

✓
A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, October 17, 1989 by the Chairman, Peter Dungjen.

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

ABSENT: James Giachino

ITEM #1. Approval of Minutes - September 19, 1989 and September 26, 1989.

Motion by Shaver
Supported by Lovio

MOVED, to approve the minutes of September 19, 1989 as written and approve the minutes of September 26, 1989 after the date has been corrected from September 27, 1989 to September 26, 1989.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION CARRIED.

ITEM #2 RENEWAL REQUESTED: Troy Montessori School, 3950 Livernois, for relief of the 4'6" masonry screening wall required along the east property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this Board, in regard to a 4'6" masonry screening wall required along their east property line. The petitioner obtained relief based on the fact that they erected a cyclone fence with redwood slats in lieu of this 4'6" masonry screening wall. This relief was originally granted in 1982 and in 1988 it was expanded to cover an additional portion of parking. Conditions remain the same, we have no objections or complaints on file.

Theo Papatheodoropoulos, Director of the School, was present and had nothing to add.

Motion by Swindell
Supported by Starr

MOVED, to grant the Troy Montessori School, 3950 Livernois, renewal of their variance for relief to maintain a cyclone fence with slats along the east property line in lieu of a 4'6" masonry screening wall.

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3 RENEWAL REQUESTED: Korean United Methodist Church, 42693 Dequindre, for relief of the 4'6" masonry screening wall required along the south and west property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this Board, for the 4'6" masonry screening wall required along the south and west property lines. This relief was originally granted in 1987 with the stipulation that the petitioner would plant trees and shrubs along with the berm to provide the required obscuring elements. Conditions remain the same, we have no objections or complaints in our file.

DH

ITEM #3.

Young Hwang Chi, Church Building Manager, was present and stated that they originally planted 60 Spruce trees and would soon replace the ones that had died.

Motion by Milia
Supported by Shaver

MOVED, to grant the Korean United Methodist Church, 42693 Dequindre, renewal of their variance to maintain a berm with trees and shrubs, in lieu of a 4'6" masonry screening wall, along the south and west property lines.

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4. RENEWAL REQUESTED: Main Tree and Landscaping, Lot #487, N.E. corner of Chopin and Alger, for relief to park landscaping trucks within the required setback from Alger.

Mr. VandenBussche explained that the petitioner has obtained a relief to park landscaping trucks within the front setback of an industrial zoned district adjacent to a street right-of-way. The encroachment occurs along Alger Street where trucks are basically 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 the adjacent streets may be vacated in the future. We have no complaints or objections regarding this request. It may be noted that the petitioner, Mr. Kedrow, passed away during the past year and no one has requested the renewal as of the date this agenda was written.

There was no one present to represent this property.

Motion by Lovio
Supported by Starr

MOVED, to table the request of Main Tree and Landscaping, Lot #487, N.E. corner of Chopin and Alger, for relief to park landscaping trucks within the required setback from Alger until the next regular meeting (November 21, 1989) to allow the Building Department to contact the property owner and determine if the variance is to continue.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING CARRIED

ITEM #5. RENEWAL REQUESTED: Anthony S. Brown Development, 2125 - 2155 Butterfield, for relief of the 6 foot high masonry screening wall required along the east property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of a relief granted, by this Board, in regard to a 6 foot masonry screening wall required along their east property line. This site is zoned office and the abutting property to the east is still zoned residential. This relief was originally granted in 1988, based on the fact that the Master Land Use Plan indicates that this area may become non-residential in the future. Conditions remain the same and we have no objections or complaints in the file.

Allie Smith, Property Manager, was present and had nothing to add.

ITEM #5.

Motion by Shaver
Supported by Milia

MOVED, to grant Anthony S. Brown Development, 2125 - 2155 Butterfield renewal of their variance for relief of the 6 foot high masonry screening wall required along the east property line.

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. 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 their off-street parking area that is adjacent to residential zoning. This relief has been granted on a yearly basis since 1970, primarily due to the fact that the adjacent property owners do not object. Conditions remain the same and we have no objections or complaints on file regarding this request.

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

Motion by Lovio
Supported by Swindell

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

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7. RENEWAL REQUESTED: R.E.B. Properties, 130 Town Center, for relief of the 4'6" masonry screening wall required along the north and east property lines.

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

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

Motion by Starr
Supported by Shaver

ITEM #7.

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

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8. RENEWAL REQUESTED: Evanswood Church of God, 2602 E. Square Lake Road, for relief of the 4'6" masonry screening wall required adjacent to off-street parking.

Mr. VandenBussche 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 their off-street parking area. 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 natural screening of dense woods. The conditions remain the same and we have no objections or complaints on file regarding this request for renewal.

Larry Farrell, Chairman of the Board, was present and had nothing to add.

Motion by Milia
Supported by Swindell

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

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9. 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 10 dogs on a residential premise for his personal use. The use being a hobby for 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.

Eric Pearson was present and confirmed that the conditions remain the same.

Motion by Lovio
Supported by Shaver

MOVED, to grant Eric E. Pearson, 5565 John R., renewal of his variance for relief to keep less than 10 dogs as a hobby.

1. The conditions remain the same.
2. There are no objections on file.
3. The petitioner does an excellent job with the property and the kennel.

ITEM #9.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #10. RENEWAL REQUESTED: Oak Manor, 2316 John R., for relief of the 4'6" masonry screening wall required along the east and south property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of a variance granted for relief of a 4'6" masonry screening wall required at their east and south areas of the parking lot that is adjacent to residential zoning. This relief was originally granted in September of 1985, based on the fact that the wall would serve no useful purpose in the area. Conditions remain the same and we have no objections or complaints in our file. This matter was tabled at the last regular meeting to allow the petitioner to be present.

Robert Carey was present to represent Joel Garrett and had nothing to add.

Motion by Shaver
Supported by Starr

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

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

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11. VARIANCE REQUESTED: Joseph & Gayle Shields, 1646 Hallmark, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting permission to maintain a wood deck that has a rear yard setback of 32.2 feet. The Zoning Ordinance requires a minimum rear yard setback of 35 feet to open decks in this residential zoned district. This item was previously denied, by the Board, and the petitioner has requested reconsideration. The request for reconsideration appeared before the Board in August and at that time the petitioner requested a tabling action for 60 days to allow them to seek other avenues and prepare their presentation to the board.

Tom Sawyer was present to represent Mr. & Mrs. Shields and stated that they are still working on the purchase of additional property but the sale has not been finalized.

Motion by Lovio
Supported by Milia

MOVED, to table the request of Joseph & Gayle Shields, 1646 Hallmark 60 days until the December meeting to allow the petitioner time to obtain the property.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO TABLE UNTIL DECEMBER MEETING CARRIED.

ITEM #12. VARIANCE REQUESTED: Mr. & Mrs. Steven Gerard, 6327 Tutbury,
for relief of the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 40'x28' attached garage. The plot plan shows the proposed addition to the home would result in a 9 foot side yard setback from the south property line. The Zoning Ordinance requires a minimum 15 foot side yard setback in this residential zoned district.

Steven Gerard was present and indicated that because of 2 large trees in his rear yard, he could not extend the garage any further back to meet the side yard setback, which creates a problem because of the angle of the yard and the placement of the home on the property. Mr. Gerard further indicated that he needs the additional garage area for the storage of their 2 cars, a small boat and lawn equipment and workshop area, indicating that the house has no basement and he plans to convert the present two-car garage into living area.

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: Charles Hagelstein, 6348 Tutbury.

Motion by Milia
Supported by Lovio

MOVED, to deny the request of Mr. & Mrs. Steven Gerard, 6327 Tutbury, for relief to construct a 40'x28' garage which would result in a side yard setback of 9 feet where 15 feet is required.

1. The petitioner has not demonstrated sufficient justification for a variance.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO DENY REQUEST CARRIED.

ITEM #13. VARIANCE REQUESTED: Mark & Carol Bauer, 6116 Smithfield, for
relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 27.2'x17.2' open deck to the rear of an existing residence. The plot plan shows the proposed deck would result in a 24.5 foot rear yard setback. The Zoning Ordinance requires a minimum 30 foot rear yard setback, to an open deck, in this residential zoned district.

Mark Bauer was present and indicated that the depth of the deck was to allow them room to place their patio table and chairs on the deck, to allow a functional deck and adequate room for a safe zone around the them. Mr. Bauer indicated that to meet code his deck would only be 9.5 feet deep at the area of the bay window. Mr. Bauer also indicated that he would rather have the projection at the rear of the deck, rather than a deck that is straight across. There was a discussion on constructing a deck that would be an adequate size but less than 17 feet.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

ITEM #13

There were 3 letters of approval on file: Shirley Page, Canyon Construction, 6063 Silverstone - Mark A. Lendall, 2030 Tuscan - Thomas and Colleen Christopher, 6117 Brittany Tree.

Motion by Milia
Supported by Lovio

MOVED, to grant Mark and Carol Bauer, 6116 Smithfield, a variance to construct an open wood deck no more than 14 feet in depth.

1. The condition of the lot justifies some type of variance.
2. The variance is not contrary to public interest.
3. The variance does not create an adverse effect to the surrounding properties.

Yeas: 5
Nays: 1- Starr
Absent: 1- Giachino

MOTION TO APPROVE REQUEST, AS MODIFIED, CARRIED.

ITEM #14. VARIANCE REQUESTED: Michael Kroth, 5770 John R., for relief to construct an accessory building in the front and side yard.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 20'x20' detached accessory building (garage). The proposed plan shows that the garage would result in a 3 foot side yard setback from the south property line and would project 9 feet in front of the main structure. The Zoning Ordinance requires a minimum 6 foot side yard setback and does not permit accessory buildings to be located in any yard except the rear yard. Basically the petitioner is requesting; first a dimensional variance of 3 feet to a side yard setback where a 6 foot setback is required and secondly, a location variance to allow the accessory building in a side and front yard where the ordinance only permits them to be in a rear yard. The Board inquired as to the required distance between the home and a detached accessory building. Mr. VandenBussche indicated that it was 10 feet.

Michael Kroth and Morton Brody were present. Mr. Kroth stated that the home was constructed 256 feet back from the front property line and they cannot construct the garage any further to the rear because he has two-septic fields and their locations prevent construction or access to a garage if it were located in the rear. The petitioner indicated he would be willing to move the garage to meet the 6 foot side yard setback.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 3 approval on file: Barrett D. Upton, 5780 John R. - Dennis A. David, 2043 Jeffrey - Antoinette L. Brubaker, 5775 John R.

There was 1 letter of objection on file: Dan E. Erickson, 2100 Rutgers.

Motion by Shaver
Supported by Lovio

MOVED, to grant Michael Kroth, 5770 John R., a variance to construct a detached garage that would project 9 feet in front of the main structure (house) and deny the request for a variance on the side yard setback.

ITEM #14.

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The petitioner has demonstrated that it would be a practical difficulty to place the garage to the rear.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO APPROVE REQUEST, AS MODIFIED, CARRIED.

ITEM #15. VARIANCE REQUESTED: Roger Kramer, 990 South Boulevard
(proposed), for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 99'x72' office building. The proposed plan shows that the building would have a 15.83 foot rear yard setback. The Zoning Ordinance requires a minimum 20 foot rear yard setback in an office zoned district. The petitioner is requesting relief of the Zoning Ordinance to allow a 4.17 foot encroachment.

Mr. Kramer was present and stated that he purchased the property based on the recorded legal description and the fact that his proposed building could be constructed on the site. After a survey of the property, he found that the property was short 7.06 feet on the west side and that a variance would be required for his proposal. The building was designed for his and this tenant's needs. To redesign the building now would be excessively costly and time consuming. He cannot move the building forward on the lot because of an easement.

The chairman opened the public hearing.

Gladys Brewer, 6955 John R. was present and objected to the variance.

Joan Marek, 6938 Emerald Shores was present and stated that she was also representing the neighbor at 6924 Emerald Shores, indicating that they object to the variance.

Lester Yarber, owner of parcel 02-228-026 objected to an office building in the area.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 3 letters of objection on file: Lester Yarber, Marjorie Thornthwaite, 6947 John R. and Gladys Brewer, 6955 John R.

Motion by Swindell
Supported by Lovio

MOVED, to deny the variance request of Roger Kramer, 990 South Boulevard (proposed address), for relief of the rear yard setback 15.83 feet where 20 feet is required.

1. The site is buildable without variances.
2. The petitioner has not demonstrated a practical difficulty or hardship that runs with the property.

Yeas: 6
Nays: 0
Absent: 1- Giachino

MOTION TO DENY REQUEST CARRIED.

ITEM #16. VARIANCE REQUESTED: Gerald Pennington, 1770 Rochester Road,
for relief to add to an existing non-conforming site.

Mr. VandenBussche explained that this item was withdrawn from the agenda by the City in that the request did not fall within the Board of Zoning Appeals jurisdiction.

The Board of Zoning Appeals adjourned at 8:37 p.m.

GV/ddb

3/11