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A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, December 21, 1993.

PRESENT: Gary Chamberlain
John Lovio
Carmelo Milia
Sherwood Shaver
Jerald J. Sosnowski

ABSENT: Christopher Fejes
Michael Alaimo

Motion by Milia
Supported by Shaver

MOVED, to excuse Mr. Fejes and Mr. Alaimo from tonight's meeting as they are out of the City.

Yeas: 5
Nays: 0
Absent: 2

MOTION TO APPROVE CARRIED.

ITEM #1 Approval of November ¹⁶ 21, 1993 Minutes.

Motion by Chamberlain
Supported by Milia

MOVED, to approve the minutes as presented.

Yeas: 5
Nays: 0
Absent: 2 - Alaimo, Fejes

MOTION TO APPROVE CARRIED.

ITEM #2 RENEWAL REQUESTED: Family Fun Center (Emerald Lanes), 1950 E. Square Lake, for relief of the 6 foot high masonry screening wall required along the west property line.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to maintain a 6 foot high earth berm in lieu of the 6 foot high masonry screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a church. Conditions remain the same, we have no objections or complaints on file.

Roger Robinson, Troy Lanes/Family Fun Center, was present and requested his variance be continued.

Motion by Milia
Supported by Sosnowski

MOVED, to grant Troy Lanes/Family Fun Center, 1950 E. Square Lake Road, a three (3) year renewal of their variance for relief to maintain a 6 foot high earth berm in lieu of the 6 foot high masonry wall required along the west property line:

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

Yeas: 5
Nays: 0
Absent: 2- Alaimo, Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #3 RENEWAL REQUESTED: Bharatiya Temple, 6850 Adams, for relief of the 4'6" high masonry wall required along the east side of off-street parking and relief of the number of trees required along South Boulevard.

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ITEM #3

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain a berm in lieu of the 4'6" high masonry screening wall required adjacent to off-street parking and relief of the number of trees required along South Boulevard. This relief was originally granted in 1990 based on the fact that landscaped berms are permitted in lieu of the 4'6" high masonry screening wall. The number of trees along South Boulevard is in keeping with the surrounding areas. The location is far enough away from South Boulevard and is already protected by a wooded area. Conditions remain the same, we have no objections or complaints on file.

Chithra Chakrapani was present to represent the church and requested that the variance be continued.

Motion by Shaver
Supported by Sosnowski

MOVED, to grant Bharatiya Temple, 6850 Adams Road, a three (3) year renewal of their variance for relief to maintain a berm in lieu of the 4'6" high masonry screening wall required where off-street parking abuts residential and relief of the required number of trees along South Boulevard:

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

Yeas: 5
Nays: 0
Absent: 2- Fejes and Alaimo

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #4 RENEWAL REQUESTED: Schaefer Greenhouses, 6825 Rochester Rd., for relief to maintain 6 temporary greenhouses.

Mr. Shripka explained that the petitioner is requesting renewal of a relief granted, by this Board, to maintain 6 temporary structures that are used as greenhouses. This variance has been granted on a yearly basis since 1971. In 1987 some of the greenhouses were removed and reconstructed with the approval of this Board. Presently the variance deals with 6 greenhouses, previously the variance dealt 8 greenhouses. Conditions remain the same, we have no objections or complaints on file.

Carol Rock was present and had nothing to add.

Motion by Sosnowski
Supported by Milia

MOVED, to grant Schaefer Greenhouses, 6825 Rochester Road, renewal of their variance for relief to maintain 6 temporary greenhouses:

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

Mr. Lovio indicated that he would abstain from voting on this matter since, in the past, his company had done business with Schaefer Greenhouses.

Yeas: 4
Nays: 0
Abstain: 1- Lovio
Absent: 2- Alaimo, Fejes

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5 RENEWAL REQUESTED: J. F. Venture Co., 1120 E. Long Lake, for relief of the 6 foot high masonry screening wall required along the east property line.

Mr. Shripka explained that the petitioner is requesting renewal of their variance for relief of the 6 foot high masonry screening wall required along the east property line. This relief was originally granted in 1984 based on the fact the petitioner was installing plantings in lieu of the wall. The plantings that have been installed are surviving well and do provide adequate screening along the property line. Conditions remain the same, we have no objections or complaints on file.

ITEM #5.

Dr. Jalil Farah was present and requested renewal of the variance, indicating conditions remain the same.

Motion by Shaver
Supported by Chamberlain

MOVED, to grant J. F. Venture Co., 1120 E. Long Lake, a three (3) year renewal of their variance to maintain plantings, in lieu of the 6 foot high masonry screening wall required along their east property line where non-residential abuts residential zoning:

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

Yeas: 5
Nays: 0
Absent: 2- Alaimo, Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #6 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 requesting renewal of relief granted, by this Board, to maintain a temporary gravel parking lot and access drive to the church. The Zoning Ordinance requires all parking lots 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 the hard surface parking areas. In 1986 the church changed hands and the new owners wished to continue the variance since their plans were similar to the previous church and they also would be expanding. A condition, in 1989, was placed on the renewal, requiring dust control be provided for the parking and drive areas. This item was tabled at the May, 1993 meeting to answer the Board's concerns regarding screening walls required for parking areas adjacent to the residential property, especially now that the surrounding area is under development. Since that time the Building Department has met with the church to determine the needs and placement of the required screening wall. Reviewing the original plans, indicated the proposed parking would have required walls, but since no parking lot has been installed, the actual layout of the lot and wall requirements have never been determined. The church then began the process of preparing plans showing required parking based on the number of occupants and size of the church, which has changed from the original plan. Once the actual number of spaces has been determined, the church would then provide drawings indicating where the parking will take place on the site. At that time determination of the required screening walls will also be determined. At the June, 1993 meeting this item was tabled for a period of 3 months to give the petitioner opportunity to address the parking and need for screening elements where the parking lot abuts residential. Also, to apply for a new public hearing if the screening wall variance is being requested. At that time the petitioner had not presented the finalized plan to the Building Department, nor have we made a determination if screening walls will be required and where they will be needed. At the September, 1993 meeting of the Board of Zoning Appeals, it was moved to grant North Metro Free Methodist Church a 3 month renewal of their variance for relief to maintain a gravel parking lot and access drive, again based on the fact this will allow the petitioner time to develop a plan to alleviate the problem of the parking lots and screening.

Doug Rasure and Robert Higgins were present. Mr. Rasure stated that a wall has been erected between the church property and the abutting residential to the west. Mr. Rasure indicated that they are in the process of receiving bids for the installation of the asphalt parking lot and the installation is subject to the weather, it will be installed this Spring. Mr. Rasure presented the Board with copies of their parking plan.

Mr. Shripka informed the Board that if a masonry wall is required along the east side of their property they seek relief of that wall and a new public hearing will be required.

Motion by Milia
Supported by Sosnowski

ITEM #6.

MOVED, to grant the North Metro Free Methodist Church, 1349 W. Wattles, a one year renewal of their variance for relief to maintain a gravel parking lot and access drive:

1. The variance renewal will give the church time to complete their paving.
2. There are no objections or complaints on file.

Yeas: 5
Nays: 0
Absent: 2- Alaimo, Fejes

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7 RENEWAL REQUESTED: MacLeish Custom Building Co., 650-700 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the south and east property lines.

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 south and east property lines of their site. This variance has been granted on a yearly basis since 1986, primarily because the Master Land Use Plan indicates the adjoining land could possibly become future non-residential. 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.

Dan MacLeish was present and requested renewal, indicating that the property to the east is being purchased by them and could possibly become non-residential.

Motion by Shaver
Supported by Chamberlain

MOVED, to grant MacLeish Custom Building, 650-700 E. Big Beaver, a three (3) year renewal of their variance for relief of the 6 foot high masonry screening wall required along the south and east property lines where non-residential abuts residential:

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

Yeas: 5
Nays: 0
Absent: 2- Fejes, Alaimo

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #8 RENEWAL REQUESTED: Korean United Methodist Church, 42693 Dequindre, for relief of the 4'6" high masonry screening wall required along the south side of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, in regard to the 4'6" high masonry screening wall required along the south property line. This relief was originally granted in 1987 for the south and west property lines, with the stipulation the petitioner plant trees and shrubs along the berm adjacent to the south property line to provide obscuring elements. The addition has now been completed and the obscuring wall has been placed on the west property line. The berm which runs along the south property line is completed, other than an opening at the west end of the south property line. This item was renewed in 1992 with the stipulation the petitioner replace the dead trees, a recent inspection of the site revealed three dead trees on this berm. Other than that conditions remain the same, we have no objections or complaints on file.

This item was tabled at the last regular meeting to give the petitioner the opportunity to be present.

Mun Bae Kim was present to represent the church and had nothing to add.

Mr. Chamberlain addressed concerns of neighbors in the adjacent subdivision and Mr. Kim indicated that he thought they had been resolved.

Motion by Chamberlain
Supported by Milia

ITEM #8

MOVED, to schedule a new public hearing regarding the screening wall along the east side of off-street parking at the Korean United Methodist Church, 42693 Dequindre, based on the objections from the neighbors.

Yeas: 5
Nays: 0
Absent: 2- Alaimo, Fejes

MOTION CARRIED.

OTHER BUSINESS - RECONSIDERATION OF PREVIOUS VARIANCE: Greentrees East Subdivision, corner of Brandywyne and Wattles and corner of Briargrove and Wattles, to maintain subdivision entrance structures.

Mr. Shripka explained that in 1966 the Board of Zoning Appeals granted a variance to Mark Builders Inc. to erect entrance structures in the corner clearance triangle of Greentrees East Subdivision, larger than permitted by the Zoning Ordinance. Since that original variance there have been a number of substantial changes that have taken place that affect this subdivision. Based on those substantial changes, we have been requested to again bring this issue back to the Board of Zoning Appeals for reconsideration. If in fact the Board desires to reconsider this variance, a vote of four or more members of this Board is required. We then will prepare a public hearing for our next regularly scheduled meeting.

John Szerlag, Assistant City Manager/Services was present to represent this item. Mr. Szerlag informed the Board that because there are now sidewalks in the area and Coolidge has been paved, there are substantial changes to this area. Traffic has increased and because of the changes to the area the structure is now in violation of the obstruction ordinance and there have been complaints regarding the structures. Some homeowners in the area have requested that the entrance structures be removed and because these entrance structures were erected through the granting of a variance, it was felt that re-consideration of the variance, by this Board was appropriate.

The Board discussed this request and expressed concerns regarding the location of the structure - was it on private property, if so, who owned it; was it on an easement and was it not the responsibility of the owner or the subdivision to just remove it if they no longer wished to have the structure.

The Board did not feel it was their responsibility to make a determination on this question.

Motion by Chamberlain
Supported by Milia

MOVED, that the Board not reconsider the question of a new public hearing for the Greentrees Subdivision entrance structures at the corners of Brandywyne and Coolidge and at Briargrove and Wattles:

1. This is not the most expeditious way to handle the problem, it is not the Board's problem.
2. There should be research to determine the owner and require the owner remove the structure.

Yeas: 5
Nays: 0
Absent: 2- Fejes and Alaimo

MOTION TO DENY REQUEST CARRIED.

ITEM #9 VARIANCE REQUESTED: Archdiocese of Detroit, 200 E. Wattles, for relief of the 4'6" high masonry screening wall required along the east and west sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new religious facility. The site plan does not show a 4'6" high masonry wall along the east or west sides of their parking areas.

The Zoning Ordinance requires a 4'6" high masonry screening wall where parking abuts residential.

Jens Kusk of Brown Associates Architects was present. Mr. Kusk stated that because the east property line is bordered by the Sturgis Drain they do not feel screening is necessary. To the west is 590 foot environmental protection buffer.

ITEM #9

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There was one letter of approval on file: Roland A. Gessert, D.V.M., owner of Lots 87 - 94 and 164-170, Crestfield Sub.

There were 2 letters of objection: Lee Nardi, 97 E. Wattles - Loretta Gates, 37 Scottsdale.

Motion by Sosnowski
Supported by Milia

MOVED, to grant a one year renewable variance to the Archdiocese of Detroit, 200 E. Wattles, for relief of the 4'6" masonry screening wall required along the east and west sides of their off-street parking:

1. The walls would serve no useful purpose.

Yeas: 4
Nays: 1- Chamberlain
Absent: 2- Alaimo, Fejes

MOTION TO APPROVE REQUEST FOR ONE YEAR CARRIED.

ITEM #10 VARIANCE REQUESTED: Troy Christian Chapel, 400 E. Long Lake, for relief the 4'6" high masonry screening wall required along the south and west sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to add to their existing parking lot. The site plan shows a 6 foot wood fence along the a portion of the south side of their west parking lot. The Zoning Ordinance requires a 4'6" high masonry screening wall where parking abuts residential. Also the plans show a 4'6" high landscaped berm along the west side of off-street parking which abuts residential.

Mary Stirnenhann was present and stated that the church has negotiated with neighbors to the west side of their site and the neighbors prefer a berm. The neighbors to the south prefer a fence rather than the wall. The fence is to give the neighbors the required screening and will be setback approximately 40 feet from their property line. They also propose to plant a line of evergreens on the berm to provide screening.

The Chairman opened the public hearing.

George Gerlach, 340 E. Long Lake, was present and approved of the request.

Chris Martin, 4870 Belhaven, was present and approved of the request.

There were no further comments from the audience.

The Chairman closed the public hearing.

There were 2 approvals on file: Maria Nido, 4876 Belzair and Dennis & Monica Nido, 4755 Belzair.

Motion by Chamberlain
Supported by Shaver

MOVED, to grant Troy Christian Chapel, 400 E. Long Lake, a one (1) year renewable variance for relief to construct a landscaped berm along the west side of their off-street parking and a fence along the south side of their off-street parking, in lieu of the required 4'6" masonry wall:

1. The variance is not contrary to public interest.
2. The neighbors directly abutting the church property approve of the alternate screening.
3. It will preserve trees.
4. The variance will not establish a prohibited use.
5. The variance will not cause a adverse effect to properties in the immediate vicinity or zoning district.

ITEM #10

Yeas: 5
Nays: 0
Absent: 2- Alaimo and Fejes

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #11 VARIANCE REQUESTED: John and Shelby Rohr, 2011 Orpington, for
relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20'x12' addition to the rear of an existing residence. The site plan shows the proposed addition would result in a 31.2 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback.

John Rohr was present and stated that he has severe back problems and that the addition is to allow him to install hydro-therapy equipment. He has been advised that this will give him relief from his back problems. Mr. Rohr stated he has checked with several of the neighbors and they have no objections to the variance. Mr. Rohr stated that there are other neighbors with variances. Mr. Rohr stated that to construct an addition that would meet the required setback would not be practical, it would not have the resale value and would possibly decrease the value of their home.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There was one approval on file: James A. Walker, 2019 Orpington.

Motion by Sosnowski
Supported by Shaver

MOVED, to grant John and Shelby Rohr, 2011 Orpington, a variance as requested to construct an addition to the rear of an existing residence, resulting in a 31.2' rear yard setback where 35 feet is required:

1. The variance is not contrary to public interest, Mr. Rohr has stated that he has neighbor approval.
2. The variance will not cause an adverse effect to properties in the immediate vicinity.
3. The variance does not establish a prohibited use within the zoning district.

Yeas: 5
Nays: 0
Absent: 2- Fejes and Alaimo

MOTION TO APPROVE REQUEST CARRIED.

