

Present: Vice-Chairperson Mercer; Members: Brady, Francis, Needham, Tillman and Verdi-Hus

Absent: Fahlen, Farris and Schafer

Also Present: None

Vice-Chair Mercer called the meeting to order at 7:33 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road

APPROVE MINUTES

Motion by Tillman, second by Needham, that the minutes of a regular Zoning Board of Appeals meeting held on October 10, 2007 be approved as submitted.

Motion passed (6 – 0).

CASE NO. 1195

Petitioner & Property: Ascension of Christ Lutheran Church
16935 W. 14 Mile Road
TH-24-01-127-013

The Village Ordinance: 22.08.100: “No accessory structures shall be erected in the front or required side open space.”

The Deviation Requested: Petitioner requests a variance to erect a playscape in the side yard.

Vice-Chairperson Mercer presented background information on the request for variance before the Board. The original case (No. 1191) submitted by Ascension of Christ Lutheran Church was heard at the August 13, 2007 Zoning Board meeting. There were two requests for variance: 1) request to erect a playscape in the side yard; and 2) request to erect a 4 foot fence in a side yard that abuts a road. A motion was made at that meeting to deny the variance request to erect a playscape in the side yard; the petitioner asked that the request for a variance on fence height be tabled.

The case came before the Zoning Board for a rehearing on October 10, 2007, at which time there was a procedural issue. Because the request to erect a play structure in the side yard was denied by a vote of the ZBA at its August meeting, it was determined that the Board could only consider the revised plan if it came before them as a new application with a new case number. The Zoning Board took action to approve the request for a variance on fence height at the October meeting.

A new application was filed (Case No. 1195), and residents within 300 feet of the property were notified of tonight’s hearing on a request for variance to allow a play structure in the side yard of Ascension of Christ Lutheran Church.

Architect Bill Baldner presented the request for variance on behalf of the petitioner. He reviewed that there were a couple of area residents present at the August 13 Zoning Board meeting who expressed concern about the play structure. Following that meeting, Pastor Tom Zucconi arranged a meeting with residents Bill Gray and Bob Smith along with Baldner and another member of the church for the purpose of reviewing the site and proposed structure. The neighbors indicated that they would be satisfied with the proposal if the size of the structure were reduced. The play structure was reduced to a 17' x 17' size at a height of 9 feet. Another part of the compromise was to move the structure closer to the building where it would be blocked from view from the north. The canopy on top of the structure was eliminated and the playscape would be constructed of all cedar wood. In addition to the proposed landscaping, two evergreen trees were added on the north and south sides of the enclosure for added screening.

Baldner referred to a drawing submitted with this case illustrating that the proposed location of the play structure is completely beyond the required side yard setback. Baldner commented that the church site is unique in that it fronts on three streets. The side on Fourteen Mile Road is considered the front yard; the side on Pierce is considered a side yard; and the side on Kirkshire is considered the rear yard. According to zoning requirements, the play structure cannot be located in a front yard or a required side yard. Based on the revised location, this structure is not located in the required side yard setback.

Baldner presented a case for locating the play structure in the side yard rather than in the rear yard where it would cut off one end of the parking lot from the other. In addition, there are residences located across the street from the rear yard. It was the recommendation of the Church and the architect that the structure be located on the east side of the building, which faces an office zoned district.

Questions from Board members on the proposal were addressed by Baldner. He clarified that the proposed play structure is not located in the required side yard setback. The Zoning Ordinance states: "No accessory structures shall be erected in the front or required side open space." Baldner questioned whether the revised proposal requires a variance from the Zoning Ordinance. Mercer responded that the applicant has the option to ask the Board for interpretation of the Zoning Ordinance, a matter that would have to be heard at the next ZBA meeting. Baldner stated that the petitioner would appreciate the Board's consideration of Case No. 1195 this evening.

Cindy Grove of Bloomfield Hills, office manager and director of the Outreach Program for Ascension of Christ Lutheran Church, asked that the Zoning Board approve the request for variance. Elizabeth Klos of 18136 Buckingham, member of the congregation, expressed her support and that of the church council for this proposal. Board members spoke in favor of the revised proposal from the Church.

Decision: Motion by Tillman, second by Verdi-Hus, to approve the request for variance to allow a play structure to be located in the side yard of Ascension of Christ Lutheran Church at 16935 W. 14 Mile Road contingent on the plans submitted by Clifford N. Wright Associates Architects dated 10/11/07.

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

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

Tillman suggested that a Beverly Hills Zoning Ordinance book be available for review at every Zoning Board of Appeals meeting.

Motion by Brady, second by Needham, to adjourn the meeting at 8:45 p.m.

Motion passed (6 – 0).

Tim Mercer, Vice-Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary