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A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday May 19, 1992 by the Chairman, James Giachino.

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

ITEM #1 Approval of Minutes - April 21, 1992

Motion by Milia
Supported by Swindell

MOVED, to approve the April 21, 1992 minutes as written.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #2 RENEWAL REQUESTED: First United Methodist Church, 6363 Livernois, for relief of the 4'6" high masonry screening wall required along the north, south and west sides of off-street parking.

Gary Shripka explained the petitioner is requesting renewal of a variance granted, by this Board, in 1989 for relief of the 4'6" high masonry screening wall required along the north, south and west property lines. This request was originally approved based on the fact that the area has substantial screening to the south and to the west and no useful purpose would be served by strict enforcement of the ordinance. Conditions remain the same, we have no objections or complaints on file.

Walter Knollenberg was present on behalf of the First United Methodist Church and had nothing to add.

Motion by Dungjen
Supported by Shaver

MOVED, to grant First United Methodist Church, 6363 Livernois, renewal of their variance for relief of the 4'6" high masonry screening wall required along the north, south and west sides of off-street parking.

1. Conditions remain the same.
2. We have no objections or complaints on file.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3 RENEWAL REQUESTED: North Metro Free Methodist Church, 1349 W. Wattles, for relief of the requirement to hard surface parking and the access drive.

Gary Shripka explained the petitioner is asking renewal of a relief granted, by this Board, to maintain a temporary gravel parking lot and access drive to the church. The Zoning Ordinance requires all off-street parking areas and access drives to be surfaced with either concrete or asphalt. This variance was originally granted to a different petitioner as they had plans to construct a second phase to the church, at which time they would install hard surface parking. In 1986 the church changed hands and the new owners wished to continue the variance since their plans are similar to the previous church and they would also be expanding. Conditions remain the same, we have no objections or complaints on file. A condition in 1989 was placed on the renewal requiring dust control be provided for the parking and drive area.

Mark McCatty, representing North Metro Free Methodist Church, was present and had nothing to add.

DH

Motion by Lovio
Supported by Swindell

MOVED, to grant North Metro Free Methodist Church, 1349 W. Wattles renewal of relief of the requirement to hard surface the parking lot and the access drive with the stipulation that dust control be provided.

1. Conditions remain the same
2. We have no objections or complaints on file.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED

ITEM #4 RENEWAL REQUESTED: Schenck Pegasus, 2890 John R., for relief of the 6 foot high masonry screening wall required along the north and east property lines.

Mr. Shripka Explained the petitioner is requesting renewal of a relief granted, by this Board, in regards to a 6 foot high masonry screening wall required along the east property line and a portion of the north property line of their site that abuts residential zoning. This relief has been granted on a yearly basis since 1969, primarily due to the fact that the residential land is undeveloped and mostly owned by the petitioner. Conditions remain the same, we have no objections or complaints on file.

Joel Voegel of Schenck Pegasus was present and had nothing further to add.

Motion by Milia
Supported by Swindell

MOVED, to grant Schenck Pegasus, 2890 John R renewal of relief of the 6 foot high masonry screening wall required along the north and east property lines.

1. Conditions remain the same
2. We have no objections or complaints on file.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5 RENEWAL REQUESTED: Clark Oil and Refining, 3400 Rochester, for relief of the 6 foot high masonry screening wall required along the east and a portion of the north property line.

Mr. Shripka explained the petitioner is requesting renewal of relief granted, by this Board, to maintain a 6 foot high fence in lieu of the 6 foot high masonry screening wall required at the east and a portion of the north property line. This variance has been granted on a yearly basis since 1985 based on the preference of the adjacent owners to have the wood fence and landscaping in lieu of the masonry wall. Conditions remain the same, there are no objections or complaints on file.

Ken Ruona was present to represent Clark Oil and had nothing to add.

Motion by Swindell
Supported by Storrs

MOVED, to approve the request of Clark Oil, 3400 Rochester, for renewal of the request for relief of the 6 foot high masonry screening wall required along the east and a portion of the north property lines.

1. Conditions remain the same.
2. We have no objections or complaints on file.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6 RENEWAL REQUESTED: Troy Christian Chapel, 400 E. Long Lake, for relief of the 4'6" high masonry screening wall required along the west side of off-street parking.

Mr. Shripka explained the petitioner is requesting renewal of a relief granted, by this Board, to maintain a landscaped berm in lieu of the required 4'6" high masonry screening wall required adjacent to the off-street parking which abuts the west property line. This relief has been granted on a yearly basis since 1986. The church has provided a berm and landscaping which complies with all the requirements set forth by this Board in its original approval. Conditions remain the same, we have no objections or complaints on file.

Mary Stirnemann, representing Troy Christian Chapel, was present and had nothing to add.

Motion by Shavers
Supported by Dungjen

MOVED, to renew relief of the 4'6" high masonry screening wall required along the west side of off-street parking.

1. Conditions remain the same.
2. We have no objections or complaints on file.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7 RENEWAL REQUESTED: Faith Lutheran Church, 37575 Dequindre, for relief of the 4'6" high masonry screening wall required along the west and north sides of off-street parking.

Mr. Shripka explained the petitioner is requesting renewal of a relief granted, by this Board, to maintain a berm along the north and west property lines, in lieu of the 4'6" required adjacent to the off-street parking. This relief has been granted on a yearly basis since 1989. The petitioner has now completed the wall on the north property line, thereby complying with the Zoning Ordinance. The berm and planting along the west property line abutting the off-street parking has been installed and approved by adjacent residential owners. Conditions remain the same, we have no objections or complaints on file regarding the west wall.

William Veed was present to represent the church and had nothing to add.

Motion by Dungjen
Supported by Shaver

MOVED, to approve the request of Faith Lutheran Church, 37575 Dequindre, for relief of the 4'6" high masonry screening wall required along the west and north sides of off-street parking.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8 RENEWAL REQUESTED: Atina Construction, 1841 Birchwood, for relief of the required setback for a storage area and relief of the 6 foot high masonry screening wall at the Vermont Right-of-Way.

May 20, 1992

Mr. Shripka explained the petitioner is requesting renewal of a relief granted, by this Board, to maintain an outdoor storage area setback 25 feet from the Vermont Street Right-Of-Way and also be allowed to screen the outdoor storage with a fence. This relief was originally granted in May of 1984, primarily because the Vermont frontage is not a developed street and the lots were shallow therefore preventing the petitioner from having reasonable use of the land if required setbacks were adhered to. Conditions remain the same, we have no objections or complaints on file.

Frank Vella was present to represent Atina Construction and had nothing to add.

Motion by Milia
Supported by Swindell

MOVED, to renew the request by Atina Construction, 1841 Birchwood, for relief of the required setback for a storage area and relief of the 6 foot high masonry screening wall at the Vermont Right-of Way.

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

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9 RENEWAL REQUESTED: Jack Christenson, Inc. Realtors, 2280 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.

Mr. Shripka explained the petitioner is requesting renewal of a variance granted, by this Board, for relief of the 6 foot high masonry screening wall required along the north property line of the site which is adjacent to residential zoned property. 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, we have no objections or complaints on file.

Jack Christenson was present and had nothing to add.

Motion by Storrs
Supported by Dungjen

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

1. No objections or complaints on file.
2. Conditions remain the same.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #10 RENEWAL REQUESTED: San Marino Social Club, 1685 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.

Mr. Shripka explained the petitioner is requesting renewal of a variance granted, by this Board, for relief of the 6 foot high masonry screening wall required adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact the adjacent residential property is undeveloped and owned by the petitioner. Conditions remain the same, we have no objections or complaints on file. This item was tabled at our last regular meeting to give the petitioner the opportunity to be present.

John Bugli was present and had nothing to add.

Motion by Swindell
Supported by Dungjen

MOVED, to grant San Marino Social Club renewal of the variance for relief of the 6 foot high masonry screening wall required along the north property line.

1. The property is owned by the petitioner.
2. There are no objections or complaints on file.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11 RENEWAL REQUESTED: Troy Church of God, 1285 E. Wattles Rd., for relief of the 4'6" high masonry screening wall required along the north, east and west property lines.

There was no one present for the Troy Church of God. The chairman moved item 11 to item 17 to give the petitioner the opportunity to be present.

ITEM #12 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.

The Chairman, Mr. Giachino, recommended no action be taken on this item.

NO ACTION TAKEN.

