

The Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, October 20, 1987 by the Chairman, John Lovio.

PRESENT: Peter Dungen
James Giachino
John Lovio
Carmelo Milia
George Miskowitz
John Pappageorge
James Reece

ITEM #1. Approval of Minutes - September 15, 1987 and
September 29, 1987

Motion by Giachino
Supported by Milia

MOVED, to approve the September 15, 1987 and September 29, 1987 minutes.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #2. RENEWAL REQUESTED: Eric E. Pearson, 5565 John R., for
relief to keep less than 10 dogs for hobby and training.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this board, to maintain less than ten dogs on a residential premise for his personal use. That use being for hobby and training purposes. This relief has been granted on a yearly basis since 1965 and conditions remain the same. We have no objections or complaints on file regarding this request.

Eric Pearson was present and had nothing to add.

Motion by Giachino
Supported by Pappageorge

MOVED, to grant Eric Pearson, 5565 John R., renewal of the variance granted to keep less than 10 dogs for hobby and training purposes.

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

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

D-1

October 20, 1987

ITEM #3. RENEWAL REQUESTED: John L. Barker, 1985 Butterfield, for relief of the 6' masonry screening wall required along the east and west property lines.

Mr. VandenBussche explained that the property is now owned by Anthony S. Brown Development Co., that the petitioner is requesting renewal of relief granted, by this board, regarding a 6 foot masonry screening wall required along the east property line of this site. The site is zoned office and the abutting property to the east is still zoned residential. This relief formerly included the west side of the site but now that land has been re-zoned to an office classification. The relief was originally granted in 1981 because the Master Land Use Plan indicated that the adjacent land may, at some future date, become non-residential. Conditions remain the same, except for the fact that it only deals with the east side, and we have no objections or complaints on file regarding this request.

Harry Kokkinakis of Anthony S. Brown Development Co. was present and had nothing to add.

Motion by Pappageorge
Supported by Dungjen

MOVED, to grant Anthony S. Brown Development Co., 1985 Butterfield, renewal of the variance for relief of the 6 foot masonry screening wall required along the east and west property lines.

1. Conditions are essentially the same.
2. There are no complaints on file.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4. RENEWAL REQUESTED: Troy Assembly of God, 6814 Livernois (proposed address), for relief of the 4'6" masonry screening wall required at the north, south and a portion of the east property lines adjacent to off-street parking.

Mr. VandenBussche explained that this deals with a request for relief of a 4'6" masonry screening wall at the off-street parking area of a church. The church has never been constructed and the site plan approval, by the Plan Commission, in August of 1986 is no longer valid. The petitioner would have to re-establish a site plan approval and if he wants to continue the relief of the masonry screening wall, he would have to file a new public hearing. We should probably indicate that no action is required on this request due to the fact that construction did not occur within the one year time period.

Reverend Robert Clark was present and stated that he was not aware of the one year limitations. They thought their property on Livernois was sold and it did not go through. Their construction of a new church is contingent on the sale of their present site, and based on this, they would like to request renewal for one year.

Mr. VandenBussche explained that action must be taken within one year and suggested that the board take no action on this request and that the petitioner re-apply for a variance after renewing or receiving site plan approval.

Motion by Pappageorge
Supported by Reece

MOVED, that no action be taken on the request of the Troy Assembly of God, 6814 Livernois, for relief of the 4'6" masonry screening wall required at the north, south and a portion of the east property lines adjacent to the off-street parking areas.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO TAKE NO ACTION CARRIED.

ITEM #5. RENEWAL REQUESTED: Troy Masonic Temple, 1032 Hartland, for relief of the 4'6" masonry screening wall required adjacent to the off-street parking.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, in regard to a 4'6" masonry screening wall required at the off-street parking area adjacent to residential zoning. This relief has been granted on a yearly basis since 1970, primarily due to the fact that adjacent property owners do not object. Conditions remain the same and we have never had any complaints or objections regarding this variance.

George Curtis was present to represent Troy Masonic Temple and had nothing to add.

Motion by Milia
Supported by Dungjen

MOVED, to grant Troy Masonic Temple, 1032 Hartland, renewal of their variance for relief of the 4'6" masonry screening wall required adjacent to their off-street parking.

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

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. RENEWAL REQUESTED: R.E.B. Properties, 130 Town Center, for relief of the 4'6" masonry screening wall required at the north property line and relief to maintain a wood fence, in lieu of the 4'6" masonry screening wall required, at the east property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, for a 4'6" masonry screening wall required at the north and a portion of their east property lines. The relief was originally granted in 1984 based on the fact that it was not detrimental to the area and the property adjacent to the site was not developed. The petitioner, in 1985, installed a 6 foot obscuring fence along the east property line at the request of the board. The conditions, other than that, remain the same and we have no complaints regarding this request.

Carol Camiener was present to represent R.E.B. Properties and had nothing to add.

Motion by Pappageorge
Supported by Giachino

ITEM #6

MOVED, to grant R.E.B. Properties, 130 Town Center, renewal of their variance for relief of the 4'6" masonry screening wall required at the north property line and relief to maintain a wood fence in lieu of the 4'6" masonry screening wall required at the east property line.

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

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7. RENEWAL REQUESTED: Ring Screw Works, 1849 Ring Drive, for relief of the required number of parking spaces.

Mr. VandenBussche explained that the petitioner is requesting renewal of a variance to maintain a parking lot for 19 cars. The Zoning Ordinance requires a minimum of 43 parking spaces for a building of this size and use. This request was originally approved in 1979 based on the fact the petitioner did not need the additional parking and he would be required to appear before the board on a yearly basis in case the status of the building were to change. Conditions remain relatively the same - we have issued a permit for some additional construction on the site and it would appear that the variance is in order for this year. After the construction is completed the site should be studied as to the adequacy of the parking since it is evident that additional employees will be needed for this addition that is presently under construction.

Patrick McTigue was present to represent Ring Screw Works and stated that they were requesting permission to renew the variance. However, they hope to have their addition completed within 120 days and will be installing parking that complies with the Ordinance.

Motion by Giachino
Supported by Miskowitz

MOVED, to grant Ring Screw Works, 1849 Ring Drive, renewal of their variance for relief of the required number of parking spaces.

1. The site is under construction and parking, that complies, will be installed as part of the project.
2. There are no complaints or objections on file.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8. RENEWAL REQUESTED: Evanswood Church of God, 2601 E. Square Lake Road, for relief of the 4'6" masonry screening wall required adjacent to the off-street parking.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, in regard to a 4'6" masonry screening wall required at the off-street parking area used by the church. This relief was originally granted in 1976, primarily due to the fact that the residential property adjacent to the parking area is undeveloped and has a natural screening of dense woods. The conditions remain the same and we have no objections or complaints on file in regards to this variance.

October 20, 1987

ITEM #8

Bob Hartwick was present to represent the church and had nothing to add.

Motion by Milia
Supported by Dungjen

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake Road, renewal of their variance for relief of 4'6" masonry screening wall required adjacent to their off-street parking.

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

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9. RENEWAL REQUESTED: Edward Kedrow, Main Landscaping and Tree Service, N.E. corner of Chopin and Alger, for relief to park landscaping trucks in the required setback from Alger.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this board, to park landscaping trucks within the front setback of an industrial zoned district adjacent to a street right-of-way. The encroachment occurs on Alger Street where trucks are parked within 20 feet of the right-of-way. This request has been granted on a yearly basis since 1975 based on the fact that Alger may be, in the future, vacated and also we have had no complaints or objections on file regarding this request. We did receive the payment for renewal from the petitioner plus a letter indicating that due to his health he cannot attend the meeting and asked if the board would consider making a decision on the request without his presence.

Motion by Pappageorge
Supported by Milia

MOVED, to grant Edward Kedrow, Main Landscaping and Tree Service, N.E. corner of Chopin and Alger, renewal of the variance for relief to park landscaping trucks in the required setback from Alger.

