



Council Chamber, 18500 W. 13 Mile Road, Beverly Hills, Michigan 48025

---

## **ZONING BOARD OF APPEALS MEETING**

**MONDAY, DECEMBER 8, 2025 at 7:00 PM**

### **AGENDA**

1. **Call meeting to order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes**
  - A. 2025 10 13 ZBA Minutes
5. **Public comments on items not on the published agenda**
6. **Old Business**
7. **New Business**
  - A. ZBA Case 1438 - 31555 Kennoway Court
  - B. 2026 Zoning Board of Appeals Calendar of Meetings
  - C. ZBA Bylaws
8. **Public Comments**
9. **Liaison Comments**
10. **Administration Comments**
11. **Zoning Board Member Comments**
12. **Adjournment**

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village Clerk by writing 18500 W. Thirteen Mile, Beverly Hills, MI 48025 or calling (248) 646-6404.

Present: Chair Makar, Vice-Chair Rott, Members: Miller, Tomich, Barron, Beach, Russaw, Caputo, Stroker

Absent: None

Also Present: Planning and Economic Development Director, Stec  
Council Liaison, Drummond  
Recording Secretary, Williams

### **ROLL CALL/CALL TO ORDER**

Chair Makar called the regular Zoning Board of Approvals meeting to order at 7:00 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025.

### **APPROVAL OF AGENDA**

Motion by Tomich, second by Beach, to approve the agenda as published.

Motion passed.

### **APPROVAL OF MINUTES**

Motion by Stroker, second by Caputo, to approve the minutes of the August 11, 2025 Zoning Board of Appeals meeting.

Motion passed.

### **PUBLIC COMMENTS ON ITEMS NOT ON PUBLISHED AGENDA**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

A. ZBA Case 1439 – 31288 Downing Place  
PARCEL ID: 24-02-378-006  
REQUEST: In order to project into the required rear yard setback, the property owner is seeking a dimensional/non-use variance from Chapter 46 Zoning, Section 46-275 Schedule of Regulations.

Stec provided an overview, explaining that the subject property is located in the Huntley neighborhood and contains an existing two-story single-family home built in 1964 on approximately one-third of an acre. The property is zoned R1-A Single Family Residential and currently complies with all dimensional requirements.

The applicants, Shawn and Katie Morrison, request a 12ft rear yard variance, reducing the required 40ft setback to 28ft to allow construction of a 12ft x 15ft covered porch extending from the existing sunroom. The Village Ordinance does not permit covered projections into the rear yard; therefore, a variance is required.

THESE DRAFT MINUTES ARE NOT OFFICIAL AND HAVE NOT BEEN APPROVED.

Applicants Shawn and Katie Morrison presented their request, providing letters of support from neighbors and their homeowners association. They stated that the existing sunroom is deteriorating due to soil shifting and that the proposed covered porch would provide usable outdoor space consistent with the character of the neighborhood. They noted that several nearby properties have similar additions and that neighbors had no objections.

### **PUBLIC COMMENT**

Makar opened public comment at 7:18 p.m. No public comments were made. Makar closed public comment at 7:19 p.m.

Beach questioned whether the addition could be relocated elsewhere on the property to avoid a variance. Mr. Morrison explained that an air conditioning unit and differing rooflines on the garage prevent that option.

Barron noted that moving the wall to the north side would require a structural header, which would be cost-prohibitive. He stated that the proposed design is both aesthetically compatible and cost-effective.

Miller referenced a handout provided by the applicants and noted that site constraints- including the garage roof pitch and A/C unit- make other configurations impractical. He agreed that the proposed layout is most appropriate.

Stec commented that similar rear yard setback variances have been approved in the Huntley neighborhood and that such requests are not uncommon.

Makar confirmed with the applicants that there are no detached accessory structures on the property.

Stroker recalled that a prior, similar variance generated more debate because that project was large in scale. Members agreed that the current proposal is modest and consistent with neighborhood character.

Board members agreed that the proposal maintains the intent of the ordinance, aligns with neighborhood character, and has neighbor support. The project's design was considered an "elegant solution" compared to detached accessory options allowed by the ordinance.

Motion by Barron, second by Beach, to grant the variance request by Shawn & Katie Morrison, property owner of 31288 Downing Place (Parcel #24-02-378-006, ZBA Case 1439) from Chapter 46 Zoning, Section 46-275 Schedule of Regulations to project into the rear yard by 12 feet, resulting in a rear yard setback of 28 feet. This determination is based on the finding that the petitioner has demonstrated a practical difficulty exists based on the following criteria:

1. Applying the strict letter of zoning restrictions will unreasonably prevent the landowner from using their property for a permitted purpose and conformity with the zoning regulations is unnecessarily burdensome

because it completely restricts their ability to use their yard in a usable fashion.

2. Substantial justice would be achieved for the applicant and neighboring property owners by granting the variance and approval of the variance would not negatively impact adjacent property owners or land within the district because all neighbors have reported positive support and the project is in line with the character of the neighborhood.
3. The requested variance is the least relief required.
4. The situation is unique to the subject property and not related to the general conditions of the area.
5. The circumstances requiring the variance are not self-created.

Roll Call Vote:

Makar	Yes
Rott	Yes
Beach	Yes
Russaw	Yes
Caputo	Yes
Stroker	Yes
Barron	Yes
Tomich	Yes
Miller	Yes

Motion passed (9-0)

**PUBLIC COMMENTS**

None

***LIAISON COMMENTS***

Drummond reported that Council approved the new animal ordinance at its most recent meeting.

***STAFF COMMENTS***

Director Stec stated that the new animal ordinance permits residents to keep up to four (4) chickens on residential property, with a maximum of 15 permits issued annually. Chicken coops and pens will be classified as accessory structures and subject to setback requirements.

She added that staff is finalizing the permit application and that Council will establish the associated fee. The Planning and Zoning Department will review and approve applications, and the Building Department will perform inspections.

Stec also announced that the November 10, 2025, meeting has been canceled and that she will schedule advanced ZBA training once the new Michigan Association of Planning schedule is released.

***COMMISSIONER COMMENTS***

Rott reminded the Board to exercise caution when using aesthetic considerations as justification in variance decisions.

***CORRESPONDENCE***

Stec reiterated that the November 10, 2025, ZBA meeting has been cancelled.

***ADJOURNMENT***

Motion by Tomich, second by Miller, to adjourn the meeting at 7:51 p.m.

Motion passed.

***Timothy Makar***  
***Chairperson***

***Carissa Brown***  
***Village Clerk***

***Lydia Williams***  
***Recording Secretary***



**To:** Zoning Board of Appeals Members  
**From:** Susie Stec, Planning & Zoning Administrator  
**Subject:** ZBA Case 1438 – 31533 Kennoway Court  
**Date:** December 4, 2025

---

**ITEM:** ZBA Case 1438  
**REQUEST:** In order to install 6-foot privacy screens in the front yard, the homeowner is seeking a dimensional/non-use variance from Chapter 46 Zoning, Section 46-173(2)(a)(1) and 46-173(2)(b)(1).  
**LOCATION & ZONING APPLICANT:** 31555 Kennoway Court (24-03-451-002), R-A Single Family Dragica & Howard Schwartz

**Background & Zoning Analysis**



The existing 2,356 square foot, single-story home was constructed in 1955. The home is situated on a 1.78-acre parcel and is zoned R-A, Single Family. The property is located west of Evergreen Road, north of 13 Mile Road. The parcel is an irregularly shaped lot along the Rouge River which is heavily wooded. The applicants also own the adjacent parcel to the south (Parcel ID 24-03-451-002, 31533 Kennoway Ct) which is their primary residence and is also heavily wooded.

Contributing to the irregular shape of the subject parcel is a narrow, 5' x 169.35' strip of land that adjoins the east side of the Kennoway Court right-of-way. This, combined with the Kennoway Court right-of-way, functions as the driveway for both properties.

In July the Village received an inquiry into fence and privacy screen ordinance standards and permitting requirements. The individual indicated that eleven (11) panels that appeared to be 9' – 10' tall

had been installed on the neighboring property. Staff investigated the complaint and determined that privacy screen panels had been installed without a permit in the front yard. Contact was made with that property owner, resulting in the variance request under consideration. Upon further investigation, it was determined the eight (8) northern-most panels were installed in the public right-of-way (Kennoway Court). As a result, the property owners were ordered to remove those. The remaining five (5) panels were also removed; however, the posts were permitted to remain until a decision is made by the Zoning Board of Appeals.

The applicants, Dragica & Howard Schwartz, are seeking relief from the following sections of the zoning ordinance in order to install a total of thirteen (13) decorative, metal privacy panels in the front yard of the property located at 31555 Kennoway Court (24-03-451-002). The panels are 39 inches wide including the frame. They were initially installed at an approximate height of 7' and set above the grade by about 12". The panels are estimated to extend approximately fifty feet (50') in the aforementioned strip of land.

*Section 46-173(2)(a)(1). Front yard. Fences in the front yard with a vertical surface area that is at least 35% open to air and light shall not exceed three feet in height above grade and shall not extend back toward the front of the principal building more than eight feet.*

While the panels (shown at right) are decorative and have a perforated design, they do not meet the 35% opacity standard articulated above. Additionally, the panels exceed the stated height and distance standards.



*Section 46-173(2)(b)(1). Privacy screens. Privacy screens that do not exceed six feet in height above grade are permitted as follows: (1). Properties in all single-family residential zone districts may erect a privacy screen in the rear or side yard to enclose an area on up to three sides, with a maximum total length that does not exceed 25 percent of the rear lot line length.*

The rear lot line length of the subject property is approximately 315 feet and would allow for a maximum privacy screen length of 79 feet. As a result, the proposed extent of the privacy panels (50 feet) conforms to the ordinance limitations. As described above; however, privacy panels are limited to 6-feet in height and are not permitted to be located in the front yard.

Per the application materials submitted, the purpose of the privacy panels is “to allow the screening from adjacent neighbor and subdivision from headlights, string lights, etc...” from shining into their home. Prior to seeking variances, the property owners have planted different types of vegetation to mitigate the lights; however, the plants have not survived. The property owners have included letters from an arborist and a landscape professional in their application materials.

### **The Dimensional Variance Approval Standards**

Proof of a practical difficulty is the key criteria for an applicant to qualify for a non-use/dimensional variance request. When deliberating, the board shall consider whether the applicant has demonstrated a practical difficulty in all of the following standards (tests):

1. Would applying the strict letter of zoning restrictions unreasonably prevent the landowner from using their property for a permitted purpose? Is conformity with the zoning regulations unnecessarily burdensome?
2. Would substantial justice be achieved for the applicant and neighboring property owners by granting the variance? Approval of the variance would not negatively impact adjacent property owners or land within the district.
3. Is the requested variance the least relief required?
4. Is the situation unique to the subject property and not related to other land or structures in the area?
5. Are the circumstances requiring the variance self-created?

The applicant has provided a brief narrative to address these questions which is included in the application materials.

### **Screens in the Public Right-of-Way**

As noted above, the Applicant had installed several screens in the public right-of-way, which I ordered removed. The Applicant has previously referenced “adverse possession” as a possible basis for being allowed to keep those panels in place. As I understand it, and assuming that is a legally sound argument, the Zoning Board of Appeals does not have the authority to authorize this Applicant to place anything in the public right-of-way.

### **Public Notice and Comments**

Per the requirements of the Michigan Zoning Enabling Act, public notice of the request was provided in the Birmingham-Bloomfield Eagle newspaper on November 12, 2025, and a direct mailing to all occupants and owners of property within a 300’ radius of the subject parcel was also sent, as required. Notice was originally provided in August; however, the request was pulled

from the agenda and the meeting was canceled when staff identified concerns with the placement of the panels in the right-of-way.

As of the writing of this report, one written comment was received and is included in the agenda packet. Staff received two (2) verbal comments from residents who received the direct mailing; neither supported granting the variance.

**ATTACHMENTS:**

- **Sample Motions**
- **Zoning Board of Appeals application & submittal attachments**
- **Newspaper Legal Notice**
- **300' Notice & addresses**

### **Sample Motions**

There are 3 options available to the ZBA – grant in full (with or without conditions), deny in full, or grant/deny in part. Suggested motion language is below. Should the ZBA choose to grant/deny in part, separate motions should be made clearly stating the provision(s) being granted and its findings, and another articulating the provision(s) being denied and its findings.

#### **MOTION TO APPROVE:**

I move to grant the variance request by Dragica and Howard Schwartz, property owners of 31555 Kennoway Court (Parcel #24-03-451-001, ZBA Case 1438) from Chapter 46 Zoning, Section 46-173(2)(a)(1) and Section 46-173(2)(b)(1) to install thirteen (13), 6-foot high privacy panels in the front yard for a distance of no more than 50 feet. This determination is based on the finding that the petitioner has demonstrated a practical difficulty exists based on the following criteria:

1. Applying the strict letter of zoning restrictions will unreasonably prevent the landowner from using their property for a permitted purpose and/or conformity with the zoning regulations is unnecessarily burdensome because...
2. Substantial justice would be achieved for the applicant and neighboring property owners by granting the variance and approval of the variance would not negatively impact adjacent property owners or land within the district because...
3. The requested variance is the least relief required.
4. The situation is unique to the subject property and not related to the general conditions of the area.
5. The circumstances requiring the variance are not self-created

*(If the board determines that any conditions are deemed necessary the following may be included in the motion to approve)*

Approval of the variance requests is conditioned upon compliance with the following conditions:

- 
-

**MOTION TO DENY:**

I move to deny the variance request by Dragica and Howard Schwartz, property owners of 31555 Kennoway Court (Parcel #24-03-451-001, ZBA Case 1438) from Chapter 46 Zoning, Section 46-173(2)(a)(1) and Section 46-173(2)(b)(1). This determination is based on the finding that the petitioner has not demonstrated a practical difficulty exists based on the following criteria:

1. Applying the strict letter of zoning restrictions will not unreasonably prevent the landowner from using their property for a permitted purpose and/or conformity with the zoning regulations is unnecessarily burdensome because...
2. Substantial justice would not be achieved for the applicant and neighboring property owners by granting the variance and approval of the variance would negatively impact adjacent property owners or land within the district because...
3. The requested variance is not the least relief required.
4. The situation is not unique to the subject property and not related to the general conditions of the area.
5. The circumstances requiring the variance are self-created

Village of Beverly Hills

Building & Planning

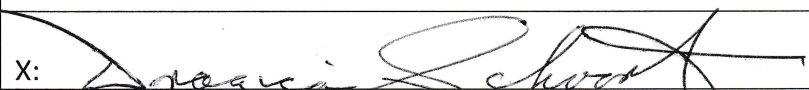
18500 W 13 Mile Rd

Beverly Hills, MI 48025

Phone: (248) 646-6404 Fax: (248) 646-3703

[www.villagebeverlyhills.com](http://www.villagebeverlyhills.com)

**Staff Use Only**	
Date Received:	<u>8/1/2025</u>
Case Number:	<u>V1438</u>
Hearing Date:	_____

Petition to the Zoning Board of Appeals	
<b>Property Address &amp; Parcel I.D. Number(s)</b>	Address: <u>31533 KENNOWAY CT.</u>
	Parcel ID(s): <u>TH-24-03-451-002</u>
<b>Type of Variance</b>	<input checked="" type="checkbox"/> Dimensional (practical difficulty) <input type="checkbox"/> Land Use (hardship) <input type="checkbox"/> Interpretation (text or map)
<b>Applicant</b> (must have legal interest in property)	Name: <u>DRAGICA &amp; HOWARD SCHWARTZ</u>
	Business:
	Address:
	City: _____ State: _____ Zip: _____
	Phone: <u>313-570-4818</u> Email: <u>dragicas49@gmail.com</u>
	Legal Interest: <input checked="" type="checkbox"/> Own Property <input type="checkbox"/> Lease Property <input type="checkbox"/> Offer to Purchase (please attach)
	<input type="checkbox"/> Other (e.g. attorney, architect, contractor, etc.):
<b>Primary Contact</b> <input checked="" type="checkbox"/> Same as Applicant	Name:
	Business:
	Address:
	City: _____ State: _____ Zip: _____
	Phone: _____ Email: _____
	Relationship to Applicant (e.g. architect, attorney, contractor, etc.):
<b>Property Owner</b> <input checked="" type="checkbox"/> Same as Applicant	Name:
	Business:
	Address:
	City: _____ State: _____ Zip: _____
	Phone: _____ Email: _____
	Property Owner Signature (if other than applicant):
<b>Briefly describe appeal</b> (attach additional pages if necessary)	<u>TO ALLOW SCREENING FROM ADJACENT NEIGHBOR AND SUBDIVISION FROM HEADLIGHTS, STRING LIGHTING, ETC. (DETAILS ATTACHED)</u>
<b>Applicant Signature</b>	X: 

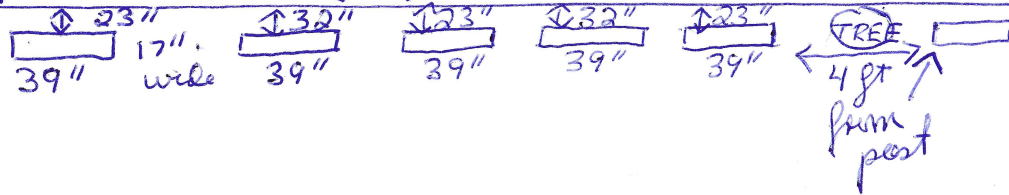
*In order to be considered at an upcoming meeting, this application and all required documents and materials must be submitted by the established deadline date for the next regular meeting of the Council, Planning Commission, and/or Zoning Board of Appeals. Submittal by deadline does not guarantee placement on the agenda. Incomplete submittals will not be considered. The applicant or a representative must be present at ALL meetings.*

**Zoning Board Use Only**	
Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied - Chairperson: _____	Date: _____
Conditions of Approval or Reason for Denial: _____	
_____	

31555

31355

TOTAL DISTANCE 20 ft 4 in.



already calculated group

Received

OCT 30 2025

Village of Beverly Hills

To: Zoning Board of Appeals:

re: 31533 Kennoway Ct.

Honorable Members:

This is a more detailed description as stated on the application.

We are requesting a variance for the fence/privacy screens since we have tried for the last several years to plant various varieties of evergreen trees which have all died. Attached is an affidavit from a certified arborist to confirm the lack of suitability to sustain plants/trees. Also attached is a letter from the landscape service that planted and removed the numerous attempts to plant a green belt from this area adjacent to Ronsdale.

All of this was at great expense as we were planting trees that cost about \$150 to \$170 each and we planted 10 to 12 each time, plus delivery costs, planting costs and then the cost of removal.

It is extremely shady from very large overhead trees which prevents survival by the second season.

The area of Ronsdale is also a cul-de-sac from which we also see headlights from. During summer as leaves come out we have a better coverage, but for six months headlights from the neighbor peers into our kitchen and family room and the street and string lights being used for backyard use.

We would also like to camouflage the children's play structures and activity toys. Being parents and grandparents we fully understand the need for and it is their backyard. We just would like to make it less visual to us in the front of our property.

We hope the Board will understand the extenuating circumstances involved for both Ronsdale and us.

We are also supplying photos to help get a visual on how the property looks.

We appreciate the opportunity to present our request before you.

Thank you.

Howard and Dragica Schwartz

To Zoning Board of Appeals

Re: 31533 Kennoway Ct.

Detail response to questions 1-5 on back of request for variance.

Question 1:

Yes - our above property is located at the end of a cul-de-sac on Kennoway Ct. The front of the property is very narrow allowing for the driveway and a few feet of property which parallels the Ronsdale subdivision off of Evergreen. The home which we parallel faces us with their backyard.

Question 2:

Yes- Our property is very unique in it's configuration and how it does not fit the general layouts of streets and homes to which zoning applies.

Question 3:

Yes-our home does not face the front yards of any homes around it. We only have the backyards of any neighbors near us and therefore are impacted by that activity daily, in particular, car headlights and backyard string lights, which we would like to mitigate.

Question 4:

~~No-There no street access impairment, no Village DPW access prevention, no view of the~~ privacy screens from the street, no prevention of emergency responders to access. There is only one home in Ronsdale and that one has there backyard facing our driveway request for screening from headlights, string lighting and other things.

Question 5:

No-we have lived here since the 70's. At that time there was an abundance of vegetation between our home and Ronsdale. Many of that no longer exists to buffer our property.

# AFFIDAVIT OF TREE PLANTING FAILURE



Tree First Arboriculture info@treefirst.org 248-980-1637 July 11th, 2025	Schwartz residence 31533 Kennoway Court Beverly Hills, MI 48025 (313) 570-4818
---	---

STATE OF MICHIGAN  
COUNTY OF UNITED STATES OF AMERICA

I, Jack Novak (MI-4608A), being duly sworn, depose and state the following:

#### Affiant Information

I am the owner and operator of Tree First Arboriculture, a professional tree service company based in Michigan. I have been in the tree care and planting business for nearly a decade and am experienced in evaluating planting conditions and tree survivability.

#### Client Information

I have been contracted by Dragica Schwartz regarding the planting of trees on her residential property located at 31533 Kennoway Court Beverly Hills, MI 48025 .

#### Site Location

The area in question is located near the driveway of the residence, specifically to the right side of the driveway upon entering the property, where privacy shades are currently installed.

#### Planting History and Observations

Over the course of 3 years, an experienced landscape team has had 3 separate plantings of trees in the aforementioned location. Despite using healthy specimens and following proper

planting techniques, each planting has been unsuccessful due to factors beyond standard horticultural control.

#### Conditions Contributing to Failure

Upon inspection and analysis, the contributing factors to repeated failure include, but may not be limited to:

- Soil compaction and poor drainage
- High heat retention from adjacent paved surfaces
- Possible presence of buried construction debris or poor subsoil quality
- Unfavorable microclimate conditions (e.g., reflected heat, lack of airflow)

#### Conclusion

In my professional opinion, based on repeated unsuccessful plantings and site assessments, this specific area is not suitable for sustaining healthy tree growth under current conditions. Alternative landscape solutions are required for our client to achieve desired privacy for her and her guests.

I affirm that the above is true and correct to the best of my knowledge, and I make this affidavit in support of my client, Dragicia Schwartz, for her records and any necessary proceedings.

Jack Novak  
Certified Arborist (MI-4608A)  
Owner, Tree First Aboriculture  
248-980-1637

## Arborist Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees, below ground or not clearly visible from the vantage point on the ground. Arborists cannot guarantee that a tree will be healthy, safe, or adequately protected under all circumstances or for a specified period of time. Likewise, remedial, protective, and mitigating treatments and recommendations cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



## Brad's Landscaping Service, Inc

18006 Woodingham Dr.  
Detroit, MI 48221

I am the landscaper for Dragica Schwartz at 31533 Kennoway Ct, Beverly Hills, MI 48025

I have worked on her property for many years beautifying and improving the property.

*Dragica and I have tried to improve the driveway area by planting many different types of trees and bushes. However due to the low light levels along that side of the property we have had very little luck with getting things to grow.*

A lot of money has been spent on plants and trees most of which have died or are barely growing. Many of the evergreens that have been planted there have been replaced 2 or 3 or more times over the past several years in an attempt to preserve the natural look of the entrance with poor success.

We have not been able to get anything more than a small shrub to grow in the area where the panels have been placed ever after multiple plantings. This has created a bare area along her property. The panels have created a beautiful addition there while still providing openness and a natural look.

Dragica and I have spent a lot of time and thought into ways to enhance and improve the look of the entrance. These panels are the best solution we have found to the area. They provide a small amount of privacy without blocking the view and look really attractive.

If you have any questions about this, please feel free to reach out to me at the above address.

Thank you.

Sincerely,

Brad Johnson (Owner)



Village of Beverly Hills  
 Building & Planning  
 18500 W 13 Mile Rd  
 Beverly Hills, MI 48025  
 Phone: (248) 646-6404



[www.villagebeverlyhills.com](http://www.villagebeverlyhills.com)

**\*\*Staff Use Only\*\***

Date Received: \_\_\_\_\_

Approved  Denied

ZBA Hearing: \_\_\_\_\_

Village \_\_\_\_\_

Signature: \_\_\_\_\_

**Application for Fence Permit**

**STANDARD FENCE HEIGHT IS LIMITED TO A MAXIMUM OF 48 INCHES WITH 35% OPACITY**

**Property Address** 31533 KENNOWAY CT.

**Description of Fence (Including Style, Material, & Height)** SEPARATED 6 FT PRIVACY GARDEN SCREENS  
 METAL AND WOOD POSTS

**Must Attach Site Plan**

EXCEPTIONS			
<p><b>6ft and/or Solid Style Fencing – Additional Approval Required</b></p> <p>Check all that apply, must meet at least one criteria for consideration.</p>	<b>Administrative Approval</b>	<input type="checkbox"/> Spacing between residences is less than that required by Section 22.08.090, 22.08.130 or 22.24 of the Zoning Ordinance.	<input type="checkbox"/> The subject site is adjacent to a non-single family land use or Zone District, or single-family cluster development.
	<b>Planning Commission Approval **</b>	<input type="checkbox"/> The subject site cannot support vegetative screening in lieu of the proposed fencing. The applicant shall provide supporting documentation of this from a licensed landscape architect or certified arborist.	<input type="checkbox"/> At least one residential parcel within 200' of the subject site on that side of the street or at least one abutting residential parcel with <b>permitted</b> fencing of similar height and/or opacity. *
		<input type="checkbox"/> The subject site and/or an abutting parcel has an unconventional lot, yard or dwelling orientation (i.e., side yard adjacent to rear yard or pie-shaped lot adjacent to rectangular lot).	<input type="checkbox"/> Installation of such fencing would mitigate an essential safety and/or privacy concern.

**Applicant/Contractor**  
 Name/Company Name: HOMEWERKS LLC  
 Address: 1147 HILLSIDE DR.  
 City: BIRMINGHAM State: MI Zip: 48009  
 Phone: 248-224-7649 Email:

**Property Owner**  
 Same as Applicant  
 Name: HOWARD SCHWARTZ  
 Address:  
 City: State: Zip:  
 Phone: Email:

**Applicant Signature**  
 I have read and understand §22.08.150 Fence, Wall, and Privacy Screen Regulations and the definition of "Point of Observation" contained in §22.04 Definitions. I understand a Village permit does not establish compliance with any HOA bylaws or deed restrictions that may be in effect.  
 X:

\* The applicant shall prepare a neighborhood lot study that includes a map of the study area and photograph(s) of existing fencing. An existing privacy screen as allowed in Section 22.08.150, 3. shall not be used as consideration for compliance with this standard.

\*\* The application and all required documents and materials must be submitted by the established deadline date for the next regular meeting of the Planning Commission. Submittal by deadline does not guarantee placement on the agenda. Please refer to Section 22.08.150. Note: the applicant or a representative must be present at all meetings.

**From:** [Dragica Schwartz](#)  
**To:** [Susie Stec](#)  
**Subject:** Re: 31533 Kennoway 1 of 3  
**Date:** Thursday, August 7, 2025 2:25:04 PM

---

CAUTION:This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Susie,

Ok so the fotst section is 31 feet and 4 in or so. The second portion is 18 feet and 3-4 in. They are separated by a large tree between them. If you need more info just let me know. Thank you

Regards,

Dragica

Sent from my iPhone

> On Aug 6, 2025, at 9:44 AM, Susie Stec <[sstec@villagebeverlyhills.com](mailto:sstec@villagebeverlyhills.com)> wrote:

>

> Good morning, Mrs. Schwartz -

>

> No worries, it's been that kind of week. Thank you for the information you've provided.

>

> Have a great day!

>

> Susie

>

> -----Original Message-----

> From: Dragica Schwartz <[dragicas49@gmail.com](mailto:dragicas49@gmail.com)>

> Sent: Tuesday, August 5, 2025 9:24 AM

> To: Susie Stec <[sstec@villagebeverlyhills.com](mailto:sstec@villagebeverlyhills.com)>

> Subject: Re: 31533 Kennoway 1 of 3

>

>

> CAUTION:This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

>

> Hi Susie,

> Sorry for delay, but my husband was having various tests done and doctor appointment's yesterday. I will measure today.

> There are 13 panels . They are 36 in wide plus the frame. They are spaced about a foot apart side to side and front to back, as well as staggered heights. They average about 3 feet from property line I think.

> I staggered them to give a somewhat open feeling and still try to mitigate the lights etc. I also attempted to plant some recommended shrubs in between, as photos show. Five have already died since planting!

> Thank you and I will get back to you today.









Sent from my iPhone

**From:** [Drađica Schwartz](#)  
**To:** [Susie Stec](#)  
**Subject:** 31533 Kennoway 1 of 3  
**Date:** Thursday, July 31, 2025 3:48:27 PM

---

CAUTION: This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



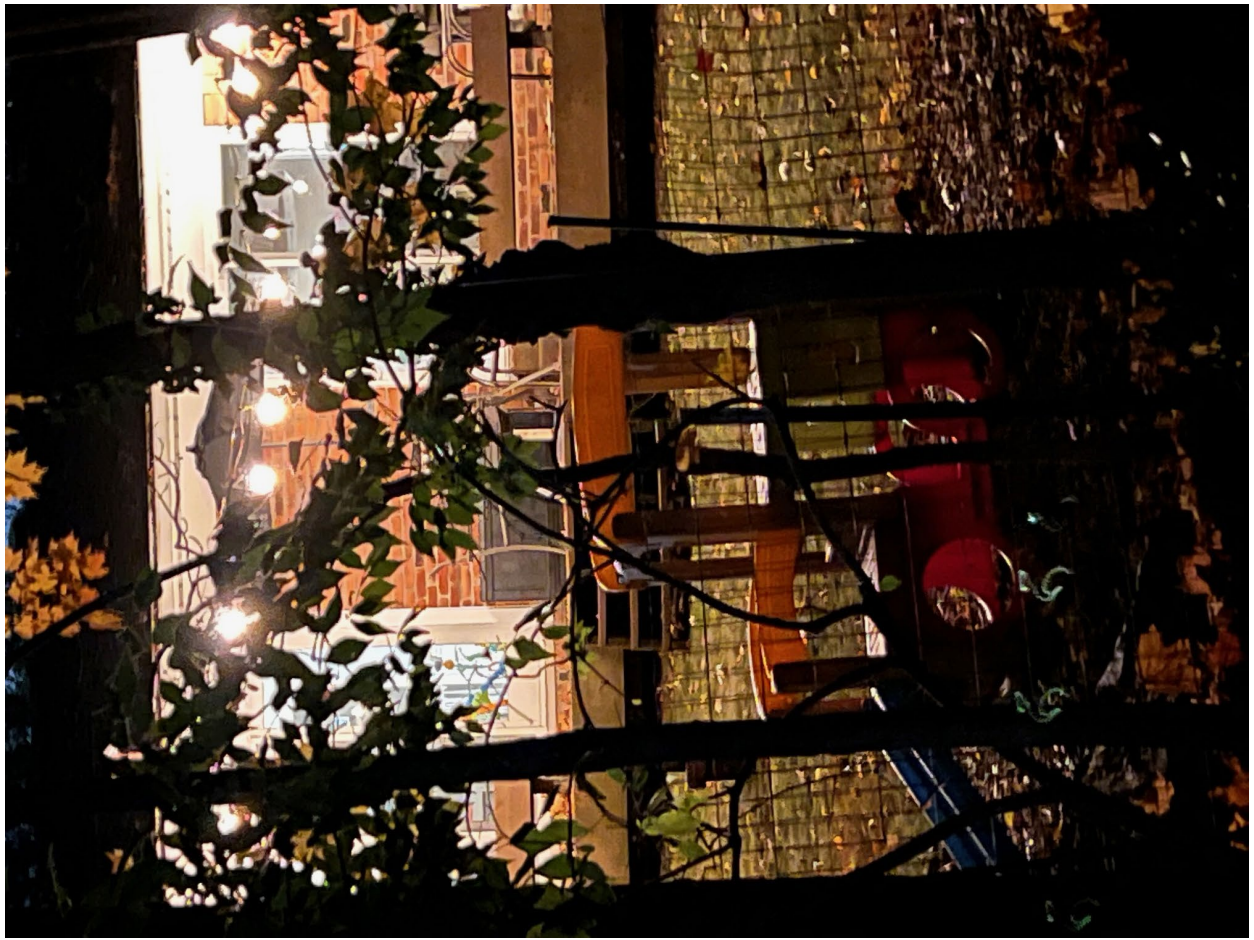
Sent from my iPhone

From: [Daniela Schmitt](#)  
To: [Susi.S](#)  
Subject: Photos of roadside  
Date: Thursday, October 30, 2025 12:18:59 PM

CAUTION: This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Susie,  
Here are some photos, hope not too many to do for you. Thank you.  
Regards,  
Dragica

















Sent from my iPhone



Page 35 of 54











## Village of Beverly Hills Zoning Board of Appeals Meeting

Notice is hereby given that the Village of Beverly Hills Zoning Board of Appeals will hold a meeting on **Monday, December 8, 2025 at 7:00 pm** at the Village of Beverly Hills Office at 18500 W. 13 Mile Road, Beverly Hills, MI 48025. A public hearing will be held on the following case:



**Case #1438:** In order to install 6-foot privacy screens in the front yard, the homeowner is seeking a dimensional/non-use variances from the following provisions of Chapter 46 Zoning:

Section 46-173(2)(a)(1). Front yard. Fences in the front yard with a vertical surface area that is at least 35% open to air and light shall not exceed three feet in height above grade and shall not extend back toward the front of the principal building more than eight feet.

Section 46-173(2)(b)(1). Privacy screens. Privacy screens that do not exceed six feet in height above grade are permitted as follows: (1). Properties in all single-family residential zone districts may erect a privacy screen in the rear or side yard to enclose an area on up to three sides, with a maximum total length that does not exceed 25 percent of the rear lot line length.

Interested parties may comment on the above listed cases in-person at the scheduled meeting. Written comments may be submitted in-person or by mail to the Village of Beverly Hills, Zoning Board of Appeals, 18500 W. 13 Mile Road, Beverly Hills, MI 48025. Comments may also be submitted via email to [sstec@villagebeverlyhills.com](mailto:sstec@villagebeverlyhills.com) by 4:00 p.m. on the date of the hearing; please note the case in the subject line. The applications may be reviewed at the Village Hall between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Carissa Brown  
Village Clerk

Publish: November 12, 2025

**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS**

Notice is hereby given that the Village of Beverly Hills Zoning Board of Appeals will hold a public hearing on **Monday, December 8, 2025 at 7:00 pm** to consider the following request:

**ITEM:** ZBA Case 1438  
**REQUEST:** In order to install 6-foot privacy screens in the front yard, the homeowner is seeking a dimensional/non-use variance from Chapter 46 Zoning, Section 46-173(2)(a)(1) and 46-173(2)(b)(1).  
**LOCATION & ZONING** 31555 Kennoway Court (24-03-451-001), R-A Single Family  
**APPLICANT:** Dragica & Howard Schwartz

The public hearing will be held at the Village of Beverly Hills Zoning Board of Appeals meeting on Monday, December 8, 2025 at 7:00 pm at the Village of Beverly Hills Municipal Offices, 18500 W. 13 Mile Road, Beverly Hills, Michigan 48025. If you have any questions or comments, please contact the Planning & Zoning Department at 248-646-6404 during regular business hours of 8:00 am – 5:00 pm, Monday through Friday, or via email at [sstec@villagebeverlyhills.com](mailto:sstec@villagebeverlyhills.com) by 4:00 p.m. on the date of the hearing, or attend the public hearing on the scheduled date.



**Publish Date:** November 12, 2025 The Oakland Press

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or phone, 18500 W. Thirteen Mile Beverly Hills, MI 48025 (248) 646-6404.

2403403007  
KARI JUREWICZ  
31650 EASTLADY DR  
BEVERLY HILLS MI 48025 3727

2403430004  
SUZANNE M SNIDER EGAN TRUSTEE  
20351 RONSDALE DR  
BEVERLY HILLS MI 48025 3863

2403403005  
DENNIS PILON  
SANDRA GANOS  
31750 EASTLADY DR  
BEVERLY HILLS MI 48025 3729

2403451002  
HOWARD SCHWARTZ TRUSTEE  
DRAGICA SCHWARTZ TRUSTEE  
31533 KENNOWAY CT  
BEVERLY HILLS MI 48025 3855

2403430003  
JAMES W DAVIS  
JEAN DAVIS  
20415 RONSDALE DR  
BEVERLY HILLS MI 48025 3865

2403403004  
JASON BORRA  
KAITLYN BORRA  
31800 EASTLADY DR  
BEVERLY HILLS MI 48025 3731

2403451003  
CHRISTOPHER JOHNSON  
EMILY JOHNSON  
31505 KENNOWAY CT  
BEVERLY HILLS MI 48025 3855

2403428001  
NICK E NABORS  
JACLYN NABORS  
20410 RONSDALE DR  
BEVERLY HILLS MI 48025 3864

2403428004  
JON G LEHMAN  
MARILYN LEHMAN  
20348 RONSDALE DR  
BEVERLY HILLS MI 48025 3862

2403430002  
ROBERT J REAUME  
BRIDGET M REAUME  
20435 RONSDALE DR  
BEVERLY HILLS MI 48025 3865

2403403006  
PADRAIG O'LAOIRE  
31700 EASTLADY DR  
BEVERLY HILLS MI 48025 3729

2403428003  
MARCEL P DIDIERJEAN  
20370 RONSDALE DR  
BEVERLY HILLS MI 48025 3862

2403403003  
DAVID W GREEN  
C HEATHER GREEN  
31850 EASTLADY DR  
BEVERLY HILLS MI 48025 3731

2403430001  
PATRICK CWAYNA JR  
ANGELA CWAYNA  
20440 RONSDALE DR  
BEVERLY HILLS MI 48025 3864

2403426012  
VILLAGE OF BEVERLY HILLS  
18500 W 13 MILE RD  
BEVERLY HILLS MI 48025 5262

2403428002  
HENRY COONEY  
EILEEN M OCALLAGHAN  
20392 RONSDALE DR  
BEVERLY HILLS MI 48025 3862

2403453001  
ANTHONY SILBER  
MARY JOHNSON  
31400 KENNOWAY CT  
BEVERLY HILLS MI 48025 3852

2403403002  
DAVID V BUHL TRUSTEE  
JEANNE A BUHL TRUSTEE  
31900 EASTLADY DR  
BEVERLY HILLS MI 48025 3733

2403451004  
ABBY LOUISE N MARTINOVSKI  
MARKO MARTINOVSKI  
31381 KENNOWAY CT  
BEVERLY HILLS MI 48025 3851

2403451001  
Occupant  
31555 KENNOWAY CT  
BEVERLY HILLS MI 48025 3855

2403476001  
GROVES HIGH SCHOOL  
20500 W 13 MILE RD  
BEVERLY HILLS MI 48025 3830

2403451001  
NMN INC  
31533 KENNOWAY CT  
BEVERLY HILLS MI 48025 3855

**From:** [Jackie Nabors](#)  
**To:** [Susie Stec](#)  
**Cc:** [Hubs](#)  
**Subject:** ZBA Case 1438  
**Date:** Thursday, September 4, 2025 11:02:23 AM

---

**CAUTION:** This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

We are writing in regards to ZBA Case 1438 and the request to install 6 foot privacy screens.

We are opposed to these screens being installed/staying. Attached are photos from our yard, deck and inside our home. Currently, we can see them from inside our kitchen, dining room, living room, kids play room and primary bedroom. We feel like we cannot escape our views of them and they take away from the natural landscape. Once the leaves fall from the tree line, that is all we will see when we are on our deck or anywhere in our house while awake.

Thank you for your time and consideration.

Nick and Jackie Nabors  
20410 Ronsdale Dr.  
Beverly Hills, MI 48025











The **Zoning Board of Appeals** has established a regular meeting schedule of the 2<sup>nd</sup> Monday of each month at 7:00 pm. Meetings are held in Council Chambers of Village Hall (18500 W. 13 Mile Road, Beverly Hills, MI 48025). Below is a list of the 2026 Planning Commission meeting dates.

<b>2026 Zoning Board of Appeals Meeting Dates</b>
January 12 <sup>th</sup>
February 9 <sup>th</sup>
March 9 <sup>th</sup>
April 13 <sup>th</sup>
May 11 <sup>th</sup>
June 8 <sup>th</sup>
July 13 <sup>th</sup>
August 10 <sup>th</sup>
September 14 <sup>th</sup>
October 12 <sup>th</sup>
November 9 <sup>th</sup>
December 9 <sup>th</sup>
January 11, 2027

# VILLAGE OF BEVERLY HILLS

# ZONING BOARD OF APPEALS BYLAWS

## ARTICLE I – JURISDICTION

The jurisdiction of the Village of Beverly Hills Zoning Board of Appeals (hereinafter: “the Board”) is the review of and decision on questions, appeals, and variance requests arising under the Village of Beverly Hills Zoning Ordinance.

## ARTICLE II - PURPOSE

The purpose of the Board is to perform the duties set forth in the following:

- A. The Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq.
- B. Village of Beverly Hills Zoning Ordinance, Chapter 46, Article II, Division 3.

## ARTICLE III – CREATION AND DUTIES

- A. Creation. There shall be established and appointed by the Village Council, in accordance with the Michigan Zoning Enabling Act (“MZEA”), Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, a Zoning Board of Appeals consisting of nine members, each to be appointed for a term of three years. One member of the Zoning Board of Appeals may also be a member of the Village Planning Commission.
  - 1. One regular or alternate member of the Zoning Board of Appeals may also be a member of the Village Council. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals.
  - 2. A member of the Zoning Board of Appeals who is also a member of the Village Planning Commission or Village Council shall not participate in a

public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Village Council. However, the member may consider and vote on other unrelated matters involving the same property.

3. The Village Council may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest or due to the fact that the regular member already voted on the same matter as a member of the Planning Commission or Village Council. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals, while serving.

- B. Powers and Duties. The Board shall have the powers enumerated in the Village of Beverly Hills's Zoning Ordinance, Chapter 46, Article II, Division 3.

## ARTICLE IV – ORGANIZATION AND OFFICERS

- A. The Board shall elect from its members a chairperson, a vice-chairperson, and a secretary, and establish such committees it considers necessary. The election of officers shall be held annually.
- B. Meetings shall be called subject to the call of the Chairperson.
- C. Duties of Officers:
  1. Chairperson:
    - a. The Chairperson shall preside at all meetings of the Board.
    - b. The Chairperson may designate the Vice-Chairperson to preside in his/her seat at any meeting if he/she desires.
    - c. The Chairperson (or any three members) may issue a call for a Special Meeting by making a written or oral request to the Village Clerk's office.

- d. The Chairperson shall direct the Village staff to establish the agenda for Meetings and the order thereof, including such items of old business and other items that may have been deferred at previous meetings and shall provide this information to the Village Clerk's office.
  - e. Sign such correspondence and documents as maybe necessary
2. Vice-Chairperson:
- a. The Vice-Chairperson shall preside at meetings of the Board in the absence of the Chairperson, or when requested to do so by the Chairperson.
  - b. The Vice-Chairperson shall perform all duties of the Chairperson when the Chairperson is unable to perform his/her duties or when requested by the Chairperson.
3. Secretary
- a. The Secretary shall certify meeting minutes.
  - b. The Secretary shall sign correspondence or documents as maybe necessary.

## ARTICLE V - MEETINGS

- A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted.
- B. A minimum of two (2) regular meetings shall be held annually. Advance notice of Board meetings shall be provided in accordance with the MZEA (MCL 125.3103) and the Village's Zoning Ordinance.
- C. Copies of the draft minutes of the prior meeting or meetings shall be available at Village Hall for public review within 8 days after the meeting at which they were taken and shall accompany the meeting agenda.
- D. A ZBA member shall disclose any possible conflict of interest before any discussion on the respective matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on

the matter upon a unanimous vote of the remaining members of the ZBA. A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such the member cannot be unbiased in the decision-making process. A Board member shall notify the Board of a possible conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;
2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association; or
3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.

If the Board agrees that the member has a conflict by unanimous vote, the member shall remove him- or herself from the dais for the duration of the discussion and vote on the matter on which the member has a conflict.

## ARTICLE VI - RULES

- A. A quorum shall consist of a majority (five) of the entire Board membership. Provided a quorum is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, except for as otherwise required under State law (MCL 125.3603, et. seq.), the Village Charter, or any Village Ordinance.
- B. Meeting procedures and conduct shall be generally consistent with Robert's Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these ZBA Bylaws.
- C. If there are several separate items to be heard at one meeting, the same procedures shall be followed for each.
  1. Chairperson states purpose of hearing and rules of procedure as deemed necessary by the Chairperson, including processes for submission of written testimony.
  2. Presentation by staff summarizing the item

3. Questions from Board members to staff
  4. Presentation by applicant
  5. Questions from Board members to applicant
  6. Chairperson opens Public Hearing
  7. Testimony from public
    - a. Presentation of written comments
    - b. Presentation of oral comments
  8. Chairperson closes Public Hearing
  9. Concluding comments from applicant
  10. Concluding comment of staff
  11. Concluding questions or comments from Board members
  12. The Chairperson shall call for a motion.
- D. If the hearing is on an issue proposed by staff and there is no applicant, agenda items (e), (f), and (h) shall be eliminated and the public shall be heard on the issue.
- E. The Chairperson may order any disruptive person from the room. In the event of ongoing disruption, the Chairperson may recess the meeting.

## ARTICLE VII - PROCEDURE FOR AMENDING BYLAWS

- A. These bylaws shall take effect upon adoption by the Board.
- B. These bylaws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been provided to the Board at least three (3) days in advance of the meeting.