

A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, September 15, 1987 by the Chairman, John Lovio.

PRESENT: Peter Dungjen  
Gary Chamberlain  
James Giachino  
John Lovio  
George Miskowitz  
John Pappageorge

ABSENT: Carmelo Milia

ITEM #1 Approval of Minutes - August 18, 1987

Motion by Pappageorge  
Supported by Dungjen

MOVED, to approve the August 18, 1987 minutes as presented.

Ayes: 5  
Nays: 0  
Abstain: 1-Chamberlain  
Absent: 1-Milia

MOTION TO APPROVE CARRIED.

ITEM #2 RENEWAL REQUESTED: Elerious King, 2212 Livernois (Atlas Veneer), for relief to maintain a 6 foot high wood fence in lieu of the 6 foot masonry screening wall required at the east property line.

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The petitioner was not present.

Motion by Pappageorge  
Supported by Chamberlain

MOVED, to table this item until the end of the agenda (Item #22) to give the petitioner the opportunity to be present.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL END OF AGENDA (Item #22) CARRIED.

ITEM #3 RENEWAL REQUESTED: Royal Monarch, 2824 E. Maple Road, for relief to maintain a 6 foot high wood fence in lieu of the 6 foot masonry screening wall required at the west property line.

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Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, to maintain a 6 foot wood fence in lieu of the required 6 foot masonry screening wall at the residential zoning district line to the west. This relief has been granted on a yearly basis since 1972, primarily due to the fact that the petitioner has maintained the fence well and we have never had any complaints or objections regarding this request.

Leburn Patterson was present to represent Royal Monarch and had nothing to add.

Motion by Giachino  
Supported by Pappageorge

MOVED, to grant Royal Monarch, 2824 E. Maple Road, renewal of their variance for relief to maintain a 6 foot high wood fence in lieu of a 6 foot high masonry screening wall at the west property line.

1. The conditions remain the same - the fence is well maintained.
2. There are no complaints or objections on file.

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## ITEM #3

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4 RENEWAL REQUESTED: Practical Management, Canterbury Square Apartments, North side of Lovington, for relief of the 4'6" masonry screening wall required adjacent to off-street parking.

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Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, for the 4'6" masonry screening wall required at the off-street parking areas of this apartment complex. This relief has been granted on a yearly basis since 1974, primarily because the residential land to the north and east is undeveloped. Conditions remain the same and we have no objections or complaints in our file regarding this renewal.

Frank Trupino the Resident/Manager was present and had nothing to add.

Motion by Pappageorge  
Supported by Chamberlain

MOVED, to grant Practical Management, Canterbury Square Apartments, N. side of Lovington, renewal of their variance for relief of the 4'6" masonry screening wall required adjacent to off-street parking.

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

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5. RENEWAL REQUESTED: Arnold Becker, 2840-2880 Rochester Road, for relief of the 4'6" masonry screening wall required at the east property line.

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The petitioner was not present.

Motion by Giachino  
Supported by Pappageorge

MOVED, to table this item until the end of the agenda (Item #23) to give the petitioner the opportunity to be present.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL END OF AGENDA (Item #23) CARRIED.

ITEM #6. RENEWAL REQUESTED: So Ro Properties, 89 W. South Boulevard, for relief of the 6 foot masonry screening wall required at the west property line.

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Mr. VandenBussche explained that the petitioner is requesting renewal of relief of the 6 foot high masonry screening wall required at the west property line of their site adjacent to residential zoning. This relief was originally granted in 1981 based on the fact that the adjacent land was undeveloped and the relief would not be detrimental to the area. Conditions remain the same and we have no objections or complaints in our file.

## ITEM #6

Hector Bultynck was present and had nothing to add.

Motion by Chamberlain  
Supported by Dungjen

MOVED, to grant So Ro Properties, 89 South Boulevard, renewal of their variance for relief of the 6 foot high masonry screening wall required at the west property line abutting residential.

