

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.

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