

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30, on Tuesday, August 19, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Kenneth Courtney  
Glenn Clark  
Matthew Kovacs  
David Lambert  
Thomas Strat

ABSENT: Marcia Gies

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Allan Motzny, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

Motion by Lambert  
Supported by Clark

MOVED, to excuse Ms. Gies from this meeting as she is out of town.

Yeas: 6 – Clark, Courtney, Kovacs, Lambert, Strat, Bartnik  
Absent: 1 - Gies

MOTION TO EXCUSE MS. GIES CARRIED

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 29, 2008**

Motion by Courtney  
Supported by Clark

MOVED, to approve the minutes of the meeting of July 29, 2008 as written.

Yeas: 6 – Kovacs, Lambert, Strat, Bartnik, Clark, Courtney

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #6**

Mr. Bartnik asked that Item #6 be pulled for discussion.

Motion by Courtney  
Supported by Lambert

**RESOLVED**, that Items #3 through #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

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**Item #2 – con't.**

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Kovacs

**ITEM #3 – RENEWAL REQUESTED. PSI HOLDINGS, 2525 CROOKS,** for relief of the 6' high masonry-screening wall required along the west and south property lines where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to have a six-foot high wood fence along the west and south property line where it abuts residential zoned property. This relief was originally granted in 1983, primarily because there already was a six-foot high wood fence along the property line and the petitioner would have to remove a number of established trees in order to install the wall. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of PSI Holdings, Inc. 2525 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west and south property line where it abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. MG ACQUISITIONS, 2555 CROOKS,** for relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

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 of their site that abuts residential property. This relief was originally granted in 1984 based on the fact that a wood fence from the Somerset Apartment complex currently screens the property. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of MG Acquisitions, 2555 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west property line.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #5 – RENEWAL REQUESTED. CROOKS OFFICE LLC, 2585 CROOKS,** for relief to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of this site where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property. This relief was originally granted in 1981 based on the fact that the stockade fence existed and was originally constructed by the Somerset Apartment complex and is in the residential zoning to the west. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of Crooks Office L.L.C., 2585 Crooks Road, a three (3) year renewal of relief granted by this Board to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #6 – RENEWAL REQUESTED. GOOD DEVELOPMENT HOLDINGS, 4755 ROCHESTER,** for relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in regard to a 6' high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that a 6' high masonry-screening wall be provided at the zoning boundary. This Board has granted this relief since 1985. The Board granted relief allowing the petitioner to install an 8' high steel fence in lieu of the wall based on the fact that the fence suits the needs probably as well as, if not better, than the masonry wall. This item last appeared before this Board in August 2005 and was granted a three-year renewal. The property to the north is now zoned R1-T (One Family Attached) but remains vacant. Other than that, conditions remain the same and we have no complaints or objections on file.

The petitioner was not present.

Mr. Bartnik explained that he was concerned about the condition of the fence along the residential property. Right now the property is vacant and Mr. Bartnik is concerned about granting a three-year renewal at this time.

Motion by Bartnik  
Supported by Courtney

**ITEM #6 – con't.**

MOVED, to grant Good Development Holdings, 4755 Rochester Road, an eighteen (18) month renewal of relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

- Eighteen months (18) will allow the Board a chance to re-examine this item in case building is started on the surrounding property.
- Eighteen months (18) will allow the Board the opportunity to look at the condition of the fence.

Yeas: 6 – Kovacs, Lambert, Strat, Bartnik, Clark, Courtney

MOTION TO GRANT RENEWAL FOR EIGHTEEN (18) MONTHS CARRIED

**ITEM #7 – VARIANCE REQUESTED. GARY ABITHEIRA, 3367 ELLENBORO**, for relief of the Ordinance to split an existing parcel of land into two home sites, which will result in each having a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

Mr. Stimac explained that the Building Department was in receipt of a letter from Mr. Abitheira asking that this request be withdrawn.

Motion by Courtney  
Supported by Bartnik

MOVED, to note and file the request of Mr. Abitheira to withdraw this item.

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Kovacs

**ITEM #8 – APPROVAL REQUESTED. MELISSA & BRIAN VANTONGEREN, 5361 LIVERNOIS**, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are requesting approval under Section 43.764.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F350 Cube Van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

Mr. Stimac further explained that this item had appeared before City Council in 2003 and received approval for two-years. In 2006 they applied for a renewal but later withdrew their request as they had sold the vehicle.

Mr. Vantongerren stated that they had approached their closest neighbor and also the church across the street and no one objects to this vehicle parked on the property.

**ITEM #8 – con't.**

Mr. Kovacs informed the petitioner that the rules for granting approval have been changed and asked the petitioner how they feel they have met the criteria.

Ms. Vantongerren said that the location of the truck is in between two homes and is not visible to anyone.

Mr. Vantongerren said that the truck is not visible from Livernois as it is parked on the side of the house and is screened by the existing evergreens and garage.

Mr. Courtney asked the petitioner why they did not request approval before they bought this vehicle since they were familiar with the restrictions regarding commercial vehicles.

Mrs. Vantongerren said that it was because of the job situation.

Mr. Vantongerren said that it was a job situation and originally they had parked the vehicle at another location, but had to move the truck as problems had developed. Mr. Vantongerren went on to say that it is more convenient to have the truck in this location as he leaves for work at approximately 3 A.M. and is gone approximately 16 hours a day.

Mr. Courtney asked if they had read the requirements in order to meet approval for this vehicle.

Mr. Vantongerren said that he believes there is one rental location, which is quite far from his home and would make it difficult for him to get to the vehicle.

Mr. Kovacs asked Mr. Vantongerren to explain the problems with the previous parking location.

Mr. Vantongerren said that he had parked the vehicle at a friend's house in Sterling Heights, but the City of Sterling Heights had a problem with that so he had to move the vehicle. Mr. Vantongerren stated that it is very difficult to find another location for this truck. Mr. Vantongerren also said that they have spent a lot of money on landscaping and felt that this request would be approved as they have made attempt to conceal it from passing traffic.

Mr. Kovacs said that he agrees that the truck is concealed, however, the petitioner has to meet Criteria A or B. The petitioner has not indicated that they have tried to find another site to park the vehicle nor has the petitioner demonstrated the practical difficulty with adding to their garage.

Mr. Vantongerren stated that they do not have the money to alter the existing garage as a lot of his money goes into keeping the truck running. The option is present but they cannot afford it.

**ITEM #8 – con't.**

Mr. Kovacs asked if they had looked into an alternative location to park this vehicle.

Mrs. Vantongerren stated that there are none available in the immediate area.

Mr. Vantongerren said that he believes the closest one is in Clawson at 15 Mile Road and his business takes him north, therefore, this location would not work for him.

Mrs. Vantongerren said that they are using \$500.00 in gas a week and her husband is on the road approximately 15 hours a day.

Mr. Vantongerren said that he is home in the evening and works Tuesday through Saturday. He leaves at approximately 3 A.M. and gets home at 4:30 P.M. or later.

Mr. Strat informed the petitioner that the Planning Commission had approved another location in Troy for the storage of commercial vehicles, and the petitioners could contact the Planning Department for the location and number of that facility.

Mrs. Vantongerren said that they do not have the money to pay for outside storage as they have just filed for bankruptcy.

Mr. Strat said that his concern is that the vehicle is very visible to the neighbors driving along the street and is worried about the quality of the neighborhood. Mr. Strat also said that he understands the hardship the petitioners are under.

Mr. Courtney said that he did not think the location of the truck was that bad, however, the petitioners have the burden of meeting the criteria described in the application and Mr. Courtney does not believe that the petitioners have met either of the criteria described in A or B.

Mr. Lambert said that he would like to postpone this request to give the applicant the opportunity to determine which criteria they meet and perhaps they could look into the possibility of adding more landscaping.

Mr. Kovacs said that he believes the petitioner meets the criteria "C", but needs more evidence as to how they meet the criteria described as "A" or "B". Mr. Kovacs also said that he believes the problem with the landscaping is that the shrubs are young however will fill in as they mature. Mr. Kovacs further stated that there is a telephone pole right near the area that the truck is parked.

Mrs. Vantongerren stated that they do not have the money to add on to their garage and they cannot widen the area because of the telephone pole. They cannot add to the other side of the property as it would be too close to the property line.

Mr. Kovacs asked if they could enlarge the door on the garage.

**ITEM #8 – con't.**

Mrs. Vantongerren said that the garage was built in 1955 and they are not even sure that it is structurally sound. Mrs. Vantongerren said that recreational vehicles are allowed to be parked on residential property and they are three times larger than this truck. Mrs. Vantongerren said that this truck is like a "Dualy" with a cap on it. They keep up their property and do not see why this truck should be a problem.

Mr. Kovacs said that he understands what the petitioner is saying, but this Board does not make up the rules in the City. It is the job of this Board to enforce the Ordinance. The City Code says that people can park recreational vehicles on residential property as long as they follow the rules that have been set up by the Code.

Mrs. Vantongerren stated that they cannot afford criteria "A".

Mr. Kovacs said that the petitioners needed to look at alternative locations to park this vehicle.

Mr. Vantongerren asked where this parking was allowed in Troy.

Mr. Strat suggested that the petitioners contact the Planning Director regarding the outside storage of this vehicle. Mr. Strat also suggested that the petitioners come back before the Board after they had examined the criteria required and present the Board with evidence that they meet either criteria "A" or "B".

Mrs. Vantongerren said that they will never be able to meet the criteria described in "A". They filed Chapter 7 bankruptcy two months ago and will not be able to meet "A".

Mr. Stimac asked how much it costs for outdoor storage.

Mrs. Vantongerren said that it is anywhere between \$10.00 and \$20.00 a week and they are going broke with the cost of gas.

Mr. Stimac asked if they had confirmed these prices.

Mrs. Vantongerren said that this Board is asking them to spend more money and they do not have the money to spend.

Mr. Vantongerren said that he is spending approximately \$550.00 a week in gas.

Mr. Strat asked if Mr. Vantongerren was self-employed.

Mr. Vantongerren said that he was.

Mrs. Vantongerren said that he drives to Milford every day.

**ITEM #8 – con't.**

Mr. Stimac asked if they had looked into storage facilities between their home and Milford.

Mrs. Vantongeren said that she would have to drive him and go back and pick him up and once again costs would go up and they don't have the money to do this. They only have two vehicles and their other car already has problems.

Mr. Clark asked about the brick wall between their property and the property to the west.

Mrs. Vantongeren said that basically it is a brick wall with shrubs on top of the wall. There are no windows on that side of the house and the truck is not visible to them.

Mr. Clark also asked about the written approval that had been received and also asked if the Church was directly across the street.

Mr. Vantongeren said that he was not aware of who signed the approval and the Church is directly across the street from their home.

Mr. Stimac explained that the approval was in answer to the Public Hearing notices that had been sent out and appears that the signatures were from members of the Church Board.

Mr. Courtney said that in his opinion the Board is not getting anywhere but would like to see this item postponed so that the petitioner could submit something in writing to the Board indicating how they meet the criteria described in "A" or "B".

Mr. Kovacs said that he agreed with Mr. Courtney and rather than just saying they can't afford to add to the garage, they should submit something in writing that would indicate what the cost would be. Mr. Kovacs said that he felt the petitioner needed to demonstrate that an effort had been made to meet the criteria described in the application. Mr. Kovacs further stated that this request by the Board is not unreasonable and the petitioner needs to make a real effort to demonstrate to the Board what avenues they have explored.

Mr. Strat also suggested that the petitioner show this Board the real costs of meeting the criteria.

Mrs. Vantongeren said that the Church is right across the street and they are looking at a parking lot and there are cars that go in and out all the time. This is a residential area and the cars park in front on their home. Mrs. Vantongeren said that she cannot understand the concern over their truck.



**ITEM #8 – con't.**

Mr. Kovacs said that this Board is not here to vote on that, however, there are strict guidelines that have to be applied to this approval and the petitioner needs to explain to the Board how they meet the criteria for approval.

Mrs. Vantongeren said that she can give the Board a copy of a letter from the Court indicating that they do not have the money to meet the criteria required in "A". Mrs. Vantongeren said that they explained why they cannot do "A" or "B".

Mr. Kovacs informed the petitioner that lack of money is not a condition of approval.

Mr. Strat stated that the Board is trying to help the petitioner and the petitioner needs to take the time and give the Board an indication of how they have made an effort to meet criteria "A" or "B".

Mrs. Vantongeren said that even if they found a place to store the vehicle they do not have the transportation or money to get to that place.

Mr. Kovacs said that it is up to the petitioner to show this Board that they have made an effort to find an alternative location for this vehicle. Mr. Kovacs said that the petitioner has to tell the Board why they cannot move the vehicle to an alternate location. This Board has the power to determine if the alternate parking spot is feasible.

Mr. Strat asked how long the plants have been in place.

Mrs. Vantongeren said that the landscaping has been in place since 2003 and at that time everyone said it was fine. Mrs. Vantongeren said that this State is going down the drain and they are lucky that her husband has a job. Mrs. Vantongeren also stated that this property looks ten times better since they have owned it.

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

There is one (1) written approval on file. There are no written objections on file.

Mr. Courtney asked the petitioner if they would like the Board to postpone this request.

Mrs. Vantongeren said that they would, but she does not know how much information will be required for them to give to the Board members.

Mr. Kovacs suggested that they speak with Mr. Stimac, as he would be more than willing to help them work through this process.

Mr. Lambert asked Mr. Motzny if it would be more appropriate to table action on this item or to postpone this request.

**ITEM #8 – con't.**

Mr. Motzny said that technically the motion to postpone would be the acceptable way to go. A motion to table is usually brought up if there is some urgent matter that comes up that needs to be addressed.

Motion by Courtney  
Supported by Lambert

MOVED, to postpone the request of Melissa and Brian Vantongerren, 5361 Livernois, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property until the meeting of September 16, 2008.

- To allow the petitioner the time to present the Board with evidence that they have made an effort to meet the criteria described in "A" or "B".

Mr. Clark asked if the petitioner would be able to present the Board with a plan to add more landscaping to the property.

Mr. Bartnik stated that he believes the petitioners meet the criteria described in "C" however is definitely concerned about evidence regarding "A" or "B". Mr. Bartnik also stated that the petitioners have done a great job with the property.

Yeas: 6 – Strat, Bartnik, Clark, Courtney, Kovacs, Lambert

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 16, 2008 CARRIED

**ITEM #9 – VARIANCE REQUESTED. CHINNA MIDDELA, 4000 LIVERNOIS**, for relief of the Ordinance to alter a tenant space within an existing office building for a medical office that will result in 36 available parking spaces, where Section 40.21.70 of the Troy Zoning Ordinance requires 43 parking spaces.

In addition, Petitioner is also asking for relief of the 6' high masonry screen wall along the east side of the property as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter a tenant space within an existing office building as a medical office. Based upon 2,000 square feet of this building being used for medical offices and the remaining 6,512 square feet being used for general office, a minimum of 43 parking spaces would be required by Section 40.21.70 of the Troy Zoning Ordinance. The plans indicate that only 36 parking spaces are available on the site.

In addition, Section 39.10.01 requires a 6' high masonry screen wall along the east property line where this site abuts Single Family Residential Zoning. The petitioners are asking for a variance to continue to eliminate this required screen wall.

**ITEM #9 – con't.**

Mr. Stimac also stated that even though this is one address, there are actually two (2) petitioners. Mr. Middela is requesting the variance regarding the parking and Wattles Investment Company is requesting relief of requirement regarding the 6' high masonry screen wall along the east side of the property.

Mr. Kovacs asked what the property to the north is zoned.

Mr. Stimac explained that is in O-1 Zoning.

Mr. Kovacs then asked if they could purchase that property in order to add additional parking.

Mr. Stimac said that definitely was a possibility.

Mr. Strat asked if the tenant was requesting the parking variance.

Mr. Stimac said that the tenant is seeking a variance for the parking in order to move his medical office into the building. The owner of the building is asking for the variance regarding the wall. Mr. Stimac also stated that these requests have been combined into one Public Hearing however; the Board should address each item separately.

Mr. Strat stated that he was surprised that the owner of the property was not requesting the parking variance as the variance runs with the land.

Mr. Stimac said that it is his understanding that the owner of the property has authorized this tenant to ask for the parking variance. Mr. Stimac said that in the Board's determination of whether the 36 parking spaces would be sufficient, there may be questions on how the tenant plans to use the business, in which case the owner may not have the answers.

Mr. Courtney asked if this property was in the process of changing ownership.

Mr. Stimac said that he believes that this tenant may have a purchase agreement in place to purchase the property if approval of the parking is granted.

Mr. Middela was present and he stated he was planning on putting in a dental office.

Mr. Kovacs was surprised that such a large number of parking spaces would be required.

Mr. Stimac explained that 2,000 square feet of the existing building would be used as a medical office and the Ordinance requires that medical offices have twice as much parking as regular office buildings.

**ITEM #9 – con't.**

Mr. Courtney asked if the petitioner had considered purchasing the property to the north.

Mr. Middela said that he had not.

Mr. Lambert said that when he was on the property, there is a huge area of weeds on the northeast corner that is approximately 20' – 30' tall high and is very unkempt. Mr. Lambert said that this is an eyesore to the adjoining residential property.

Mr. Michael Larco, of Wattles Investment was present. Mr. Larco indicated that he would go out and look at the property and have the matter taken care of.

Mr. Bartnik addressed a letter from the petitioner dated July 22, 2008 regarding the parking spaces.

Mr. Middela was not sure of which letter he was referring to.

Mr. Bartnik said that it was written by Information Data Systems and appears to outline current parking spaces and also shows proposed parking. This letter also indicates that the petitioner uses fourteen parking spaces at this time.

Mr. Middela said that he had written the letter and this was the current use of the property.

Mr. Bartnik said that according to that letter the Smile Center would provide parking for three parking spaces for the doctors, three employees and seven patients, and Information Data Systems required an additional four parking spaces. Mr. Bartnik asked how many dentists were on staff.

Mr. Middela indicated that there was only one dentist at the present time, but he was hoping to add more dentists as business increased. There is a problem that comes and goes.

Mr. Bartnik said that regarding usage of the Dentist Office, right now there is only the need for one parking space for the dentist.

Mr. Brad Hitch, Real Estate Broker, who is helping with the real estate portion of this property was present and stated that the letter presented was the worst case scenario of how much parking would be required. Right now they do not need that much parking themselves however; the petitioner is hoping to bring in an additional two (2) doctors in the future.

Mr. Bartnik asked how many examination rooms would be used.

**ITEM #9 – con't.**

Mr. Middela said that right now they plan to use four and hopefully will increase it to six rooms in the future.

Mr. Bartnik asked if these offices were in the existing 2,000 square feet.

Mr. Middela said that was correct.

Mr. Clark said that according to the letter submitted, it has been indicated that only one space is required by the Transportation Club and questioned whether there were ever customers or delivery trucks that came to this location.

Mr. Hitch said that the office is run by one lady and she only uses this space part time. Mr. Hitch went on to say that he has gone by this location several times and the parking lot is virtually empty most of the time.

Mr. Clark also asked if Mr. Middela had two legal names. Mr. Middela said that he goes by Sunny Reddy.

Mr. Courtney asked Mr. Hitch if he had any idea if the property on the north side of this location was available.

Mr. Hitch said that he believes this vacant land is owned by the office supply company that is located on the north side of the vacant property.

Mr. Courtney said that it is easier to get a variance on parking that is needed, rather than on parking that is proposed.

Mr. Hitch said that there is an additional 25' that goes with this property where the parking lot ends, which would allow them to add more parking and they would not have to buy any vacant land to the north. Mr. Hitch also said that he believes this additional property was deeded to them.

Mr. Kovacs said that they want the variance because they feel they only need 36 parking spaces and not the 43 that are required.

Mr. Courtney stated that if additional parking was required in the future, they would be able to add these parking spaces with the additional land.

Mr. Bartnik addressed the issue of the fence. Right now there is a walkway that is bordered on each side by a split rail fence.

Mr. Larco passed out pictures showing the sidewalk and existing fence. Mr. Larco said that this is a public walk, and basically looks very attractive. They have added some

**ITEM #9 – con't.**

additional stones and shrubs. Mr. Larco also said that he believes the wall would be less attractive than what exists now.

Mr. Courtney asked where the wall would be.

Mr. Larco said it would be placed on the west side of the sidewalk.

Mr. Kovacs opened the Public Hearing.

Mr. Rajeev Bhalerao, 30 Crestfield was present. Mr. Bhalerao stated that he wished to address the request regarding the screening wall. Mr. Bhalerao stated that he would rather have the wall. The existing fence needs to be repaired and he would like some relief as his home is the first one east of the existing fence. There are existing arborvitaes on the side of the fence closest to his home. Mr. Bhalerao said that he would like some relief from the parking lot next door.

Mr. Courtney clarified that Mr. Bhalerao would rather have a screening wall than the existing fence.

Mr. Bhalerao said that his concern was that there would be a higher amount of traffic at this site and would like more screening. There is a nice wall at Rochester and Wattles and believes that something of that nature would be acceptable.

Mr. Kovacs asked if Mr. Bhalerao would accept the petitioner adding more arborvitaes.

Mr. Bhalerao said that would also be acceptable and they had been approached by Mr. Thomas Cavanaugh, who said that as the owner of the building, they would put additional landscaping in at their side of the property and Mr. Bhalerao would be able to do the same on this side of the property. Mr. Bhalerao said that never happened.

Mr. Kovacs said that he thought this would be a very small space to put something other than a wall. Mr. Kovacs asked where the wall would go.

Mr. Stimac said that it appears that there is approximately 18' between the edge of the sidewalk and the parking lot. He was not sure where the property line was but felt that the wall would go right at the edge of the existing parking lot pavement.

Mr. Kovacs asked if that really was what the speaker wanted.

Mr. Bhalerao said that he thought a wall would look very nice in this area and felt that there was enough room for it to be constructed.

Mr. Strat asked if this was a condominium site or if it was privately owned.

**ITEM #9 – con't.**

Mr. Stimac said that the properties at 29 and 30 Crestfield are private single-family owned lots. There is an easement at the edge of 30 Crestfield to allow for a sidewalk.

Mr. Strat asked if a pre-cast fence could be put in that area. It is masonry, but would be pre-cast and is supported by steel poles.

Mr. Stimac said that that type of structure would be allowed by the Ordinance and would meet the requirements of Section 39.10.01.

Mr. Strat said that he does respect the opinion of Mr. Bhalerao and would not like to look out at a parking lot either.

Ms. Barbara Scofield, 84 Leetonia was present. Ms. Scofield asked what O-1 Zoning was and confirmed that it was not parking.

Mr. Stimac explained that O-1 Zoning is office use and parking comes with that designation.

Ms. Scofield stated that she could see where more parking would be required and the whole green space that is there now would be used for parking. Ms. Scofield stated that she wants a 6' high masonry wall if not higher and is tired of looking at a parking lot.

Mr. Kovacs asked Ms. Scofield if she was in favor of the request for additional parking and against the variance for relief of the screening wall.

Ms. Scofield said that she in favor of the parking variance, but not in favor of granting the variance for the 6' high wall.

Mr. Courtney asked how the addition of the wall would affect her property.

Ms. Scofield said that she is within 300' of this site and can see the parking lot from her home.

Mr. Kovacs stated that her approval and disapproval have been noted.

Ms. Scofield asked if they would have to come back to the Board if they wanted to add more parking.

Mr. Kovacs said that if they had the additional property, they would not need to come before the Board for a variance. Mr. Kovacs also pointed out that the 6' high wall would only run the length of the property described in this application.

Ms. Scofield asked what would happen if the other property was developed.

**ITEM #9 – con't.**

Mr. Stimac stated that the vacant piece of property does not require a screen wall at this time. If the property was developed as O-1 Zoning, a screen wall would be required where the property abuts residential property. The other scenario is that if the property were developed the owner could come before this Board and request a variance to eliminate the screen wall.

Ms. Scofield asked who owns the property at 29 Crestfield.

Mr. Bhalerao said that the home had been foreclosed on and no one is living there at this time.

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

There is one written objection on file. There are no written approvals on file.

Mr. Kovacs asked if the Board could request that the petitioner add additional arborvitae.

Mr. Motzny said that as a condition of the variance, the Board can request that the petitioner add additional arborvitae on his side of the property, but the Board cannot ask them to add additional screening on property that does not belong to them.

Mr. Larco said that he was not sure if this area was dedicated as a personal walkway. Mr. Larco said that it would be there preference to add additional arborvitae and would be more aesthetically pleasing.

Motion by Courtney  
Supported by Strat

MOVED, to postpone the request of Wattles Investment Company, 4000 Livernois for relief of the 6' high masonry screen wall required by Section 39.10.01, along the east side of the property where it abuts residentially zoned property until the meeting of September 16, 2008.

- To give the petitioner the opportunity to discuss other alternatives with the adjacent neighbor.
- To give the petitioner the opportunity to bring in a plan showing additional landscaping.

Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Strat

MOVED TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 16, 2008 CARRIED



**ITEM #9 – con't.**

Mr. Kovacs said that he drives by this parking lot every day and has never seen it full and would rather see a variance than require more parking.

Mr. Strat informed the Board that the Planning Commission is in the process of reviewing the Master Plan as well as the Zoning Ordinance and has determined that they are antiquated, and there are other types of uses that require more parking. The Planning Commission is looking into changes that they will be able to make. There are many other sites that have more parking space than what is needed. Mr. Strat stated that he feels this request would be reasonable.

Motion by Strat  
Supported by Bartnik

MOVED, to grant Chinna Middela/Wattles Investment Co., 4000 Livernois, relief of the Ordinance to alter a tenant space within an existing office building for a medical office that will result in 36 available parking spaces where Section 40.21.70 of the Troy Zoning requires 43 parking spaces.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to public interest.
- Variance applies only to the property described in this application.

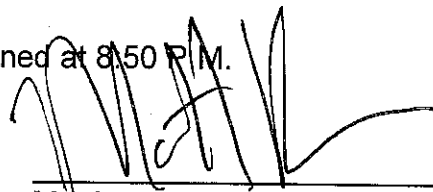
Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Strat

**MOTION TO GRANT VARIANCE CARRIED**

Mr. Motzny informed the Board that the booklets he passed out earlier in the evening contained material that applies to this Board and said it will be a quick reference for the Board members. When revisions are made, additions will be provided to the Board. Mr. Bartnik asked if this booklet also addressed items brought forward by the Planning Commission.

Mr. Motzny said that the literature in these books apply only to the Board of Zoning Appeals and believes that a book is being compiled that will apply to the Planning Commission.

The Board of Zoning Appeals meeting adjourned at 8:50 P.M.



Matthew Kovacs, Chairman



Pamela Pasternak, Recording Secretary

