

A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, March 15, 1988 by the Chairman, John Lovio.

PRESENT: Peter Dungjen
James Giachino
John Lovio
James Starr

ABSENT: John Pappageorge

ITEM #1. Approval of Minutes - February 16, 1988

Motion by Giachino
Supported by Milia

MOVED, to approve the February 16, 1988 minutes as presented.

Ayes: 4
Nays: 0
Abstain: 1-Starr
Absent: 1-Pappageorge

MOTION TO APPROVE CARRIED.

ITEM #2. RENEWAL REQUESTED: Edward J. McTaggart, 840 E. Big Beaver for relief of the 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 south property line of this site that abuts residential zoning. This relief was originally granted in 1983, primarily due to the fact that the Master Land Use Plan indicated that the land to south could become non-residential in the future. Conditions regarding this request remain the same and we have no objections or complaints in the file.

Charles Reed was present to represent the petitioner and had nothing to add.

Motion by Milia
Supported by Starr

MOVED, to grant Edward J. McTaggart, 840 E. Big Beaver Road, renewal of the variance for relief of the masonry screening wall required at the off-street parking.

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

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3. RENEWAL REQUESTED: Michigan Bell Telephone Company, 6950 Crooks, for relief of the 4'6" masonry screening wall required at the off-street parking.

Mr. VandenBussche explained that the petitioner is requesting renewal for relief of a 4'6" masonry screening wall required at the off-street parking area of this site. This variance has been granted on a yearly basis since 1971, primarily due to the fact that the adjacent land is undeveloped. Conditions remain the same and we have no objections or complaints regarding this matter, in our file.

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ITEM #3.

Jim Donovan was present to represent Michigan Bell and confirmed that there have been no changes.

Motion by Giachino
Supported by Dungjen

MOVED, to grant Michigan Bell Telephone, 6950 Crooks Road, renewal of their variance for relief of the 4'6" masonry screening wall required adjacent to the off-street parking.

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

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4. RENEWAL REQUESTED: Faith Lutheran Church, 37635 Dequindre, for relief of the 4'6" masonry screening wall required at the west and north property lines adjacent to off-street parking.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted, by this board, for the requirement of a 4'6" masonry screening wall along the west and north edge of their off-street parking area. This relief has been granted on a yearly basis since 1976 and in 1984 when they expanded the parking lot, the Board granted additional relief for the new areas that required screening walls. Conditions adjacent to the areas on the site remain the same and we have no objections or complaints on file regarding this renewal request.

Galin McDonald was present to represent the church and stated that there are no changes.

Motion by Milia
Supported by Dungjen

MOVED, to grant Faith Lutheran Church, 37635 Dequindre, renewal of their variance for relief of the 4'6" masonry screening wall required at the west and north property lines adjacent to off-street parking.

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

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5. RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to maintain a dumpster in their parking area.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this board, to maintain a dumpster enclosure within the parking lot. This variance was originally granted in 1983 based on the fact that the petitioner indicated that the enclosure was only to screen a dumpster and would not affect the required parking on the site. Conditions remain the same and we have no complaints or objections in the file regarding this request for renewal.

ITEM #5.

James Christenson was present to represent Muffler Man and had nothing to add.

Motion by Giachino
Supported by Milia

MOVED, to grant Muffler Man, 34835 Dequindre, renewal of their variance for relief to maintain a dumpster enclosure in their parking area.

1. The conditions remain the same.
2. There are no complaints or objections on file.
3. The area has been kept in such a manner that the appearance is not a problem.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. RENEWAL REQUESTED: Bellemead of Michigan, 4555 Corporate Drive, 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 Giachino

MOVED, to table the request of Bellemead of Michigan until the end of the agenda (Item #14) to allow the petitioner the opportunity to be present.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION CARRIED.

ITEM #7. RENEWAL REQUESTED: Maple Commerce Park, N. of Maple W. of Livernois, for relief of the 6 foot masonry screening wall required along the north and a portion of the east property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this board, to provide a landscaped berm in lieu of the 6 foot masonry screening wall that is required along their north property line and a portion of the east property line. This variance was granted in March of 1987 based on the fact that the adjacent residents would prefer this type of screening. This complex is still not under construction and the site plan that was approved for this complex is valid until July of 1988. The petitioner is requesting that this renewal be granted so that he will be capable of starting construction before his Plan Commission approval runs out.

Stuart Frankel was present and requested that the board consider renewal of his variance, indicating that they do hope to start the project within 6 to 8 months, they are holding off until they get a tenant for a substantial portion of the project.

Motion by Milia
Supported by Dungjen

ITEM #7.

MOVED, to grant Maple Commerce Park, N. of Maple -W. of Livernois, renewal of their variance for relief of the 6 foot high masonry screening wall required along the north and a portion of the east property lines.

1. This is a continuation of a previously granted variance.
2. There are no complaints on file.
3. It allows the petitioner the capability of starting before his Plan Commission approval expires

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8. VARIANCE REQUESTED: Ray and Ann Hanson, 5229 Allison, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting permission to maintain a combination gazebo and open deck that is located 21 feet from the rear lot line. The Zoning Ordinance requires a minimum 30 foot setback to an open patio/gazebo in this zoning district. This hearing is part of a clarification of what is required for gazebos. If the gazebo is free standing then approval of its placement must be by the Board of Zoning Appeals. If it is part of an open patio then it must abide by the same setback requirements as an open patio. In this case it is part of the patio and encroaches into the required rear yard setback. The petitioner is requesting relief to be allowed to maintain or keep this gazebo at the location where it encroaches 9 feet into the required rear yard setback.

Ray and Ann Hanson were present. Mrs. Hanson explained that they obtained a permit for a deck and detached gazebo. At a later date, they constructed the walkway under the assumption that further permits were not required and that it was an approved connection. The walkway is only 4 feet long and makes access to the gazebo much easier. They both have elderly parents and it would be very difficult for them to exit from the deck and then walk around and up to the gazebo. The walkway provides much easier and safer condition. To remove it would be impractical.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 5 letters of approval on file: Thomas Myris, 5197 Allison - Chris Felice, 5222 Allison - Robert Angell, 5116 Prentis - David Lakin, 5152 Prentis - Greg Masterson, 5140 Prentis.

The Building Department also received a telephone call from Salim Momin, 5164 Prentis, stating that he approved of the walkway connection.

Motion by Milia
Supported by Dungjen

MOVED, to grant Ray and Ann Hanson, 5229 Allison, a variance, as requested, to maintain a gazebo with a rear yard setback of 21 feet where 30 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.

ITEM #8.

3. The variance will not cause an adverse effect to the properties in the immediate area.
4. The variance relates only to the property in question.
5. Conforming would be unnecessarily burdensome and without merit.
6. The variance is not excessive - the petitioner complied with the spirit of the ordinance when the requirements were established.
7. There are 5 approvals and no objections on file.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO APPROVE REQUEST CARRIED.

ITEM #9. VARIANCE REQUESTED: J.S.A. Construction, 199 Lyons,
for relief of the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 24'x20' detached garage. The plot plan indicates that the garage will be 3 feet from the side lot line. The Zoning Ordinance requires a minimum 6 foot side yard setback to any accessory structure in a residential zoned district.

Howard Kern of J.S.A. and the owner Julie Saroki were present. Mr. Kern cited other garages in the area with 3 foot setbacks. He also stated that if the garage were moved over an additional 3 feet it would be almost impossible to maneuver a car into the garage because in order to meet the rear yard setback the garage is only 17 feet from the house. Julie Saroki stated that to move the garage over further would place it directly in front of a large window where she proposed a deck. Ms. Saroki also noted that the lots were very small and limited any type of garage construction.

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: David A. Barber, 222 Sheffield and Paula Scott, 224 Lyons.

There were 2 letters of objection on file: Frank Foss, 152 Kenyon and John Kempf, 104 Kenyon.

Motion by Giachino
Supported by Dungjen

MOVED, to grant J.S.A. Corporation, 199 Lyons, a variance, as requested, for relief to construct a detached garage that will result in a 3 foot side yard setback 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 will not cause an adverse effect to properties in the immediate vicinity.
4. The variance relates only to the property described in the application.
5. Public safety, health or welfare will not be negatively affected by the variance.
6. Conforming would be unnecessarily burdensome.
7. There is a practical difficulty in that the lots are small and the construction is not unreasonable and the variance is not excessive.

ITEM #9

Ayes: 4
Nays: 1-Milia
Absent: 1-Pappageroge

MOTION TO APPROVE REQUEST CARRIED.

ITEM #10. VARIANCE REQUESTED: Srikant & Devika Raghavan, 2841
Renshaw, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 16'4"x20' addition onto the rear of an existing residence. The plot plan indicates that the proposed addition would result in a 20 foot rear yard setback. The Zoning Ordinance requires a minimum 35 foot rear yard setback in this residential zoned district.

Srikant and Devika Raghavan were present and stated that the house has no basement, their family room is small (16x12) and they have 4 bedrooms. They now have 2 children and they are proposing an addition to their family room, with a basement under it. This will give their children more room to play. They feel that if they cannot construct the size addition desired they will probably have to move and their children would have to change schools. Also, to construct a smaller addition is not practical, as the cost would be almost the same as it would be to construct the larger size addition.

The chairman opened the public hearing.

Wesley Hayes, 2776 Windsor, was present and stated that his property is directly behind the petitioners and he does not approve of the encroachment.

There were no further comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: S. H. Smalley, 2792 Windsor.

There was 1 letter of objection on file: Michael and Ruth Freeman, 2744 Windsor.

Motion by Milia
Supported by Starr

MOVED, to deny the request of Srikant and Devika Raghavan, 2841 Renshaw, for relief to construct a 16'4"x20' family room addition which would result in a 20 foot rear yard setback where 35 feet is required.

1. The variance would be contrary to public interest, as evidenced by the two objections.
2. The petitioner has not presented a practical difficulty or hardship relating to the property; there would be no significant natural resources or features affected.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO DENY REQUEST CARRIED.

ITEM #11. VARIANCE REQUESTED: Gust Papadelis, 3305 John R., for
relief to remove 7 greenhouses and construct 1 greenhouse.

Mr. VandenBussche explained that the petitioner is requesting a permit to remove 7 existing greenhouses that have a total square footage 14,800 square feet. The petitioner is then proposing to construct 1 large greenhouse, 14,500 square feet in area. This use is an existing non-conforming use in a residential area and the Zoning Ordinance does not permit reconstruction or moving of non-conforming uses and structures. It is the petitioner's contention that what he is taking away is going to be more than what he is reconstructing and he indicates that it will make a better site by having just one non-conforming structure rather than the existing seven.

Gust Papadelis and his son George Papadelis were present. The petitioners stated that they were requesting approval to remove 7 greenhouses, which are deteriorating, and replace them with 1 greenhouse which would be more aesthetically pleasing for the area, be more cost, fuel, and labor efficient. This will not increase their business nor increase the non-conformity. It is in fact decreasing the structure size and will certainly be more attractive. The petitioner stated that if they cannot obtain a variance they will have to continue operating from the present greenhouses.

The chairman opened the public hearing.

George Chicklas, 1927 Crimson, was present and objected to the variance.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 3 letters of approval on file: Mr. & Mrs. Jack Milgliore, 2012 Niagara - Daisey M. McCallum, 1834 Lakewood - Stanley and Denise Moore, 1842 Lakewood.

There was 1 letter of objection on file: Demertrios Nakis, 2048 Niagara.

Motion by Milia
Supported by Starr

MOVED, to table the request of Gust Papadelis, 3305 John R. for relief to remove 7 greenhouses and replace them with one greenhouse, until the next regular meeting, April 19, 1988.

1. Tabling action will allow the board to obtain more information and more accurate drawings regarding the site.
2. Tabling action will allow the petitioner to react to the questions of the concerned neighbor, possibly working out the problems and presenting an approval at the next regular meeting.
3. Tabling action will allow the petitioner the benefit of a full board.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING (April 19, 1988)
CARRIED.

ITEM #12. VARIANCE REQUESTED: Richard and Bonnie Wojewoda, 2400 Hampton, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 19'5"x20' addition to the rear of an existing residence. The proposed addition would result in a 33'4" rear yard setback. The Zoning Ordinance requires a minimum 45 foot rear yard setback to a residential structure in this residential zoning district. The petitioner is requesting relief to encroach approximately 12 feet into the required setback.

Bonnie Wojewoda was present and stated that they need the added room for their family. They are proposing to construct a den/study where their patio is presently located. The proposed addition will allow them to provide another bedroom from a room that is presently used as a den. They presently have two children in one room and would like them to each have their own room. Mrs. Wojewoda noted that they do have a shallow rear yard because of a greater front setback. They considered an addition on the front, but feel it would not work out aesthetically and they would have to remove the existing circular drive. She further stated that she had spoke with the neighbor to the rear and the neighbor northwest of their property and they both approve.

The chairman opened the public hearing.

Tim Currier, 2437 Chelsea, was present and stated that he lives behind and over one lot from the petitioner, and has no objection to the variance.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 6 letters of approval on file: Scott Nagel, 3168 Newport - M. W. Moors, 3167 Newport Ct. - James M. Vogt, 2529 Hampton Ln. - James P. Pulte, 2508 Chelsea Ln. - Richard E. Doyle, 2415 Chelsea Ln. - Thomas R. Demrick, 3180 Newport Ct.

Motion by Milia
Supported by Dungjen

MOVED, to grant Richard and Bonnie Wojewoda, 2400 Hampton, a variance as requested, for relief to construct a 19'5"x20' addition which will result in a rear yard setback of 33'4" where 45 feet is required.

1. The variance is not contrary to public interest as evidenced by the number of approvals on file.
2. The variance will not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The petitioner has a practical difficulty in that their family has outgrown their present home.
5. The petitioner has a hardship due to unusual characteristics of the lot in that the home has a greater than normal setback from the front property line.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO APPROVE REQUEST CARRIED.

ITEM #13. INTERPRETATION REQUESTED: Prakash C. & Sudha Jain, 2801 John R., for an interpretation that would allow the operation of an automobile service facility in a building that faces on a major thoroughfare.

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ITEM #13

Mr. VandenBussche explained that the petitioner is requesting an interpretation of the Zoning Ordinance that would allow him to operate an automobile service facility (collision shop) in the west half of a building that is addressed on John R. and has only access to an interior street (Lincoln). The Zoning Ordinance requires that any type of auto service facility be located within the interior of a industrial zoned district with no access or frontage on a major thoroughfare. This site is considered to have frontage on a major thoroughfare and even though the petitioner is going to occupy the half of the building that is furthest away from the thoroughfare, it is still considered as having major thoroughfare frontage. The petitioner is requesting an interpretation of the Ordinance to indicate that this condition would comply with the requirement for interior street location.

Prakash and Sudha Jain were present. Mr. Jain stated that they are proposing to buy the building, subject to a favorable interpretation by the Board. They feel that the spirit of the ordinance is being met in that the zoning is correct and they do not exit directly onto a major street. They feel that the location would be easy for customers. Mr. Jain stated that there will be no outside storage of vehicles. As the board questioned Mr. Jain, he indicated that he proposed to have his sign on John R. and he would probably use part of the front portion of the building for storage and an office and possibly lease office area to someone else.

The chairman opened the public hearing.

Jack Heinman was present to represent Beaver Precision Products, 1970 E. Big Beaver, and stated that they had no objection to the proposed use.

Mr. & Mrs. Ingram, owners of the building, were present and approved, indicating that so far they have not been able to lease or sell the building.

There were no further comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: Michael Harding, Pastor, First Baptist Church of Troy, 2601 John R.

Motion by Giachino
Supported by Starr

MOVED, that the interpretation as requested by Prakash C. & Sudha Jain, 2801 John R. that the collision shop would not be on a major road because the drive is off a secondary road is denied because the collision shop would have major road frontage and signage.

Ayes: 4
Nays: 1-Milia
Absent: 1-Pappageroge

MOTION TO DENY REQUEST CARRIED.

ITEM #14 (Item #6) RENEWAL REQUESTED: Bellemead of Michigan, 4555 Corporate Drive, for relief of the 6 foot masonry screening wall required along the south property line.

The petitioner was not present.

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ITEM #14 (Item #6)

Motion by Milia
Supported by Starr

MOVED, to table the request of Bellemead of Michigan, 4555 Corporate Drive, for relief of the 6 foot masonry screening wall required along the south property line until the next regular meeting (April 19, 1988) to allow the petitioner the opportunity to be present.

Ayes: 5
Nays: 0
Absent: 1-Pappageorge

MOTION TO TABLE UNTIL NEXT REGULAR MEETING (APRIL 19, 1988) CARRIED.

The Board of Zoning Appeals adjourned at 9:20 p.m.

GVB/ddb

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