

A regular meeting of the Board of Zoning Appeals was called to order by the Chairman, Carmelo Milia, at 7:30 P.M. on Tuesday, May 16, 2000.

PRESENT:	Kenneth Courtney	Mark Stimac
	Mark Maxwell	Bob Davisson
	Lawrence Littman	Pam Pasternak
	James Giachino	
	Carmelo Milia	
	Michael Hutson	
	Christopher Fejes	

ITEM #1 – APPROVAL OF MINUTES, MEETING OF APRIL 18, 2000

Motion by Courtney
Supported by Fejes

MOVED, to approve the minutes of the April 18, 2000 meeting as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – RENEWAL REQUESTED - SAN MARINO SOCIAL CLUB, 1685 E. BIG BEAVER, for relief of the 6' high masonry screening wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board, for relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact that the adjacent residential property is undeveloped and owned by the petitioner. In 1997, this Board granted a three-year renewal of this variance. Conditions remain the same, and we have no objections or complaints on file.

Mr. Lou Zanotti of San Marino Social Club was present and stated he had nothing to add.

Motion by Fejes
Supported by Littman

MOVED, to grant San Marino Social Club, 1685 E. Big Beaver a three (3) year variance for relief of the 6' high masonry screening wall required along the north property line.

- Conditions remain the same.

ITEM #2

- We have no complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 - RENEWAL REQUESTED - BIG BEAVER UNITED METHODIST CHURCH, 3753 JOHN R., for relief to maintain a 4'6" high masonry wall along the north, east and west sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board in 1994 for relief of the 4'6" high masonry wall required along the north, east and west sides of off-street parking areas. Relief has been granted based on the fact that the wooded areas provide a natural screening and a variance would not cause an adverse effect to the properties in the immediate vicinity. In 1997, this Board granted a three-year renewal of this variance. Conditions remain the same, and we have no objections or complaints on file.

Samuel Thompson was present and stated that he had nothing to add.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Big Beaver United Methodist Church, 3753 John R, a three (3) year variance for relief to maintain a 4'6" high masonry wall along the north, east and west sides of off-street parking.

- Conditions remain the same.
- No complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 - RENEWAL REQUESTED - BETHESDA ROMANIAN CHURCH, 2075 E. LONG LAKE, for relief of the 4'6" high masonry screening wall required along the east side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board in May, 1998 for relief of the 4'6" high masonry wall required where parking abuts residential zoning on the east side of the property. That relief was granted based on the fact that the petitioner would put in a 4'6" high berm along the northern part of the east property line and provide sufficient plantings to screen the neighbors property.

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This Board granted a one-year renewal of this variance in 1999. Conditions remain the same, and we have no objections or complaints on file.

Mr. Simion Timbuc was present and stated that the berm is presently in place, however all of the plantings are not in place.

Motion by Courtney
Supported by Hutson

MOVED, to grant Bethesda Romanian Church, 2075 E. Long Lake, a two (2) year variance for relief of the 4'6" high masonry screening wall required along the east side of off-street parking.

- This time frame will allow for development of the property.
- There are no complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR TWO (2) YEARS CARRIED

ITEM #5 - RENEWAL REQUESTED - KEN RUONA, CLARK REFINING & MARKETING, INC., 3400 ROCHESTER ROAD, for relief to maintain a 6' high fence in place of the 6' high masonry screening wall required along the east and a portion of the north property line.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board to maintain a 6' high fence in place of the 6' high masonry screening wall required along the east and a portion of the north property line. This variance has been granted on a yearly basis since 1985, based on the preference of the adjacent owners to have the wood fence and landscaping in lieu of the masonry wall. In 1993 this was again renewed for a three-year period. In 1996 and 1997 a one-year renewal was granted and in 1998, this Board granted a two-year renewal. Conditions remain the same and there are no new complaints or objections on file.

This item was moved to Item #20 to allow the petitioner the opportunity to be present.

ITEM #6 - RENEWAL REQUESTED - FIRST UNITED METHODIST CHURCH, 6363 LIVERNOIS, for relief of the 4'6" high masonry screening wall required along the north, south and west property lines.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board in 1989 for relief of the 4'6" high masonry wall required along the north, south and west property lines. This request was originally approved based on the fact that the area

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had substantial screening to the south and to the west and no useful purpose would be served by strict enforcement of the ordinance. In 1997, this Board granted a three-year renewal of this variance. Conditions remain the same and we have no objections or complaints on file.

