

A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, August 15, 1989 by the Chairman, Peter Dungjen.

PRESENT: Peter Dungjen  
James Giachino  
John Lovio  
Carmelo Milia  
Sherwood Shaver  
James Starr  
J. Charles Swindell

ITEM #1. Approval of Minutes - July 18, 1989

Motion by Shaver  
Supported by Milia

MOVED, to approve the July 18, 1989 minutes.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

The chairman announced that items 16 and 18 would be taken out of order.

ITEM #16. VARIANCE REQUESTED: Michael & Freida Morrison, 3374  
Wolverine, for relief of the required setback from Majestic.

Mr. VandenBussche explained that the petitioner is requesting permission to maintain a swimming pool that was constructed with a 19'9" setback from Majestic (the north property line). The Zoning Ordinance requires a 30 foot setback from a street on this type of corner lot. The site is located at the southeast corner of Wolverine and Majestic. It may be noted that the petitioners are deaf and they will have a interpreter at the board meeting.

Michael and Freida Morrison, their signer, and a representative of Rainbow Pools were present. The petitioners (signer) stated that because they are both deaf and the children are also deaf they must depend on the ability to see the pool for the safety of the children. If the pool were relocated, they would no longer have vision of the water area. Mrs. Morrison (signer) indicated that several neighbors had been contacted and did not object to the pool location. The Board questioned the builder on how the pool got constructed at an improper location. The builder stated that when the pool permit was approved, they thought everything was approved and he missed the inspectors note regarding the location. The Board questioned the petitioners about screening, of the pool, from the most affected neighbors. After discussion about fences and screening by trees and shrubs, the Morrisons agreed that they would plant shrubs/trees that would screen the pool.

The chairman opened the public hearing.

Gary Chapman, 3360 Wolverine, was present and had no objection to the variance request.

There were no further comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: JoAnn Ray Schmidt, 3385 Wolverine.

There were 2 letters of objection on file: Michael Gilhooy, 3424 Wolverine - Bob and Elaine Smith, 2768 Majestic Ct.

Motion by Lovio  
Supported by Swindell

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## ITEM #16.

MOVED, to grant Michael and Freida Morrison, 3374 Wolverine, a variance, as requested, for relief to maintain an above ground swimming pool which is located 19'9" from the Majestic property line where 30 feet is required.

1. The petitioner has demonstrated a practical difficulty involving the safety and welfare of their children.
2. The pool is not an in ground pool and therefore not a permanent condition.
3. The petitioner has agreed to plant shrubs along the north and east sides of their lot to screen the pool from neighbors.

Yeas: 6  
Nays: 1- Milia  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #18. VARIANCE REQUESTED: Joseph & Gayle Shields, 1646 Hallmark, for relief of the rear yard setback.

Mr. VandenBussche explained that the attorney for the petitioner, Mr. Tom Sawyer, asked that this item be tabled for 60 days to allow them to seek other avenues and prepare their presentation for the board.

Motion by Lovio  
Supported by Starr

MOVED, to table the request from Joseph and Gayle Shields, 1646 Hallmark, for relief of the rear yard setback, until the October meeting as requested by the petitioner.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO TABLE UNTIL OCTOBER MEETING CARRIED.

ITEM 2. RENEWAL REQUESTED: Louis A. Fabian, M.D. 2585 Crooks Road, for relief of the 6 foot high masonry screening wall required along the west property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this Board, to maintain a 6 foot high stockade fence in lieu of a decorative masonry screening wall required at the west property line of their site that abuts residential. This relief was originally granted in August of 1981 based on the fact that the stockade fence was existing and originally constructed by the Somerset Apartment Complex that is in the residential zoning to the west. Conditions remain the same and we have no objections or complaints in our file.

Dr. Louis Fabian was present and had nothing to add.

Motion by Milia  
Supported by Shaver

MOVED, to grant Louis Fabian, M.D., 2585 Crooks Road, renewal of the variance for relief to maintain a 6 foot high fence in lieu of the 6 foot high masonry screening wall required along the west property line.

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

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3. RENEWAL REQUESTED: Beztak Construction Co., Inc., 3150 Livernois, for relief of the 30 inch high masonry screening wall required along the east property line abutting Louis Street.

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

Julio Zullo was present to represent Beztak and requested renewal of their variance indicating that they do plan to construct another office building in the near future.

Motion by Shaver  
Supported by Lovio

MOVED, to grant Beztak Construction Co., Inc, 3150 Livernois, renewal of their variance for relief of the 30 inch high masonry wall required along the east property line abutting Louis Street.

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4. RENEWAL REQUESTED: Good Development Co., 4755 Rochester Road, for relief of the 6 foot high masonry screening wall required along the north and west property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief for a 6 foot high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that this area be separated with a 6 foot masonry screening wall. The Board granted relief to allow the petitioner to install a 8 steel fence in lieu of this wall based on the fact that the fence would suit the needs, probably as well, if not better than the masonry wall. Conditions remain relatively the same, there were a couple of complaints regarding the maintenance of this fence; but it is my understanding that the fence has been repaired and the petitioner is requesting renewal of relief as stated.

William Goodman was present and had nothing to add and did verify that the fence is under repair, indicating that the area in question is in a wet area and that has delayed repairs.

Motion by Lovio  
Supported by Milia

MOVED, to grant Good Development, 4755 Rochester Road, renewal of the variance for relief to maintain a 8 foot high steel fence in lieu of the 6 foot high masonry screening wall required along the north and west property lines.

1. Conditions remain relatively the same.
2. The petitioner has agreed to maintain the fence to meet the approval of the Building Department.
3. There are no objections or complaints on file.

## ITEM #4.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5. RENEWAL REQUESTED: Comerica Bank-Troy, 5950 Rochester Road, for relief of the 6 foot high masonry screening wall required along the south and east property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this Board, in regard to a 6 foot high masonry screening wall required along the south and east property lines of their site. These property lines abut residential zoning and relief was originally granted in 1977 based on the fact that the area was surrounded by a river and there is substantial brush growth that adequately screens the abutting residential land. Again, conditions remain relatively the same. There is a residential development occurring on the south and east sides of this property. The Fairways Condominium project is presently under construction. In reviewing the site, the brush growth appears to still adequately screen this land.

Jim Wolf was present to represent Comerica Bank and had nothing to add.

Motion by Giachino  
Supported by Swindell

MOVED, to grant Comerica Bank-Troy, 5950 Rochester Road, renewal of their variance for relief of the 6 foot high masonry screening wall required along the south and east property lines.

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

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. RENEWAL REQUESTED: Proprietary Interests, 2567 Crooks Road, for relief of the 6 foot high masonry screening wall required along the west property line.

The chairman tabled this item until the next regular meeting to allow the Building Department to check into an address question and to allow the petitioner the opportunity to be present.

ITEM #7. RENEWAL REQUESTED: Solomon Properties, 2701 Troy Center Drive, for relief of the 6 foot high masonry screening wall required along the north property line.

The chairman moved this item to the end of the agenda (Item #24) to allow the petitioner to be present.

ITEM #8. VARIANCE REQUESTED: Satyendra N. Basu, 553 Colebrook, for relief of the minimum lot size and the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting permission to split and combine lots on the north side of Colebrook west of Rochester Road. The site plan indicates that one lot at 553 Colebrook would have a width of 75 feet and a square foot area of 7500 square feet. Lot #59 at 577 Colebrook would become a non-conforming lot in regard to width, when they reduce it to 75 feet and also an area of 7500 square feet. The plan shows there would be an 8'11" setback to the side property line on the west side of lot #59. The Zoning Ordinance requires a minimum lot width of 85 feet in this area and a minimum lot area of 10,500 square feet and a minimum 10 foot side yard setback in this residential zoned district. Basically, the petitioner is requesting relief on lot width, area and in one case side yard encroachment. Again, this request for a split and combination would actually create more non-conforming conditions than what exist now. This item was tabled at the last regular meeting to allow the City Attorney to submit an opinion as to whether the Board could rule on this request.

Motion by Giachino  
Supported by Lovio

MOVED, that the board not hear this item, based on the opinion submitted by the City Attorney requiring the adjacent owner to apply for variance also.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION CARRIED.

ITEM #9. VARIANCE REQUESTED: Bernard and Judith Chuinard, 1400 Bradbury, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting permission to construct a 56.9'x18' deck onto the rear of an existing residence. The plot plan, as submitted, shows that the deck would result in a 29 foot rear yard setback. The Zoning Ordinance requires a minimum 35 foot rear yard setback, to open decks, in this residential zoned district.

Bernard Chuinard was present and stated that when he bought the home no one told him that there would be a setback problem. He has purchased furniture for the deck as they proposed. A 56.9'x10' deck would look like a long sidewalk. Mr. Chuinard stated that he does not have the rear yard area to build a larger deck because their home is a ranch and it covers more area than a colonial. Mr. Chuinard indicated that the deck is not visible to neighbors. The board questioned the construction of a patio in lieu of a deck because it does not have the setback requirement. Mr. Chuinard stated that wood goes with the terrain, cement would not match and when he goes to sell the home it would not have the same value.

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: Warren Hruska, 1395 Fountain and Ronald G. Gutman, 4143 Glencastle

Motion by Lovio  
Supported by Giachino

## ITEM #9.

MOVED, to deny the request of Bernard and Judith Chuinard, 1400 Bradbury for relief of the rear yard setback - 29 feet where 35 feet is required.

1. The petitioner has not demonstrated a practical difficulty or hardship, a reasonable size patio could be constructed.

Yeas: 6  
Nays: 1-Swindell  
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #10. VARIANCE REQUESTED: Troy Church of Christ, 800 Trombley, for relief of the 4'6" masonry screening wall required adjacent to off-street parking.

Mr. VandenBussche explained that the petitioner has requested tabling action on this request to allow them additional time to explore alternatives.

Motion by Starr  
Supported by Shaver

MOVED, to table the request of Troy Church of Christ, 800 Trombley for relief of the 4'6" masonry screening wall required adjacent to the off-street parking until the next regular meeting (September 19, 1989) as requested by the petitioner.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (September 19, 1989) CARRIED.

ITEM #11. VARIANCE REQUESTED: Philip G. & Eva A. Jameson, 1916 Club Dr., for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a wood deck onto the rear of an existing residence. The plot plan shows that the proposed deck would result in a rear yard setback of 29.5 feet. The Zoning Ordinance requires a minimum 35 foot rear yard setback, to open decks, in this residential zoned district.

Philip Jameson was present and stated that the rear elevation of their home is about 6 feet above the ground below. To build a patio would require that they build out and then step down and because of the way the lot slopes there is not enough room to construct stairs down to a patio. Because of a 3 car garage the house is set back further than many of the adjacent homes and this causes the rear yard to be more shallow than the neighbors. Mr. Jameson did indicate that he had an alternate plan that would result in a 2 foot encroachment, if the board was more willing to accept it. Mr. Jameson concluded by indicating that because of the configuration of his rear yard and the elevation of his home; the deck would be the only useable rear yard he has.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Swindell  
Supported by Shaver

MOVED, to grant Philip and Eva Jameson, 1916 Club Dr., a variance to construct a wood deck that would encroach no more than 2 feet into the rear yard setback.

## ITEM #11.

1. The petitioner has demonstrated a practical difficulty that runs with the land, due to the slope and the rear elevation of the home.
2. The variance will not cause an adverse effect to properties in the immediate vicinity.
3. The variance is not contrary to public interest.

Yeas: 4  
Nays: 3- Dungjen, Lovio, Milia  
Absent: 0

MOTION TO APPROVE, AS MODIFIED, CARRIED.

ITEM #12. VARIANCE REQUESTED: John Bickel, 77 Evaline (proposed address), for relief of the required lot size (width and area).

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a single family residence. The plot plan indicates a lot width of 86 feet and a lot area of 18,490 square feet. The Zoning Ordinance requires lots in this residential zoned district, that do not have sewers, be a minimum of 110 feet in width and have a lot area of 21,780 square feet. It may be noted that in 1987, this site did fail a perc test for an on-site septic system.

John Bickel was present and stated that he was aware of the failure on the perc test but has talked to Oakland County Health Department about engineering an on-site disposal system. Mr. Bickel stated that without sewers, the lot is not buildable.

The chairman opened the public hearing.

Kim Hart, 136 Randall, was present and indicated she was also speaking for two other neighbors and they objected to the variance request, indicating they were concerned about health, stating that there is a reason for larger lots for a septic system.

Jeff Eminger, 186 Randall, was present and objected for the same reasons.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 3 letters of objection: John E. & Judith A. Graham, 218 Randall - Patricia and John Sullivan, 150 Evaline - Paul and Mary Ann Kish, 120 Randall.

Motion by Milia  
Supported by Lovio

MOVED, to deny the request from John Bickel, 77 Evaline (proposed address) for relief of the required lot width and lot size.

1. The petitioner has not demonstrated sufficient justification for a variance.
2. There are objections from the neighbors.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #13. VARIANCE REQUESTED: Robert and Patty Granata, 4816 Pickford, for relief of the rear yard setback.

## ITEM #13.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a wood deck, approximately 50'x24' onto the rear of an existing residence. The plot plan shows that the proposed deck would result in a 17 foot rear yard setback. The Zoning Ordinance requires a minimum 30 foot rear yard setback, to open decks, in this residential zoned district.

Bob and Pat Granata were present and indicated that the deck was to enhance their home. The deck and landscaping have been designed so it will not be an eyesore to the neighbors. The neighbors to the rear have deeper lots and they feel there would be no effect to the neighbors.

The chairman opened the public hearing.

Barbara Jay, 4825 Hubbard was present and indicated that they back up to the house and objected, citing privacy.

Jonnie Herr, 4809 Hubbard was present and objected to the size, stating a lesser deck with an "L" shape would be more desirable.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 3 letters of objection on file: William G. Tipton, 4841 Hubbard - Jonnie P. Herr, 4809 Hubbard - Donald E. and Barbara Jay, 4825 Hubbard.

Motion by Milia  
Supported by Starr

MOVED, to deny the request of Robert and Patty Granata, 4816 Pickford, for relief of the rear yard setback, 17 feet where 30 feet is required.

1. The request is unnecessarily large.
2. The variance would be contrary to public interest as expressed by significant objections from the neighbors.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #14. VARIANCE REQUESTED: Thomas Moran, 900 Rochester Road (Bush Manufacturing), for relief to add to a non-conforming building, relief of the required setback from Badder, relief of the required setback from Elmsford, relief to provide parking within the required setback from Rochester.



## ITEM #14.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an addition to a existing non-conforming industrial building. The site is located at the corner of Badder and Rochester Road. The plans show the proposed addition would result in a 25 foot setback from Badder and also shows additional parking 25 feet from Elmsford and parking setback 20 feet from the Rochester Road future right-of-way. The Zoning Ordinance does not allow expansion, extension, or alterations to non-conformities and requires a 50 foot setback, free from parking and structures, from all streets in an industrial zoned district. This item was heard previously by the Zoning Board; at which time it was denied. The petitioner has obtained additional property to the east. Thereby, he was able to remove all the parking that was in the right-of-way of Rochester Road and this was one of the main concerns of the Board at the time that they denied the request. The petitioner's revised plans indicate that they will be adding landscaping and maintaining the setbacks that are presently on the site.

Thomas Moran, President of Bush Manufacturing and John Hanley, Vice President of Operations were present. Mr. Moran explained that they feel significant changes have been made to the plan. Mr. Moran also explained that it would be a hardship to do business without the proposed expansion, also, indicating that they presently had to store raw materials outside which is an eyesore. He also stated that they presently have a warehouse off-site for storage. They need 1/3 of the building for storage of raw materials and 2/3's to move machinery in order to make operations more efficient. Mr. Moran also pointed out the additional green area or landscaping that was being installed which will further enhance the site and indicated that they are providing 63 parking spaces where 62 are required.

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: Wilma King, 934 Elmsford.

Motion by Giachino  
Supported by Shaver

MOVED, to grant Thomas Moran, 900 Rochester (Bush Manufacturing), a variance, as requested, for relief to add to a non-conforming building, relief of the required setback from Badder (25 feet where 50 feet is required), relief of the setback from Elmsford (25 feet to parking where 50 feet is required) and relief of the required setback, to parking, from the future right-of-way of Rochester Road (20 feet where 50 feet is required).

1. The variance is not detrimental to the surrounding area.
2. The existing structure, itself, is non-conforming, and the addition will not increase the non-conformity.
3. The setbacks are in line with the surrounding area.
4. They are providing required parking and the landscaping will improve the area.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

The Board recessed at 8:55 p.m. and reconvened at 9:10 p.m.

ITEM #15. VARIANCE REQUESTED: K-P Construction Co., 1705 Austin, for relief to add to a non-conforming building, relief of the required setback from I-75 and Austin, relief to provide parking in the required setback and relief of the required landscaping.

## ITEM #15

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 30'x50' addition onto the front of a light industrial building. The proposed addition extends a non-conforming setback that is 29.5 feet. The Zoning Ordinance requires a minimum front setback of 50 feet and does not allow extension, expansion or alterations to non-conforming conditions. The proposed plan also indicates parking up to the west property line that abuts I-75. Again, the Zoning Ordinance requires a 50 foot setback free of parking and structures from this right-of-way. The plans shows 3,374 square feet of landscaping and the Zoning Ordinance requires 4,316 square feet of landscaping for a site of this size. Basically the petitioner is requesting 3 variances. (1) To extend the front setback of 29.5 feet where 50 feet is required. (2) To allow parking abutting the right-of-way of I-75 where 50 feet is required. (3) A reduction of required landscaping from 4,316 to 3,374 square feet.

The owner of K-P Construction, Bill Kemp and his attorney, Tom Sawyer were present. Mr. Sawyer stated that they will be meeting the required landscaping. Mr. Sawyer stated that they propose an addition to the office area at the front of the building. This addition will be kept in line with what is existing and the entire front of the building would be remodeled to match the proposed addition. They propose to remove the parking from the front setback, relocate it to the rear and landscape the front. They have the classic problems of a double front setback. Because parking is not visible from I-75 and I-75 is not visible from the parking because they are near the overpass, they feel that no one would be effected by this setback variance. The building is in line with all the building on that side of the street and most buildings on the other side. The Board questioned the parking of equipment on the site and the petitioner indicated he would not store equipment on the site if it does not meet the zoning requirements.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Shaver

Supported by Swindell

MOVED, to grant K-P Construction, 1705 Austin, a variance, as requested, for relief to add to a non-conforming building, relief to provide parking within the required setback from I-75 and relief of the required setback from Austin.

1. The variance is granted with the condition that there is no outside storage of contractors equipment.
2. The variance is not contrary to public interest.
3. The variance 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.

Yeas: 7

Nays: 0

Absent: 0

MOTION TO APPROVE REQUEST CARRIED

ITEM #17. VARIANCE REQUESTED: Mr. & Mrs. Robert Kender, 4393 Deacon Ct., for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 26'x15' open wood deck onto the rear of an existing residence. The plot plan shows the proposed deck would result in a 32 foot rear yard setback. The Zoning Ordinance requires a minimum 35 foot rear yard setback, to open decks, in this residential zoned district.

Robert and Marian Kinder were present stated that a 12 foot wide deck with a standard size umbrella table and chairs around it would be cluttered and unsafe for the children. They feel that the larger deck is needed to provide an adequate safe size area for their children and their friends to play. Mr. Kinder stated that their deck is approximately 1/2 the size of other decks in the area. Also, they felt that they had a practical difficulty because of the configuration of their lot, even their house plan had to be changed to fit on the lot. Mr. Kender stated that their lot has a shorter depth than any others in the area. They feel that if they do not have a deck of sufficient size, it will detract from the neighborhood.

The chairman opened the public hearing.

There were no comment from the audience.

The chairman closed the public hearing.

There were 4 letters of approval on file: Craig and Nancy Lentini, 4409 Deacon Ct. - Barbara Kowalenko, 1796 Carpenter - Ronald E. Newcomb, 1842 Carpenter - Mark A. Wiercinski, 4402 Deacon.

There were 2 letters of objection on file: Albert Ng, 4361 Wintergreen Janice and Brian Ditri, 1859 Carpenter.

Motion by Milia  
Supported by Swindell

MOVED, to grant Mr. & Mrs. Robert Kender, 4393 Deacon Ct., a variance. as requested, for relief to construct a deck which will result in a rear yard setback of 32 feet where 35 feet is required.

1. The variance is not contrary to public interest.
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 deck is a reasonable size and shape and the variance is not excessive.
5. Conforming would be unnecessarily burdensome
6. The petitioner has a unique shape lot on a court.
7. The property to the south is unoccupied and there will be no impact on the neighbor.

Yeas: 3  
Nays: 4- Starr, Lovio, Dungjen, Giachino  
Absent: 0

MOTION TO APPROVE FAILS - REQUEST DENIED.

ITEM #19. VARIANCE REQUESTED: Mark A. & Cynthia L. Woodcock, 4897 Pickford, for relief of the rear and side yard setbacks.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an open wood deck 28'x12' onto the rear of an existing residence. The plan shows that the proposed deck would result in a 28'3" rear yard setback. The Zoning Ordinance requires a minimum 30 foot rear yard setback, to open decks, in this residential zoned district.

## ITEM #19.

Mark Woodcock was present and stated that he tried to keep the deck to a reasonable size. However, to allow for patio furniture, a 12 foot depth is needed. Mr. Woodcock further stated that his home has been set further back on the lot and this shortens his rear yard.

The chairman opened the public hearing.

Peter Maurer, 4869 Pickford, was present and approved of the variance request.

There were no further comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval: Stanley Piasta, 1371 Glaser.

Motion by Shaver

Supported by Swindell

MOVED, to grant Mark and Cynthia Woodcock, 4897 Pickford, a variance, as requested to construct 28'x12' deck which will result in a 28'3" rear yard setback where a 30 foot rear yard setback is required.

1. The variance is not contrary to public interest.
2. The variance will not establish a prohibited use within the zoning district.
3. The deck is a reasonable size deck and the encroachment is minimal.

Yeas: 7

Nays: 0

Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #20. VARIANCE REQUESTED: Michael Merlo, 5240 Crowfoot, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 25'x15.3' wood deck onto the rear of an existing residence. The plot plan shows that the proposed deck would result in a rear yard setback of 24.75 feet. The Zoning Ordinance requires a minimum 30 foot rear yard setback, to open decks, in this residential zoned district.

Michael Merlo was present and stated that he thought he was within the setback limits when the deck was designed. The design of the deck is to allow a 10 foot extension from the chimney area and approximately 11.75 feet from the french doors. Mr. Merlo indicated that he feels he does meet the intent of the ordinance in that he backs up to school property and because the fence for the school is set 8 feet into the school's lot he actually has an additional 8 feet from the deck to the fence. If he were to construct a deck that met the code and the french doors were open the space would be very limited.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion Starr

Supported by Swindell

MOVED, to grant Michael Merlo, 5240 Crowfoot, a variance, as requested, for relief to construct a 25'x15.3' wood deck which will result in a 24.75' rear yard setback where 30 feet is required.