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

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7      RENEWAL REQUESTED: Sosnick Development Group, 888 W. Big Beaver Road, for relief to maintain a habitable area in the parking garage.

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Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, to maintain an area in the parking garage for habitable space. This additional habitable space gives the site an area of 334,588 square feet. The Zoning Ordinance restricts habitable area to 330,000 square feet for a site of this size. In 1980 the board granted permission for this building alteration for a period of one year, at which time the petitioner would be able to indicate whether the space would still be needed. Evidently through the years it is proven that they do require the space. Conditions remain the same and we have no objections or complaints on file regarding this renewal.

Nick Surowka, the Property Manager, was present and stated that conditions have not changed, they still need and utilize the area.

The board discussed, with Mr. Surowka, the number of years that the variance has been in existence and permanency of the use - Mr. Surowka stated that if at any time Volkswagon does not renew their lease this use would also be eliminated. Mr. Surowka further stated that there is no other location on the site where there would be enough area for this use. There was also some discussion on whether this should be granted a permanent variance.

Motion by Giachino  
Supported by Pappageorge

MOVED, to grant Sosnick Development Group, 888 W. Big Beaver Road, renewal of the variance for relief to maintain a habitable area in the parking garage.

1. Continuing the variance on a temporary basis will give the board better control.
2. The conditions remain the same.
3. There are no complaints or objections on file regarding this matter.

Ayes: 4  
Nays: 2-Chamberlain, Dungjen  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8 RENEWAL REQUESTED: The Crooks Group, 2525 Crooks Road, for relief to maintain a 6 foot high wood fence in lieu of the 6 foot masonry screening required at the south and west property lines.

The petitioner was not present.

Motion by Pappageorge  
Supported by Miskowitz

MOVED, to table this item until the end of the agenda (Item #24) to allow the petitioner the opportunity to be present.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL END OF AGENDA (Item #24) CARRIED.

ITEM #9 RENEWAL REQUESTED: Douglas Pettypiece, 90 E. Square Lake Road, for relief to maintain/operate an antique shop.

The petitioner was not present.

Motion by Chamberlain  
Supported by Pappageorge

MOVED, to table this item until the end of the agenda (Item #25) to give the petitioner the opportunity to be present.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL END OF AGENDA (Item #25) CARRIED.

ITEM #10 RENEWAL REQUESTED: Handleman Company, 500 Kirts, for relief to maintain a landscaped berm in lieu of the 6 foot masonry screening wall required at the north property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, in regard to a 6 foot high masonry screening wall required at the north property line. This relief was originally granted in September of 1984 based on the fact that the petitioner would be erecting a berm with evergreen and deciduous planting to screen the residential areas. This item was renewed in March of 1986 and the petitioner indicated, at that time, they would be completing the planting and everything would be in place by the last renewal. The plantings have been completed. Although some of the pine trees have died, they have been replaced and others are planned to be replaced if, in fact, they do not survive. Again, one of the reasons for the variance was that the residential property is designated as possible future non-residential on the master land use plan.

Greg Mize was present to represent the Handleman Company and stated that they have replaced dead trees and will continue to do so in order provide adequate screening.

Motion by Giachino  
Supported by Pappageorge

MOVED, to grant the Handleman Company, 500 Kirts, renewal of their variance for relief to maintain a landscaped berm in lieu of the 6 foot high masonry screening wall required at the north property line.

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

## ITEM #10

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11 RENEWAL REQUESTED: Oak Manor, Inc., 2316 John R., for relief of the 4'6" masonry screening wall required at the east and south property lines.

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Mr. VandenBussche explained that the petitioner is requesting renewal of relief for a 4'6" masonry screening wall required at the east and south areas of their parking that is adjacent to residential zoning. The Zoning Ordinance requires that a 4'6" masonry wall be installed at any off-street parking area where it abuts residential. This item was originally approved in September of 1985 based on the fact that a wall would serve no useful purpose in this area and the conditions remain the same. We have no objections or complaints in our file.

