

A regular meeting of the Board of Zoning Appeals was called to order, by the Chairman, James Giachino, at 7:30 P.M. on Tuesday, August 15, 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, JULY 18, 2000 MEETING

Motion by Courtney
Supported by Maxwell

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

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

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 - RENEWAL REQUESTED. MI DEV AMERICA, INC. 600 WILSHIRE, for relief of the 6' high masonry-screening wall required on the property abutting residential zoned property on the west side.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required on the property abutting residential zoned property on the west side. The site has now been constructed and occupied and landscaping berms along the west property line have been completed. This Board originally granted this variance in 1996 and in August 1999 the variance was granted for one year. Other than that, conditions remain the same and we have no objections or complaints on file.

Diane Croswell, Executive Director of Mimco, Inc., representing MI DEV America, Inc. was present and stated that they would like to continue this variance.

Motion by Maxwell
Supported by Fejes

ITEM #2

MOVED, to grant MI DEV America, Inc. 600 Wilshire, a three- (3) year variance for relief of the 6' high masonry-screening wall required on the property abutting residential zoned property on the west side.

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

Yeas: All - 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 - VARIANCE REQUESTED. MS. HELEN KOPRINCE, 1610 CHARLEVOIS, for relief of the rear yard setback for a covered deck.

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.

Ms. Koprince first appeared before the Board on May 16, 2000. Her request was tabled for ninety (90) days to allow the petitioner the opportunity to approach her neighbors and work out a viable solution, as there were five (5) written objections to her request. This time frame would also allow Ms. Koprince to contact the Homeowner Association for a variance to her deed restrictions.

The Chairman moved this item to the end of the Agenda, **Item #13**, to allow the petitioner the opportunity to be present.

ITEM #4 - VARIANCE REQUESTED. MR. THOMAS RICHARDS, 2754 DOWNEY, for relief of the side yard setback for an accessory structure.

Mr. Stimac explained that the petitioner is requesting to allow a deck built without a building permit with a 0' side yard setback. The existing pool, with the newly constructed deck attached to it, are accessory structures by the definitions of the Zoning Ordinance. Section 40.57.05 of the Zoning Ordinance requires a 6' minimum setback from any accessory structure to a side or rear property line. The on-site inspection and permit application indicate the deck was constructed right up to the north property line.

ITEM #4

This item originally appeared before the Board at the July 18, 2000 meeting and was tabled for thirty (30) days to allow the petitioner the opportunity to present his request before a full board.

Mr. Stimac further stated that the Building Department has received a written request to table this item until the meeting of September 19, 2000 due to the fact that the petitioner will be out of the country.

Motion by Littman
Supported by Milia

MOVED, to table the request of Mr. Thomas Richards, 2754 Downey, for relief of the side yard setback for an accessory structure until the meeting of September 19, 2000.

- To allow the petitioner the opportunity to be present.

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

MOTION TO TABLE REQUEST UNTIL MEETING OF SEPTEMBER 19, 2000
CARRIED.

ITEM #5 - VARIANCE REQUESTED. MR. AFRAM K. YERMIAN, 5818 WILLOW GROVE, for relief of the Zoning Ordinance to split an existing lot resulting in a non-conforming width.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to split an existing lot. The site plan submitted indicates that the resultant vacant parcel would have only 75' of frontage on Willow Grove. Section 30.10.04 of the Zoning Ordinance requires that lots in the R-1C Zoning District, not served by City sewer, have at least 120' of frontage.

This item appeared before the Board at the July 18, 2000 meeting and was tabled for thirty (30) days to allow the petitioner the benefit of a full board, and to allow the petitioner to bring back to the Board the projected use of this property.

Mr. Richard Wolk, Attorney for Mr. Yermian was present and stated that they had received information that the City was planning on purchasing some of this property and asked that this item be tabled for sixty (60) days as this could possibly change their request for a variance.

Motion by Courtney
Supported by Maxwell

ITEM #5

MOVED, to table the request of Mr. Afram K. Yermian, 5818 Willow Grove, for relief of the Zoning Ordinance to split an existing lot resulting in a non-conforming width until the meeting of October 17, 2000.

- To determine if the purchase of some of this property would change the request for a variance.

Yeas: All – 7

MOTION TO TABLE THE REQUEST OF MR. AFRAM K. YERMIAN UNTIL THE MEETING OF OCTOBER 17, 2000 CARRIED

ITEM #6 - VARIANCE REQUESTED. MR. STEVE NEEPER, REPRESENTING MJC THE BUILDERS OFFICE, “SANDALWOOD SOUTH” CONDOMINIUM DEVELOPMENT, for relief of the Zoning Ordinance regarding usable open space required in the front yard.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new condominium development. Section 12.60.02 of the Zoning Ordinance requires that an area equivalent to 70% of a required yard be developed as usable open space and be kept free of all vehicular uses. The proposed site plan indicates that only 60% of the front yard of one of the buildings, containing units 25 through 30, is in open space.

This item first appeared before the Board at the meeting of July 18, 2000 and was tabled for thirty (30) days to allow the petitioner the opportunity to present his request to a full board.

Mr. Fejes raised the question as to why this item was tabled from the July meeting and Mr. Courtney explained that due to the fact that the first motion resulted in a tie vote, someone else was allowed to make a second motion.

Mr. Ken Strobel, representing MJC The Builders Office and Grand Sakwa, was present and stated that at the time they brought this site plan in for approval, City Council granted that approval with the understanding that the property would not be overbuilt. Mr. Strobel stated that they have done everything in their power not to overbuild on this land. He further stated that overall they have 82% of the required front yard in open space, which more than exceeds what the Zoning Ordinance calls for. Mr. Strobel pointed out the fact that both wetlands and a flood plain surround this area and it makes it very difficult for them to make any further changes in their plans to distribute the open space in order to achieve 70% for this building.

ITEM #6

Mr. Courtney questioned that if the developer had achieved 82% of open space, why this item came before the Board and Mr. Stimac explained that open space is determined on any yard setback or area between buildings and felt that each yard needed to be looked at individually. Mr. Fejes asked what the developer would do if this variance was denied, and Mr. Strobel stated that they would probably lose one unit and possibly a second, and that the complete picture would not be as aesthetically pleasing. Mr. Strobel further pointed out that each unit has its own garage with a 16' driveway in front of it.

Mr. Giachino asked if Mr. Strobel felt that the hardship was created by the extensive flood plain in the area and Mr. Strobel stated that it definitely was. He also stated that they have tried to be as accommodating as possible with the City's request. Mr. Maxwell asked how far the nearest home is to this development, and Mr. Strobel stated that the area is fairly heavily wooded and they did not intend to disturb the tree line if at all possible, and he felt that the nearest home was approximately 300 feet away.

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

There is one written objection on file.

Motion by Littman
Supported by Courtney

MOVED, to grant the request of Mr. Steve Neeper, representing MJC The Builders Office, "Sandalwood South" Condominium Development, relief of the Zoning Ordinance regarding usable open space required in the front yard.

- Petitioner is not proposing to overdevelop this site.
- On an overall basis the project exceeds the requirements for open space.
- There are significant wetlands and flood plains on the property.
- This variance is not contrary to public interest.
- This variance will not establish a prohibited use in a Zoning District.

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

MOTION TO APPROVE REQUEST CARRIED

ITEM #7 - VARIANCE REQUESTED. ST. ELIZABETH ANN SETON CATHOLIC CHURCH, 280 E. SQUARE LAKE, for relief of the 4'6" high masonry screening wall required where the parking lot abuts residential zoned property.

Mr. Fejes stated that he wished to inform the Board that he was a parishioner of St. Elizabeth Ann Seton, and if they felt that he should abstain from hearing this petition he would.

Motion by Littman
Supported by Giachino

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

Yeas: 2 – Littman, Giachino
Nays: 4 – Courtney, Maxwell, Milia, Hutson

MOTION TO EXCUSE MR. FEJES FAILS

Mr. Stimac explained that the petitioner is requesting relief of the 4'6" high masonry-screening wall required where the parking lot abuts residential zoned property. The site plan submitted indicates that the Church is proposing to provide a landscape block retaining wall for the first 3'0" in height, and leave the existing landscape screening in place along west property line of the northern portion of the parking lot and to eliminate the wall on the south side of the parking lot.