ITEM #13 VARIANCE REQUESTED: Patio Enclosures, 2387 Saffron Ct., for relief of the rear yard setback.

Gary Shripka explained the petitioner is requesting relief of the Zoning Ordinance to construct a 24' x 10' addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 34 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback in this residential zoned district.

Carl Boldon, Factory Representative of Patio Enclosures was present. He stated the lot was of irregular shape and was mostly marsh. The enclosure was needed because of insects in summer.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were two letters of approval on file: Roch Tolinski, 2375 Saffron Ct., Sharon M. Burton, 5095 Spring Meadows.

Motion by Milia
Supported by Lovio

MOTION, to approve the request of Patio Enclosure, for relief of the rear yard setback at 2387 Saffron Court to construct an addition.

1. Not contrary to public interest.
2. Does not establish a prohibited use.
3. To conform would be burdensome since the lot is mostly lake.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #14 VARIANCE REQUESTED: Joseph & Doris Joseph, 4522 Rivers Edge,
for relief of the rear yard setback.

Mr. Shripka explained the petitioner is requesting relief of the Zoning Ordinance to construct 15'8"x13'7" addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 35 foot rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback in this residential zoned district.

Doris & Joseph Joseph were present. Mr. Joseph explained his lot was pie shaped and part of it was designated as flood plain. He explained his family size had increased and felt he needed more dining area.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were eight letters of approval on file: James Green, 2358 Kingsbury; Janice M. Retco, 4523 Rivers Edge; John Zawislak, 4582 Odette; Daniel Hayden 4541 Rivers Edge; William Stacey, 4541 Odette; Gerald Honemann, 4554 Odette, John D'Drazio, 4573 White Oaks; Diane Tinsey, 4568 Odette. There was one letter of objection on file: Russell W. Holcomb, 2390 Kingsbury.

Motion by Lovio
Supported by Dungjen

MOVED, to deny the request of Joseph & Doris Joseph, 4522 Rivers Edge for relief of the Zoning ordinance to construct a 15'8" x 13'7" addition resulting in a 35 foot rear yard setback since the petitioner has shown no hardship.

Yeas: 4
Nays: 3
Absent: 0

MOTION TO DENY VARIANCE CARRIED.

ITEM #15 VARIANCE REQUESTED: Timothy M. & Susan L. Wren, 1430 Boyd, for relief of the side yard setback.

Gary Shripka explained the petitioner is requesting relief of the Zoning Ordinance to construct a 24'x22' detached garage. The plot plan shows the proposed garage would be 3 feet from the west lot line. The Zoning Ordinance requires a 6 foot side yard setback.

Timothy and Susan Wren were present. Mr. Wren explained placing the garage further from the lot line would create difficulty in entering the garage around the corner of the house. The other garages in the area are placed 3 feet from the lot line.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were six letters of approval on file: John DeWitte, 1382 Boyd; R. C. Riesterer, 1465 Boyd; Lynn Kadrovach, 1454 Boyd; John R. Schoenbeck, 1393 Boyd; Charles Henry, 1441 Boyd; Marvin Ash, 1442 Boyd.

Motion by Storrs
Supported by Shaver

MOVED, to approve the request of Susan & Timothy Wren, 1430 Boyd, for relief of the side yard setback to build a garage.

1. Not contrary to the public interest.
2. No objections or complaints on file.
3. Relates only to property described in the application.

Yeas: 7
Nays: 0
Absent: 0

MOTION TO APPROVE VARIANCE CARRIED.

ITEM #16 VARIANCE REQUESTED: Norman & Barbara Blain, 683 Andrew, for relief to construct a free standing gazebo in the rear yard.

THIS ITEM HAS BEEN WITHDRAWN.

ITEM #17. Troy Church of God, 1285 E. Wattles Rd., for relief of the 4'6" high masonry screening wall required along the north, east and west property lines.

The petitioner was not present.

Motion by Lovio
Supported by Shaver

MOVED, to table the request of Troy Church of God, 1285 E. Wattles Road for renewal of relief of the 4'6" high masonry screening wall required along the north, east and west property lines.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO TABLE ITEM 17 UNTIL NEXT REGULAR MEETING (June 16, 1992) CARRIED.

The Board of Zoning Appeals Meeting adjourned at 8:10 p.m.

GS/jl

