

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, February 18, 1992 by the Chairman, Sherwood Shaver.

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

ABSENT: Walter Storrs

ITEM #1 Approval of January 21, 1992 Minutes.

Motion by: Lovio
Supported by Milia

MOVED, to approve the January 21, 1992 minutes as presented.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO APPROVE REQUEST CARRIED.

ITEM #2 RENEWAL REQUESTED: Seth E. Walker Building, 2300 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, for the requirement of a 6 foot high masonry screening wall required along the north property line of a site which abuts residential zoning. This relief has been granted on a yearly basis since 1974 due to the fact the adjacent property is used as a retention pond. Conditions remain the same, we have no objections or complaints on file.

Charles Walker, Partner, was present and had nothing to add.

Motion by Giachino
Supported by Swindell

MOVED, to grant the Seth E. Walker Building, 2300 W. Big Beaver, renewal of their variance for relief of the 6 foot high masonry screening wall required along the north property line, abutting residential:

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

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3 RENEWAL REQUESTED: Veterans of Foreign Wars Post 4037, 2375 E. Maple Road, for relief to maintain a non-conforming building and use and relief of the 4'6" high masonry wall required adjacent to off-street parking.

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ITEM #3.

Mr. Shripka explained that the petitioner is requesting relief to maintain a non-conforming building and use, and relief of the masonry screening wall required at their off-street parking area. The use and structure are non-conforming because it is located in a residential zoned district. The petitioner is requesting to continue use of this structure as well as relief from the wall required at their off-street parking area. This relief has been granted on a yearly basis since 1969 based on the fact there were no objections from adjacent properties. Conditions remain the same and there are no objections or complaints on file.

Earl Wendell, Commander, was present and had nothing further to add.

Motion by Lovio
Supported by Milia

MOVED, to grant the Veterans of Foreign Wars Post 4037, 2375 E. Maple Road, renewal of their variance for relief to maintain a non-conforming building and use and relief of the 4'6" high masonry screening wall required adjacent to their off-street parking:

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

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4 RENEWAL REQUESTED: William Beaumont Hospital, 44201 Dequindre, for relief of the 5 foot high berm required at the southwest property line and relief of the 4'6" high masonry wall required along the west property line.

Mr. Shripka explained that the petitioner is requesting renewal of a variance, to continue relief of the 5 foot high berm required along the southwest portion of their site where their property abuts residential zoning. They are also requesting relief of the 4'6" high masonry screening wall required at their off-street parking area. The Board had previously granted relief of the berm, primarily because of the dense woods adjacent to this land, which provides natural screening. Relief of the masonry wall was granted because the adjacent residential property was used as a City park. Conditions remain the same, we have no objections or complaints on file.

Louis Poineau was present to represent the hospital and had nothing to add.

Motion by Swindell
Supported by Milia

MOVED, to grant William Beaumont Hospital, 44201 Dequindre, renewal of their variance for relief of the 5 foot berm required at the southwest property line and relief of the 4'6" high masonry screening wall required along the west property line:

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

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5 RENEWAL REQUESTED: Burger King, 2939 Rochester Road, for relief of the 6 foot high masonry screening wall required along the west property line.

The Chairman moved Item #5 to Item #13 on the agenda to allow the petitioner the opportunity to be present.

ITEM #6 RENEWAL REQUESTED: Kirco/Capp Ltd., 2707 American Drive, for relief of the 6 foot high masonry screening wall required along the north property line.

The Chairman moved Item #6 to Item #14 on the agenda to allow the petitioner the opportunity to be present.

ITEM #7 RENEWAL REQUESTED: Standard Federal Bank, 2600 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north and east property lines.

Mr. Shripka explained that the petitioner has submitted a letter to the Building Department requesting that their request be tabled until the next regular meeting.

Motion by Lovio
Supported by Swindell

MOVED, to table the request from Standard Federal Bank, 2600 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north and east property lines, until the next regular meeting as requested by the petitioner.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MARCH 17, 1992)
MEETING CARRIED.

ITEM #8 VARIANCE REQUESTED: Marie McMahon, 270 McKinley, for relief of the minimum lot size, relief of the rear yard setback and relief of the required side yard setback to an accessory building.

Mr. Shripka explained that the Building Department has received a letter from Ms. McMahon requesting tabling action on her request.

Motion by Milia
Supported by Lovio

MOVED, to table the request from Marie McMahon, 270 McKinley, for relief of the minimum lot size, relief of the rear yard setback and relief of the required side yard setback to an accessory building, until the next regular meeting as requested by the petitioner.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MARCH 17, 1992)
CARRIED.

ITEM #9 VARIANCE REQUESTED: Mr. & Mrs. Kenneth Noonan, 4810 Valley Vista, for relief of the rear yard setback.

ITEM #9.

Mr. & Mrs. Kenneth Noonan, 4810 Valley Vista. The petitioner is requesting relief of the Zoning Ordinance to construct a 34'8" x 14'8" addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 37'5" rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback in this residential zoned district. A previous request, by the petitioner, was denied, by this Board, in October, 1991. When this item re-appeared at the January 21, 1992 meeting of the Board of Zoning Appeals, it was agreed that the petitioner had made substantial change to the plans, therefore allowing him to re-appear before the Board. Additionally this item was tabled at our last regular meeting to allow the petitioner the benefit of a full board.

Cheryl Noonan was present and explained her previous appearances before the Board and further indicated that since the October meeting, they have modified the plan to lessen the variance and indicated that their reasons for the variance had been indicated at the previous meeting. Mrs. Noonan then cited the same reasons, as previously stated at the October and January meetings.

Motion by Milia
Supported by Lovio

MOVED, to deny the request from Mr. & Mrs. Kenneth Noonan, 4810 Valley Vista, for relief of the rear yard setback:

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

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

MOTION TO DENY REQUEST CARRIED.

ITEM #10 VARIANCE REQUESTED: Lorne W. Hewines, 1200 E. Maple Road,
for relief of the front setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 5,000 square foot addition to an existing industrial building. The plan for the proposed addition shows parking to within 5 foot of the front property line. The Zoning Ordinance requires a 50 foot front setback in this zoning district and requires the setbacks be kept free of any structures or parking.

Lorne Hewines was present and explained that they propose constructing an addition to the east side of an existing building with a truck well, eliminating the drive from Maple Road and relocating parking spaces in the setback from Souther, which they feel would provide a more convenient access to the building. Because the truck well had to be constructed at an angle due to the Buckeye Pipeline across the property, they plan to move some of their parking, used for access to the truck well, to the west side of their building. Mr. Hewines stated that they feel the proposal will allow easier access for truck traffic, as the truck would not have to back out onto Maple. The Board questioned the parking relocation and if the petitioner would have sufficient parking without constructing parking in the Souther setback. It was determined that they would still have the required number of parking spaces. The Board also questioned the outside storage of machines, which utilizing parking spaces, and Mr. Hewines indicated that they would be located inside once the addition was completed.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

ITEM #10.

Motion by Milia
Supported by Dungjen

MOVED, to deny the request from Lorne W. Hewines, 1200 E. Maple Road, for relief to provide parking in the required setback from Souter:

1. This is an unnecessary variance.
2. Insufficient justification.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO DENY REQUEST CARRIED.

ITEM #11. VARIANCE REQUESTED: Joseph H. & Carol I. Buese, 1664
Witherbee, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20'10"x12' addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 30 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback in this residential zoned district.

Carol Buese was present and stated that the addition is to provide additional living space for their family. They find it impossible to have a comfortable meal in the existing dining area, which is only a dinette area at the end of the living room. They do not have the space they need when family and friends get together.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 4 letters of approval on file: Dianne Wright, 870 Brooklawn
William D. & Nancy L. Puls, 1669 Witherbee - Orville C. & Virginia D.
Hehn, 2654 Witherbee - John W. Reider, 1679 Witherbee.

Motion by Shaver
Supported by Lovio

MOVED, to grant Joseph H. & Carol I. Buese, 1664 Witherbee, a variance, as requested, for relief of the rear yard setback, 30 feet where 40 feet is required:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use.
3. The variance relates only to the property described.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO APPROVE REQUEST CARRIED.

ITEM #12. VARIANCE REQUESTED: Marc C. & Linda L. Clarke, 2401 Tall
Oaks, for relief of the side yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to add a 29'x17' deck and a 4'x23' walkway to the rear and side of an existing residence. The plot plan shows the proposed addition would result in a 9 foot setback from the east lot line, resulting a side yards totalling 20.4 feet. The Zoning Ordinance requires a side yard to have a minimum setback of 10 feet on one side and a total of 25 feet in this residential zoned district.

ITEM #12.

Marc Clark was present and stated that the walkway and deck was to provide a safer and easier access to their rear yard. They have two doorwalls on that side of the home and the distance from the doorwall exit to the ground level is several feet. At the ground level, they have approximately a 2 foot wide sloped area on the side of the house to walk to the back yard which they feel is unsafe because someone could lose their footing and fall. Steps have been placed at each end of the walkway to access the ground level, because of a walk out basement doorwall which is close to center of the structure and they do not want to block that exit. Mr. Clark also stated that he has the approval of the neighbor on the side where the walkway and deck is to be constructed.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 3 letters of approval on file: Dr. Paul F. & Susan Navarro, 2387 Tall Oaks - Dan and Ronell Anderson, 2453 Tall Oaks - Jacqueline E. Graham, 2404 Tall Oaks.

There was 1 letter of objection on file: Heim Schlick, owner of Lot #44.

Motion by Dungjen
Supported by Giachino

MOVED, to grant Marc C. & Linda L. Clarke, 2401 Tall Oaks, a variance, as requested, for relief of the required side yard setback, to construct a walkway and deck, resulting in a 9 foot side yard setback on the east side and side yards totalling 20.4 feet where a minimum of 10 feet and side yards totalling 25 feet is required:

1. The variance is for the safety and welfare of the petitioner.
2. The variance will not cause an adverse effect to the adjacent property owner.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO APPROVE REQUEST CARRIED.

Motion by Milia
Supported by Storrs

MOVED, that Mr. Storrs be excused from the meeting as he is out of the county.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION CARRIED.

ITEM #13. (ITEM #5) RENEWAL REQUESTED: Burger King, 2939 Rochester Road, for relief of the 6 foot high masonry screening wall required along the west property line.

The petitioner was not present.

Motion by Lovio
Supported by Shaver

ITEM #13.

MOVED, to table the request of Burger King, 2939 Rochester Road, for relief of the masonry screening wall required along the west property line, abutting residential, until the next regular meeting (March 17, 1992) to give the petitioner the opportunity to be present.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO TABLE UNTIL NEXT REGULAR MEETING (MARCH 17, 1992) CARRIED.

ITEM #14. (ITEM #6) RENEWAL REQUESTED: Kirco/Capp Ltd., 2707 American 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 Kirco/Capp Ltd., 2707 American Drive, for relief of the 6 foot high masonry screening wall required along the north property line, abutting residential, until the next regular meeting (March 17, 1992) to give the petitioner the opportunity to be present.

Yeas: 6
Nays: 0
Absent: 1- Storrs

MOTION TO TABLE UNTIL NEXT REGULAR MEETING (MARCH 17, 1992) CARRIED.

The Board of Zoning Appeals adjourned at 8:40 p.m.

GAS/ddb