to parking problems in the shopping center. Parking issues may increase further if the vacant store at the end of the strip mall is occupied.

Motion by Fahlen, seconded by Freedman, to approve the request for variance to display bedding plants at Vic's Fruit Market from 5-1-03 to 7-1-03 and to allow porch displays until 7-1-03 at which time consideration will be given to the balance of the request for displays following a review of the parking situation after the opening of Starbucks.

Building Official Byrwa clarified that two construction trailers were permitted on the site during the construction period. This is a different situation from the trailer that was parked at the rear of the building previously, which was in violation of Village ordinances. The target opening date

for Starbucks is April 25, 2003. A Certificate of Occupancy will not be issued until the trailers and any construction equipment and material are gone.

Ventimiglia explained that Starbucks opens at 6 a.m. and has little remaining traffic by 11 a.m.

Kamp commented that the concern about trailers occupying the site has been explained by Byrwa as being part of the construction equipment to be removed prior to issuing a Certificate of Occupancy for Starbucks. Another concern is that the parking situation may worsen with the opening of Starbucks and future occupation of the office building at the end of the shopping strip.

Byrwa remarked that he is not aware of plans to remodel and occupy the vacant office building at that corner. He expressed reservation with deciding on a variance for Vic's based on another property in the shopping center. Byrwa suggested that any ordinance problems on the site can be addressed through legal means.

Kamp agrees that an unwillingness to approve the additional displays does not accomplish any purpose under the ordinance. Problems that arise can be addressed in other ways.

There was discussion relative to whether the requested outdoor displays would affect parking congestion at the shopping center. Byrwa related that the parking situation was reviewed as part of the building permit application for constructing a Starbucks in Vic's market. It was noted that the nature of the coffee shop business is that people go in and out. There are about 15 seats in the area. Vic's retail space will decrease by the 1,000 square feet that will be occupied by Starbucks.

Roll Call Vote:

Pagnucco	- no
Schafer	- no
Verdi-Hus	- no
Fahlen	- yes
Freedman	- no
Johnson	- no
Kamp	- no

Motion failed (6 – 1).

Decision: MOTION by Pagnucco, seconded by Kamp, that a variance be granted to allow outdoor sales at Vic's Fruit Market as indicated on the petition.

Roll Call Vote:

Motion passed unanimously.

CASE NO. 1064

Petitioner/Property: David Hagner
18231 Devonshire
Lots 1972, part 1973 of Beverly Hills #4
TH24-02-280-018

Petition: Petitioner requests a side yard deviation from the required 15’ open space to 4.6’ for an addition to the existing attached garage in order to continue with the existing line of the house.

The petitioner David Hagner explained his request to continue an existing side yard deviation in order to extend his garage to the rear by 5.5 feet. The resulting 45.5’ rear yard meets ordinance requirements. The purpose of the addition is to build a fourth bedroom over the garage. Hagner stated that the garage will be connected to the house with a small mud room in the rear with a hallway entrance to the second floor providing access to the bedroom over the garage.

The house was constructed in 1942 prior to the adoption of the Village Zoning Ordinance. Hagner stated that there is a practical difficulty with obtaining needed living space in an economically feasible way. He does not wish to build a large structure to the rear of the house that would occupy back yard space and necessitate the removal of trees.

Decision: Motion by Fahlen, seconded by Pagnucco, to grant the ordinance as requested on the basis that the variance continues the existing line of the house.

Roll Call Vote:
Motion passed unanimously.

CASE NO. 1066

Petitioner/Property: John and Monica Richards
31650 Allerton Drive
Lot 27 of Crystal Springs #2
TH24-02-402-013

Petition: Petitioner requests a 6’ high solid wood fence along the back lot line abutting Beverly School.

Petitioner John Richards stated that their property on Allerton abuts the baseball field behind Beverly School. The six foot stockade fence that existed before the petitioner moved into the house needs replacement. Richards proposes to replace the fence with a six foot cedar wood fence that matches the next door neighbor’s fence. He asked that permission also be given for the finished side of the fence to face his property.

Decision: Motion by Freedman, seconded by Pagnucco, to grant the request for variance to replace a six foot high solid wood fence along the back lot line and allow the finished side to face inward on the basis that enforcement of the Ordinance creates exceptional or undue hardship on this property that abuts Beverly School.

Roll Call Vote:
Motion passed unanimously.