Ms. Jayne Saeger, a member of First United Methodist Church was present and stated she had nothing to add.

Motion by Hutson
Supported by Littman

MOVED, to grant First United Methodist Church, 6363 Livernois a three (3) year variance for relief of the 4'6" high masonry screening wall required along the north, south and west property lines.

- Variance is not contrary to public interest.
- Conditions remain the same.
- There are no complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #7 - RENEWAL REQUESTED, PPG INDUSTRIES, 5875 NEW KING, for relief to maintain a berm in lieu of the 6' high masonry screening wall required along the west property line.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 6' high masonry-screening wall required along the west property line that abuts residential zoning. This relief was originally granted in 1988 based on the fact that the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. In April 1997, this Board granted a three-year renewal of this variance. Conditions remain the same and we have no objections or complaints on file. This item was tabled from our April 18, 2000 meeting to allow the petitioner the opportunity to be present.

Ms. Wanda Waite, representing PPG Industries was present and stated that she had nothing to add.

Motion by Fejes
Supported by Courtney

ITEM #7

MOVED, to grant PPG Industries, 5875 New King, a three- (3) year variance for relief to maintain a berm in lieu of the 6' high masonry-screening wall required along the west property line.

- Conditions remain the same.
- No complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #8 - VARIANCE REQUEST, MR. MICHAEL BAILEY, 6806 DONALDSON, for relief of the Zoning Ordinance to have a total area of 1450 square feet of accessory buildings where 600 square feet is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage at an existing residence. The site plan submitted indicates that the proposed construction would result in a total area of 1,450 square feet of accessory buildings. Section 40.57.04 limits the total area of all accessory building on a site to one half the ground floor area of the main building, or 600 square feet, whichever is greater. With a ground floor area of the main building of only 1187 square feet, the size of accessory buildings is limited to 600 square feet.

This item was tabled at our meeting of April 18, 2000 to allow the petitioner the opportunity to present an alternative plan to his neighbor to the south and to present a request for a smaller variance.

Mr. Michael Bailey was present and submitted to each Board member a revised plan, which would reduce the size of the garage, also a signed letter from his neighbor on the south approving of his plan. Mr. Bailey stated that he had cut the width of his original request from 32' to 24'. He further stated that he had a small classic car collection and needed the extra space to store these vehicles.

Mr. Maxwell asked why Mr. Bailey wished to put the garage in this location and Mr. Bailey stated that he had tried to put it in different locations, however felt that this would be the most aesthetically pleasing. Mr. Bailey also said that the roof would connect between the existing garage and the addition making it appear as one building. Mr. Maxwell also asked if Mr. Bailey would be willing to modify his plan to make the addition 22.8' x 40'. Mr. Bailey stated he would be happy to modify his plan.

Mr. Littman asked what kind of work Mr. Bailey would do to these vehicles and Mr. Bailey stated he was basically a backyard mechanic and it would be limited to regular maintenance.

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Motion by Maxwell

Supported by Giachino

MOVED, to grant Mr. Michael Bailey a variance to have a total area of 912 square feet of accessory buildings where 600 square feet are permitted.

- Variance is not contrary to public interest.
- Addition will be 22.8' x 40'.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 - VARIANCE REQUEST, JOSEPH & LINDA COULTER, 2161 HARNED,
for relief of the Zoning Ordinance for the required lot width in the R-1D
Zoning District. *(Name originally typed in as James)*

Mr. Stimac explained that petitioner is requesting relief of the Zoning Ordinance for the required lot width in the R-1D Zoning District. They are proposing to demolish a portion of an existing home and split the lot into 2 parcels. The site plan submitted indicates the split would result in a 90.65' wide lot and a 73' wide lot. Section 30.10.05 of the Zoning Ordinance requires lots have a 75' minimum width. In July 1998, petitioner had presented this item to the Board of Zoning Appeals, requesting a lot split that would have resulted in one lot being 63.95' wide. This request was denied. Petitioners have submitted a new application asking for relief for this larger (yet still deficient) lot width.

This item was originally brought to the Board in February 2000. This request was tabled for ninety (90) days to allow the petitioner and neighbor to meet with the Lake Association to determine alternatives for maintenance of the property.

Mr. Joseph Coulter was present and brought to the attention of the Board that the name listed as petitioner was incorrectly put in as James. Mr. Coulter cited health concerns as the reason that he cannot maintain the lake frontage on his lot. He stated that there are very large trees and since his property was located at the east end of the lake all of the leaves blow onto his property. Mr. Coulter stated that he had contacted the Lake Association as originally suggested by this Board and the Association told him that basically it is up to him to find a solution to this problem. The Lake Association will not change the deed restriction regarding maintenance of this property.

The Chairman opened the Public Hearing.

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Mr. Ken Bousquet of 2149 Harned was present and stated that he is the neighbor adjacent to Mr. Coulter's property. Mr. Bousquet was very concerned that a lot split will result in an undersized lot for this subdivision and will have a negative impact on the surrounding property. Mr. Bousquet also stated that he did not understand why Mr. Coulter would go to the extreme of demolishing 11 feet of his home due to the cost involved. He felt that he could hire someone for the same cost to keep the lake property up for him. Mr. Bousquet felt that there were other alternatives available.

No one else wished to be heard and the Public Hearing was closed.

Mr. Giachino stated that one of the reasons to grant a variance was if the variance did not have an adverse effect on surrounding property, and yet the neighbor the most effected does believe this will have an adverse effect. Mr. Giachino also asked if Mr. Coulter could hire someone to take care of his property. Mr. Coulter stated that he had planned to take out a home equity loan which would enable him to demolish the 11' of his home, and once the extra lot was sold he would repay this loan. He stated that it would be a hardship for him to pay someone \$1,000.00 a year in a lump sum to maintain his lot.

Mr. Maxwell asked what the average sizes of the lots are in this subdivision. Mr. Stimac stated that this is an old platted subdivision originally with 40 foot wide lots and the current home sites utilizing two lots are approximately 80' x 200', although some of this area is in the lake.

Mr. Courtney stated that this is not a hardship running with the land. Mr. Coulter stated that his hardship is the fact that the Lake Association changed the rules. Mr. Giachino asked Mr. Coulter if he had contacted an attorney, and Mr. Coulter stated that he had no legal recourse on this matter. Mr. Giachino also asked Mr. Coulter what he would do if the Board did not grant this variance. Mr. Coulter stated he would be forced to sell his home.

Mr. Fejes asked what was involved in maintaining this area. Mr. Coulter stated that it is up to the homeowner to put a colored dye in the lake to prohibit the growth of weeds. He further stated that the biggest problem is the leaves from the trees. Due to the fact that his property is at the east end of the lake, most of the debris and leaves end up on his property. He stated that in one weekend he had bagged approximately 125 cubic yards of leaves.

Motion by Courtney
Supported by Maxwell

MOVED, to deny the request of Mr. and Mrs. Joseph Coulter, relief of the Zoning Ordinance for the required lot width in the R-1D Zoning District.

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- Variance would have an adverse effect on surround property.
- Petitioner failed to prove hardship.

Yeas: 5 – Maxwell, Littman, Giachino, Hutson, Courtney
Nays: 2 – Milia, Fejes

MOTION TO DENY VARIANCE CARRIED

ITEM #10 - VARIANCE REQUEST, BRADLEY KLINTWORTH, LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM, for relief of the Zoning Ordinance to construct two new industrial buildings.

Mr. Stimac explained that petitioner is requesting relief of the Zoning Ordinance to construct two (2) new industrial buildings in an M-1 (light industrial) Zoning District. The property located immediately east of this property is zoned R-M1 (multiple family residential). Section 39.10.01 of the Troy Zoning Ordinance requires a 6' high decorative masonry screening wall along the property line between an M-1 developed property and any adjacent residentially zoned property. The site plan submitted indicates a 6' high berm in lieu of this required wall.

Mr. Bradley Klintworth was present and stated that they had not built the berm. Grand Sakwa Development, the previous owner of the property, built the berm when the property was being developed. Mr. Klintworth also stated that they had \$12,000.00 in escrow for landscaping once this project is underway.

