

Present: Chairperson Makar, Vice-Chairperson Ross, Members: Barron, Beach, Miller,
Russaw, Stroker, Tomich, Beslove

Absent: Member: Caputo

Also Present: Planning and Economic Development Director, Stec
Village Attorney, Schultz
Recording Secretary, Williams

ROLL CALL/CALL TO ORDER

Chairperson Makar called the regular Zoning Board of Appeals meeting to order at 7:02 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025.

APPROVAL OF AGENDA

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

Motion passed.

APPROVAL OF MINUTES

Motion by Russa, second by Miller to approve the minutes of the October 1, 2025 Zoning Board of Appeals meeting.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON PUBLISHED AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

A. PC CASE: ZBA Case 1438
LOCATION: 31555 Kennoway Court
PARCEL ID: 24-03-451-002
ZONING: R-A Single Family
PETITIONER: Dragica Schwartz
OWNER: Dragica & Howard Schwartz
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).

Stec provided an overview of Case 1438, located at 31555 Kennoway Court. The applicant, who was present, seeks to install ten 6 ft privacy screens within a 5 ft strip of property adjacent to the public right-of-way. The request requires variances from multiple sections of the zoning ordinance related to placement in the front yard, screening opacity, height above grade, and the allowable location for privacy screens.

Stec explained the property layout, including the unusual shape of the parcel, its RA single-family zoning classification, and its relationship to the Kennoway Court right-of-way and surrounding parcels. Images and measurements were reviewed, noting that originally thirteen panels were installed, with eight removed because they were located within the public right-of-way. Five sets of posts remain on the applicant's 5 ft strip of land pending the Board's decision.

Stec described the applicant's stated need for screening, including concerns about views of neighboring play equipment and elevated lighting from Kennoway Circle. Photographs depicting existing conditions were reviewed for context.

Beslove inquired whether there are any regulations addressing the bright lights coming from the neighboring property that are disturbing the applicant. Stec responded that the lighting standards within the zoning ordinance generally apply to commercial developments, not residential.

Miller asked whether photographs illustrating what Schwartz sees from her home were provided. Stec explained that although photographs were provided, they were unusable due to glare from interior and exterior lighting and therefore could not be included as part of the record.

Tomich asked staff to clarify the right-of-way configuration and where the previously installed privacy panels had been located. Stec reviewed the parcel map, explaining that Kennoway Court includes a natural turnaround area and a 35 ft wide right-of-way. Stec explained that 13 total panels had been installed: eight were located within the right-of-way and therefore were removed, while five were located within the 5 ft privately owned strip of land. Stec noted that although those five remaining panels were technically on private property, they remained within the front yard, which prohibits such structures without a variance.

Beslove questioned whether temporary, movable, or wheeled structures would be treated differently. Stec explained that the zoning ordinance defines a building as any structure, temporary or permanent, and that accessory structures are not permitted in the front yard regardless.

Stec provided history of the right-of-way and stated that historical maps show the area was originally platted in its current configuration and has long remained under village jurisdiction, although the Department of Public Works historically has maintained only utilities, not the roadway surface itself.

Makar questioned whether the variance request should be interpreted as a request for a fence or privacy screen, and which ordinance sections applied. Stec and Schultz clarified that despite the petitioner describing the panels as privacy screens, the structures meet the ordinance's definition of a fence. Therefore, the Board would need to consider both fence and privacy-screen regulations when evaluating the variance. Schultz reiterated that the Board has no authority to permit structures in the right-of-way; any relief could apply only to the five panels located on private property.

Schwartz addressed the Board and described the long history of their property, including maintaining the private driveway for over fifty years. Schwartz explained that substantial vegetation once separated their property from the homes on Ronsdale Drive, but that surrounding property owners have removed trees and greenery between 2019 and 2020. As a result, their previously secluded home became exposed to vehicle headlights, backyard lighting, string lights,

and general backyard activity from Ronsdale Drive properties- which, due to the unusual lot configuration, all face directly into her front yard.

Schwartz explained that she and her husband attempted multiple times between 2020 and 2024 to install natural landscaping as a buffer. They purchased and planted numerous six to seven ft evergreen trees- at significant personal expense- but repeated plantings failed due to heavy shade, compacted soil, and deer damage. Professional landscapers and arborists were also hired without success. Because natural screening proved infeasible, she and her husband explored using decorative privacy panels spaced apart to maintain an airy, garden-like appearance while reducing the impact of headlights and backyard lighting.

Schwartz detailed the impact not having the panels have had on their daily life: headlights shining directly into their living room for extended periods as neighbors warm up their cars, as well as strong LED string lights and other backyard lighting visible for six months of the year when trees are bare. She emphasized that their usable outdoor space is primarily in the front yard because the rear yard falls sharply toward a ravine.

Makar questioned whether Schwartz has installed window treatments as a preventative measure. Schwartz stated that they have drapes in parts of their home but not in these areas so they could enjoy looking out at nature.

Miller asked if Schwartz worked with surrounding neighbors to find a screen that they would like or other preventative measures that they would agree with. Schwartz said that she spoke with one neighbor and didn't expect this to be an issue.

Makar opened the item for public hearing at 7:51 p.m.

Stec began with presentation of written comments. Stec reported that one email had been received, including photos, which were provided in the packet. Stec stated that she spoke with that homeowner and they stand by their comments. Stec also spoke with two other residents who received direct notice; although they did not submit written comments, both expressed opposition to the variance. One resident was specifically concerned about the Shwartz's long-term use of the right-of-way. Stec confirmed that no individuals that contacted were in support of the request.

Jon, Ronsdale Dr. spoke in person at the meeting. Stating that he and h8s household chose to live on that side of the village for the natural setting. He expressed that the proposed screens do not meet the standards of the zoning ordinance and that approval would be based on the applicant's desire rather than applicable criteria. He wared that granting request would set precedent for other corner lots and opposed the request.

Marilyn, Ronsdale Dr. spoke next in opposition. She stated that six-foot privacy screens in a front yard are prohibited because they disrupt openness and neighborhood character. She expressed concern that granting the variance would set a precedent and noted that reasonable alternatives, such as blinds, curtains, shades, exist that do not require a variance and reiterated her opposition.

Makar closed the public hearing at 8:01 p.m.

Schwartz expressed disappointment that neighbors who do not maintain the area or incur expenses on her property are objecting. Schwartz stressed that her privacy had been diminished and that the request was an attempt to address multiple intrusions and views into neighboring front yards.

Beach expressed sympathy for the applicant’s situation and reviewed aerial views to understand headlight trajectories and determined that only one or two homes potentially created light intrusion and that such impacts were typical in neighborhood settings.

Barron referenced their own experience dealing with lighting or privacy challenges without variance relief. Barron emphasized that although the lot is unique, the standards for variance approval still apply, and the request did not satisfy those standards.

Makar inquired whether the applicant could work with neighbors to develop an alternative screening solution. Schwartz expressed doubt that cooperation was possible.

Motion by Barron, seconded by Tomich, 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 not unnecessarily burdensome because there are other options available to the homeowner to address impacts from adjacent properties, including by way of example only, other screening that may be placed on the applicant’s own property or other treatments that may be done to the home.
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 such neighbors have stated both here personally and by letter their disapproval of this. Additionally, this would be the only fence and screening in the area, and as such, would be unusual for the area.
3. The requested variance is not the least relief required because of the other options noted.
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.

Roll Call Vote:

Makar	Yes
Rott	Yes
Barron	Yes
Beach	Yes
Miller	Yes

Russaw	Yes
Stroker	Yes
Tomich	Yes
Beslove	No

Motion passed (8-1)

B. 2026 Zoning Board of Appeals Calendar of Meetings

Meetings will continue to begin at 7:00 p.m. and the calendar includes dates through January 2027.

C. ZBA Bylaws

No action taken.

PUBLIC COMMENTS

None

LIAISON COMMENTS

None

STAFF COMMENTS

Stec introduced our new Village Attorney, Tom Schultz who will be present at Zoning Board of Appeals meetings going forward.

Stec will work to schedule advance ZBA training in the beginning of the year.

COMMISSIONER COMMENTS

Barron stated that they were contacted over concern for UMMA parking. Stec stated that Village staff is aware of the issue and is working internally with the property owner and property manager to resolve the issue.

Stec asked that if members are contacted privately by residents about concerns to please have them address her directly to help better resolve the issue.

CORRESPONDENCE

There is no Zoning Board of Appeals meeting scheduled for January.

ADJOURNMENT

Motion by Russaw, second by Beach, to adjourn the meeting at 8:47 p.m.

Motion passed.

Timothy Makar

Carissa Brown

Lydia Williams

Chairperson

Village Clerk

Recording Secretary