

Present: Chairperson Schafer; Vice Chairperson Tillman; Members: Berwick, Donnelly, Meuller, Rass and Verdi-Hus

Absent: Brady, Francis, Meah

Also Present: Village Manager, Wilson
Council Liaison, LaFerriere

Chairperson Schafer called the meeting to order at 7:32 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF ZONING BOARD MEETING HELD MARCH 14, 2011

A correction was made on page 4 under “Zoning Board Comments”, second paragraph, second sentence. Change words ‘does not believe’ to ‘is not sure’.

Motion by Tillman, second by Rass, that the minutes of the regular Zoning Board of Appeals meeting held on March 14, 2011 be approved as amended.

Motion passed (7 – 0).

CASE NO. 1230

Petitioner/Property: Market Fresh
31201 Southfield Road
Sidwell 99-00-004-003 (24-02-480-013)

Deviation requested: Petitioner requests permission to display the following:

1. April 18 - June 30, 2011: flowers, plants, soil, mulch, firewood and supplies utilizing 10 parking spaces for display.
2. August 22 – October 31: Mums, pumpkins, hay, gourds, plants, corn stalks, firewood.
3. November 1 – December 31: Christmas décor, wreaths, grave blankets, roping, firewood.

Schafer commented that this is a similar request to that of prior years. He noted that Market Fresh has obtained site plan approval from the Planning Board and Council for building expansion and site improvements at their store located at 30201 Southfield Road. The work is likely to start in July, meaning that some of the requested use variances would be applicable to the existing building and some after the building has been renovated. Schafer distributed a few copies of the new site plan and building elevation to Board members for review.

Robert Esshaki, store manager at Market Fresh, outlined the request to display and sell various seasonal items outside of the store. There is no space inside for the products listed in the request for variance. Esshaki is also requesting the use of 10 parking spaces on the south side of the building to display plants and flowers for the first two weeks with the use of spaces decreasing as the product supply is reduced as the season progresses.

The petitioner addressed questions from Board members on topics including use of parking spaces, products sold, storage of shopping carts outside of the building, clearance for pedestrians, parking and traffic flow following renovation, and theft concerns.

Schafer stated that it has been determined by the Zoning Board in previous years that the use of this property without outdoor displays of this type is not reasonable based on expectations for a grocery store in today's market environment. The existing property and parking spaces are fixed with no room for expansion. The Board has viewed this as an undue hardship in terms of trying to contain the displays in the existing structure. The petitioner is amenable to a motion that includes standards that improve the public health, safety and general welfare in terms of limiting the height of displays, ensuring that the use of parking spaces does not intrude into the general flow of traffic, and requiring clear pedestrian walkways.

In response to an inquiry, Manager Chris Wilson related that the petitioner cooperates with the Village. The code enforcement officer will monitor the use of parking spaces, traffic flow, and appearance of the property.

The petitioner would appreciate extending the fall and winter sales to November 3, 2011 and January 3, 2012.

Decision: Motion by Tillman, second by Verdi-Hus, to approve a variance to allow specific outdoor displays at Market Fresh on the requested dates in the following locations:

- 1) 4-18-11 through 6-30-11: Display of flowers and bedding plants on the east side of the building and under the canopy next to the entrance, allowing 5 ft. clearance for pedestrians. The petitioner may use 10 parking spaces for not more than four weeks on the south side of the building to display flowers, mulch, soil, and firewood. After four weeks, the number of parking spaces will be decreased according to the petitioner's needs.
- 2) 8-22-11 through 11-02-11: Display pumpkins, gourds, hay, corn stalks, plants (chrysanthemums), and firewood under the awnings on the south and east sides of the building leaving 5 ft. clearance for pedestrians on the sidewalk on the east side of the building.
- 3) 11-1-11 through 1-3-12: Display Christmas décor – wreaths, grave blankets, roping and firewood under the awning on the south side of the building.
- 4) Carts may be stored on the Southfield Road side of the building between the north end of Starbucks and the beginning of Premier Pet Supply in no more than two rows not extending past the northeast corner of the building. Carts may also be stored under the awning on the south side.
- 5) The height of stacks of firewood, mulch, and soil must be limited to 5 feet.
- 6) The display on the south side of the building will provide an aisleway to allow for ingress and egress of customers and for use of carts.

Roll Call Vote:
Motion passed (7 – 0).

CASE NO. 1231

Petitioner/Property: Starbucks
31201 Southfield
Sidwell # 99-00-004-003 (24-02-48-013)

Deviation requested: Petitioner requests permission for 5 outdoor tables with 2 umbrella stands and 12 chairs on the east porch in front of Starbucks from 4-12-11 to 11-30-11.

Wilson commented that this request is similar to the petition approved last year for tables and chairs to be placed outside of Starbucks. There have been no problems with the use of outside tables to date.

Schafer noted that the renovation plans for Market Fresh show changes to the front façade of the Starbucks store. The area in front of the store will be covered with an awning structure.

Ziad Hamama representing Starbucks requested the use of patio furniture outside of the store for the reason that customers like to sit outdoors in nice weather; there is limited seating inside the store. Hamama asked that the petition be amended to allow 6 outdoor tables and 3 umbrella stands.

Hamama addressed questions from Board members. He indicated that Starbucks is a smoke free zone including the outside table area. The condition of the outdoor tables and chairs was questioned. There is no trash receptacle outside; the Board was assured that Starbucks' staff keeps the area free of litter.

Decision: Motion by Tillman, second by Rass, to approve the request for variance from Starbucks to place 6 outdoor tables, 12 chairs and 3 umbrellas with stands on the east porch in front of the store from April 12, 2011 to November 30, 2011 subject to the outdoor tables, seating, and umbrellas being in good condition at the discretion of the Village code enforcement officer.

Roll Call Vote:
Motion passed (7 – 0).

PUBLIC COMMENTS

None

ZONING BOARD COMMENTS

Schafer introduced Brian LaFerriere, newly appointed Council member and liaison to the Zoning Board. Schafer remarked that the Planning Board and Council will be considering amendments to the Zoning Ordinance, one of which will be to regulate and permit outdoor sales and seating in the business district eliminating the need for annual ZBA approval of these types of variance requests.

Schafer commented that an item discussed at a previous meeting was the need to consider an increase in the fee schedule in terms of bringing a variance request to the Zoning Board of Appeals. The Board would recommend an amount that would cover the Village's administrative costs.

It was mentioned at the last meeting that there are occasional submittals to the Village of a site plan that is nonconforming in some element. There is a question of whether the Planning Board or Zoning Board of Appeals should review the proposal first. Schafer suggested that the Village implement a policy to determine how to proceed in instances when this type of site plan is presented to Council for referral.

Schafer asked if there was anything further that Board members would like to convey to Council through its liaison. Berwick related an example in her neighborhood to express a concern with homeowners who neglect their property to the point where it becomes an eyesore.

Mueller commented that there are ordinances that are outdated and need review. Wilson responded that the Planning Board will be working with LSL Planning and Council on ordinance revisions. The Planning Board has compiled a prioritized list of ordinance updates, which Wilson will forward to the Zoning Board.

Zoning Board members are in receipt of a flyer providing information on an upcoming Planning Basics Workshop offered by Oakland County scheduled for Tuesday, May 17. There is no fee. Interested Board members should contact the Village offices to register for the session.

Wilson said that Brad Strader from LSL Planning will be one of the main speakers at this forum. Administration has been talking with LSL about presenting a more formal educational session with the ZBA given the turnover on the Board in the last few years. The Planning Basics Workshop would be a good precursor for a later session strictly on Zoning issues directed by LSL.

ADMINISTRATIVE COMMENTS

Wilson stated that the Taco Bell site plan was approved with the two variances granted by the Zoning Board. Following Planning Board review, the applicant submitted a revised site plan that improved the building materials from a stucco-type structure to a brick building. The Taco Bell is scheduled to be demolished in approximately 60 days; a 90-day construction period is anticipated.

Wilson informed the Board that he was approached by a company that makes discount packages available to employees for entertainment facilities. Board members will be included in this offer. Additional information will be available in May.

Motion by Tillman, second by Donnelly, to adjourn the meeting at 8:28 p.m.

Motion passed (7 – 0).

Todd Schafer, Chairperson
Zoning Board of Appeals

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary