

Present: Vice-Chairperson Tillman; Members: Crossen, Donnelly, Mitchell, Raeder, Rass, Verdi-Hus; and Alternates: Lepidi, Wilensky

Absent: Chairperson Eifrid, Member Maxwell

Also Present: Planning and Zoning Administrator, Wilks
Council Liaison, Abboud

Zoning Board Vice-Chairperson Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. in the Southfield Township Hall at 18550 W. Thirteen Mile Road.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD MAY 9, 2016.

Motion by Crossen, second by Rass, that the minutes of the regular Zoning Board of Appeals meeting held May 9, 2016, be approved as submitted.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1299

Petitioner: Abdel Berry, 14611 Lanson Ave, Dearborn 48126

Property: 31015 Southfield Road

Village Ordinance: 22.24 Schedule of Regulations

Zoning District B requires front open space of 35 ft.

Deviation Requested: To build a new gas pump canopy that will sit 14 feet from the front lot line

Wilks explained petitioner Abdel Berry is seeking a variance from front open space requirements of Section 22.24 to build a new canopy covering relocated gas pumps as part of a proposal to redevelop entire site. The property is zoned B, Business. Village Ordinance, Chapter 22, Section 22.24 Schedule of Regulations requires front open space of 35 feet. The petitioner is proposing to redevelop the entire site, including demolition of the existing building, constructing a new building, and relocating the gas pumps. As part of this proposal, the canopy covering the gas pumps would be replaced. The existing canopy is approximately 1 foot from the front (Southfield Road) lot line. The new canopy would be 14 feet from the front lot line. The proposal also includes a convenience store that will sit 47 feet from the front lot line. Village Ordinance definition of “building” includes structures such as a gas station canopy. Therefore, the petitioner is requesting a variance of 21 feet from the front open space requirement for the canopy. The Planning Commission has reviewed the site plan and is in support of approval pending final revisions. The Commission has no opposition to the location of the canopy.

Wilks clarified for Raeder the traffic patterns that would be created with the new site plan. Wilensky clarified and received confirmation that they will be eliminating the current canopy parallel to 13 Mile Road.

Project Engineer for the applicant, Ziad El-Baba, PE, explained this has been presented to the Planning Commission and the plans have been modified to comply with their requests. This variance is the only one being requested. This is an open space and the existing canopies are non-conforming, replacing them will minimize the occupied space. He explained this new canopy is necessary for traffic flow with the new site plan, and the old canopies could not be reused.

Tillman inquired if the applicant would be comfortable with the variance limiting the size to 24ft x 96ft, no more than 18.5 feet high. The applicant agreed to those parameters.

Raeder and Wiensky expressed concern about the traffic patterns and congestion resulting from the driveway locations. Raeder stated that he feels this is an overuse of this site.

Motion by Tillman, second by Mitchell, to grant approval of a variance from the front open space requirement of section 22.24 to allow the petitioner to build a canopy covering gas pumps as part of redevelopment of the gas station which would not exceed 18.5 feet in height, maximum size of 24 feet x 96 feet, and would be no closer than 14 feet from the front lot line due to size and location of the lot creating practical difficulties.

Roll Call Vote:

Rass: yes

Tillman: yes

Verdi-Hus: yes

Lepidi: yes

Wilensky: no

Crossen: yes

Donnelly: yes

Mitchell: yes

Raeder: no

Motion passed (7-2).

CASE NO. 1300

Petitioner: Craig Ruggirello

Property: 18640 Warwick

Village Ordinance: 22.24 Schedule of Regulations

Zoning District R-2B requires rear open space of 40ft

Deviation Requested: To build an addition 30ft from the rear property line

Wilks explained petitioner Craig Ruggirello is seeking a variance from rear open space requirements of Section 22.24 to build an addition onto the rear of his home. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.24 Schedule

of Regulations requires rear open space of 40 feet. The petitioner is proposing to build an addition onto the rear and west side of the home. The addition on the rear of the home will encroach 10 feet into the rear open space resulting in a 30 foot rear setback. Additionally, the petitioner is proposing to have a fireplace in this living space that will require a 2 foot bump out to accommodate the chimney flue. The property is a single story ranch; the addition will be utilized as a family room.

Ruggirello stated that they bought the house in 2009, and they would like to expand the home that they already love. There is not enough current space for their family, and this construction is consistent with building going on in the neighborhood. Building upward was considered, but would be cost prohibitive. This addition would keep their home in line with the neighbor's home.

Motion by Crossen, second by Raeder, to grant approval of a variance from the rear open space requirement of section 22.24 to allow the petitioner to build an addition onto the rear of the existing home which would be no closer than 30 feet from the rear lot line while allowing for 2 foot encroachment, maximum of 5 feet wide, to accommodate chimney flue due to practical difficulties of the existing homes placement.

Roll Call Vote:
Motion passed (9 – 0).

CASE NO. 1301

Petitioner: Jerrod Clement 6650 Highland Rd, Ste 201, Waterford, MI 48327

Property: 16236 Birchwood

Village Ordinance: 22.08.100 (c) Accessory Buildings, Structures, and Uses

Zoning District R-3 requires detached accessory buildings have side open space of 5ft from adjoining lot lines

Deviation Requested: To build a detached accessory building (garage) 4ft from side property line

Wilks explained petitioner Jerrod Clement is seeking a variance from side open space requirements of Section 22.08.100 (c) to build a detached garage one foot from side lot line. The property is zoned R-3, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.100 (c) Accessory Buildings, Structures, and Uses in residential districts requires side open space of 5 feet from all adjoining lot lines. The petitioner is proposing to build a detached garage that will sit 4 feet from the west lot line. The petitioner previously requested a variance to build the detached garage 3 feet from the west lot line and that request was denied. The property has no garage at this time. A variance was granted for this property for the construction of a new home.

Petitioner Clement explained that he is building a two car 20x20 garage, and the extra space will allow ease for the homeowner to get into and out of the garage, the slab will not be big enough to turn around on.

Resident Ron Corvell, Birwood, stated that he is aware how difficult the driveway can be to navigate, and the neighbors all support this build and this garage. The neighbors are pleased to see the new home being built.

Motion by second by Mitchell, second by Rass, 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 which would be no closer than 4 feet from the west side lot line due to practical difficulties of size of lot and location of garage.

Roll Call Vote:

Tillman: yes

Verdi-Hus: yes

Lepidi: yes

Wilensky: yes

Crossen: yes

Donnelly: yes

Mitchell: yes

Raeder: no

Rass: yes

Motion passed (8-1).

CASE NO. 1302

Petitioner: Pam & Jim Hall

Property: 18187 Birwood

Village Ordinance: 22.08.150 (B, 1) Fences, Walls, and Privacy Screen Regulation

Zoning District R-2B requires fences have a vertical surface area that is 35% open to air and light

Deviation Requested: To build a 4ft fence that is 100% opaque along rear property line

Wilks explained that petitioners Pam and Jim Hall are seeking a variance from fence requirements of Section 22.08.150 to build a four-foot fence along the rear property line which is 100% opaque. The property is zoned R-2B, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fences, Walls, and Privacy Screen Regulations, B. Requirements in Single Family Residential Districts, 1. Fences permits fences provided the vertical surface area is 35% open to air and light. The petitioner is proposing to build a California style wood fence along the rear property line which will be 100% opaque. The fence is otherwise compliant with the ordinance requirements for height and location. Other fencing at the property will remain as existing. Two of the Halls' neighbors sent letters expressing support of the fence.

Petitioner Hall explained that their two dogs and the neighbors two dogs do not get along. Both homes allow the dogs to have run of their yards, and they cannot keep the dogs away from the chain link fence. There is concern about the safety of the dogs, as they bark and fight at the fence line. The neighboring dogs are attempting to dig under the fence, and the neighbor has put chicken wire fencing along to try and prevent the digging. There are a lot of plants along the fence line, they do not seem to have any effect on the dogs, they simply run around or through them. He

explained his fence would run the length of their property line, extending 4 feet long to the east and 3 feet short to the west.

Tillman asked if they have considered other types of fencing or screening materials. Hall explained that they had, but they are not aesthetically pleasing options.

Raeder asked if they had considered having an invisible fence installed. Hall stated that that might keep them from the fence, but limits the dogs' usage of the yard.

Motion by Rass, second by Mitchell, to grant a variance from the vertical surface requirements of section 22.0.150 to allow the petitioner to build a fence along the rear property line which would be 100% opaque due to hardship of neighboring dogs relationship.

Roll Call Vote:

Lepidi: no

Wilensky: yes

Crossen: no

Donnelly: no

Mitchell: yes

Raeder: yes

Rass: no

Tillman: no

Verdi-Hus: yes

Motion denied (5-4).

CASE NO. 1303

Petitioner: Racheal & Damon Hrydziuszko

Property: 31531 Evergreen

Village Ordinance: 22.08.150 (B, 1, b) Fences, Walls, and Privacy Screen Regulations

Zoning District R-1 prohibits fences in side yards except those lots which abut roads or streets, or to enclose a commonly used side door.

Deviation Requested: To build a 4ft fence that extends 20ft into side yard

Wilks explained petitioners Racheal and Damon Hrydziuszko are seeking a variance from fence location requirements of Section 22.08.150 to build a fence that would extend 20 feet into the side yard. The property is zoned R-1, Single Family Residential. Village Ordinance, Chapter 22, Section 22.08.150 Fences, Walls, and Privacy Screen Regulations, B. Requirements in Single Family Residential Districts, 1. Fences, b. Side yard prohibits fences in side yards that do not abut roads or streets except to enclose a commonly and consistently used side door. The petitioner is proposing to build a fence that will extend 20 feet into the side yard. This is an interior lot and there is no door on that side of the home. The fencing is otherwise compliant with the ordinance requirements for height and opacity. The petitioner seeks to enclose and maintain access to an existing deck that extends off the rear and side of the home.

Hrydziuszko explained that this is their principle yard area for their children and pets. They would lose the usage of this property if they do not receive the variance. The area is already screened by greenery.

Resident Michael Tucker, 31501 Evergreen, stated that he is the south side neighbor, and is fully in support of this fence. This is the principle area of the yard and the children and pets play there often. This fence will create a nice border between both homeowners' dogs and block deer from entering his garden.

Motion by Raeder, second by Crossen, to grant a variance from the side yard fencing regulations of section 22.08.150 to allow the petitioner to build a fence 20 feet into the side yard due to practical difficulties of security of property.

Roll Call Vote:
Motion passed (9-0).

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Abboud reported that he will be attending the upcoming SEMCOG general assembly where he hopes to be reelected. He reported that Village office renovations are going well. He thanked Rass for his service to the Zoning Board.

ADMINISTRATION COMMENTS

Wilks thanked Rass for his service to the Zoning Board. She reminded members that meetings will be held at the Township Hall until the end of the year.

ZONING BOARD COMMENTS

Tillman thanked Rass for his time and service on the Zoning Board.

Raeder stated that he feels there should be a policy regarding returning applicants and the amount of variance they are requesting.

Motion by Crossen, second by Rass, to adjourn the meeting at 8:42 pm.

Motion passed.

Michelle Tillman
Vice-Chairperson

Ellen Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary