

A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, June 21, 1988 by the Chairman, Carmelo Milia.

PRESENT: Peter Dungjen
James Giachino
Gary Lepp
Carmelo Milia
Sherwood Shaver

ABSENT: John Lovio
John Pappageorge

ITEM #1. Approval of Minutes - May 17, 1988 Regular Meeting
May 31, 1988 Special Meeting

Motion by Dungjen
Supported by Lepp

MOVED, to approve the May 17, 1988 Regular Meeting Minutes and the May 31, 1988 Special Meeting Minutes as written.

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

MOTION TO APPROVE CARRIED.

ITEM #2. RENEWAL REQUESTED: St. Mark Coptic Church, 3603 Livernois
for relief of the 4'6" masonry screening wall required
along the north and south property lines.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a berm with landscaping and natural screening elements in lieu of the 4'6" masonry screening wall required adjacent to their off-street parking. This parking is presently screened by a berm to the north and natural vegetation to the south. This renewal has been granted on a yearly basis since 1978 and we have no recent objections or complaints in our file regarding this request.

Father Michail was present and had nothing further to add.

Motion by Giachino
Supported by Dungjen

MOVED, to grant St. Mark Coptic Church, 3603 Livernois, renewal of the variance for relief of the 4'6" masonry screening wall required along the north and south property lines, based on the following:

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

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3. RENEWAL REQUESTED: Bloomfield Management/Troy Commerce Center, 1100-1170 E. Big Beaver Road, for relief to
maintain parking in the required front setback.

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

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ITEM #3

William Haynes, property manager, was present and had nothing further to add.

Motion by Shaver
Supported by Dungjen

MOVED, to grant Bloomfield Management/Troy Commerce Center, 1100-1170 E. Big Beaver, renewal of the variance for relief to maintain parking in the required front setback, based on the following:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The conditions remain the same.

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4. RENEWAL REQUESTED: Wattles Square Center, 3892-3996 John R. for relief of the 6 foot masonry screening wall required at the east property line.

Mr. Stimac explained that the petitioner is requesting relief to maintain a 3-1/2 foot landscaped berm along the east property line in place of a required 6 foot masonry wall, where the commercial property abuts residential zoning. This variance was originally granted in June of 1985 based on the fact that the petitioner owned the property to the east and the variance does not create an adverse effect to the neighboring property owners or that residential zoning district. Conditions remain the same and we have no objections or complaints on file regarding this request.

Richard Atto was present and had nothing to add.

Motion by Giachino
Supported by Lepp

MOVED, to grant Wattles Square Center, 3892-3996 John R., renewal of the variance for relief of the 6 foot high masonry screening wall required at the east property line, based on the following:

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

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5. RENEWAL REQUESTED: Zion Evangelistic Temple, 3668 Livernois, for relief of the 4'6" masonry screening wall required along the south property line.

Mr. Stimac explained that the petitioner is requesting renewal of a relief granted, by this board, to maintain a 4'6" berm along their south property line adjacent to the off-street parking area. This relief has been granted on a yearly basis since 1985 and the conditions remain basically the same. We have had no recent complaints or objections and the church does provide regular maintenance on the berm.

Mac McCormick was present to represent the church and had nothing further to add.

ITEM #5.

Motion by Giachino
Supported by Shaver

MOVED, to grant Zion Evangelistic Temple, 3668 Livernois renewal of the variance for relief of the 4'6" masonry screening wall required along the south property line, based on the following:

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

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. RENEWAL REQUESTED: 1000 John R. Associates, 1000 John R., for relief of the 6 foot masonry screening wall required along the north and south property lines.

The petitioner was not present.

Motion by Shaver
Supported by Lepp

MOVED, that this item be tabled until the end of the agenda (Item #20) to allow the petitioner the opportunity to be present.

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

MOTION CARRIED.

ITEM #7. RENEWAL REQUESTED: Lutheran Church of The Master, 3333 Coolidge, for relief of the 4'6" masonry screening wall required along the west property line.

Mr. Stimac explained that the petitioner is requesting renewal of a relief granted, by this board, in regard to a 4'6" masonry screening wall required at the west property line. In 1976 a permanent relief was granted to allow the landscaped berm along 80 feet of the west property line as an obscuring element. In 1981 the parking was increased and the board allowed this berm to be extended. The extension relief has been on a yearly basis since then. Conditions remain the same and we have no objections or complaints on file regarding this request.

Thomas Freed was present to represent the church and had nothing to add.

Motion by Giachino
Supported by Dungjen

MOVED, to grant Lutheran Church of the Master, 3333 Coolidge, renewal of the variance for relief of the 4'6" masonry screening wall required along the west property line abutting off-street parking, based on the following:

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

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8. RENEWAL REQUESTED: Troy Baptist Church, 3193 Rochester Road, for relief of the 4'6" masonry screening wall required adjacent to the off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief for the 4'6" masonry screening walls required along their north and south property lines. These walls are required for the off-street parking areas. There is a wall to the west. Based on the fact that the church owns most of the property to the north and south, the board has renewed this relief each year since 1980. Conditions remain the same and we have no objections or complaints on file regarding this request.

Richard Harding, Church Trustee, was present and had nothing further to add.

Motion by Shaver
Supported by Lepp

MOVED, to grant Troy Baptist Church, 3193 Rochester Road, renewal of the variance for relief of the 4'6" masonry screening wall required adjacent to the off-street parking, based on the following:

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

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9. RENEWAL REQUESTED: Northfield Hills Baptist Church, 1800 W. Long Lake Road, for relief of the 4'6" masonry screening wall required along the east property line abutting off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted, by this board, to erect a 4'6" landscaped berm at their off-street parking area, in lieu of the required masonry screening wall. Construction has just been completed on this site and there is some berming now installed and they have just about completed the landscaping. This item was tabled at the April meeting for 60 days to allow the petitioner the opportunity to complete the landscaping and respond to concerns of neighbors regarding ponding on the site. It is my understanding that they have resolved most of the problems and there may be some additional drainage work that has to be done. We do not have any recent objections regarding this request for renewal. Mr. Stimac further indicated that the petitioner has asked for tabling action until the July meeting, stating that they are presently working with a landscaping company on additional grading that is needed.

Darrell Spencer was present to represent the church and confirmed that they would like a tabling action.

Motion by Giachino
Supported by Lepp

MOVED, to table the request of Northfield Hills Baptist Church, 1800 E. Long Lake until the next regular meeting (July 19, 1988) as requested by the petitioner.

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

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

ITEM #10. RENEWAL REQUESTED: K mart, 100 E. Maple Road, for relief to permit the outdoor display and sale of plants and flowers.

Mr. Stimac explained that the petitioner is requesting permission to renew a variance allowing the outdoor display area in front of this store along the north side of the fenced area and a 4 foot section of sidewalk adjacent to their building west of the canopy. The display will be used for plants and flowers. This relief has been granted on a yearly basis since 1980 and we have not had any recent complaints or objections regarding this request. The length of time that this request is valid is usually through the months of April to July and the display is limited to living plants and flowers. This item was tabled at our last regular meeting to allow the petitioner to be present.

Bruce Perry was present to represent K mart and requested that the board consider allowing display to within 8 feet of the wall.

Mr. Perry was advised that the request would require a new application and public hearing.

Motion by Giachino
Supported by Dungjen

MOVED, to grant K mart, 100 E. Maple renewal of the variance for relief to permit the outdoor display and sale of living plants and vegetables, in a designated area, through July 1988 and re-schedule the renewal date to the month of March so the request will appear before the Board prior to the display being set up.

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

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

MOTION TO RENEW VARIANCE CARRIED.

ITEM #11. RENEWAL REQUESTED: Jack Christenson, Inc. Realtors, 2280 W. Big Beaver, for relief of the 6 foot masonry screening wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief for a 6 foot high masonry screening wall required along the north property line of the site adjacent to residential zoning. This relief was originally granted in the 1970's, primarily due to the fact that the adjacent residential land to the north contained a large retention pond. Conditions remain the same and we have no objections or complaints in the file regarding this request. This item was tabled at the last regular meeting to allow the petitioner to be present.

Jack Christenson was present and had nothing to add.

Motion by Dungjen
Supported by Shaver

MOVED, to grant Jack Christenson, Inc. Realtors, 2280 W. Big Beaver Road, renewal of the variance for relief of the 6 foot high masonry screening wall required along the north property line, based on the following:

1. The conditions remain the same.
2. The variance does not create an adverse effect to properties in the immediate vicinity or zoning district.

ITEM #11.

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #12. VARIANCE REQUESTED: Big Beaver/Liberty Limited Partnership and Livernois Hotel Associates Limited Partnership, 50, 100, 200 W. Big Beaver Road, for relief of the required setback from the west and east property lines.

Mr. Stimac explained that the petitioner is requesting an additional variance in regard to distances to lot lines. The petitioner is requesting to split the property and this split would result in a setback of 64 feet to the proposed westerly property line of the proposed office building parcel and the Zoning Ordinance would require 74.45 feet. There is also a setback of 105 feet to the hotel tower where 111 feet is required to the easterly property line of the proposed hotel parcel. The entire site required five variances in regards to distances to lot lines. At our last regular meeting, the board approved 3 of the variances. In order to complete the variance procedure, these two additional variances would have to be granted. New public hearings were sent out explaining the additional variances required and now the petitioner is requesting that the board take formal action on them.

Kim Yamasaki was present to represent the petitioners and asked if the board had any additional questions or if he could clarify any of the presentation from the last meeting, which he requested be incorporated into the minutes of this meeting: Norman Hyman, Kim Yamasaki, Michael Kojanian and Charles Perlow were present at the May 31, 1988 meeting and Mr. Hyman explained the history of the site and how the two office buildings were planned as phase 1 of the project and the hotel as phase 2 and the site plan was originally under one ownership. The location of the buildings has not changed, however in order to obtain separate financing, the portion of the property the hotel is located on must be a separate entity and requires a property split. Without the variance, a property split cannot be made and the project could not continue.

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 Big Beaver/Liberty Limited Partnership and Livernois Hotel Associates Limited Partnership, 50, 100, 200 W. Big Beaver Road, a variance as requested, for relief of the required setback from the west and east property lines - 64 feet from the westerly proposed property line to the proposed office building where 74.45 feet is required and a 105 foot setback, from the easterly property line to the proposed hotel tower where 111 feet is required, based on the following:

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 relates only to the property described in the application.
4. The properties are effectively under one ownership.
5. Conforming would be unnecessary burdensome.

ITEM #12.

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

MOTION TO APPROVE REQUEST CARRIED.

ITEM #13. VARIANCE REQUESTED: James Hand, 645 E. Maple Road, for relief to exceed the square foot area allowed for an office building

Mr. Stimac explained that the petitioner is requesting a permit to construct a three-story office building. The plans indicate that the office building will have a total floor area of 18,310 square feet. The Zoning Ordinance allows only 14,550 square feet of office area on a site of this size. It may be noted that originally this site plan and office building was approved and the petitioner failed to obtain a permit within the year time limit specified on the Plan Commission approval. Subsequently, the Ordinance was changed and the density of office area became more restricted. This resulted in the plans for this building being in violation of the Ordinance in regards to the square foot permitted.

James Hand, representative of the petitioner, Dennis Maynard, representing the contractor and Garnet Cousins, the architect were present. Mr. Hand stated that the building did receive site plan approval in June of 1986 and they were not able to construct the building within the one year period of time due to financing problems. They now have plans and have selected a contractor but are not able to secure a permit due to a change in the density requirements. A change in the building, at this time, would cause a substantial financial hardship. Dennis Maynard stated that the proposed building is a medical building and was designed around the equipment, which has been purchased. Garnet Cousins explained that one piece of equipment, a M.R.I. scanner, is only granted through a "Certificate of Need" which is very hard to get and it has been granted to that site.

The board questioned the petitioners about down-sizing the building except for the basement, in that their drawings showed the equipment was in the basement area, indicating that the site is a buildable site. The petitioners reiterated their desire for the size building as requested.

The chairman opened the public hearing.

Yvonne B. Kanar, 1692 Westwood, was present and objected to the request, indicating over-building and the fact that the proposed use of the building would generate a lot of additional traffic. Mrs. Kanar also stated that there were others that objected but were at another meeting regarding paving.

Lawrence Wesley, 1663 Westwood, was present and objected for the same reasons, adding he feels it will obstruct the view of traffic.

Carlos Samano, 1693 VanCourtland was present and objected for the same reasons.

There were no further comments from the audience.

There were 2 letters of objection on file: Christine M. Campbell, 626 E. Maple - Charles and Lilly E. Wallace, 1716 Westwood.

There were 2 letters of approval on file: Ernest and Dorothy Bergman, 590 E. Maple - Rupert Reisenberger, 1445 Rochester Road.

Motion by Giachino
Supported by Dungjen

ITEM #13.

MOVED, to deny the request of James Hand, 645 E. Maple Road, for relief to exceed the square foot area allowed for an office building - 18,310 square feet where 14,550 square feet would be allowed, based on the following:

1. The petitioner has not demonstrated sufficient hardship. Although, the petitioner has received a grant for the M.R.I., plans show equipment to be in basement.
2. The site is buildable, plans could be modified to build within the Ordinance.

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

MOTION TO DENY REQUEST CARRIED.

ITEM #14. VARIANCE REQUESTED: Leonard Shorter, 1960 Beech Lane, for relief to exceed the square foot area allowed for an accessory building.

Mr. Stimac explained that the petitioner is requesting a permit to construct a 756 square foot detached garage. The Zoning Ordinance limits detached accessory buildings to one-half the square foot area of the main structure or house with a limit of 600 square feet for any accessory building on a site that the main structure would not qualify for. This site would be permitted an accessory building of 600 square feet and the petitioner is requesting a variance of 156 square feet on his application.

Leonard Shorter was present and indicated that the garage, as proposed, is needed for the storage of his vehicles, which includes 2 corvettes, his family car, lawn equipment and other articles which cannot be stored in the basement because of the basement size and the finished area of the basement. He feels the garage is not out of place in the neighborhood, citing other garages of the same size or larger. Also, stating that 156 square feet is not a large area.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 6 letters of approval on file: Larry B and Marjorie A. Wagner, 1971 Kirkton - Shirley A. Avery, 1899 Kirkton - James P. Sullivan, 1938 Beech Lane - Leszek Musial, 1895 Beech Lane - Brian Krol, 2106 Beech Lane - Ronald M. Sylva, 1946 Beech Lane.

Motion by Dungjen
Supported by Shaver

MOVED, to grant Leonard Shorter, 1960 Beech Lane, a variance as requested, for relief to construct a 756 square foot garage where 600 square feet would be allowed, based on the following:

1. The variance is not contrary to public interest as demonstrated by the number of approvals on file.
2. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.

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

MOTION TO APPROVE REQUEST CARRIED.

ITEM #15. VARIANCE REQUESTED: First Presbyterian Church of Troy, 4328 Livernois, for relief of the 4'6" masonry screening wall required along the south, east and north property lines.

Mr. Stimac explained that the petitioner is requesting a permit to construct an addition to their church. The site plan indicates there will be no 4'6" masonry screening walls at the off-street parking areas that they provide for their church use. The Zoning Ordinance would require a masonry screening wall along the south, east and north property lines that abut their off-street parking. Their plans indicate there is much natural screening in the areas that the off-street parking occurs.

Charles Brownell, Vice Chairman of the Church's Building Committee was present and indicated that to install a wall would be a hardship and would serve no practical purpose, because of the following conditions: The school district administrative offices are to the north and they have a permanent variance for relief of the wall along their portion of the common lot line. The church owns 10 acres and is using only 5 acres, which leaves approximately 450 feet between them and the vacant adjoining school district property to the east. To the south there is a dense woods and it is 200 feet to the abutting residential area. Also, to construct the wall trees would have to be destroyed.

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: Ann Cowsert, 55 Webb and Gerald Davis, 168 Randall.

Motion by Giachino
Supported by Shaver

MOVED, to grant the First Presbyterian Church of Troy, 4328 Livernois, a one year renewable variance for relief of the 4'6" masonry screening wall required along the south, east and north property lines abutting off-street parking, based on the following:

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to the property owners in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application
4. There is considerable distance to the nearest residential area and their property is screened by woods to the south, and the adjacent property to the north and east is owned by the school district.

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

MOTION TO APPROVE VARIANCE FOR ONE YEAR CARRIED.

ITEM #16. VARIANCE REQUESTED: Straith Properties, 1881-1977 South Boulevard, for relief of the 6 foot masonry screening wall required along the east property line.

Mr. Stimac explained that the petitioner is requesting permission to continue construction on a shopping center and the revised site plans indicate that there is no 6 foot masonry screening wall, as required, along the east property line of their site which abuts residential. The Zoning Ordinance requires a 6 foot high decorative masonry screening where non-residential abuts residential. The land to the east is zoned residential and the master land use plan indicates that it will continue to be residential. Therefore, relief of this wall would probably would not be in the best interest of the City.

ITEM #16.

James Straith was present and stated that they own the abutting property and intend to seek re-zoning for non-residential use. If granted, they would use the site in conjunction with their present development and would have to then demolish the wall.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Lepp

Supported by Dungjen

MOVED, to deny the request from Straith Properties, 1881-1977 South Boulevard, for relief of the 6 foot masonry screening wall required along the east property line where non-residential abuts residential, based on the following:

1. The variance would be contrary to public interest.
2. The variance could cause an adverse effect to properties in the immediate vicinity.

Ayes: 5

Nays: 0

Absent: 2- Lovio, Pappageorge

MOTION TO DENY REQUEST CARRIED.

ITEM #17. VARIANCE REQUESTED: Charles Yount, 1655 Hallmark for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct a wood deck. The proposed open deck would result in a 32 foot setback from the rear property line. The Zoning Ordinance requires a minimum 35 foot rear yard setback to an open deck in this residential zoned district.

Charles Yount was present and stated that to move the hexagon portion of the deck closer to the house would prevent him from planting a tree on that side of the home to provide shade to the dining room as the rear of the home has a southern exposure. To re-design the deck would cause him to move trees and re-design landscaping. The deck was designed to be the same as the deck at his previous home in order to allow for practical movement around their table and chairs. Mr. Yount stated he feels it is a minor variance, as only a 3 foot portion of the hexagon encroaches into the setback.

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: Anthony and Diane Sacco, 1682 Hallmark and Dennis and Susan Zacharski, 4410 Deacon.

Motion by Giachino

Supported by Dungjen

MOVED, to deny the request of Charles Yount, 1655 Hallmark, for relief of the rear yard setback, 32 feet where 35 feet is required, based on the following:

1. The petitioner has not demonstrated a hardship - the petitioner is able to build within the code.

ITEM #17.

Ayes: 4
Nays: 1- Shaver (Denial of variance is not justified)
Absent: 2- Lovio, Pappageorge

MOTION TO DENY REQUEST CARRIED.

ITEM #18. VARIANCE REQUESTED: Anthony Versaci, 4889 Rochester Road (Burger King), for relief of the 6 foot masonry screening wall required along the west property line.

Mr. Stimac explained that the petitioner is requesting a revision to his approved site plan to eliminate a 6 foot high masonry screening wall required along the west property line of their site which abuts residential zoning. The Zoning Ordinance requires a 6 foot high decorative masonry screening wall where non-residential abuts residential. Again, the land to the west is zoned in a residential category and the master land use plan indicates that it will remain as such. Therefore, a 6 foot masonry wall along this property line would be proper.

Glenn Remus, Construction Engineer was present and stated that they are asking relief of the wall in that their site is 2.4 acres, 560 feet deep, and they are only developing the front 320 feet. There is a heavy wooded area and a retention pond behind the site and to construct a wall would serve no practical purpose. Also, they hope to negotiate with the neighbor to obtain additional property and request re-zoning to non-residential.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There was 1 letter of objection on file: John Goldstone, Vice President, Versatube, 4755 Rochester Road.

Motion by Dungjen
Supported by Giachino

MOVED, to deny the request of Anthony Versaci, 4889 Rochester Road (Burger King), for relief of the 6 foot high masonry screening wall required along the west property line abutting residential, based on the following:

1. The petitioner has not demonstrated a practical difficulty or hardship.

Ayes: 3
Nays: 2- Milia and Shaver
Absent: 2- Pappageorge, Lovio

MOTION FAILS.

Motion by Shaver
Supported by Milia

MOVED, to approve the request from Anthony Versaci, 4889 Rochester Road (Burger King), for relief of the 6 foot high masonry screening wall required along the west property line, based on the following:

1. The variance is not contrary to public interest.
2. The variance will not establish a prohibited use within the zoning district.

Ayes: 2
Nays: 3- Dungjen, Giachino, Lepp
Absent: 2- Pappageorge, Lovio

MOTION FAILS, REQUEST DENIED.

ITEM #19. VARIANCE REQUESTED: City of Troy, 1019 E. Big Beaver Road, for relief of the 5 foot high berm required along the east property line.

Mr. Stimac explained that the petitioner is requesting relief of a requirement for a 5 foot berm along the east edge of the off-street parking area for the Fire Station #1 which is under construction at the present time. Ultimately the site will include this land to the east. The agreement the City has with the owner, to the east, is that he may use the property up to a time not to exceed 10 years. In the meantime, in order to qualify for compliance with the Ordinance, a variance is requested for the masonry wall required and the City proposes some type of fencing and landscaping in lieu of the wall.

Alicia Worthley, Senior Right-of-Way Representative was present to represent the City and stated that the 5 foot required berm will be installed along the easterly property line with the exception of the area adjacent to the Schumborg residence to the east and a variance for this portion of the site is being requested on behalf of the property owner. The Right-of-Way Department is negotiating and is ready to close on the sale of this parcel, subject to approval of the variance. Part of the purchase agreement is that the owner will be able to remain in the home for a period not to exceed 10 years, and the berm cannot be constructed until such time as the home is vacated and can be removed from the property.

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 the City of Troy, 1019 E. Big Beaver Road, a one year renewable variance, as requested, for relief of a portion of the 5 foot berm required along the easterly property line, in the area where there is an existing residence, based on the following:

1. The variance is not contrary to public interest.
2. The variance is at the request of the adjacent occupant, who has a maximum of a 10 year lease on the property.
3. The one year variance will allow the board to monitor the site to see that the situation is taken care of.

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

MOTION TO GRANT ONE YEAR VARIANCE CARRIED.

ITEM #20. (Item #6) RENEWAL REQUESTED: 1000 John R. Associates, 1000 John R., for relief of the 6 foot masonry screening wall required along the north and south property lines.

The petitioner was not present.

Motion by Lepp
Supported by Shaver

MOVED, to table the request of 1000 John R. Associates, 1000 John R., for relief of the 6 foot high masonry screening wall required along the north and south property lines, until the next regular meeting (July 19, 1988) to allow the petitioner the opportunity to be present.

Ayes: 4
Nays: 1- Giachino
Absent: 2- Lovio, Pappageorge

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

The Board of Zoning Appeals Meeting adjourned at 9:30 p.m.

MS/ddb