Ann Sobey was present to represent Oak Manor and had nothing to add.

Motion by Pappageorge  
Supported by Dungjen

MOVED, to grant Oak Manor, 2316 John R., renewal of their variance for relief of the 4'6" masonry screening wall required at the east and south property lines.

1. Conditions remain the same.
2. There are no complaints or objections on file regarding this matter.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #12 RENEWAL REQUESTED: Robert B. Aikens & Associates, 2690 Crooks Road, for relief of the 6' masonry screening wall required at the north property line.

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Mr. VandenBussche explained that the petitioner is requesting renewal of relief for a 6 foot high masonry screening wall required at the north property line. This relief was originally granted in September of 1986 based upon the fact that the master land use plan indicates that the land to the north where this wall is required could possibly become non-residential in the future. Conditions remain the same and we have no objections or complaints regarding this request.

Jeff Thompson was present to represent Lindsey Centre and had nothing to add.

Motion by Chamberlain  
Supported by Miskowitz

MOVED, to grant Robert B. Aikens & Associates, 2690 Crooks renewal of the variance for relief of the 6 foot high masonry screening wall required at the north property line.

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

Ayes: 6  
Nays: 0  
Absent: 1-Milia

## ITEM #12

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #13. RENEWAL REQUESTED: Hartland Associates, 3150 Livernois, for relief of the 30 inch masonry screening wall required at the east property line abutting Louis.

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Mr. VandenBussche explained that the petitioner is requesting renewal on a relief granted, by this board, for a 30 inch decorative masonry wall that would be required along the Louis Street Right-Of-Way. This wall would be placed there in lieu of a 10 foot greenbelt. This item was originally approved in August of 1986 based on the fact that the petitioner has hoped that the Louis Street Right-Of-Way would be vacated and this wall would not be necessary. Conditions remain the same and we have no objections in our file. This item was tabled at the last regular meeting to allow the petitioner to be present.

Jack Shenkman was present and stated that they would like to renew the variance for another year, indicating that they are presently attempting to assemble the properties on Louis and Troy Streets. They have purchased some of the lots, hope to complete their purchase on the other lots and acquire rezoning in order to develop the area.

Motion by Pappageorge  
Supported by Giachino

MOVED, to grant Hartland Associates, 3150 Livernois, renewal of their variance for relief of the 30 inch masonry screening wall required at the east property line abutting Louis.

1. Conditions remain relatively the same - in fact conditions could become more conducive to granting this type of variance.
2. There are no objections or complaints on file regarding this request.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #14 RENEWAL REQUESTED: Richard Varkle, 54 E. Square Lake Road, for relief to maintain a gravel parking lot and relief of the 6 foot masonry screening wall required at the south property line.

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Mr. VandenBussche explained that the petitioner is requesting relief to maintain a gravel parking lot for a site on the south side of Square Lake Road just east of Livernois. This relief was originally granted based on the historic significance of the site and was tabled at our last regular meeting to allow the petitioner to be present. I have received a telephone call from the petitioner's mother indicating that the petitioner is in the hospital and they would request that the board table this until the October meeting so that the petitioner could be present to plead her case.  
The petitioner was not present.

Motion by Chamberlain  
Supported by Dungjen

MOVED, to table the request of Richard Varkle, 54 E. Square Lake Road, for relief to maintain a gravel parking lot and relief of the masonry screening wall until the October 20, 1987 meeting to allow the petitioner the opportunity to be present.

## ITEM #14

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL OCTOBER 20, 1987 MEETING CARRIED.

ITEM #15 VARIANCE REQUESTED: David Field, 4995 Rochester Road, for  
relief to expand/alter a nonconforming site.