CASE NO. 1067

Petitioner: Ronn Brodie of The Brodie Co., Inc.
32410 Bellvine Trail

Property: 32325 Evergreen Drive
Part of Lot 14 of Supervisor's Plat #13
TH24-03-276-034

Petition: Petitioner requests a rear yard deviation from the required 40' open space to 29' rear yard open space for a garage addition.

Petitioner Ronn Brodie stated that his clients would like to add a mud room to their existing kitchen. The only feasible way to accomplish this is to locate it at the front of their existing garage. It is requested to allow the addition to extend 9' from the garage leaving a 29' rear yard setback.

Questions from the Board were addressed by the petitioner and Byrwa. Brodie explained that building an addition forward from the garage would result in eliminating one of the original windows of the farm house. Byrwa added that the Building Code requires any habitable room to have a minimum of 8% of the floor area to be open to light and ventilation.

Brodie stated that a hardship exists with the shape of the lot and the way the house is positioned on the property, which doesn't allow for utilization of available space. The existing floor plan of the 200-year-old farm house and location of the dining room windows should be considered.

Verdi-Hus read a letter received on April 14, 2003 from Jack Ryan of 20060 Village Drive stating that he has no objections to the proposed construction of the garage addition.

Decision: Motion by Johnson, seconded by Pagnucco, that the variance be granted as requested due to the practical difficulty with the placement of the house on the site.

Roll Call Vote:
Motion passes unanimously.

CASE NO. 1068

Petitioner: Gene Martin from American Sign Center

6800 E. 10 Mile Road
Centerline 48015

Property: 16231 W. 14 Mile Road
Lots 2-11 of Henry Winegar's Eco City
TH24-01-201-052

Petition: Petitioner requests a 40 square foot ground sign to replace the existing sign.

Byrwa stated that the request for a ground sign at 16231 W. 14 Mile Road came before the Planning Board last Wednesday, April 9 for consideration. The Board reviewed the location, size, color, materials, and illumination plans for the signage. The proposed new 40 sq. ft. sign exceeds the 32 sq. ft. allowable sign area for an office-zoned district. The address is not included in the total calculation of sign area.

The applicant is requesting an additional eight square feet to accommodate the multiple tenants that require space on the sign. The Planning Board passed a motion by a vote of six to one to approve the ground sign subject to the Zoning Board of Appeals granting a variance on the sign area.

Freedman expressed the view that the sign as proposed is too big. She suggested removing redundant wording on the sign.

Gene Martin from American Sign Center responded that there are three separate clinics in the building, and they are major tenants. Each sign panel is 12" high, and the sign is designed to assist people who are trying to find their location from the road. The proposed blue and white sign is of aluminum construction with a Lexon face. Martin stated that the proposed sign is replacing an existing unsightly sign that is twice as large.

Vince Borowski of 31115 W. Chelton, Planning Board member who voted against approving the sign request, questioned why the dimensions of the sign could not be reduced to comply with the ordinance.

Schafer questioned whether the owners of the building are allowed to add panels to the existing sign. He can understand the applicant's desire for a sign that is more attractive and easier to read.

Martin stated that the building owner will need the requested sign area as tenants are added with the development of the basement space.

Kamp expressed the view that the proposed sign is an improvement over the existing sign and provides the flexibility to adapt to different tenants. He thinks that a variance should be considered due to the various uses of the building.

Decision: Motion by Schafer, seconded by Fahlen, to approve the request for a variance with respect to the ground sign approved by the Planning Board on April 9, 2003 for approximately 40 square feet of sign area at 16231 W. 14 Mile Road on the

basis that enforcement of the ordinance creates exceptional or undue hardship given the size of the building and the number of tenants therein.

Freedman commented that she will vote against the motion because she believes that the petitioner has failed to demonstrate that the ordinance creates an exceptional or undue hardship for this building that is different from any other building. If there is a signage inadequacy, it should be addressed by the Council.

Roll Call Vote:

Johnson - yes
Kamp - yes
Pagnucco - yes
Schafer - yes
Verdi-Hus - yes
Fahlen - yes
Freedman - no

Motion passed (6 –1).

ZONING BOARD COMMENTS

Kamp commended Ms. Freedman and the other Council candidates for exercising their democratic right to seek positions in an orderly fashion in this time when anarchy is seen in governments in other part of the world.

BUILDING OFFICIAL COMMENTS

Byrwa welcomed new Council liaison Dan McCleary.

Motion by Freedman, seconded by Schafer, to adjourn the meeting at 8:25 p.m.

Motion passed unanimously.

Maryann Verdi-Hus, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary