

Present: Chairperson Schafer; Vice-Chair Berndt; Members: Fahlen, Napier, Needham and Oen

Absent: Brady, Stearn and Verdi-Hus

Also Present: Building Official, Byrwa
Council Member, Pfeifer

Chairperson Schafer presided and called the meeting to order at 7:37 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES

Motion by Oen, second by Berndt, that the minutes of a regular Zoning Board of Appeals meeting held on Monday, February 14, 2005 be approved as submitted.

Motion passed (6 – 0).

CASE NO. 1140

Petitioner/Property: Victor Ventimiglia Jr.
Vic’s Fruit Market
31201 Southfield Road
Acreage, TH-24-02-480-013

Petition: Petitioner requests permission to display the following:

1. Bedding plants from 4-1-05 through 9-30-05
2. Pumpkins from 10-1-05 through 10-31-05
3. Christmas trees, wreaths from 11-01-05 through 12-31-05
4. Porch displays from 3-1-05 through 10-31-05

Vic Ventimiglia was present requesting a variance from the ordinance to display the above listed items at his place of business as has been done for about 14 years. Temporary awnings will be erected in place of the designated parking spaces on the south side of the building for display and sale of market goods.

Byrwa referred to a memo dated March 14, 2005 from Director of Public Safety Karl Woodard regarding the impact of seasonal displays at Vic’s Fruit Market on traffic. The awning footprint encroaches into the 20-foot maneuvering space required by ordinance and the support ropes are an additional intrusion. This constriction of the traffic lane south of the display awnings limits the free flow of two-way traffic in this area. The safety of vehicle and pedestrian traffic is negatively impacted by the current seasonal practice. The Department’s objection would be removed if the display could be restricted more narrowly to allow vehicle traffic the full 20-foot maneuvering space.

Ventimiglia stated that he will do the best he can to keep the awning and guide wires within a 20 foot area. He answered questions from the Board and Council member Pfeifer.

Decision: Motion by Berndt, second by Oen, to grant a variance to allow outdoor sales at Vic's Fruit Market as it will not substantially alter the business character of the property and it is compatible with the surrounding uses. Approval is contingent on the understanding that the petitioner will minimize the intrusion into traffic patterns to the extent possible given existing tents and associated hardware.

Roll Call Vote:
Motion passed (6 – 0).

ZONING BOARD COMMENTS

The Board is in the process of preparing a handbook that describes what needs to be discussed and under what circumstances the ZBA is allowed to grant a use variance. The final revised copy will be distributed to Board members.

Motion by Berndt, second by Napier, that the Zoning Board of Appeals adopt a handbook to be distributed with every application for a variance or hearing before the Board.

Roll Call Vote:
Motion passed (6 – 0).

Schafer inquired whether the Building Official has heard from the Village Attorney regarding a letter sent to the ZBA from counsel for Tim and Monica Mercer (Case No. 1135). Byrwa has heard nothing further from legal counsel but will pursue the matter with Mr. Ryan.

Schafer related that he received an unsigned letter from an individual who indicated disappointment with the decision and rationale of the Zoning Board regarding Case No. 1139 pertaining to property on Breezewood Court.

BUILDING OFFICIAL COMMENTS

Byrwa noted that a flyer has been distributed to Zoning Board members regarding a workshop sponsored by Oakland County to be held on April 9, 2005. Members who are interested in attending will be reimbursed by the Village.

Motion by Needham, second by Fahlen, to adjourn the meeting at 8:01 p.m.

Motion passed.

Todd Schafer, Chair
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary