

A Regular Meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on July 21, 1987 by the Chairman, John Lovio.

PRESENT: Gary Chamberlain
James Giachino
John Lovio
Carmelo Milia

ABSENT: Peter Dungjen
George Miskowitz
John Pappageorge

ITEM #1. APPROVAL OF MINUTES: June 16, 1987

Motion by Chamberlain
Supported by Giachino

MOVED, to approve the June 16, 1987 Minutes as printed.

Ayes: 3
Abstain: 1-Lovio
Nays: 0
Absent: 3-Miskowitz, Dungjen, Pappageorge

ITEM #2. RENEWAL REQUESTED: Kenneth Neuman Associates, 801-803 W. Big Beaver Road, for relief of the required number of parking spaces.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief of the required number of parking spaces at an office complex on the south side of Big Beaver Road just east of Crooks. The petitioner has provided 349 spaces where 387 are required. This renewal has been granted on a yearly basis since 1980 based on the fact that the parking relief is compensated by additional landscaping and it makes the site more aesthetically pleasing than the actual parking spaces. The conditions remain the same and we have no objections or complaints in our file regarding this request.

Ernie Currant was present and stated that there has been no change and that he had nothing further to add.

Motion by Milia
Supported by Chamberlain

MOVED, to grant Kenneth Neuman Associates, 801-803 W. Big Beaver Road, renewal of the variance granted for relief of the required number of parking spaces - 349 spaces whereas 387 spaces are required.

1. There are no objections or complaints on file.
2. The conditions remain the same.

Ayes: 4
Nays: 0
Absent: 3-Pappageorge, Dungjen, Miskowitz

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

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July 21, 1987

ITEM #3. RENEWAL REQUESTED: Child Inc., 3515 Rochester Road, for relief of the 6 foot masonry screening wall required at the west property line.

Mr. VandenBussche explained that this relief was for the petitioner to maintain a 6 foot high chain link fence in lieu of the masonry wall that is required where non-residential abuts residential. Since this relief was renewed in 1986, the use, formerly a child care center, has been changed to a business use (Dentist and AAA Insurance office). When this new use came in, they installed the 6 foot masonry wall in compliance with the code. Therefore, the minutes should reflect that a renewal is not required for this item.

NO ACTION TAKEN ON ITEM #3.

ITEM #4. RENEWAL REQUESTED: Rebecca Riglay, 2315 E. Long Lake Road, for relief to maintain a plant/vegetable stand.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this board, to maintain a temporary plant and vegetable stand at the front of the property. This stand is used to sell plants and vegetables grown on this site and the variance has been granted on a yearly basis since 1975. Conditions remain the same and we have no objections or complaints in our file regarding this request.

Rebecca Riglay was present and had nothing to add.

Motion by Milia
Supported by Chamberlain

MOVED, to grant Rebecca Riglay, 2315 E. Long Lake Road, renewal of the variance granted for relief to maintain a temporary plant/vegetable stand.

1. This is a variance that has been granted since 1975.
2. Conditions remain the same.
3. There are no complaints or objections on file regarding this variance.

Ayes: 4
Nays: 0
Absent: 3-Miskowitz, Pappageorge, Dungjen

ITEM #5. RENEWAL REQUESTED: David Margolis, 46 E. Square Lake Road, for relief of the 6 foot masonry screening wall required at the south property line.

The petitioner was not present.

Motion by Milia
Supported by Chamberlain

MOVED, to table the request of David Margolis until the end of the agenda (Item #19) to allow the petitioner the opportunity to be present.

Ayes: 4
Nays: 0
Absent: 3-Dungjen, Pappageorge, Miskowitz

MOTION TO TABLE UNTIL END OF AGENDA (Item #19) CARRIED.

ITEM #6. RENEWAL REQUESTED: Bloomfield Management/Troy Commerce Center, 1100-1170 E. Big Beaver Road, for relief to maintain parking in the required front setback.

Mr. VandenBussche explained that the petitioner is requesting renewal of a variance granted, by this board, to allow parking in the 50 foot front setback of an industrial district. This relief has been granted on a yearly basis since 1973 based on the fact that a large drain runs through the site and does not permit the petitioner to use much of the area that would normally be provided for parking. The petitioner has indicated that, at such time as the drain would become closed, they would provide parking out of the front setback. Conditions remain the same and we have no objections or complaints in our file regarding this request. This item was tabled at the last regular meeting to allow the petitioner to be present.

Mike Dooley was present to represent the petitioner and had nothing to add.

Motion by Chamberlain
Supported by Milia

MOVED, to grant Bloomfield Management/Troy Commerce Center, 1100-1170 E. Big Beaver Road, renewal of the variance granted for relief to park in the required front setback.

1. The conditions remain the same.
2. There are no objections or complaints on file.

Ayes: 4
Nays: 0
Absent: 3-Dungjen, Miskowitz, Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7. RENEWAL REQUESTED: St. Mark Coptic Orthodox Church, 3603 Livernois, for relief of the 4'6" masonry screening wall required at the north and south property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief to maintain a berm with landscaping and a natural screening element in lieu of the 4'6" masonry screening wall required adjacent to their off-street parking. This item was tabled at the last regular meeting to allow the Building Department to add additional information regarding the condition of the site and report whether density of the trees at the south property meets the screening requirement; to allow Father Michail the opportunity to present something on how problems might be resolved, also, an objector, John Patterson, was requested to put his concerns in writing and submit them to the Building Department. As of the date the agenda is written, we have not received any information from Father Machail or Mr. Patterson.

Mr. VandenBussche also showed the board pictures taken of the site showing the existing screening, indicating that the screening appeared to be adequate.

Father Michail was present and stated that he feels there is no problem with the screening.

Motion by Giachino
Supported by Milia

MOVED, to grant St. Mark Coptic Orthodox Church, 3603 Livernois, renewal of the variance granted for relief of the 4'6" masonry screening wall required at the north and south property lines.

1. The City of Troy has presented, to the board, pictures that show screening which appears to be adequate.
2. The adjacent property owner, who objected to the variance, at the previous meeting, has not made any further contact as requested by the board.

ITEM #7.

Ayes: 4
Nays: 0
Absent: 3-Pappageorge, Dungjen, Miskowitz

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8. VARIANCE REQUESTED: Mark Mullin, 6245 Brookings, for
relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a wood deck which would result in a 29.61 foot rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 35 feet to an open deck in this residential zoned district. This item was tabled, at the request of the petitioner, until this meeting to allow the petitioner the benefit of a full board.

Mr. & Mrs. Mullin were present. Mr. Mullin stated that they need the size deck proposed to allow them the room they need for family gatherings - they plan to use a 5 foot picnic table on the deck and if they were to construct the deck to meet the setbacks there would not be enough room at the ends of the table for even a chair. Mr. Mullin further stated that he thinks the existing rear yard setback is actually 50 feet instead of the 45.61 shown on the plot plan. If this is true he would not be encroaching as much as indicated on the plan he submitted to the board.

Motion by Giachino
Supported by Milia

MOVED, to table the request of Mark Mullin, 6245 Brookings, for relief of the rear yard setback, until the next regular meeting (August 18, 1987) to allow Mr. Mullin the benefit of a full board, to change the proposal to comply with the code and re-apply for a permit, and the opportunity to confirm the measurements of the rear yard setback and present corrected plans when he re-appears before the board, if the deck is not in compliance.

Ayes: 4
Nays: 0
Absent: 3-Miskowitz, Dungjen, Miskowitz

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (August 18, 1987)
CARRIED.

ITEM #9 VARIANCE REQUESTED: William Alford, 317 Starr, for relief
to exceed the maximum size permitted for an accessory building.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a detached accessory building (garage) 24'x26' resulting in total square footage of 624. The Zoning Ordinance requires that accessory buildings not exceed 1/2 the ground floor area of the main structure or house. The maximum accessory building for this site, because of the size of the house, would be 350 square feet. The petitioner is appealing to construct 624 square feet where 350 square feet is all that is permitted.

William Alford was present and stated that the garage size was needed in order to have adequate storage for their full size van, a truck, motor cycle, yard equipment and to have room for a workbench. Mr. Alford stated that there are other 2-1/2 car garages on the street where the homes are smaller than his and he did not feel that his would be out of line. If he were to attach the garage setbacks would limit him to a one car garage because the lot is narrow and deep. Mr. Alford stated that the lot is large and he feels the size of the garage would not be detrimental.

ITEM #9

The Chairman opened the public hearing.

There were no comments from the audience

The Chairman closed the public hearing.

There were 3 letters of approval on file: Constance Pietrzak, 319 Starr - Darlene Whaff, 315 Starr - David Thompson, 234 Starr

Motion by Milia

Supported by Chamberlain

MOVED, to table the request of William Alford, 317 Starr, for relief to exceed the maximum size permitted for an accessory building, until the next regular meeting (August 18, 1987) to allow the petitioner the opportunity of a full board.

Ayes: 4

Nays: 0

Absent: 3-Dugjen, Pappageorge, Miskowitz

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (August 18, 1987)
CARRIED.

ITEM #10. VARIANCE REQUESTED: Stewart and Colette Myers, 1444
Leafgreen, for relief of the side yard setback. -----

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 10'x10' accessory building and the plot plan shows the accessory building will be located 4 feet from the side or south property line. The Zoning Ordinance requires a minimum 6 foot setback to any accessory building in a residential district. The petitioner is requesting relief for a reduction in the 6 foot requirement to 4 feet.

Stewart Myers was present stated that he purchased the property with the existing footing and slab for a proposed shed. It was his understanding, from the previous owner, that he placed the footing and slab with the intention of constructing an accessory building on it in the future. He has purchased a 10'x10' accessory building to place on the slab and when he applied for a permit found the ordinance has changed since the footing and slab were placed. To place additional footing and slab or move the present one would be costly and to cut the accessory building down would not give the storage room needed.

The Chairman opened the public hearing.

There were not comments from the audience.

The Chairman closed the public hearing.

There were 4 letters of approval on file: Gary Shepperd, 1414 Leafgreen - Judy Harrison, 1441 Leafgreen - Carol Apczynski, 1429 Leafgreen - Constantine Copanos, 1429 Shaker

There were 2 letters of objection on file: Michael & Diane Bilich, 1413 Shaker - Robert M. Near and Linda Wing Near, 1426 Leafgreen

Motion by Giachino

Supported by Milia

MOVED, to table the request of Stewart and Colette Myers, 1444 Leafgreen, for relief of the side yard setback, until the next regular meeting (August 18, 1987) to allow the petitioner the benefit of a full board.

ITEM #10

Ayes: 4
Nays: 0
Absent: 3-Pappageorge, Miskowitz, Dungjen

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (August 18, 1987)
CARRIED.

ITEM #11. VARIANCE REQUESTED: Solomon Properties, 2701 Troy Center Drive, for relief of the 6 foot masonry screening wall required at the north property line

Mr. VandenBussche explained that the petitioner is requesting permission to install approximately 208 feet of decorative metal fence with landscaping along their north property line that abuts residential apartment zoning. The Zoning Ordinance requires a 6 foot masonry screening wall where the non-residential zoning abuts residential zoning. The petitioner is requesting relief of this requirement and permission to construct this landscaping and metal fence in lieu of the masonry wall. This site is located on the west side of Troy Center Drive south of Big Beaver Road. The property line in question is irregular and a portion of it will be protected with the 6 foot masonry screening wall as required by Ordinance. However, there are certain areas that the petitioner is requesting that this metal fence and landscaping be allowed in lieu of the masonry wall. The site abuts Village Green Apartments. They are high rise apartments located between this site and the office buildings at 801-803 W. Big Beaver Road.

Robert Yonosy of Nathan Levine & Associates, was present. Mr. Yonosy stated that there would be a masonry screening wall along a portion of the site. However, because of the irregular shape of the site and the fact that there would be a drive abutting a parking lot, they feel that the wall would serve no useful purpose. It is their proposal to install a fence and a landscaped berm along this portion of the property line. They feel that this is in keeping with the spirit of the ordinance and would give a better appearance than the masonry wall. Mr. Yonosy further stated that they have been in contact with Mr. Silverman of Holtzman and Silverman, owners of Village Green and they are in favor of the proposal. They have presented their landscape plan to the Department of Parks and Recreation, a copy of which was submitted with their appeal application.

The Chairman opened the public hearing.

There were no comments from the audience

The Chairman closed the public hearing.

Motion by Milia
Supported by Chamberlain

MOVED, to grant Solomon Properties, 2701 Troy Center Drive, a one year renewable variance, as requested, for relief of the 6 foot masonry wall required along a portion of the north property line.

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to adjacent properties or the zoning district.
3. It is in keeping with the spirit of the ordinance and will be more aesthetically pleasing than the wall.
4. The petitioner has a practical difficulty because of the unusual shape of the site.
5. The wall would serve no useful purpose it would be separating a drive and parking lot.
6. The installation shall comply with the plan submitted.

ITEM #11

Ayes: 4
Nays: 0
Absent: 3-Dungjen, Miskowitz, Pappageorge.

MOTION TO GRANT VARIANCE FOR ONE YEAR CARRIED.

ITEM #12. VARIANCE REQUESTED: Magnetool, Inc., 505 Elmwood, for relief of the required front setback and relief to provide parking in the front setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a light industrial building and the proposed plot plan shows a 34.65 foot front setback and also parking within 43 feet of the front lot line. The Zoning Ordinance requires a minimum 50 foot front setback, to any building and does not permit parking in this required setback.

Bill Gillett and Harold Barley of Gillett Associates were present to represent Magnetool, Inc.. Mr. Gillett stated there are other buildings located on the street with similar setbacks. There is a future warehouse addition planned for the back of the building and without the setback as proposed, the size of the addition would be limited in size and be inadequate for the projected needs. The one parking space in the front setback is proposed for a handicapped parking space and could be removed from the setback area if the board feels it is a problem. They feel that due to the nature of the street and varying setbacks, they are improving the site and are keeping with the spirit of the code.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

Motion by Giachino
Supported by Chamberlain

MOVED, to deny the request of Magnetool, Inc., 505 Elmwood (proposed address) for relief of the front setback and relief to provide a parking space within the required front setback.

1. The petitioner has presented no practical difficulty or hardship.

Ayes: 4
Nays: 0
Absent: 3-Pappageorge, Miskowitz, Dungjen

MOTION TO DENY REQUEST CARRIED.

ITEM #13. VARIANCE REQUESTED: Joyce M. Dillworth, 3416 Upton, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a sun room addition to the rear of an existing single family residence. The proposed addition will result in a 34.5 foot rear yard setback. The Zoning Ordinance requires a minimum 45 foot rear yard setback in this residential zoned district.

Joyce Dillworth was present and stated that the addition should cause no adverse effect to the adjacent properties as the rear of the home is practically invisible due to the trees and shrubs. Over the past few years the family has developed allergies to insect bites and are forced to restrict their evening activities to within the present house. Due to the layout of the home and a rear entrance garage, this is the only location they can build the screened-in porch.

The Chairman opened the public hearing.

ITEM #13.

There were no comments from the audience.

The chairman closed the public hearing.

There were 7 letters of approval on file: Mr. & Mrs. Richard C. Kroll, 3405 Upton - Frank J. Maloney, 3457 Wendover - Donna Hayes, 2845 Palmerston - Ronald J. Doederlein, 2881 Palmerston - Michael Willman, 3428 Upton - Helen J. Kaiser, 3449 Wendover - Shirley Gibson, 2857 Palmerston.

Motion by Chamberlain
Supported by Giachino

MOVED, to grant Joyce M. Dillworth, 3416 Upton, a variance, as requested, for relief of the rear yard setback - 34.5 feet where 45 feet is required.

1. The variance is not contrary to public interest as shown by the letters of approval on file.
2. The variance will not cause an adverse effect to properties in the immediate area or zoning district.
3. The variance relates only to the property in question.
4. The petitioner has demonstrated a practical difficulty due to the health problems of the family.
5. There is no other location to build the porch.

Ayes: 4
Nays: 0
Absent: 3-Dungjen, Miskowitz, Pappageorge

MOTION TO APPROVE REQUEST CARRIED.

ITEM #14. VARIANCE REQUESTED: Richard J. Eynon, 990 DeEtta, for relief of the height requirements of an accessory structure.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an accessory building. The proposed plan shows that the accessory building will be 14'6" in height. The Zoning Ordinance limits accessory buildings to 14 feet in height. The measurement of height of a building, as defined in the Zoning Ordinance, is the distance from the grade to a point half way between the ridge and the eaves of a gable roof. So in reality the ridge of a building may be quite a bit higher than the 14 foot limitation. The 14'6" height that is measured in this case is the result of measuring from the grade to a point half way between the ridge and eaves.

Richard Eynon was present and explained that the accessory structure is to store his motor home and he needs a minimum 12 feet clearance inside. The accessory building is to keep the motor home out of the weather and out of sight, for security reasons. If it is stored outside it can be seen from Rochester Road. He feels that the structure will not be an eyesore since there are other pole type buildings in the area. The building is only for the storage of the motor home and will not be for any other use. Although Mr. Eynon did not have a structural plan or elevation plan, he indicated that the size of the building and the 4/12 pitch proposed causes the height of 14'6". The plan is a basic plan available at the lumber yards and the 4/12 pitch is to assure that he has no problems with the snow load.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There was 1 letter of approval on file and 1 letter of objection - neither of which relate to the question on the variance.

ITEM #14

Motion by Chamberlain
Supported by Giachino

MOVED, to table the request of Richard Eynon, 990 DeEtta, for relief of the height requirement for an accessory building (14'6" where 14 feet is required) until the next regular meeting (August 18, 1987).

1. To allow the petitioner the benefit of a full board.
2. To allow the petitioner the opportunity to present elevation plans of the proposed structure or the opportunity to submit, to the Building Department, plans that comply with the code.

Ayes: 4
Nays: 0
Absent: 3-Miskowitz, Pappageorge, Dungjen

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (August 18, 1987)
CARRIED.

ITEM #15. VARIANCE REQUESTED: Ralph E. McConnell, 3320 Ellenboro, for relief to locate an accessory building in a required side yard.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a detached accessory building (garage) 27'x22'. The plot plan shows that the detached accessory building will be located in required side yard. The plan shows that the accessory building is 6 feet from the side yard where a required yard of 10 feet is mandated in this zoning district. Accessory buildings can be located closer to a property line provided they are located in a required rear yard. In other words the only required yard that an accessory building can be located is a rear yard. In this case the petitioner is requesting that it be located in a required side yard where the ordinance does not permit it.

Ralph McConnell was present and stated that the location of the garage was to improve the aesthetic appearance of the property by balancing the symmetry of the house and preserving the large tree at the front south corner of the home. The alignment will allow a clear view, from the house and the deck to the swimming pool, which is desired because of small children playing in the pool. Mr. McConnell also stated that he has the neighbor's approval on the location of the garage, in fact, the neighbor prefers the proposed location. The garage is not inconsistent with the neighborhood. To relocate the pool and construct the garage 10 feet behind the house places the pool out of view and in the shade of trees in the rear yard. The grade of the lot also prevents the relocation of the pool.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There was 1 letter of approval on file: Carl & Leonore Davis, 3340 Ellenboro.

Motion by Giachino
Supported by Chamberlain

MOVED, to grant Ralph McConnell, 3320 Ellenboro, a variance, as requested, for relief to locate an accessory building in a required side yard.

1. The variance is not contrary to public interest.
2. It does not establish a prohibited use.
3. It does not cause an adverse effect to adjacent properties in the zoning district.

ITEM #15.

4. The variance relates only to the property described in the application.
5. There will be no adverse effect to public health, safety or welfare.
6. To require conformance would be unnecessarily burdensome, due to the location of a large tree in front and the elevation of the rear lot.

Ayes: 4
Nays: 0
Absent: 3-Dungjen, Pappageorge, Miskowitz

MOTION TO APPROVE REQUEST CARRIED.

ITEM #16. VARIANCE REQUESTED: John and Darlene Kinnick, 6914 Forest Park Court, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to continue construction on a deck that will result in a 30 foot rear yard setback. The Zoning Ordinance requires a minimum 35 foot rear yard setback to open decks in this residential zoned district.

John Kinnick was present and stated that he started construction of the deck based on information from a neighbor that the size would be no problem and that a permit was not required. The variance is only on a portion of the deck that is a step-down section, which has not been constructed as yet. The deck as presently constructed, encroaches less than 2 feet into the required setback. They do have a small rear yard due to the larger setback of the house. The deck and the landscaping will enhance the house and increase the value. Mr. Kinnick stated that as soon as he found out they were in violation he ceased construction of the deck.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 4 letters of approval on file: Sue A. McGowan, 6928 Forest Park - Michael J. Verkeyn, 6955 Forest Park - Robert M. MacFarlane, 6858 Forest Park - Harry O. McKinney, 6942 Forest Park

Motion by Giachino
Supported by Milia

MOVED, to grant John and Darlene Kinnick, 6914 Forest Park Court, a variance for relief to maintain the deck in it's present condition.

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to properties in the immediate area or zoning district.
3. The variance relates only to the property described in the application.
4. Compliance would be unnecessarily burdensome since the encroachment is less than 2 feet which is minimal.
5. Completion of the deck is not to add any additional encroachment.
6. The configuration of the lot and the larger front setback leaves a shallow rear yard which causes a practical difficulty.

Ayes: 4
Nays: 0
Absent: 3-Miskowitz, Dungjen, Pappageorge.

MOTION TO APPROVE VARIANCE, AS MODIFIED, CARRIED.

ITEM #17. VARIANCE REQUESTED: David and Rosemary Johnson, 650
 Troyvalley, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an 18'x20' addition onto the rear of an existing residence. The proposed plan indicates that this addition will result in a 34 foot rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback in this residential zoned district.

David Johnson was present and stated that a daughter from his previous marriage moved in with them and he needs additional living area. The proposed addition is a family room. They feel this is the only location the addition can be constructed without major re-arrangement of the house interior. Although they have a very large lot, the homes have greater setbacks which leaves a shallow rear yard for the size of the lot. At the time the homes were built the rear yard setback requirements were 35 feet whereas today's ordinance calls for a 45 foot rear yard setback in this residential zoned district.

The Chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 3 letters of approval on file: Stanley and Barbara Moore, 6229 Canmoor - Neil Thomas, 6235 Herbmoor - William A. Noble, 600 Troyvalley.

Motion by Giachino
Supported by Chamberlain

MOVED, to table the request of David and Rosemary Johnson, 650 Troyvalley, until the next regular meeting (August 18, 1987) to allow the petitioner the benefit of a full board.

Ayes: 4
Nays: 0
Absent: 3-Dungjen, Pappageorge, Miskowitz

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING (August 18, 1987) CARRIED.

ITEM #18. VARIANCE REQUESTED: Westman Builders, Inc., 2752 Lenox,
 for relief of the front yard setback.

Mr. VandenBussche explained that the petitioner is requesting permission to continue construction on a new single family residence. A recent survey reveals the house is setback 39 feet from the front property line. The Zoning Ordinance requires a 40 foot setback in this residential zoned district.

Steve Westerholm, Qualifying Officer, for Westman Builders was present. Mr. Westerholm stated that the a recent survey has revealed that the front corner of the garage (1 1/4 sq.ft.) encroaches 12 inches into the required front setback. The house is currently being drywalled and the owners have a move-in date of late September. To remove the portion of the garage that encroaches would be expensive and change the aesthetics of the building in that they could not just cut off the corner. The home is on a very irregular shaped lot and Lenox angles off in front of their site.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

ITEM #18

There were 3 letters of approval on file: Lloyd Harriman, 5820 Sussex Patrick M. Barney, 2880 Tyler, Berkley (owner of parcel 07-102-023) and William H. Boose, 5185 Livernois (owner of parcel 07-102-024)

There were 2 letters of objection: Calvin and Virginia Robertson, 2860 Sussex and Alfred Mondello, 5800 Sussex (letters do not really relate to the question in the variance)

Motion by Milia
Supported by Chamberlain

MOVED, to grant Westman Builders, Inc., 2752 Lenox, a variance, as requested, for relief of the front setback - 39 feet where 40 feet is required.

1. The variance is not contrary to public interest.
2. The variance does not result in a prohibited use within the zoning district.
3. It will not cause an adverse effect on the properties in the immediate area or zoning district.
4. Conforming would be unnecessarily burdensome - 1 foot is a minor request.
5. The petitioner has a practical difficulty due to the configuration of the lot and the irregular road in front of the property.

Ayes: 4
Nays: 0
Absent: 3-Pappageorge, Miskowitz, Dungjen

MOTION TO APPROVE REQUEST CARRIED.

ITEM #19 (Item #5) RENEWAL REQUESTED: David Margolis, 46 E. Square Lake Road, for relief of the 6 foot masonry screening wall required at the south property line.

The petitioner was not present.

Motion by Chamberlain
Supported by Milia

MOVED, to table the request of David Margolis, 46 E. Square Lake Road, for relief of the 6 foot high masonry screening wall required at the south property line, until the next regular meeting (August 18, 1987) to allow the petitioner the opportunity to be present.

Ayes: 4
Nays: 0
Absent: 3-Miskowitz, Pappageorge, Dungjen

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (August 18, 1987) CARRIED.

The Board of Zoning Appeals Meeting adjourned at 10:10 p.m.

9/14