Mr. VandenBussche explained that the petitioner is requesting relief of the Zoning Ordinance to alter and add a gas storage tank to an existing legal nonconforming gas station. The site is nonconforming in that it is zoned B-1 and gas stations are only permitted in highway service zoning districts. The Zoning Ordinance does not permit expansion, extension, or alteration of nonconformities. The petitioner in this case is requesting relief to install canopies over the gasoline pumps and these canopies will be located in the future right-of-way of Rochester Road. They are also requesting relief to install a larger storage tank. This would be considered an expansion of a legal nonconforming site in that both installations would increase the intensity of nonconformity. This item was tabled at our last regular meeting to allow the petitioner to be present. Mr. VandenBussche also indicated that even if this site were located in a Highway Service Zoned District they would not be in compliance with the setback requirements.

David Field was present and showed the board pictures of the station before he purchased it and after when improvements had been made. Stating that he had improved the station and installed new pumps, indicating that the pumps actually lessen the number of vehicles that can be serviced at one time. Mr. Field stated that they presently have two 6,000 gallon tanks and one 4,000 gallon tank and propose to add a 10,000 gallon tank which will give them a total storage capacity of 26,000 gallons. Mr. Field stated that he feels the installation of the tank is a safety feature to the citizens of Troy as the number of deliveries will be lessened. They presently have tankers coming in three times a week, which he feels could be considered a safety problem and the additional storage will lessen the number of deliveries. They propose the canopy to keep in line with today's standards for service stations. The canopy will protect the customers or citizens of the City of Troy from the weather elements. Mr. Field stated that he does not consider the tank or canopy an expansion, he feels it is more of an improvement for safety. He further stated that the tank is not even visible as it is underground and the canopy, in his estimation, is the same as an awning on a home.

Motion by Giachino  
Supported by Pappageorge

MOVED, to grant David Field, 4995 Rochester Road, a variance as requested for relief to install 10,000 gallon gasoline storage tank.

1. The variance is not contrary to public interest.
2. It will not have an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
4. The petitioner has demonstrated exceptional conditions that requires expansion as far as the tank because of the public safety factor as it will lessen the number of tankers that must come to the site.
5. Expansion is necessary for the preservation and enjoyment of the property owner as far as the rights he possesses on the property.

Ayes: 4  
Nays: 2-Miskowitz, Dungjen  
Absent: 1-Milia

## ITEM #15

MOTION TO APPROVE TANK INSTALLATION CARRIED.

Mr. VandenBussche explained, to the board and the petitioner, that the tank installation will still have to go to City Council for consideration, as required by another Chapter in the City Code.

Motion by Pappageorge  
Supported by Giachino

MOVED, to deny the request of David Field, 4995 Rochester Road, for relief to construct a canopy over their gasoline pumps.

1. The variance is contrary to public interest.
2. The variance would establish a prohibited use.
3. The petitioner has not demonstrated a hardship or exceptional condition that would warrant a variance on a nonconforming site.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO DENY CANOPY CARRIED.

ITEM #16 VARIANCE REQUESTED: Mr. & Mrs. Robert Klida, 6731 Fulton Ct., for relief of the rear yard setback.

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Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 26'x15' sun room addition onto the rear of an existing residence. This addition would result in a rear yard setback of 34.33 feet. The Zoning Ordinance requires a minimum 35 foot rear yard setback in this residential zoned district. The petitioner is requesting permission to encroach into this required setback by about 9 inches. Robert Klida was present and stated that they propose to construct a patio enclosure on an existing slab. They were not aware that there would be any setback problems when they constructed the original slab and to construct a patio enclosure to meet the requirements would cause a hardship in that a portion of the existing slab would have to be removed and reconstructed. That side of their home faces west and they have no protection from the sun. The patio enclosure will give them some shade on that side of the house and give them more use of their patio.

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: Mary Elayne Zywiol, 6747 Fulton Ct. - Karl and Linda Chase, 6544 Merrick Dr. - Stanley J. Rogulski, 6590 Merrick - Thomas Thomas, 6612 Merrick.

Motion by Pappageorge  
Supported by Giachino

MOVED, grant Mr. & Mrs. Robert Klida, 6731 Fulton Ct., a variance, as requested, for relief of the rear yard setback - 34.33 feet where 35 feet is required.