Constantine Pappas, Architect for St. Elizabeth Ann Seton Catholic Church was present and stated that the church had originally applied for the variance on the wall on the south side of the site at the request of the owner of the home located south of the church. Since that time the church and the owner have decided to install the wall along the south side of the parking lot and wish to withdraw that portion of their request. Mr. Pappas indicated that there was a significant line of mature arborvitae in place on the adjacent residential property to the west of the lot. Mr. Pappas stated that the wall would be 7'6" high and due to the differential of the grades it could cause many of these mature evergreens to be killed stating that it would be impossible to get the truck in this location to dig the foundation for the wall. Mr. Pappas further stated that they are planning to fill in the gaps to make sure there is a solid wall of evergreens. Mr. Pappas also said that the cost of replacing these shrubs, if they were killed, would be very high due to the fact that they are between 12' – 15' high.

Mr. Littman expressed concern over the fact that there were several trees that were laying on the property and Mr. Pappas stated that they had been moved to allow the construction of the retention pond, and as soon as this was complete, they planned to replant these trees.

ITEM #7

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

There are three (3) written approvals on file.

Motion by Courtney
Supported by Fejes

MOVED, to grant St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake, a three (3) year variance, for relief of the 4'6" high masonry screening wall required on the north and northern portion of the west side where the parking lot abuts residential zoned property.

- Three-year variance will allow construction of the Church to be complete.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO APPROVE VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #8 - VARIANCE REQUESTED. MR. RICHARD MEALEY, LOT NO. 6, 1735 EQUITY DRIVE (PROPOSED ADDRESS), for relief of the 6' high masonry wall required at the front of the outdoor vehicle storage area and relief of the required gates to the vehicle storage area.

Mr. Hutson explained that his firm represents this client, and even though he felt he could remain impartial, if the Board wished he would excuse himself from hearing this item.

No one made a motion to excuse Mr. Hutson.

Mr. Davisson stated that he believes that due to the fact that this firm is represented by Mr. Hutson's Law office, it may give the appearance of a conflict of interest.

Motion by Maxwell
Supported by Littman

MOVED, to excuse Mr. Hutson from hearing this item.

Yeas: 4 – Maxwell, Littman, Giachino, Fejes
Nays: 2 – Milia, Courtney

MOTION TO EXCUSE MR. HUTSON FROM HEARING THIS ITEM CARRIED

ITEM #8

Mr. Stimac explained that the petitioner is requesting relief of the 6' tall masonry screening wall required at the front of the outdoor vehicle storage area and relief of the required gates at the vehicle storage area. The site plan submitted indicates that petitioner is proposing a landscaped screening wall of 6' tall evergreens in lieu of the 6' tall masonry screening wall and elimination of the gates completely.

Mr. Stimac explained the location of this site and this building would be used as a vehicle prep area and also for vehicle storage. Mr. Stimac also explained that the Ordinance requires a screening wall along areas that have vehicle storage which butts up to a public street. Mr. Milia asked how other businesses can operate on Equity Drive since it is a private street. Mr. Stimac further stated that access has to be provided by a public street or easement. He also said that the owners of the property will be responsible for the maintenance of this street.

Mr. Milia asked if these walls would be required along a street that would be in the form of an easement. Mr. Stimac stated that the Ordinance required that screening be provided along all sides abutting a public thoroughfare and that the extent of the walls was subject to the review of the Planning Commission. In the Planning Commission's review of this site plan they had determined that walls should be provided along the side of the storage area facing the easement.

Mr. Dan Lamble, Architect representing Mr. Mealey was present and stated that they would like to put up an evergreen screening wall instead of the masonry screening wall to keep the site compatible with the rest of the development. He stated that this is a large parking lot and does not abut to a residential area. Mr. Lamble further stated that the gate is a burdensome responsibility to the car haulers, who drop vehicles off after hours.

Mr. Courtney asked if they planned to have a security guard at this lot, and Mr. Lamble stated that he did not know what arrangements Mr. Mealey was making.

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 are no written objections on file.

Motion by Milia
Supported by Maxwell

ITEM #8

MOVED, to grant Mr. Richard Mealey, Lot No. 6, 1735 Equity Drive (proposed address) a permanent variance for relief of the 6' high masonry wall required at the front of the outdoor vehicle storage area and relief of the required gates to the vehicle storage area.

- This variance is not contrary to public interest.
- This variance does not establish a prohibited use in a Zoning District.
- This site is in an isolated interior location, not subject to a great deal of traffic.

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

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 – VARIANCE REQUESTED. MR. MICHAEL TILLARD, 5761 HOUGHTEN,
for relief of the side yard setback for an attached garage addition.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an attached garage addition. The site plan submitted indicates a 5' side yard setback from the proposed garage addition to the north property line. Section 30.10.02 requires a 10' minimum side yard setback in the R-1B Zoning District.

Mrs. Tillard was present and stated that they needed the room for extra storage and also needed more room in the garage.

Mr. Courtney asked if they had looked into the possibility of moving the laundry room and stated that they had not. Mr. Giachino asked if they had looked at the possibility of adding a detached garage which would not require a variance, and Mrs. Tillard stated that they did not want to lose part of the yard and would rather have an attached garage because they feel it would provide greater safety.

The Chairman opened the Public Hearing.

Mr. Richard Hughes, 1321 Roger Ct. was present and stated that he believed that at the time this home was built the Zoning Ordinance had different setback requirements. Mr. Hughes also stated that he was in favor of this variance and that people who live in Troy should be allowed to enjoy their property.

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

ITEM #9

Mr. Milia stated that he feels that the character of this neighborhood is that the people have large lots with a lot of room in between each neighbor and does not think that this variance would continue to carry this on. Mr. Maxwell stated that there is still plenty of room between this house and the adjacent home and did not feel that this addition would cause a problem.

There is one written approval in the file.

Motion by Maxwell
Supported by Littman

MOVED, to grant the request of Mr. Michael Tillard, 5761 Houghten, relief of the side yard setback for an attached garage addition.

- Variance is not contrary to public interest.

Yeas: 3 – Giachino, Maxwell, Littman

Nays: 4 – Milia, Hutson, Fejes, Courtney

MOTION TO GRANT REQUEST FAILS

Motion by Courtney to table this request to allow Mr. Tillard to be present dies to lack of support.

Motion by Milia

Supported by Fejes

MOVED, to deny the request of Mr. Michael Tillard, 5761 Houghten, for relief of the side yard setback for an attached garage addition.

Motion by Littman

Supported by Courtney

MOVED, to table the request of Mr. Michael Tillard, 5761 Houghten for relief of the side yard setback for an attached garage addition until the meeting of September 19, 2000.

- To allow Mr. Tillard the opportunity to be present and explain the hardship requiring this variance.
- Allow petitioner to review the option to build a detached garage.
- To allow the petitioner to determine if there was another way for him to add this needed storage space.

ITEM #9

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

Nays: 2 – Milia, Hutson

MOTION TO TABLE THE REQUEST UNTIL THE MEETING OF SEPTEMBER 19, 2000 CARRIED

ITEM #10 – VARIANCE REQUESTED. MR. AND MRS. COWASJEE BILIMORIA, 4746 BRAMFORD, for relief of the rear yard setback for an addition onto an existing residence.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a dining room addition at the rear of an existing residence. The site plan submitted indicates that the proposed addition will result in a 36.7' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. Cowasjee Bilimoria was present and stated that they wished to add on to their dining room due to the fact that they have a growing family and their parents visit quite frequently and they need the extra room. Mr. Bilimoria brought in a letter approving of this addition from his neighbors who live right next door.

Mr. Milia asked why a smaller variance was not considered and Mr. Bilimoria stated that they wished to expand the kitchen along with the dining room and a smaller variance would make the dining room too narrow.

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

There is one written approval in the file.

Motion by Maxwell
Supported by Hutson

MOVED, to approve the request of Mr. and Mrs. Cowasjee Bilimoria, 4746 Bramford, for relief of the rear yard setback to construct an addition onto an existing residence.

- Variance is not contrary to public interest.
- Variance would not establish a prohibited use in a Zoning District.

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

MOTION TO APPROVE REQUEST FAILS

ITEM #10

Motion by Littman
Supported by Fejes

MOVED, to deny the request of Mr. and Mrs. Cowasjee Bilimoria, 4746 Bramford, for relief of the rear yard setback to construct an addition onto an existing residence.

- Petitioner failed to prove a hardship.

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

MOTION TO DENY REQUEST CARRIED

ITEM #11 – VARIANCE REQUESTED. WILLIAM NELSON, FIRE CHIEF CITY OF TROY, 4850 JOHN R. (PROPOSED ADDRESS), for relief of the Zoning Ordinance regarding building height and relief of a masonry screen wall.

Mr. Stimac explained that the petitioner is requesting relief to construct a police/fire training facility. Section 30.30.03 of the Zoning Ordinance limits the height of buildings to two (2) stories and 25' in height in the C-F (Community Facilities) Zoning District. The site plan submitted indicates that the training tower portion of the facility is a total of four (4) stories and has a building height of 37'-3".

In addition, Section 39.10.01 of the Zoning Ordinance requires that a 4'6" high masonry screen wall be provided between off-street parking areas and adjacent residentially zoned property. The site plans submitted shows no wall is proposed along the north and east sides of the parking area.

William Nelson, Fire Chief for the City of Troy was present and stated that the Police and Fire Departments are presently using temporary quarters for training and are in need of a permanent facility. With respect to the wall, Mr. Nelson stated that the east end of this site is in the flood plain and wetland and it would be very difficult to install this wall. Mr. Nelson further stated that there are a number of trees on this side that they are planning to leave on the site. Regarding the height of the tower, Mr. Nelson stated that an insurance company rates a Fire Department and if their tower is not at least four (4) stories high they would have points deducted from their fire insurance rating. Mr. Nelson also stated that their property drops approximately 9' to John R.

Mr. Courtney asked why the wall was required on the south side and Mr. Nelson stated that the property is currently zoned residential. Mr. Milia asked why the tower had to be four (4) stories high. Mr. Nelson replied that part of the fire training is for the firemen to simulate working in a stairwell, dragging hoses and other equipment at least three (3) flights of stairs. Mr. Littman asked how often the tower would be used and

ITEM #11

Mr. Nelson stated that the tower would probably be used six to eight times during a training academy and each fire station would use it approximately twice a year.

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

There are no written approvals or objections on file.

Motion by Courtney
Supported by Milia

MOVED, to grant William Nelson, Fire Chief City of Troy, 4850 John R. (proposed address) a three (3) year variance for relief of the Zoning Ordinance requirement for a 4'6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the north and east sides of the property.

- Variance is not contrary to public interest.
- This variance will not cause a prohibited use in a Zoning District.

- The east side of the property is an existing drain.
- The property to the north is not used as a residence.
- There are no complaints or objections on file.

Yeas: All – 7

MOTION TO GRANT A THREE (3) YEAR VARIANCE FOR RELIEF OF THE 4'6" HIGH MASONRY SCREENING WALL REQUIRED BETWEEN OFF-STREET PARKING AND RESIDENTIALLY ZONED PROPERTY ON THE NORTH AND EAST SIDES OF THE PROPERTY CARRIED.

Motion by Courtney
Supported by Fejes

MOVED, to grant William Nelson, Fire Chief City of Troy, 4850 John R. (proposed address) a variance for relief to construct a police/fire training tower which will have a building height of 37'-3", where 25' in height is permitted.

- This variance is not contrary to public interest.
- This variance will not cause an adverse effect to surrounding property.
- Variance will not establish a prohibited use in a Zoning District.
- The tower will be located on a portion of the site that is substantially lower than the street elevation.
- The additional stories are necessary to comply with training guidelines imposed by the insurance industry.

ITEM #11

Yeas: All – 7

MOTION TO GRANT RELIEF OF THE BUILDING HEIGHT REQUIREMENT
CARRIED

ITEM #12 – VARIANCE REQUESTED. OFFICE PROPERTIES, L.L.C., 1555 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Zoning Ordinance to construct a new office building which would exceed the gross building area allowed per acre.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new office building. The site plan submitted indicates that the proposed office building, located on a 3.373-acre site, would be 55,124 square feet. Section 24.70.01 limits the gross building area to 15,000 square feet per acre of land in the O-1 Office District. The proposed building would result in 16,343 square feet of building per acre of land.

A similar request resulting in a new building, which would be 16,947 square feet of building per acre of land, was heard and denied by this Board in June 2000.

Mr. Hutson explained that his firm handled affairs for this client and felt that he should be excused from hearing this petition.

Motion by Maxwell
Supported by Littman

MOVED, to excuse Mr. Hutson from hearing this item.

Yeas: All – 7

MOTION TO EXCUSE MR. HUTSON CARRIED

Mr. Milia questioned the fact that this item was brought back before the Board and Mr. Stimac explained that the petitioner has reduced his request by approximately two to three thousand square feet, and felt that this was a significant change. Mr. Stimac also stated that currently there is a proposal being considered to eliminate unoccupied storage space from the gross building area. Mr. Stimac also said that he believed that this proposal was going before the Planning Commission at their September meeting.

Mr. Courtney asked about the fact that the Buckeye gas easement was running through this property and Mr. Stimac explained that they could put a parking lot in this area, but could not build a structure.

ITEM #12

Mr. Joel Garrett was present and stated that when this item was brought to the board in June it was something over two thousand square feet larger than the present proposal. He stated that they need the extra space in the basement for the storage of mechanical, water, electrical and telephone equipment. Mr. Garrett further stated that a site plan for a larger building was originally approved back in the late 80's and the pipeline does create a somewhat constricting problem. Mr. Garrett also said there are no windows and guaranteed this space would be used strictly as storage. He also said that in buildings where there is no room for storage, people are hired to bring in files and other needed material, from other locations, which creates more traffic in Troy.

Mr. Milia stated that the Board had a very similar request approximately, two months ago and there was a problem with the existing power lines. Mr. Garrett stated that indeed the power lines were going to be a problem, but they would deal with the utility companies on it.

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

There are no written approvals or objections on file.

Motion by Courtney
Supported by Littman

MOVED, to approve the request of Office Properties, L.L.C., 1555 E. Big Beaver (proposed address) relief of the Zoning Ordinance to construct a new office building which will result in 55,124 square feet of gross building space.

- The basement storage area would not add to the density of the development.
- Variance is not contrary to public interest.
- Variance will not establish a prohibited use in a Zoning District.
- Variance was not cause an adverse effect to surrounding property.

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

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 (#3) - VARIANCE REQUESTED. MS. HELEN KOPRINCE, 1610 CHARLEVOIS, for relief of the rear yard setback for a covered deck.

The Chairman moved this item to the end of the Agenda, **Item #13**, to allow the petitioner the opportunity to be present.

ITEM #13 (#3)

The petitioner was not present, and Mr. Stimac explained that although we have not had any written communication with Ms. Koprince, we have had verbal communication indicating that she was not going to pursue this variance and that a motion to deny would be in order to close the request.

Motion by Courtney
Supported by Milia

MOVED, to deny the request of Ms. Helen Koprince, 1610 Charlevois, for relief of the rear yard setback for a covered deck.

Yeas: All – 7

MOTION TO DENY REQUEST OF MRS. KOPRINCE CARRIED.

Mr. Littman stated that after the last meeting, Mr. Tadian had given him copies of his agreement with the Troy Church of God, 1285 E. Wattles, and also had shown him where they had fulfilled their part of the agreement in planting the trees that were required as part of this agreement.

Mr. Stimac informed the Board that he would not be present at the September meeting, but that Mr. Grusnick would be filling in for him.

The meeting adjourned at 9:40 P.M.

MS/pp