1. There are no unusual circumstances that would require questioning of the petitioner.
2. There are no objections or complaints on file.
3. The conditions remain the same.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #10. RENEWAL REQUESTED: David Margolis, 46 E. Square Lake Road, for relief of the 6' high masonry screening wall required at the south property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, in regard to a 6 foot masonry screening wall required at the residential zoning line to the south. This relief was originally granted in July of 1982 based on the fact that the board felt the petitioner incurred a hardship and the condition of the area did not really warrant a masonry wall. This item was tabled for 60 days at the July meeting, at the request of the petitioner, to allow him and the neighbor to the east to construct a wall that would be in keeping with the historic neighborhood. Unfortunately the neighbor to the east became ill and will be unable to enter into any agreement for a while so they are requesting a continuance on the wall variance.

David Margolis was present and stated that he does intend to construct a masonry wall that would blend with the neighborhood. He, however, has had problems getting the work done because of trees on the back property line, and has encountered a construction backlog. He now hopes to get the work done in the Spring.

Motion by Giachino
Supported by Reece

MOVED, to grant David Margolis, 46 E. Square Lake Road, renewal of the variance granted for relief of the 6 foot high masonry screening wall required at the south property line.

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

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11. RENEWAL REQUESTED: Richard Varkle, 54 E. Square Lake Road, for relief of the 6' high masonry screening wall required at the south property line and relief to maintain a gravel parking lot.

Mr. VandenBussche explained that the petitioner is requesting relief to maintain a gravel parking lot and relief of the 6 foot masonry wall required at the south property line of their site. This relief was originally granted based on the historic significance of the site and was tabled at the last two regular meetings to allow the petitioner to be present. The petitioner has been ill and in the hospital - I have not heard from her since the last regular meeting, at which time her mother indicated that the petitioner was in the hospital. The petitioner is also interested in installing a masonry wall that would be in keeping with the historic area. Since her illness, I do not know if she has had any change of plans. Basically she is asking for two variances; 1. The renewal of the gravel parking lot, and 2. Renewal of the 6 foot masonry screening wall variance.

ITEM #11.

Richard Varkle was present and stated that they, also, are in the process of working with a contractor and intend to install the wall at the south property line in the Spring.

Motion by Giachino
Supported by Milia'

MOVED, to grant Richard Varkle, 54 E. Square Lake Road, renewal of the variance for relief of the 6 foot high masonry screening wall required at the south property line and relief to maintain a gravel parking lot.

1. There are no complaints or objections on file.
2. The conditions remain the same.
3. This is a continuation of an existing variance.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #12. VARIANCE REQUESTED: Antonio Beccari, 2888 E. Long Lake Road, of the 6' high masonry screening wall required at the south property line.

Mr. VandenBussche explained that the petitioner is requesting permission to complete an office building and the site plan indicates he wishes relief of the 6 foot masonry screening wall required at the south property line which abuts residential. The Zoning Ordinance requires a 6 foot high masonry screening wall where non-residential abuts residential. If you will note at the site, both the site to the east and to the west has this 6 foot high masonry screening wall. The petitioner's application indicates, since he owns the property to the south, he could possibly get it re-zoned and continue construction on more office buildings. The Master Land Use Plan does not indicate that this land will ever be anything other than residential. The petitioner is requesting relief of the masonry screening in hopes that he can have the adjoining parcel re-zoned to non-residential. Mr. VandenBussche further indicated that he had been questioned to how the adjoining property could be developed as residential and presented the board a drawing showing a possible residential subdivision

Antonio Beccari was present and stated that he owns the adjoining property and after he completes his building, under construction, he would like to construct another one on the adjoining parcel. Therefore, to construct the wall would land-lock his property. He hopes to present a re-zoning proposal for approval and if the site did receive re-zoning the wall would have to be removed. Mr. Beccari stated he would be willing to accept a one year variance, allowing him to seek re-zoning.

The chairman opened the public hearing.

John Salgado, 2885 Renshaw, was present and had no objection if the site was going to be developed - however did object to the variance if it is not developed.

Ron Kacin, 2854 Renshaw, was present and objected to the variance indicating that the wall would protect the residents from the traffic in the field - foot traffic, motorbikes, etc.

Susan Shi, 2846 Renshaw, was present and stated that she is directly in back of the site and objects to the variance because lights from the parking lot shine directly into her family room and kitchen windows, also motorcycles use the vacant lot and a wall will give protection against that type of nuisance.

ITEM #12

Lou Raden, 2862 Renshaw, was present and stated he also abuts the property and objects to the variance for the same reasons stated by the others.

Joe Wich, 2833 Renshaw, was present and objected for the same reasons, stating that the wall is part of the zoning requirements and should be installed.

There were no further comments from the audience.

The chairman closed the public hearing.

Mr. Beccari asked the board to consider a one year variance to allow him the opportunity to get the property re-zoned and develop the parcel. To construct the wall will land-lock the property.

There were 5 letters of objection on file: Josephine Zearno, 5030 Renshaw - Rebecca A. Haskett, 2838 Renshaw - Karen L. Hurst, 2886 Renshaw - Thomas Walkush, 2781 Renshaw - Correne H. Martin, 2822 Renshaw.

The Building Department also received a telephone call from Barbara Eppert, 2774 Vernier, objecting to the variance.

Motion by Milia
Supported by Pappageorge

MOVED, to deny the request of Antonio Beccari, 2888 E. Long Lake Road, for relief of the 6 foot high masonry screening wall required at the south property line.

1. The variance would be contrary to public interest.
2. The variance would cause an adverse effect to properties in the immediate vicinity and zoning district.
3. There are a number of objections to the variance.
4. The petitioner has not presented a practical difficulty or hardship.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #13. VARIANCE REQUESTED: Kenneth and Wendie Schobloher, 5357 Cheltenham, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting permission to maintain an open deck that encroaches into the rear yard setback. The Zoning Ordinance requires a minimum 35 foot rear yard setback to an open deck in this residential zoned district. The plans indicate that the deck was constructed with a 33 foot rear yard setback. The petitioner is requesting permission to maintain a deck that has an encroachment of approximately 2 feet.

Wendie Schobloher was present and stated that they had constructed the deck without a permit and was not aware of the requirement for a permit or the rear yard setback requirement. To remove 24 inches of their deck at this time would be a hardship.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 3 approvals on file: Pamela Brown, 5357 Corbin - Mr. M. J. Talley, 5373 Corbin - David Schroeder, 5339 Corbin.

Motion by Giachino
Supported by Milia

MOVED, to grant Kenneth and Wendie Schobloher, 5357 Cheltenham, a variance as requested for relief of the rear yard setback 33' where 35' is required.

1. The variance is not contrary to public interest.
2. The variance relates only to the property in question.

ITEM #13.

3. It will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. To require conformance with the setback would be unnecessarily burdensome at this time.
5. The petitioner has a unusual shape lot and it slopes at the rear.
6. The variance is only for a portion of the deck.

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

MOTION TO APPROVE REQUEST CARRIED.

ITEM #14. INTERPRETATION REQUESTED: Donald H. Bailey, 1000 W. Maple Road for an interpretation that would allow a multi-tenant office use in an industrial zoned district.

Mr. VandenBussche explained to the board that the petitioner, Donald Bailey, requests that the board interpret the extent of permissible use of his building on Maple Road, which is in an M-1 (Light Industrial) Zoning District. The building was constructed in 1970, by Koltanbar Engineering, and was connected to a building to the east which contained the engineering portion of Koltanbar's facilities. The building was used by Koltanbar for its executive offices. There were no other tenants. At the time Koltanbar constructed the building, the City's M-1 Zoning district permitted a free standing building to be used for offices alone as long as the use was in conjunction with a light industrial use. Koltanbar then sold the building to North American Rockwell. Rockwell moved its offices from across the street into the building and the connection to the engineering building was severed. Rockwell occupied the entire building, there were no other tenants. In 1972, the City's M-1 Zoning District Ordinance was amended to prohibit free standing office buildings in M-1 Zoning Districts. The office use was required to be integrated with the light industrial use in a single building. In 1975, Rockwell sold the building to Michigan National Bank. As a result of the 1972 zoning change, the bank requested that the board interpret that use of the building for its offices be permitted in an industrial zoned district. There were to be no other tenants. The Board, at that time, as evidenced by the enclosed minutes, ruled that since the building had a history of only being single tenant occupied, the use that Michigan National Bank proposed would be acceptable provided the building was occupied in a similar manner by a single tenant. Michigan National did not object to the condition and was the sole occupant of the building until its recent sale to the petitioner. The petitioner is now requesting that the board's interpretation made in 1975 be broadened so that more than one tenant can occupy the building.

The chairman asked the City's Attorney, Mr. Martin, if this matter was a re-zoning request and therefore not within the board's jurisdiction. Mr. Martin said that the Board should hear the petitioner's presentation in order to make that determination.

Marvin Kramer, an attorney, represented the petitioner, Mr. Bailey, and stated that he was requesting an interpretation of the 1975 ruling, by the board, that would result in an expansion of that ruling to allow more than one tenant to use the building. In the alternative, since office use of the building is a nonconforming use, Mr. Kramer requested that the Board permit an expansion of that nonconforming use to allow more than one tenant. Mr. Kramer then recited the history of the building and summarized by stating that since the building was designed as an office building, and that a certificate of occupancy had been issued for that building for office use, it is therefore an office building. He further stated that the use is the same whether one tenant occupies the building for 100 employees, or several tenants occupy the building with 100 employees. Parking requirements are the same whether one or several tenants occupy the building, and therefore it is not reasonable to restrict the use to one tenant.

ITEM #14

Mr. Kramer then presented Mr. Steven Morris of Morris and Moon Realtors, the leasing agent for the petitioner. Mr. Morris stated that he had been unsuccessful in attempting to lease or sell the building to a single tenant. Mr. Morris stated he could lease to persons who needed only 1,000 to 10,000 square feet. However, he had been unsuccessful in finding anyone to lease the entire 22,000 square feet of the building.

Mr. Kramer then presented an affidavit from G. Stanley Woodhouse of Progressive Planning Associates and read several excerpts from that affidavit. That affidavit was made part of the record, and basically stated that it was unreasonable to restrict use of the building to a single tenant. A multi-tenant use would be reasonable and appropriate for the building.

Mr. Kramer then stated that the petitioner could not reasonably use the building with the 1975 limitation. The limitation causes a hardship to the petitioner because it denies him effective use of the building. Further, a multi-tenant use would not cause an adverse effect to the area. The petitioner does not feel that he can get the site re-zoned because it would be creating a spot zone.

The chairman then asked if the petitioner was requesting an interpretation that resulted in spot zoning.

Mr. Martin then advised the Board that they should table this action to allow him to research this matter and submit information to the Board regarding the legal ramifications of the petitioner's request.

The chairman opened the public hearing.

There were no comments from the audience.

Motion by Milia
Supported by Reece

MOVED, the request of the petitioner, Donald Bailey, 1000 W. Maple Road, for an interpretation that would permit multi-tenant office use of a building in an industrial zoned district be tabled until the next regular meeting of the board on November 17, 1987, in order to allow sufficient time for legal counsel to submit additional information to the Board regarding this request.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO TABLE UNTIL NOVEMBER 17, 1987 MEETING CARRIED.

The Board recessed at 9:10 p.m. and reconvened at 9:25 p.m.

ITEM #15. VARIANCE REQUESTED: Belle Tire, 1650 W. Maple Road, for relief to park in the required front setback.

Mr. VandenBussche explained that the petitioner is requesting permission to park in the required front setback of an industrial zoned district. The Zoning Ordinance requires a minimum front 50 foot front setback in an industrial district and does not allow parking or maneuvering lanes within this required setback. It is primarily designated to be landscaped. The petitioner is requesting permission to park in the required front setback for 5 months out of the year, April through August. The site is used for tire sales and has a special use request that was granted by the Plan Commission in an industrial zoned district. This site is actually nonconforming according to today's ordinance. This type of special use is not permitted on major thoroughfares in accordance with the revisions of the ordinance. The problem appears to be, that during certain months of the year, due to tire sales, they get more customers and they park in the required front setback. The petitioner has been cited several times, by the Building Department, for this violation. They are now attempting to appeal, to the board, for relief to allow this type of parking for their busy months of the year.

ITEM #15.

Mr. VandenBussche explained that the petitioner is requesting permission to park in the required front setback of an industrial district. The Zoning Ordinance requires a minimum 50 foot front setback in an industrial district and does not allow parking or maneuvering lanes within this required setback. It is primarily designated to be landscaped. The petitioner is requesting permission to park in the required front setback for 5 months out of the year, April through August. The site is used for tire sales and has a special use request that was granted by the Plan Commission in an industrial zoned district. This site is actually nonconforming according to today's ordinance. This type of special use is not permitted on major thoroughfares in accordance with the revisions of the ordinance. The problem appears to be that during certain months of the year, due to tire sales, they get more customers and they park in this required setback. The petitioner has been cited several times, by the Building Department, for this violation. They are now attempting to appeal, to the board, for relief of this type of parking for their busy months of the year.

Dan Comaianni was present and stated that they need relief of the zoning ordinance to allow parking within the front setback during their busy times. They have problems with parking, at certain times, and this in turn causes traffic jams on their site, on occasion they have even had the problem with customers driving onto their yard to find parking. They have approached neighboring properties to acquire additional area for parking but have been unsuccessful.

Mr. Milia commented that it appears that, if allowed to park on the drive in the front, they would still have parking problems.

Mr. Reece commented that when he visited the site he observed some of the parking spaces at the rear had been used for junk or debris, noting that if the area were kept free and parking spaces delineated that possibly it would relieve some of their problem.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 2 letters of approval on file: Stephen Grand, Deco Grand, 1600 W. Maple Road - Tony Saderean, 1705 Blaney.

There was 1 letter of objection on file: Robert Ebbert, 1925 W. Maple Road.

Motion by Giachino
Supported by Dungjen

MOVED, to deny the request of Belle Tire, 1650 W. Maple Road, for relief of the Zoning Ordinance to provide parking in the required front setback.

1. To grant a variance would be detrimental to the area.

Ayes: 5
Nays: 2-Lovio, Pappageorge
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #16. VARIANCE REQUESTED: William Manninen, 5120-5132 Orchard Crest, for relief of the required lot width.

Mr. VandenBussche explained that the petitioner is requesting permission to split a parcel of land into two lots. One lot will be 90 feet wide and the other would be 75 feet wide. The Zoning Ordinance requires a minimum lot width of 85 feet in this residential zoned district. This item was heard at the board previously, at which time there was an error in the required lot width that the petitioner appealed at that time. Because the lot is not in a part of a subdivision, the lot width is only required to be 85 feet regardless of whether it is on a corner or if it is an interior lot. Therefore, the petitioner has requested this re-hearing and he has also spoke to the homeowner's association in regard to the development of these two parcels and it would appear that this type of split would be the most advantageous in order to develop the land with houses that are equal to what is in the subdivision adjacent to it. So basically the petitioner is requesting that he be allowed to have an interior lot 75 feet wide where 85 is required.

Mr. Pappageorge requested that he abstain from voting on this item since he lives in the adjacent subdivision and is on the Board of Directors for that subdivision.

Motion by Giachino
Supported by Milia

MOVED, that Mr. Pappageorge be allowed to abstain from voting on this matter.

Ayes: 5
Nays: 1-Reece
Absent: 0

MOTION CARRIED.

William Manninen was present and stated that there is a possibility of three splits, which would be legal splits, however the splits would result in less than desirable splits for the area. It would also not allow for the construction of homes comparable to the area. Mr. Manninen further stated that because he is an investor, he prefers to construct homes that are comparable to the area. He has met with several persons from the subdivision and they agree with his proposed split and the fact that the home will blend with those in the subdivision, stating one would be 2800 square feet and one would be 2400 square feet. Mr. Manninen also noted the fact that the lots are larger than those within the subdivision.

The chairman opened the public hearing.

Michael DeClercq, 5181 Orchard Crest, was present and approved of the variance.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 10 letters of approval on file: Roland A. Watts, 1845 Shenandoah - Thomas and Elizabeth Higgins, 1844 Shenandoah - Helen Pappageorge, 5160 Orchard Crest - Howard and Marcia Romanik, 1836 Shenandoah - Mrs. E. R. Hullinger, 1856 Shenandoah - Francis Plizga, 5152 Orchard Crest - Michael DeClercq, 5181 Orchard Crest. Laura Miros, 5182 Orchard Crest -Mark A. Damico, 1840 Shenandoah - Donna Tafilski, 5144 Orchard Crest.

Motion by Reece
Supported by Miskowitz

ITEM #16.

MOVED, to grant William Manninen, 5120 and 5132 Orchard Crest, a variance for a lot split of 85 feet and 79 feet.

1. The variance is not contrary to public interest.
2. It is not detrimental to the area, in fact, is more desirable and more logical than the type split that could be made without a variance.
3. The variance relates only to the property described in the application.

Ayes: 6
Nays: 0
Abstain: 1-Pappageorge
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #17. VARIANCE REQUESTED: Zenon Piechna, 6305 Brookings, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain a wood deck and the plot plan indicates there will be a 34 foot setback to the rear property line. The Zoning Ordinance requires a minimum 35 foot rear yard setback to an open deck in this residential zoned district. The petitioner is requesting that the board grant relief to allow this 1 foot encroachment.

Zenon Piechna was present and stated that the deck was constructed without any knowledge of the setbacks and requirement for a permit. The deck was constructed with angles that would eventually be in line to connect with a proposed pool and pool decking. At the present time the only way he can remove the part that encroaches would be to remove about one-half the deck and re-build, which would be major re-construction. Mr. Piechna also presented a petition signed by 7 neighbors approving of his variance request.

The chairman opened the public hearing.

Gerald Large, 6256 Brookings was present and stated that he approved of the variance indicating the deck was a credit to the area.

Ed Spraeder was present and approved of the variance.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 12 letters of approval on file: H. Glen Rodway, 6265 Brookings - Gerald A. Jafano, 6365 Brookings - Kenneth Herman, 6385 Brookings - Jerome Liedkiewicz, 6285 Brookings - John P. Bollen, Bollen Building Co., 966 Bridgetown - Mr. & Mrs. William Lomas, 6315 Riverton - Thomas Ellis, 6345 Brookings - Daniel S. Ellis, 6250 Crooks Road - Duane Robertson, 6228 Crooks Road - Gerald Simpson, 6336 Brookings - Richard and Debra Knight, 6256 Brookings - Gerald Large, 6316 Brookings.

Motion by Pappageorge
Supported by Milia

MOVED, to grant Zenon Piechna, 6305 Brookings, a variance, as requested, for relief of the rear yard setback - 34 feet where 35 feet is required.

1. The variance is not contrary to public interest.
2. The variance does not establish prohibited use within the zoning district.
3. The variance will not adversely effect properties in the immediate area or zoning district.

ITEM #17

4. The variance relates only to the property described in the application.
5. The variance is insignificant.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #18. VARIANCE REQUESTED: Mr. & Mrs. Thomas Dunn, 850 Hidden Ridge, for relief of the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an unattached garage 3 feet from the side or south property line. The Zoning Ordinance requires a minimum 6 foot side yard setback from a property line to any accessory building.

Thomas Dunn was present and stated that the detached garages in the area are all 3 feet from the side lot line. To locate the garage 6 feet from the lot line would restrict access because of an existing deck, it would block access to a storage shed on the property. If it were located further back on the lot the shed and a tree would have to be removed and because the lot slopes to the rear, the cost of the concrete would cost considerably more.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 2 letters of approval on file: Robert Howard, 863 Hidden Ridge - Scott & Julie Drouillard, 873 Hidden Ridge.

Motion by Pappageorge
Supported by Dungjen

MOVED, to grant Thomas Dunn, 850 Hidden Ridge, a variance as requested for relief of the side yard setback - 3 feet where 6 feet is required.

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to the property described in the application
5. It is in keeping with the neighborhood.
6. A hardship related to the characteristics of the property has been shown.

Ayes: 6
Nays: 1-Milia
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #19. VARIANCE REQUESTED: Joseph C. Kim, 42675 Dequindre (proposed address), [Korean United Methodist Church] for relief of the 4'6" masonry screening wall required at the north, south and west property lines.

ITEM #19

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a church and the site plan indicates there will be a berm at the north and west property lines adjacent to their off-street parking and also there will be no screening wall at the south property line. The petitioner is requesting relief of this 4'6" screening wall that is required by ordinance and proposes to install the berm on two areas and to omit it in the third area. The site is located on the west side of Dequindre between Long Lake and Square Lake Road.

Joseph Kim and the architect, Arthur Kalajian, were present. Mr. Kalajian explained that they are requesting relief to erect a 4'6" berm at the north and west property lines to allow for future expansion - if they were to erect a wall, then expand their site, it would be very costly. Mr. Kalajian further stated that on the south side of the site, because of the dedication of an easement for a future street, they would only have 15 feet, which is not enough room for the construction of a berm. He indicated that if the road is developed, the wall would serve no useful purpose. The only other alternative would be to utilize the easement for the berm and when the road is developed the berm would have to be removed.

The chairman opened the public hearing.

Charles Schmidt, 2981 Denise, was present and stated he was in favor of a berm, indicating that he does want a separation from parking.

Joe Stawicki, 2869 Denise was present and objected to a variance indicating that the original approved site plan showed walls. Mr. Stawicki indicated that a berm attracts snowmobiles and motorcycles.

There was 1 letter of approval on file: John F. Herr, 42779 Dequindre.

There were 3 letters of objection on file: Thomas Paonessa, 42489 Dequindre - Nancy Iafrate, 2821 Denise - Douglas Burgess, 2872 E. Square Lake Road.

Motion by Giachino
Supported by Pappageorge

MOVED, to grant the Korean United Methodist Church, 42675 Dequindre, a one year renewable variance for relief to erect 4'6" berms at the west, north and south property lines.

1. The variance is granted with the stipulation that a substantial planting of trees and shrubs, enough to protect against motorcycles and snowmobiles, be included in the berm construction.
2. The variance is not contrary to public interest.
3. It does not establish a prohibited use within the zoning district.
4. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
5. Conforming would be unnecessarily burdensome.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO GRANT A ONE YEAR VARIANCE CARRIED.

ITEM #20. VARIANCE REQUESTED: Vern Hammarlund, 135 Park Street, for relief of the required drive width.

ITEM #20

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 60'x70' addition. This addition will result in extending a 20 foot wide access drive that leads to the parking area. The Zoning Ordinance requires that an access drive be a minimum of 22 feet wide and does not permit extension of existing nonconforming dimensions. This site was denied a request for a 14 foot wide driveway in January of 1987. The petitioner now proposes to remove a portion of the existing building in order to obtain at least a 20 foot wide drive.

Arthur Kalajian, the architect, was present. Mr. Kalajian stated that since this was before the board previously, they have come up with the compromise that they would remove a 2 foot wide strip of the building which will increase the drive to 20 feet. The proposed addition would then be kept in line with that building line. The addition is needed for their increased business and if they cannot add on, it will create a severe hardship to the business. Mr. Kalajian stated that they have been in contact with the owner of the adjacent property and the bank that mortgages the property will not allow a sale or easement on any amount of land. Although they cannot purchase additional property for their drive, the owner does permit them to drive on his site, if necessary, since his parking lot abuts Mr. Hammarlund's property and there is no barrier between the properties.

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: Leonard A. Charbonneau, DME Co., 222 Park Street.

Motion by Pappageorge
Supported by Milia

MOVED, to grant Vern Hammarlund, 135 Park Street, a variance, as requested, for relief of the access drive width - 20 feet where 22 feet is required.

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The petitioner has been more than reasonable in making a concession and attempting to comply.
5. The 2 foot in question is an open area.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #21. VARIANCE REQUESTED: Joseph Cracchiola, 4050 Coolidge, (Fellowship United Methodist Church) for relief of the 4'6" masonry screening wall required a the north and east property lines.

Mr. VandenBussche explained that the petitioner contacted the Building Department, indicating that they could not attend the meeting, and requested that their request be tabled until the next regular meeting.

ITEM #21

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: Ada Hayes, 1900 W. Wattles.

Motion by Pappageorge
Supported by Miskowitz

MOVED, to table the request of Joseph Cracchiola, 4050 Coolidge (Fellowship United Methodist Church), for relief of the 4'6" masonry screening wall required at the north and east property lines, until the next regular meeting (November 17, 1987) as requested by the petitioner.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO TABLE UNTIL NEXT REGULAR MEETING (November 17, 1987) CARRIED.

The Board of Zoning Appeals Meeting adjourned at 10:55 p.m.

GV/ddb