Mr. Stimac stated that when development of this property began, Bethany Villa stated that they would prefer the berm rather than a screening wall. They had even sold off a small piece of their lot due in order to allow for the development. Mr. Stimac also stated that the delay in bringing this action to the Board since the requirement for the wall did apply until the site was developed.

Mr. Milia stated the he had noticed that the retention pond separates the building from Bethany Villa and asked why they wished to keep the berm instead of the wall. Mr. Klintworth replied that they want this site to be as attractive as possible to the surrounding residents. He further stated that mechanical equipment would be kept in this location, and it would be screened from the residents.

Mr. Fejes asked if this would be a permanent variance and Mr. Stimac suggested that this variance not be granted on a permanent variance, in order to allow the property to be developed and to see what type of landscaping would be done on the berm.

It was noted that we have a written approval from Bethany Villa on file.

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Motion by Fejes

Supported by Courtney

MOVED, to grant Bradley Klintworth, Liberty Property Trust, 2600 and 2710 Bellingham, a one year variance for relief of the Zoning Ordinance to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry screening wall required.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT REQUEST FOR ONE YEAR CARRIED

ITEM #11 - VARIANCE REQUEST, ROBERT CLAUSER, 2668 RENSRAW, for relief of the rear yard setback.

Mr. Stimac explained that petitioner is requesting relief of the rear yard setback to construct an addition to an existing residence. The site plan submitted indicates a 32'-10" rear yard setback to the proposed addition. Section 30.10.04 requires a 40' minimum rear yard setback.

Mr. Robert Clauser was present and stated that he has been a resident of Troy for 13 years. He stated that presently his laundry room consists of a closet, and also that it is very difficult for two people to be in the kitchen at the same time. He also stated that he had tried to create space within existing spaces but that he has exhausted these alternatives. He wishes to add on to his home to allow his family more usable space in his home. Mr. Clauser also presented the Chairman with a list of sixteen (16) signatures of his neighbors approving his plans for this addition.

Mr. Clauser also cited several addresses in his subdivision where the additions also encroach on the rear yard setback. Mr. Littman asked Mr. Stimac if he was aware of other variances in this subdivision and Mr. Stimac responded that without checking each address given, he could not say whether or not these properties had variances.

There are also four written approvals on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Giachino and Mr. Courtney both asked Mr. Clauser what he planned on doing with the extra space. Mr. Clauser stated that the laundry room would be expanded and that they would also enlarge their kitchen.

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Motion by Maxwell

Supported by Littman

MOVED, to grant Mr. Robert Clauser, 2668 Renshaw a variance for relief of the rear yard setback to construct an addition to an existing residence which will result in a 32'-10" rear yard setback where 40' is required.

- Variance is not contrary to public interest.
- This variance will not have an adverse effect on surrounding property.
- The adjacent property to the rear is an elementary school.

Yeas: 5 – Milia, Fejes, Courtney, Maxwell, Littman

Nays: 2 – Giachino, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 - VARIANCE REQUEST, TCL GROUP, REPRESENTING MR. & MRS. KUNINMATSU, 926 BROOKLAWN, for relief of the sideyard setback.

Mr. Stimac explained that petitioner is requesting relief of the sideyard setback to remove the existing carport and construct a new garage on the front of their residence. The site plan submitted indicates a 6'-6" sideyard setback to the proposed garage addition. Section 30.10.04 of the Zoning Ordinance requires a 10' minimum sideyard setback.

Mr. Tom Bloom of TCL Group was present and stated that they planned to remove the existing carport which is in need of repair and replace it with a more usable garage. The size would be exactly the same and shrubs and trees would screen the area.

Mr. Milia stated that this was an old subdivision and many of the homes in the area had done the same thing.

Mr. Giachino stated that the only area that does not comply with the ordinance occurs at the corner, and the rest of the structure complies with the 10' minimum sideyard setback.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two written approvals on file.
There is one written objection on file.

ITEM #12

Motion by Fejes

Supported by Courtney

MOVED, to grant the request of TCL Group, representing Mr. & Mrs. Kuninmatsu, 926 Brooklawn, for relief of the sideyard setback to remove the existing carport and construct a new garage on the front of their residence which will result in a 6'-6" sideyard setback where 10' is required.

- Variance is not contrary to public interest.
- Odd shape of lot creates a hardship.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 - VARIANCE REQUEST, JANICE KAY AUSTIN, 2540 MARCUS DR., for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct a covered wood deck on the rear of an existing residence. The site plan indicates that the covered deck will result in a 30.5' setback to the rear property line. Section 30.10.06 of the Zoning Ordinance requires a 35' rear yard setback in the R-1E Zoning District.

Ms. Austin was present and stated that the main reason she wanted to cover her deck was due to the fact that this area faces to the south and because there are no trees, it becomes much too hot in the summer to enjoy this deck. Ms. Austin also stated that she has planted several trees, but it will probably be many years before they mature enough to provide shade.

Mr. Courtney asked if Ms. Austin planned on coming back to the board with a request to enclose this deck, and Mr. Milia asked what the concrete slab was for. Ms. Austin stated that she does not have any plans to enclose this deck and plans to use part of the concrete slab for a shed and the other half of the slab for a basketball court. Mr. Milia further stated that all of the houses on Marcus are lined up and he was concerned about setting a precedent. Ms. Austin stated that it has been her observation that many of the people do not use their decks due to the exposure of the sun.

Mr. Giachino asked if she had explored the possibility of a retractable awning. Ms. Austin stated that she had, and felt that this plan would look better than an awning.

The Chairman opened the Public Hearing.

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Mr. Samir Daya of 2541 Marcus Dr. was present and stated that he does not object to this covered roof.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval on file.

Motion by Hutson
Supported by Littman

MOVED, to deny the request of Janice Kaye Austin, 2540 Marcus for relief of the rear yard setback to construct a covered wood deck on the rear of an existing residence, which will result in a 30.5' setback to the rear property line where 35' is required.

- Petitioner did not demonstrate a hardship

Yeas: - 3 – Hutson, Littman, Milia
Nays: - 4 – Fejes, Courtney, Maxwell, Giachino

MOTION TO DENY REQUEST FAILS

Motion by Giachino

Supported by Fejes

MOVED, to approve the request of Janice Kaye Austin, 2540 Marcus for relief of the rear yard setback to construct a covered wood deck on the rear of an existing residence, which will result in a 30.5' setback to the rear property line where 35' is required.

- Variance is not considered to be excessive.
- Variance is not contrary to public interest.
- This variance will not have an adverse effect on surrounding property.

Yeas: 4 – Fejes, Courtney, Maxwell, Giachino

Nays: 3 – Littman, Milia, Hutson

MOTION TO APPROVE REQUEST CARRIED

ITEM #14 - VARIANCE REQUEST, MR. AND MRS. JAMES NOHL, 1110 REDDING DR., for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an attached deck and gazebo at the rear of an existing residence. Section

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30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback to a covered or enclosed deck and a 30' setback to an uncovered deck in the R-1B Zoning District. The site plan submitted indicates a 28'-6" rear setback to the proposed gazebo.

Mr. James Nohl was present and stated that he had a very unique piece of property in that his property backed up to the S.O.C. Credit Union. At the back of the lot is a 10' to 12' berm with 20 to 30 Austrian pines which results in screening his property from their parking lot. He also stated that to the right and left of his property there is already well established landscaping which also creates a great deal of screening. Mr. Nohl submitted a letter to the Board with signatures of ten (10) of his neighbors who approve this construction.

Mr. Hutson questioned a letter from S.O.C. Credit Union reminding Mr. Nohl of an agreement he had signed with them. Mr. Nohl explained that basically this agreement states that if he plants anything on their berm, it becomes the property of S.O.C. Credit Union.

There is one written approval on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Littman
Supported by Maxwell

MOVED, to grant the request of James and Karen Nohl, 1110 Redding Dr. to construct an attached deck and gazebo at the rear of an existing residence which will result in a 28'-6" rear yard setback, where 30' is required.

- Variance is not contrary to public interest.
- The variance will not result in a prohibited use.
- This variance will not have an adverse effect on surrounding property.
- To the rear of the property is office-zoned property with a substantial berm.

Yeas: All - 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #15 - VARIANCE REQUEST, BEAUMONT SERVICES CO., L.L.C., 44201 DEQUINDRE, for relief of the Zoning Ordinance regarding setbacks.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a six-(6) story parking structure addition, with the potential for an additional three-(3) stories in the future. The site plan submitted indicates that the proposed parking structure addition will be only 141.4' from the south property line. Section 18.25.02 (D) of the Zoning Ordinance requires that a six-story structure on this site be at least 280' from a perimeter property line and a nine-story structure must be 340' from a perimeter property line.

Mr. Giachino asked if Beaumont Services were connected to Beaumont Hospital, and Mr. Jeff Larson stated that Beaumont Hospital owned them. Mr. Giachino stated that he wished to be excused from hearing this case due to a conflict of interest since his company does a lot of work with Beaumont.

Motion by Littman
Supported by Maxwell

MOVED, to excuse Mr. Giachino from hearing this petition.

Yeas: 6 – Courtney, Maxwell, Littman, Milia, Hutson, Fejes

MOTION TO EXCUSE MR. GIACHINO CARRIED

Mr. Courtney questioned why the last time Beaumont Hospital came to the Board for a variance, this parking structure was not part of the final plan. Mr. Littman stated that when they came to the planning commission, this nine-story parking structure was not included in their plans.

Mr. Jeff Larson of Beaumont Services was present and stated that the plans he now has go to approximately the year 2010. He does not believe he will need to come back to the board until the year 2006 or 2007, at which time it may be possible that Beaumont Hospital will need a third parking structure. Mr. Larson stated that out of 44 hospitals in Michigan, Troy Beaumont ranks 32 in size. He however stated that Troy Hospital is the highest occupied and is 13th in admissions. The Emergency Center saw 47,980 patients last year and this year they are projecting that 51,000 patients will be seen. Troy Beaumont is one-half the size of Royal Oak Beaumont and ranks 12th in births. Presently, they see 205,216 people outpatient and are projecting an additional 5% increase this year, which will result in 226,972 patients being seen. Mr. Larson also stated that they need to add at least 900 additional parking spaces. They have chosen this location for the new parking deck due to the location of their drainage pond. Mr. Larson also said that although the variance is for a nine-story parking deck, if they find that it is not necessary, they will not build a structure that high.

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Mr. Hutson asked about the 5-acre parcel to the south, and Mr. Larson stated that they are presently negotiating to purchase this land, but so far have been unsuccessful.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Milia noted that the property owner adjacent to Beaumont Hospital has responded to the public hearing notice indicating support for an approval.

Mr. Littman also commended Beaumont on the fact that they have worked very hard with the neighbors during the rezoning request to keep them happy regarding all the expansion.

Motion by Littman
Supported by Hutson

MOVED, to grant Beaumont Services, L.L.C., representing William Beaumont Hospital, 44201 Dequindre relief of the Zoning Ordinance to construct a six-(6) story parking structure addition, with the potential for an additional three-(3) stories in the future, which will result in a 141.4' setback from the south property line where 340' is required.

- Variance is not contrary to public interest.
- This variance will not cause an adverse effect on the surrounding area.
- The property owner to the south, most directly affected by the variance, is in support of the request.

Yeas: 6 – Maxwell, Littman, Milia, Hutson, Fejes, Courtney
Excused: 1 – Giachino

MOTION TO GRANT VARIANCE REQUEST CARRIED

ITEM #16 - VARIANCE REQUEST, HELEN KOPRINCE, 1610 CHARLEVOIS, for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a lattice wood roof over an existing deck. The site plan submitted indicates that the proposed construction would result in a 26.66' rear yard setback to the proposed deck arbor. Section 30.10.04 requires a 40' minimum rear yard setback to a covered or enclosed deck in the R-1C Zoning District.

Mrs. Koprince was present and stated that in eleven years she has lost three umbrellas and a glass top table due to the fact that the wind topples everything. Mrs. Koprince is concerned because she has five grandchildren and is afraid the breaking glass will hurt

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them. She also stated that she has contacted awning companies, but due to the fact she has a bay window, this awning would not work. Mrs. Koprince stated that this would not be a solid roof, but would consist of 4 posts with 2x4 over the top. She also stated that she would add flowering vines to this arbor.