1. The variance is not contrary to public interest.
2. Conforming is unnecessarily burdensome.

## ITEM #20

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #21. VARIANCE REQUESTED: Allan R. Vernier, 1573 Heatherwood, for  
relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner requesting a permit to construct an open wood deck onto the rear of an existing residence. The plot plan shows the proposed deck would result in a rear yard setback of 18 feet. The Zoning Ordinance requires a minimum rear yard setback of 30 feet, to open decks, in this residential zoned district.

Allan Vernier was present and stated that the deck proper meets the setback; the variance is on the stairs. The stairs were placed at an angle in order to attain the elevation needed to the patio landing at the rear, also to allow for the trees. He explained how he was limited in placement of the stairs because of the elevation and a walk-out basement. Mr. Vernier also stated that he has no neighbors to the rear because he backs up to the Northfield Hills Condominium development and there is a large greenbelt area between them.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Lovio  
Supported by Shaver

MOVED, to grant Allan R. Vernier, 1573 Heatherwood, a variance, as requested, for relief to construct a wood deck which will result in the stairs having a 18 foot rear yard setback where a 30 foot setback is required.

1. The variance is not contrary to public interest.
2. The unusual configuration is required because of the lay of the land and layout of the house.
3. Strict enforcement would be unnecessarily burdensome.
4. Because only the stairs encroach, the request is minimal.

Yeas: 4  
Nays: 3- Swindell, Dungjen, Giachino

MOTION TO APPROVE REQUEST CARRIED.

ITEM #22. VARIANCE REQUESTED: John & Vicki Richardson, 48 Telford  
Ct., for relief of the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a single family residence. The plot plan shows that the proposed residence would result in a side yard setbacks of 10 feet and 12.36 feet for a total of 22.36 feet. The Zoning Ordinance requires that the two side yards must total a minimum of 25 feet in this residential zoned district.

## ITEM #22

Don Spurr, the builder, was present to represent John and Vicki Richardson (daughter and son-in-law). Mr. Spurr explained that because the lot is located on a cul-de-sac and the requirement, by the subdivision covenants, for 2400 square feet minimum home, placement is difficult. Although they only lack 2'8" of meeting the total side yard requirement, it would be almost impossible to cut that amount off the house due to the many roof lines and it would result in the house not meeting the minimum requirement for the subdivision. Mr. Spurr stated that due to the layout of the lots, there are no true side yards in relation to the abutting lots, therefore there would be no adverse effect to any of the neighboring sites. The petitioners stated that the house is very special and when they had the plans drawn and purchased the lot, they thought it would meet the setback requirements. Mr. Spurr also presented the board with letters of approval signed by the Developer, Gilbert and Vennettilli, Inc. - William Kropf, owner of Lots 14, 16, and 20 - Mrs. J. R. Lance, 6170 Livernois - Peggy Yakubison, 72 Telford Ct. - Keith and Diane Sadlier, owners of lot #17, and Lori Constantini, owner of lot #18.

The chairman opened the public hearing.

Keith Sadlier, owner of lot #17, was present and approved of the variance request.

There were no further comments from the audience.

The chairman closed the public hearing.

Motion by Giachino  
Supported by Swindell

MOVED, to deny the request of John and Vicki Richardson, 48 Telford Ct., for relief of the side yard setback - 22.36 feet total side yards where 25 feet is required.

1. The petitioner has not demonstrated sufficient hardships.

Yeas: 5  
Nays: 2- Shaver, Milia  
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #23 (Item #7) RENEWAL REQUESTED: Solomon Properties, 2701 Troy Center Drive, for relief of the 6 foot high masonry screening wall required along the north property line.

The petitioner was not present.

Motion by Lovio  
Supported by Shaver

MOVED, to table the request of Solomon Properties, 2701 Troy Center Drive, until the next regular meeting (September 19, 1989) to allow the petitioner the opportunity to be present.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO TABLE UNTIL NEXT REGULAR MEETING (September 19, 1989)  
CARRIED.

The Board of Zoning Appeals adjourned at 10:15 p.m.

GV/ddb