

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, May 18, 1993, by the Chairman, John Lovio.

PRESENT: Michael Alaimo  
Gary Chamberlain  
Christopher Fejes  
John Lovio  
Carmelo Milia  
Sherwood Shaver  
J. Charles Swindell

ITEM #1 Approval of April 20, 1993 and April 27, 1993 minutes.

Motion by Shaver  
Supported by Chamberlain

MOVED, to approve the April 20, 1993 minutes and approve the April 27, 1993 minutes with the following correction in the motion: 4. Strict enforcement serves no useful purpose.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO APPROVE AS AMENDED CARRIED.

ITEM #2 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 required at the Vermont Right-Of-Way.

Mr. Shripka explained that this portion of Vermont has been vacated. Therefore, no action is necessary on this item.

ITEM #3 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 that 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.

Giovanni Bugli was present to represent the San Marino Club and had nothing to add.

Motion by Milia  
Supported by Fejes

MOVED, to grant San Marino Social Club, 1685 E. Big Beaver renewal of their variance for relief of the 6 foot high masonry screening wall required along the north line abutting residential:

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

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4 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.

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## ITEM #4

Mr. Shripka explained that 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 their site which is adjacent to residential zoned property. This relief was originally granted in the 1970's, primarily due to the fact the adjacent residential land to the north contains a large retention pond. Conditions remain the same, we have no objections or complaints on file.

Frank Colabro was present to represent the petitioner and had nothing to add.

Motion by Chamberlain  
Supported by Shaver

MOVED, to grant Jack Christenson, Inc. Realtors, 1685 W. Big Beaver Road, 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 on file.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5 RENEWAL REQUESTED: Faith Lutheran Church, 37675 Dequindre, for relief of the 4'6" high screening wall required along west and north sides of off-street parking.

Mr. Shripka explained that 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" high masonry wall required adjacent to the off-street parking. This relief has been granted on a yearly basis since 1989. The petitioner completed the wall on the north property line in 1992, thereby complying with the Zoning Ordinance. The berm and planting along the west property line, abutting the off-street parking, is installed and approved by adjacent residential owner. Conditions remain the same, we have no objections or complaints on file.

Jerald Bock was present to represent the church and had nothing to add.

Motion by Swindell  
Supported by Milia

MOVED, to grant Faith Lutheran Church, 37675 Dequindre renewal of their variance for relief to maintain a berm and plantings along the west property line, adjacent to off-street parking, in lieu of the required 4'6" masonry screening wall:

1. Conditions remain the same.
2. There are no objections 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 wall required along the west side of off-street parking.

## ITEM #6.

Mr. Shripka explained that the petitioner is requesting renewal of a relief granted, by this Board, to maintain a landscaped berm in lieu of the 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.

Dan Moose was present to represent the church and had nothing to add.

Motion by Shaver  
Supported by Swindell

MOVED, to grant Troy Christian Chapel, 400 E. Long Lake Road, renewal of their variance for relief to maintain a landscaped berm in lieu of the 4'6" high masonry wall required at their off-street parking abutting the west property line:

1. There are no objections or complaints on file.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7 RENEWAL REQUESTED; Clark Oil and Refining, 3400 Rochester Rd., 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 that 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 along the east and a portion of the north property lines. 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, Project Engineer for Clark Oil was present and had nothing to add.

Motion by Swindell  
Supported by Chamberlain

MOVED, to grant Clark Oil and Refining, 3400 Rochester, a 3 year variance renewal for relief to maintain a 6 foot high wood fence and landscaping in lieu of the 6 foot high masonry screening wall required along the east and a portion of the west lot lines:

1. The neighbors have indicated they prefer the fence and landscaping in lieu of the wall.
2. There are no objections on file.
3. Conditions remain the same.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #8 RENEWAL REQUESTED: Schenck Pegasus, 2890 John R., for relief of the 6 foot high masonry wall required along the north and east property lines.

## ITEM #8

Mr. Shripka 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 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 the residential land is undeveloped and mostly owned by the petitioner. Conditions remain the same and there are no complaints or objections on file.

Rob Gleason was present to represent Schenck Pegasus and had nothing to add.

Motion by Fejes  
Supported by Milia

MOVED, to grant Schenck Pegasus, 2890 John R., renewal of their variance for relief of the 6 foot high masonry screening wall required along the east and a portion of the north property lines where non-residential abuts residential:

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

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9 RENEWAL REQUESTED: North Metro Free Methodist Church, 1349 W. Wattles, for relief of the requirement to hard surface the parking lot and access drive.

Mr. Shripka explained that 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 owner wishes to continue the variance since their plans are similar to the previous church and they would also be expanding. Presently the Stonehaven Subdivision, near the church, is under construction. Other than that conditions remain the same, we have no objections or complaints on file. A condition, in 1989, was placed on their renewal, requiring dust control be provided for the parking and drive area.

Doug Rasure, a trustee of the church was present and indicated that they were requesting renewal of the their variance, indicating it is now their plan to pave the parking lot within the next three years. They still plan to expand but the parking lot has become their priority.

Mr. Chamberlain questioned the requirement for a wall where parking abuts residential now that the new subdivision is being developed. Mr. Rasure indicated, it is his understanding the subdivision developer is constructing a berm. The Board expressed concerns regarding the responsibility of the requirement for a wall or alternate screening.

Motion by Milia  
Supported by Chamberlain

MOVED, to table the request from the North Metro Free Methodist Church, 1349 W. Wattles until the next regular meeting (June 15, 1993) to give the City the opportunity to check into the requirement for a wall and who would be responsible for the wall adjacent to the off-street parking where it abuts the new subdivision being developed.

ITEM #9

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (JUNE 15, 1993)  
CARRIED.

ITEM #10 RENEWAL REQUESTED: First United Methodist Church, 6363  
Livernois, for relief of the 4'6" high masonry wall required  
along the north, south and west sides of off-street parking.

Mr. Shripka explained that 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 had 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 and we have no objections or complaints on file.

Dan Heffron was present to represent the petitioner and had nothing to add.

**Motion by Chamberlain**  
**Supported by Milia**

MOVED, to grant the First United Methodist Church, 6363 Livernois renewal of their variance for relief of the 4'6" high masonry wall required along the north, south and west property lines where off-street parking abuts residential:

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

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11 RENEWAL REQUESTED: Troy Church of God/Troy Cathedral of Praise, 1285 E. Wattles, for relief of the 4'6" high masonry wall required along the north, east and west sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of a relief granted, by this Board, to construct berms in lieu of masonry walls along the north and east property lines of their site. Also, to omit completely the screening wall to the west. This site presently has berms on the east and the north and there is a natural screening of trees and brush along the west property line. 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.

Lynn Surginer was present to represent the church and had nothing to add.

Motion by Milia -  
Supported by Swindell

MOVED, to grant Troy Church of God/Troy Cathedral of Praise, 1285 E. Wattles, renewal of their variance for relief to maintain berms, in lieu of the 4'6" high masonry walls, along the north and east property lines and relief to omit the 4'6" high masonry wall required along the west property line:

1. The variance renewal is for 3 years.
2. Conditions remain the same.
3. There are no objections on file.

Years: 7      Nays: 0      Absent: 0

## ITEM #11

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #12 RENEWAL REQUESTED: Republic Underwriters, 1640 Axtell, 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 a variance granted, by this Board, regarding the 6 foot high masonry screening wall that is required along the north property line. This relief was originally granted in 1987 based on the fact the land to the north is used by Michigan Bell for a switching station building. 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.

Arthur Dickenson was present and asked the Board to consider a 3 year variance renewal, indicating the conditions remain the same.

Motion by Swindell  
Supported by Chamberlain

MOVED, to grant Republic Underwriters, 1640 Axtell, a 3 year renewal of their variance for relief of the 6 foot high masonry wall required along their north property line:

1. The abutting property owner is Michigan Bell and there is a line of trees separating the properties.
2. Conditions remain the same.
3. There are no complaints on file.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #13 VARIANCE REQUESTED: Christine and Gerald Mulka, 657 Trinway for relief to add to an existing non-conforming structure.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct an 18'x19' two story addition to the rear of an existing legal non-conforming residential structure. The structure is non-conforming in that it has a 5 foot side yard setback. The Zoning Ordinance requires a 10 foot side yard setback and does not permit additions to, alterations of or extensions of non-conformities.

Gerald Mulka was present and indicated that their lot is only 50 feet wide, the house was constructed in 1949 and was constructed only 5 feet from the side lot line. Mr. Mulka explained that the addition, to the rear of the home, meets present setback requirements, and therefore, he feels he is not extending the non-conforming setback. The home presently has 2 bedrooms and one bath and the Mulka's have three children. The proposed addition is for a family room, bedroom and bath. Mr. Mulka explained it is in character with other homes in the area, there are many homes that were constructed about the same time and have similar setbacks.

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: Melanie Larsen, 681 Trinway  
Ionel & Dorina Chirla, 604 Sylvanwood - Linda Fritsch, 615 Trinway -  
Mrs. Jerome Sroka, 682 Sylvanwood - David M. Miller, 690 Sylvanwood -  
Danny F. Craig, 575 Trinway

Motion by Swindell  
Supported by Shaver

## ITEM #13.

MOVED, to grant Christine & Gerald Mulka, 657 Trinway, a variance as requested, for relief to construct a 18'x19' addition to the rear of an existing legal non-conforming single family residence:

1. The variance is not detrimental to the neighborhood.
2. There are several letters of approval on file.
3. The variance pertains only to the property described in the application.
4. Conforming is unnecessarily burdensome.
5. The petitioner has demonstrated a personal hardship.

Yeas: 6  
Nays: 1 -Milia  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #14 VARIANCE REQUESTED: John & Renee Kazmierski, 2690 W. Long Lake, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a wood deck with an attached gazebo. The plot plan shows the proposed addition would result in the gazebo being located 18 feet from the rear lot line. The Zoning Ordinance requires a 45 foot rear yard setback in this residential zoned district.

John Kazmierski was present and stated that he does have the approval of the most affected neighbor. The house was laid out to construct a deck at the location they propose to construct the deck and gazebo. They propose to attach the gazebo to the deck so that Mrs. Kazmierski's father, who has a deteriorating neurological disease lives with them during the Summer months, can be set in the gazebo and enjoy the outdoors and be protected from the sun and insects. There is no other location on the property that they could construct a deck with the gazebo and have access for a wheel chair. Mr. Kazmierski also pointed out that there is a 4 foot drop off, from the house, in area where the deck and gazebo is proposed

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: Dominic Silvio, 2629 Creek Bend - Edward H. Phillips, 2681 W. Long Lake.

There was 1 letter of objection: Elizabeth Lo, 2607 Creek Bend.

Motion by Milia  
Supported by Chamberlain

MOVED, to grant John & Renee Kazmierski, 2690 W. Long Lake, a variance, as requested, for relief to construct a deck with an attached gazebo, resulting in an 18 foot rear yard setback where a 45 foot rear yard setback is required:

1. Because of the unique character of the property, the existing layout of the house on the property and the hardships presented by the petitioner, conforming would be unnecessarily burdensome.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #15 VARIANCE REQUESTED: Lason Systems, Inc., 1305 Stephenson Hwy. for relief to have a temporary storage building.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to place an 8'x24' temporary storage building at the rear of their building. The Zoning Ordinance requires Board of Appeals approval for temporary buildings.

Larry Grifka representing Lason Systems, was present. Mr. Grifka stated that they recently purchased another company and combined it with theirs. They do micrographics and photographs and part of their processing requires that they keep customer records for a period of 3 to 6 months, before they can be destroyed. The retention time of the records is required to allow their customers to check their product and have their records redone, if needed, before destruction of those records. Because of the number of cameras and equipment they have in the building, they do not have room needed for additional storage. It is possible their blueprint and whiteprint operations will be moved to their facility in Livonia, giving them more room. If their need for storage continues, they will look at making a permanent addition to their structure.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Alaimo  
Supported by Milia

MOVED, to grant Lason Systems, Inc, 1305 Stephenson, a variance to place a 8'x24' temporary storage building at the rear of their building for a period not to exceed 6 months, at which time the temporary storage building will be removed.

1. Because of their purchase of another company, the petitioner has demonstrated their need for the storage area.
2. Strict enforcement of the ordinance would be unnecessarily burdensome.
3. The structure will have no or little impact on neighboring properties.

Yeas: 4  
Nays: 3 -Chamberlain, Lovio, Fejes  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #16 VARIANCE REQUESTED: Tined Associates, 1419 John R., for relief to add to a non-conforming building.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 125'x80' addition to the rear of an existing legal non-conforming building. This building is non-conforming in that it has a 35 foot front setback from the future right-of-way line of John R. The Zoning Ordinance requires a 50 foot setback and does not permit additions to, alterations of or expansions of non-conformities.

Tom Medici was present and stated the proposed addition to the rear of the building is to provide them with needed space. They do not feel it will increase or alter the non-conformity of the building since it does not change the front setback. The building met requirements when it was constructed, but the increased proposed right-of-way for John R. has made the building non-conforming. Presently, they meet the required front yard requirements for setbacks from the right-of-way. The only way they could meet the future right-of-way setback requirements would be to remove 15 feet from the front of their building, which is not a practical solution in that it is not certain if or when the right-of-way will be increased.



## ITEM #16

The chairman opened the public hearing.

There were not comments from the audience.

The chairman closed the public hearing.

Motion by Chamberlain  
Supported by Fejes

MOVED, to grant Tined Associates, 1419 John R., a variance, as requested, for relief to construct a 125'x80' addition to the rear of an existing legal non-conforming building:

1. There is no overriding reason not to approve the variance.
2. The building currently meets zoning requirements, as it sits there today.
3. Strict enforcement is unnecessarily burdensome.
4. There are no objections from adjacent property owners.
5. The variance does not set a precedence for the area.

Yeas: 6  
Nays: 1 -Milia  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #17 VARIANCE REQUESTED: Trerice Tosto Management Co., 1600 E.  
Big Beaver, for relief of the front setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to alter a parking lot. The plot plan shows the proposed alteration would expand the parking and add a driveway, resulting in a 30 foot front yard setback. The Zoning Ordinance requires a 50 foot front yard setback and does not permit parking, drives or structures in the required setback.

Steven Gamache was present and stated it is their intent to remodel the building by creating 11 truck docks at the rear and moving the parking to the front. The relocation of parking is to keep the pedestrian traffic away from the truck area for safety reasons. The alterations are to provide the post office with space to handle their bulk mail because of overcrowding at their Detroit and Bellingham facilities. The parking will meet their needs during the peak usage and meet the parking requirements of the Zoning Ordinance.

Dave Courtney was present and indicated that they are limits as to where they can expand because they area adjacent to the airport.

Bill Braun was present and indicated that they area also abutting a wet lands area which limits their ability to provide parking at another location. The post office has an option to lease the building, which has been vacant 2-1/2 years, based on the Board's decision. The lease would be for 5 years with options up to 15 years. The building will be used for processing and distribution of bulk mail, there will be no public use of the building.

The chairman opened the public hearing.

There were no comments form the audience.

The chairman closed the public hearing.

Motion by Milia  
Supported by Fejes

MOVED, to grant Trerice Tosto Management, 1600 E. Big Beaver, a variance, as requested, to alter a parking lot, resulting in a 30 foot front setback where 50 feet is required:

## ITEM #17.

1. The property has been vacant 2-1/2 years and the petitioner has plans that would utilize that facility.
2. The proposed use benefits the community and does not negatively affect the public health, safety or welfare.
3. The petitioner has indicated no reasonable use could be made without the variance request.
4. The airport has been taken into consideration.
5. There is no other obvious room for expansion.
6. The request complies with the spirit of the ordinance.

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

MOTION TO APPROVE REQUEST CARRIED.

ITEM #18 VARIANCE REQUESTED: Gerald Friedrich, 3441 Balfour, for relief to place a detached gazebo in the rear yard.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to place a 12 foot diameter gazebo in the rear yard. The Zoning Ordinance requires Board of Zoning Appeals approval for detached gazebos.

Dallas Fir was present to represent the petitioner and had nothing further to add.

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: Dr. Jerry L. and Kim Aiello, 3449 Balfour.

Motion by Milia  
Supported by Shaver

MOVED, to grant Gerald Friedrich, 3441 Balfour, a variance, as requested, to place a 12 foot diameter free standing gazebo in the rear yard:

1. The gazebo size and site location are in good taste and are in keeping with the character of the neighborhood.

Yeas: 7  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #19 VARIANCE REQUESTED: Mihai & Silvia Raetchi, 1797 Hopedale, for relief of the front setback.

Mr. Shripka explained that the petitioner is requesting of the Zoning Ordinance to construct a rear yard, side yard and second floor addition. The plot plan shows the proposed addition would result in a 25 foot front yard setback. The Zoning Ordinance requires a 30 foot front yard setback in this residential zoned district.

Mihai Raetchi was present and submitted an approval signed by 4 of the neighboring property owners: Ronald Briney, 1803 Hopedale - Thomas W. & Darla M. Piotrowski, 1788 Hopedale - Thomas Czarnecki, 1800 Hopedale and Michael R. McCarty, 1764 Hopedale. Mr. Raetchi stated that there are 8 in his family and the present home is 900 square feet. He is requesting the addition to provide needed living room. The second floor addition will be over an existing porch and will not encroach any further into the setback.

## ITEM #19

The chairman opened the public hearing.

Ron Brainey, 1803 Hopedale, 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 on file: Robert & Hilda Zinke, owner of the West 1/2 of Lot #24.

Motion by Fejes  
Supported by Chamberlain

MOVED, to grant Mihai and Silvia Raetchi, 1797 Hopedale, a variance as requested, to construct an addition, resulting in a 25 foot front setback where a 30 foot front setback is required:

1. The variance relates only to the property described in the application.
2. Conforming would be unnecessarily burdensome, the petitioner has a large family and the present house is only 900 sq. ft.

Yeas: 6  
Nays: 1 -Milia  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

The Board of Zoning Appeals adjourned at 9:10 p.m.

GAS/ddb

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