Mr. Milia stated that we had received 5 written objections and 1 deferral. Mr. Milia gave Mrs. Koprince copies of these objections, so she could approach her neighbors and perhaps come to an agreement regarding this construction.

Mr. Hutson advised Mrs. Koprince that one of the neighbors had stated that this would be in violation of the deed restrictions and the Homeowner Association could take her to court. Mrs. Koprince was unaware of this.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Courtney
Supported by Littman

MOVED, to table the request of Mrs. Helen Koprince, 1610 Charlevois for ninety days, until the August 15, 2000 meeting, for relief of the Zoning Ordinance to construct a lattice wood roof over an existing deck resulting in a rear yard setback of 26.66' where 40' is required.

- Allow the petitioner the opportunity to approach her neighbors and work out a viable solution.

- Allow the petitioner to contact the Homeowner Association for a variance to her deed restrictions.

Yeas: All – 7

MOTION TO TABLE REQUEST FOR NINETY DAYS (AUGUST 15, 2000) CARRIED

ITEM #17 - VARIANCE REQUEST, MARSHA BUTKOVICH, JEFFERY SCOTT ARCHITECTS, REPRESENTING ARBY'S, 1150 LIVERNOIS, for relief of the Zoning Ordinance to construct a drive-up service facility.

Mr. Stimac explained that the petitioner is requesting relief to construct a drive up service facility at an existing location. The site plan submitted indicates that this property is only .69 acres in size. Paragraph B of Section 21.30.02 of the Zoning Ordinance requires that restaurant sites with drive-up windows have a minimum site area of one acre.

ITEM #17

This item was brought in front of the Board of Zoning Appeals in November 1988 but was withdrawn by the petitioner at that time due to the fact that they were going to try and purchase additional property.

Mr. Hutson asked Mr. Stimac if the restaurants on the west side of Livernois complied with the Ordinance. Mr. Stimac stated that these restaurants were in Clawson and he did not know what size lots were.

Ms. Marsha Butkovich, Jeffery Scott Architects, representing Arby's was present and stated this property was sold to RTM and is now a franchise of Arby's. She stated that they have attempted to purchase property from Big Lots and have been unsuccessful. Ms. Butkovich also stated that 60% of all their business is carry out and that this location has a very small dine in area. She also stated that they are going to take some of the parking away to give them more space for landscaping and this drive-through.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file.

Motion by Littman
Supported by Maxwell

MOVED, to grant the request of Marsha Butkovich, of Jeffery Scott Architects, representing Arby's restaurant, 1150 Livernois relief of the Zoning Ordinance to construct a drive up service facility at an existing location, which is only .69 acres in size.

- Property is landlocked.
- Variance will not have a negative impact on surrounding property.
- Variance is not contrary to public interest.
- The site will comply with all other provisions of the Zoning Ordinance.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #18 - VARIANCE REQUEST, MICHAEL D. SCHIRA, REPRESENTING OMNIPOINT INVESTMENT, 3001 W. BIG BEAVER, for relief of the Zoning Ordinance to install nine (9) antennas on top of an existing building.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to install a total of nine(9) new antennas on top of an existing building. This installation, along with other existing and potential antennas, would bring the total number of antennas to forty-eight (48). Section 40.57.08 limits the number of antennas that can be on a building to two (2) antennas for the first 20,000 square feet of gross building area with one antenna permitted for each additional 20,000 square feet of gross building area. Based on the square footage of the building, a total of seventeen (17) antennas are permitted.

This item was originally proposed to bring before the Board at the April 2000 meeting, however, the administration had withdrawn the request, due to a change in the request with respect to other antennas that the owner had lease agreements on. Our Department has now received the revised plans as well as a letter from the owner of the property, indicating approval of this revised plan.

Mr. Keith Davidow a representative of Omnipoint was present and stated that they were very careful when they chose this location due to the coverage area. He stated that they want to install nine panel style antennas on this building which will be painted to match the outside of the penthouse wall. Mr. Davidow also stated that the antennas that are presently on the building belong to competitors.

Mr. Giachino asked if these were radio wave antennas and if they could combine their antennas with others that are on the building. Mr. Davidow stated that the FCC determines which frequencies can be used so they do not interfere with other telecommunication companies, and therefore the antennas are not interchangeable. He also stated that as consumers are requiring more services, more antennas are going to be installed, however, the number of towers are limited.

Mr. Giachino also asked if there were health issues related to these antennas and was told that the FCC also addresses health issues.

The Chairman opened the Public Hearing.

Mr. Micky Nemer, co-owner of the property was present and stated that he and his partners are very careful with what type of equipment is put on their buildings. He stated that they approve of this addition of antennas.

No one else wished to be heard and the Public Hearing was closed.

ITEM #18

Motion by Giachino

Supported by Courtney

MOVED, to grant Michael D. Schira, representing Omnipoint Investment, Inc., 3001 W. Big Beaver, relief of the Zoning Ordinance to install a total of nine (9) new antennas on top of a existing building bringing the total number of antennas to forty-eight (48).

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #19 - VARIANCE REQUEST, STEFAN PASCU, ON BEHALF OF ST. NICHOLAS ROMANIAN CHURCH, 5353 LIVERNOIS, for relief of the Zoning Ordinance to use a tent as a temporary building.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to utilize a tent as a temporary building until May 1, 2001. A fire occurred at the existing church building on April 15, 2000 making it uninhabitable and the church addition, currently under construction, is not completed to the point where it may be occupied. Paragraph C, of Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to approve temporary buildings for permitted uses for periods not to exceed two years.

Several representatives of the Church were present. Mr. Alexander Vulc stated that the addition to the Church was under construction but caught fire in April of this year, which basically stopped the construction on the addition. Right now the Church does not have a location to hold their services and therefore would like the temporary tent. He stated that the church would not be able to use the tent during the winter and would only need the tent for six months.

Mr. Courtney asked if they could rent a building, or space from another Church while their Church was under repair and was told that they did not have the money to rent another building. Mr. Alexander Vulc stated that presently the Church had 120 parishioners.

There are three written objections on file.

There are two written approvals on file.

The Chairman opened the Public Hearing.

ITEM #19

A parishioner of the Church was present and stated that the day before Easter, the Church burned down and nothing was saved. He also stated that now the Church was faced with three huge problems:

1. Finish the new hall before the winter.
2. Finish the new Church.
3. Try to keep the congregation together.

He also stated that the cause of the fire was determined to be electrical.

Mr. Giachino asked if the Church had the funds to finish the Church and was told that they are waiting for the insurance money to come through, but as of yet they haven't heard from them.

Mr. Littman expressed concern over the fact that the construction of the new Church was taking a long period of time.

Motion by Courtney
Supported by Giachino

MOVED, to grant Stefan Pascu, on behalf of St. Nicholas Romanian Orthodox Church, 5353 Livernois relief of the Zoning Ordinance to utilize a tent as a temporary building.

- Not to exceed six (6) months.
- Arrangements would be made to help alleviate the parking congestion.

Yeas: All – 7

MOTION TO APPROVE REQUEST, NOT TO EXCEED SIX (6) MONTHS CARRIED

ITEM #20 (#5) - RENEWAL REQUESTED - KEN RUONA, CLARK REFINING & MARKETING, INC., 3400 ROCHESTER ROAD, for relief to maintain a 6' high fence in place of the 6' high masonry screening wall required along the east and a portion of the north property line.

This item was moved to Item #20 to allow the petitioner the opportunity to be present.

Motion by Littman
Supported by Courtney

ITEM #20 (#5)

MOVED, to table the request of Ken Ruona, Clark Refining & Marketing, Inc., 3400 Rochester Road requesting relief to maintain a 6' high fence in place of the 6' high masonry screening wall required along the east and a portion of the north property line until the next regular scheduled meeting of June 20, 2000.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL MEETING OF JUNE 20, 2000 CARRIED

OTHER BUSINESS - Election of Officers for the year 2000-2001

Motion by Mila
Supported by Courtney

MOVED, to elect Mr. Giachino Chairman, and Mr. Fejes Vice-Chairman for the Board of Zoning Appeals beginning June 2000 through May 2001.

Yeas: All – 7

Mr. Giachino stated that he will out of town for the June meeting.

The Board of Zoning Appeals adjourned at 10:40 P.M.

MS/pp

