

Present: Vice-Chairperson Tillman; Members: Crossen, Donnelly, Maxwell, Mitchell, Raeder, Verdi-Hus; and Alternate: Lepidi

Absent: Chairperson Eifrid; Member Rass, Alternate: Wilensky

Also Present: Planning and Zoning Administrator, Wilks

Zoning Board Vice-Chairperson Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

**REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD MARCH 14, 2016.**

Motion by Raeder, second by Maxwell, that the minutes of the regular Zoning Board of Appeals meeting held March 14, 2016, be approved as submitted.

Motion passed.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None

**CASE NO. 1297**

**Petitioner:** Jerrod Clement

**Property:** 16236 Birwood Ave

**Village Ordinance:**

**22.24 Schedule of Regulations.**

Zoning District R-3 requires side open space of 5ft on side one, and 5ft on side other.

**22.08.130 Minimum Separation.** No principle structure shall be erected, altered, or enlarged in zone districts R-2A, R-2B or R-3 within fifteen feet (15') of any structure on an abutting parcel within the same zone district classification.

**22.08.100 Accessory Buildings, Structures, and Uses in Residential Zone Districts (c).**

Detached accessory buildings or structures may occupy a portion of the rear open space and shall be at least five feet (5') from all adjoining lot lines and shall not exceed fifteen feet (15') in building height, except as otherwise provided herein.

**Deviation Requested:** To build a new home replacing the existing home which is 2 feet from side lot line on east, 11.1 feet from the principal building on the lot to the west, and 9.1 feet from the principle building on the lot to the east. Additionally, to build a garage 3 feet from the lot line to the west.

Wilks explained Petitioner Jerrod Clement is seeking a variance from side open space requirements of Section 22.24 and minimum separation requirements of Section 22.08.130 to

build a new home, and side open space requirements of Section 22.08.100 to build a new detached garage. The petitioner is proposing to locate the new home where an existing building is currently placed. The existing home is nonconforming and the proposal will not increase the nonconformity of the lot. Additionally, the current home has a bump-out section on the east side which overhangs the lot line which would be eliminated. All the homes located on this street are offset.

Raeder requested clarification on the change in footprint of the home, there appears to be a discrepancy between the survey stakes and the plans as submitted.

Jerrod Clement, petitioner, clarified the slight expansion intended for the east side of the home. He expressed that he wishes to redevelop the lot similar to other growth in the neighborhood. He would like to maximize lot usage while retaining the aesthetics of the neighborhood. On the east side of the home, the goal is to build a home approximately 2,400 sq ft., and eliminate the bump out entirely.

Raeder asked if he would be willing to maintain the existing footprint of the basement foundation to ensure approval. Clement stated a willingness to maintain the original foundation footprint.

Raeder asked for clarification on why there is a 3 foot variance for the garage. Clement clarified it is for a more convenient use of the garage area.

Tillman opened the floor for public comments.

Lori Lemon, 16228 Birwood Ave., owns the home located to the east of the home in question. She bought this home in 2014, and supports the demolition and rebuild on this location, but is concerned about the limited usage of her driveway due to the closeness of the home. The current request puts the rebuild 11 feet from the west neighbor and 9 feet from the east neighbor. If the home was built with 10 feet on each side, she would be better able to utilize her driveway.

Raeder stated that if the Board makes the motion that requires him to use the existing footprint, with no bump out, she will gain 2 feet on her driveway. Lemon agreed that she will gain 2 feet, but would like to gain 3 feet.

Motion by Tillman, second by Lepidi, to grant approval of a variance from the side open space requirement of Section 22.24 to allow the petitioner to build a home no closer than 2.6 feet from east side lot line, which is believed to be the existing footprint of the dwelling; and grants approval for a variance from the minimum separation requirements of Section 22.08.130 to allow the petitioner to build a home no closer than 9.1 feet from principal building on lot to the east and no closer than 11.1 feet from principal building on lot to the west conditional upon no bump outs on the new building. These variances are granted due to location of premises, size of the lot, and practical difficulties building on the lot without a variance.

Roll Call Vote:  
Motion passed (8 – 0).

Motion by Tillman, second by Maxwell, to grant approval of a variance from the side open space requirement of section 22.08.100(c) to allow the petitioner to build a detached garage no closer than 3 feet from west side lot line due to practical difficulties of the size of the lot, difficulties in using the garage if it were placed farther than 3 feet from the lot line, and the existing structures and use of the properties given the lot size.

Roll Call Vote:  
Motion failed (0 – 8).

**PUBLIC COMMENTS**

None

**LIAISON COMMENTS**

None

**ADMINISTRATION COMMENTS**

Wilks announced that the building renovation contract has gone out for bids and that once the renovation begins the Zoning Board meetings will be held offsite. Preliminary plans are to hold meetings at the Southfield Township Hall located at 18550 W Thirteen Mile Road.

**ZONING BOARD COMMENTS**

None

Motion by Crossen, second by Mitchell, to adjourn the meeting at 8:00 pm.

Motion passed.

**Michele Tillman**  
**Vice-Chairperson**

**Ellen Marshall**  
**Village Clerk**

**Elizabeth Lyons**  
**Recording Secretary**