1. The variance is not contrary to public interest.
2. It does not establish a prohibited use within the zoning district.
3. It will not create an adverse effect to properties in the immediate area or zoning district.
4. The variance relates only to the property described in the variance.
5. Conforming would be unnecessarily burdensome since the variance request is small or insignificant.



## ITEM #16

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO APPROVE REQUEST CARRIED.

ITEM #17 VARIANCE REQUESTED: Patio Enclosures, Inc., 5160 Hertford,  
for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 14.5'x10' patio enclosure which will result in a rear yard setback of 43.5 feet. The Zoning Ordinance requires a minimum rear yard setback of 45 feet in this residential zoned district. The petitioner is requesting permission to encroach approximately 18 inches into this required setback.

Frank Voss of Patio Enclosures and the property owner Mr. Nolan were present. Mr. Voss presented the board with letters from two doctors verifying that the Nolan's had allergy and sinus problems. Mr. Voss stated that the Nolan's property also backs up to vacant land with a retention pond which causes an insect problem in the area. The glassed/screened porch enclosure will give them protection from the insects and allow them the use of their rear yard.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Giachino  
Supported by Dungjen

MOVED, to grant Patio Enclosures, 5160 Hertford, a variance, as requested, for relief of the rear yard setback - 43.5 feet where 45 feet is required.

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. The petitioner has indicated a medical reason why they want the enclosure and has presented 2 Doctor's statements to that effect.
5. The petitioner has a practical difficulty due to the characteristics of the property - due to the shape of the lot they have a greater setback which reduces the rear yard area.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO APPROVE REQUEST CARRIED.

ITEM #18 VARIANCE REQUESTED: Bing Construction, 1701-1737 Hallmark,  
for relief of the required lot width.

Mr. VandenBussche explained that the petitioner is requesting permission to split and combine lots on Hallmark Street. The site plan indicates that there are 3 lots and the petitioner is requesting that the center lot be given 5 feet from the lots on each side, which happen to be corner lots. This would result in the two corner lots having a width of 110 feet. The Zoning Ordinance requires that corner lots in this residential zoned district be a minimum of 115 feet wide.

## ITEM #18

Mark Miller, Vice President of Bing Construction and Mr. Blumentritt, the owner of lot #61 (the center lot) were present. Mr Miller stated that when they purchased the 3 lots in question with the understanding that they could split/combine the lots so that the center lot would be 100 foot wide. They in turn sold the center lot to Mr. Blumentritt and constructed a home on that lot assuming that they could split/combine the lots. The homes that they presently build in the area will not fit on a 90 foot lot without a variance and Mr. Blumentritt does not want the home unless he has a 100 foot wide lot. Mr. Miller stated that they do have a unique situation here that out of three lots two are corner lots.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Giachino  
Supported by Pappageorge

MOVED, to grant Bing Construction, 1701 and 1737 Hallmark, a variance as requested to split/combine lots 60, 61, and 62, which will result in lot 61 being 100 feet in width and lots 60 and 62 being 110 feet in width.

1. The variance is not contrary to public interest.
2. A variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. If the variance is not granted it will result in a hardship to the owner of lot 61 who believed he was purchasing a 100 foot lot.
4. This results from a situation caused by a number of unusual factors.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO APPROVE REQUEST CARRIED.

ITEM #19 VARIANCE REQUESTED: Bing Construction, 1769 Hallmark, for relief of the required lot width.

Mr. VandenBussche explained that this request is very similar to the last item in that the petitioner is requesting relief to split lots that will result in a corner lot having a width of 110 feet. The Zoning Ordinance requires that corner lots in this residential zoned district be a minimum of 115 feet. These two lots are designated as lots D and E on the attached plot plans and what he proposes to do is to give 5 feet to a 90 foot lot, thereby making it 95 feet wide and also this would result in the corner lot being reduced from 115 to 110 feet and this is where the violation occurs - the lot cannot be less than 115 feet wide.

Mark Miller, Vice President of Bing Construction was present and stated that this proposed split/combination of lots 121 and 122 would give them a 110 foot corner lot and a 95 foot wide interior lot. Mr. Miller stated that they could not build any of their present models on a 90 foot wide lot without a variance. They would have to create a new house plan which may not be in character with the neighborhood.

The board asked Mr. Miller if either of these lots were sold and he responded that they were not.

## ITEM #19

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Pappageorge  
Supported by Chamberlain

MOVED, to deny the request of Bing Construction Company, 1769 and 1785 Hallmark, for relief of the minimum lot width required for a corner lot.

1. The lots are buildable lots without variances.
2. The petitioner has not presented a practical or hardship that would justify a variance.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO DENY REQUEST CARRIED.

ITEM #20 VARIANCE REQUESTED: William Manninen, 5120-5132 Orchard Crest, for relief of the required lot size.

Mr. VandenBussche explained that the petitioner is requesting permission to split a site that will result in two lots. One 80 foot wide at the setback line and the other 84.21 feet wide at the setback line. The Zoning Ordinance requires that a lot in this residential district be a minimum of 100 feet wide for a corner lot and 85 feet for an interior lot. The site plan on this request indicates that the interior lot would be 80 feet and the corner lot would be 84.21 feet. This item appeared before the Board in 1986 and at that time the petitioner had requested that the lot be 96 feet wide on the corner and 63 feet wide on the interior. This item at that time was denied based on the objections from the property owners and also that the petitioner did not show a reasonable hardship or practical difficulty to obtain two building sites where only one is designated.

William Manninen was present and stated that he has talked to several people within the subdivision and they have told him that they have no objections to his new proposal, indicating that their main concern is that any homes be in line with those in the subdivision and that he abide by the subdivision covenants. Mr. Manninen stated that the proposed plat results in lots that are comparable to lots in the adjoining subdivision. He feels that to split the lot as proposed and build two homes would be more attractive than to build one home on the lot or splitting the lot in another manner (which he calculates he could do) which would result in two odd shaped lots, and have two smaller homes facing two different directions. He has assured the Laurelwood Subdivision Association that if he does obtain a variance for relief to split the lots as proposed he will build homes comparable to those in the subdivision and abide by their subdivision rules and regulations.

Mr. Pappageorge requested that he abstain from participation in this item and voting on this item due to a possible conflict of interest because he is an officer of the subdivision association.

Motion by Chamberlain  
Supported by Miskowitz

MOVED, that Mr. Pappageorge be allowed to abstain from voting on this item due to a conflict of interest.

## ITEM #20

Ayes: 4  
Nays: 1-Dungjen  
Absent: 1-Milia  
Abstain: 1-Pappageorge

## MOTION CARRIED.

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: Donna Lafelski, 5144 Orchard Crest - Michael DeClercq, 5181 Orchard Crest - Mr. & Mrs. E. R. Hullinger, 1856 Shenandoah.

Motion by Giachino  
Supported by Chamberlain

MOVED, to deny the request of William Manninen, 5120-5132 Orchard Crest, for relief of the required lot size.

1. The petitioner has not presented a hardship that runs with his parcel; the hardship he has presented is on the adjacent subdivision and the subdivision has been silent on this matter.
2. The fact that Mr. Manninen will meet the conditions of the subdivision regulations is only verbal, nothing has been put in writing and the subdivision association has not presented anything to the board regarding their agreement with Mr. Manninen.

Ayes: 3  
Nays: 2-Miskowitz, Lovio  
Abstain: 1-Pappageorge  
Absent: 1-Milia

## MOTION TO DENY REQUEST CARRIED.

Items #22 (2), #23 (5), #24 (8), #25 (9) were taken out of order.

ITEM #22. (Item #2) RENEWAL REQUESTED: Elerious King, 2212 Livernois (Atlas Veneer) for relief to maintain a 6 foot high wood fence in lieu of the 6 foot high masonry screening wall required at the east property line.

The petitioner was not present.

Motion by Giachino  
Supported by Chamberlain

MOVED, to table the request of Elerious King, 2212 Livernois (Atlas Veneer) until the September 29, 1987 meeting to allow the petitioner the opportunity to be present.

Ayes: 6  
Nays: 0  
Absent: 1-Milia  
ITEM #22

## MOTION TO TABLE UNTIL SEPTEMBER 29, 1987 MEETING CARRIED.

ITEM #23 (Item #5) RENEWAL REQUESTED: Arnold Becker, 2840-2880 Rochester Road, for relief of the 4'6" masonry screening wall required at the east property line.

## ITEM #23

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this board, regarding a 4'6" masonry screening wall required at the off-street parking areas of their site adjacent to residential zoning. This relief has been granted on a yearly basis since 1971, primarily due to the fact that the master land use plan indicates that this adjacent land could possibly become non-residential in the future. Conditions remain the same and we have no objections or complaints in our file regarding this request.

Arnold Becker was present and had nothing to add.

Motion by Pappageorge  
Supported by Dungjen

MOVED, to grant Arnold Becker, 2840-2880 Rochester Road, renewal of the variance granted for relief of the 4'6" masonry screening wall required at the east property line.

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

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #24 (Item #8) RENEWAL REQUESTED: The Crooks Group, 2525 Crooks Road, for relief to maintain a 6 foot high wood fence in lieu of the 6 foot high masonry screening wall required at the south and west property lines.

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The petitioner was not present.

Motion by Pappageorge  
Supported by Giachino

MOVED, to table the request of The Crooks Group, 2525 Crooks Road, for relief to maintain a 6 foot high wood fence in lieu of a 6 foot high masonry screening wall at the south and west property lines, until the September 29, 1987 meeting to allow the petitioner the opportunity to be present.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL THE SEPTEMBER 29, 1987 MEETING CARRIED.

ITEM #25 (Item #9) RENEWAL REQUESTED: Douglas Pettypiece, 90 E. Square Lake Road, for relief to maintain/operate an antique shop.

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The petitioner was not present.

Motion by Giachino  
Supported by Pappageroge

MOVED, to table the request of Douglas Pettypiece, 90 E. Square Lake Road, for relief to maintain/operate an antique shop until the September 29, 1987 meeting to allow the petitioner the opportunity to be present.

ITEM #25

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO TABLE UNTIL THE SEPTEMBER 29, 1987 MEETING CARRIED.

ITEM #21. Carol Rock, 6825 Rochester Road, reconsideration of variance granted.

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Mr. VandenBussche explained that this item was approved at the last regular meeting, at which time the board had indicated the petitioner would be able to replace some greenhouses with new greenhouses that exceeded in size what she was taking down. It has been determined, by the Attorney's Office, that the board could not do this. We have explained this to the petitioner and she has indicated a willingness to accept a revision to the minutes indicating that whatever she constructed; the same area would be removed from her site. We should probably somehow reconsider the item and restate the reason for approval with the condition that the area of the new greenhouses cannot exceed the area of the greenhouses that are being removed.

Mr. VandenBussche further explained that Carol Rock has presented a letter stating they will remove 5 of the 8 originally varianced greenhouses if granted permission to keep the 3 new greenhouses and 3 of the greenhouses on the original variance.

Motion by Giachino  
Supported by Pappageorge

MOVED, that the board reconsider the request of Carol Rock, 6825 Rochester Road, for relief to maintain greenhouses and change the minutes to reflect that approval be granted with the stipulation that the greenhouses that will be removed shall be at least equal to the area of the new greenhouses.

Ayes: 6  
Nays: 0  
Absent: 1-Milia

MOTION TO APPROVE REQUEST CARRIED.

The Board of Zoning Appeals meeting was adjourned at 10:00 p.m.

M