ITEM #12 VARIANCE REQUESTED: Dean L. & Anne T. Ortel, 3666 Adams, for
relief of the required setback from Lanergan.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20'6"x31' addition on the west side and an 11'6"x9'2" addition on the east side of an existing residence. The site plan shows the proposed addition on the west would extend an existing 36'8" setback from Lanergan, which is an existing legal non-conforming setback. The Zoning Ordinance requires a 40 foot setback and does not permit additions to, expansions or, nor alterations of non-conformities.

Dean and Anne Ortel were present. Mr. Ortel stated that their proposal is to construct an addition to their garage and add a second story addition. The garage is very small, one of the smallest in the area, and the addition would give them sufficient space to store their automobiles, lawn equipment, tools, bikes, etc. inside. Also, they have no basement and their home is only approximately a 1200 square foot, 2 bedroom home and they need additional room for their family. The garage would be in line with their present setback from Lanergan, so there would be no further encroachment. If the garage were reduced to meet today's setbacks, it would not be usable. The addition as proposed would allow them to use existing walls for support walls.

ITEM #12

The Chairman opened the public hearing.

Don Teichow, 2991 Lanergan, was present and approved of the variance.

There were no further comments from the audience.

The Chairman closed the public hearing.

There was one approval on file: Salvatore Lumetta, 2966 Lanergan.

Motion by Chamberlain
Supported by Shaver

MOVED, to grant Dean L. & Anne T. Ortel, 3666 Adams, a variance, as requested for relief to add to an existing legal non-conforming residence, continuing a 36'8" setback from Lanergan, where a 40 foot 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 variance will not cause an adverse effect to properties in the immediate vicinity.
4. The proposed addition will bring the home in line with the immediate area.

Yeas: 5
Nays: 0
Absent: 2- Alaimo and Fejes

MOTION TO APPROVE REQUEST CARRIED.

ITEM #13 VARIANCE REQUESTED: Philip D. Cohen, 2950 E. Wattles, for relief of the 6 foot high masonry screening wall required along the south property line.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new medical building. The Zoning Ordinance requires a 6 foot high decorative masonry screening wall where non-residential abuts residential zoning. The site plan does not show a 6 foot high wall along the south property line where their site abuts residential.

Philip Cohen was present and stated that he is requesting relief of the required wall along the south property line because the property immediately south is vacant and for sale and the property adjacent to that is a vacant parcel. Also there is no construction on the parcel abutting the west property line. There is some question as to whether or not this abutting property, to the south, will become non-residential. Therefore, Mr. Cohen stated he feels it would serve no useful purpose to install a screening wall.

The Chairman opened the public hearing.

Joe DeAngelo, representing Mrs. Mary Gajowiak, 38913 Dequindre, (the property immediately south of Mr. Cohen) was present and stated that there was no objection to the variance.

There were no further comments from the audience.

The Chairman closed the public hearing.

There was one approval on file: Mary Gajowiak, 38913 Dequindre

Motion by Shaver
Supported by Sosnowski

MOVED, to grant Philip D. Cohen, 2950 E. Wattles, a one year renewable variance for relief of the 6 foot high masonry screening wall required along the south property line:

1. The wall would serve no practical purpose.
2. The variance is not contrary to public interest.

ITEM #13

Yeas: 4
Nays: 1- Chamberlain
Absent: 2- Fejes and Alaimo

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #14 VARIANCE REQUESTED: Cavity Craft, Inc., 1107 Naughton, for relief of the required setback from I-75 - relief to add to an existing legal non-conforming building.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to an existing industrial building. The site plan shows the proposed addition would result in a 15 foot setback from I-75. The Zoning Ordinance requires a 50 foot setback. Also, the existing setback from I-75 is only 20 feet, which is an existing legal non-conforming setback. The ordinance does not permit additions to, expansions of, nor alterations to non-conformities.

Tom Sawyer, Attorney for Cavity Craft, Gerald Barr and Tom Leonard of Cavity Craft were present, also, the contractor Sal Perrar was present. Mr. Sawyer stated that the structures setback was existing prior to the present setback requirements. The petitioner has purchased the property to the west of their present building to give them area required for parking if they can proceed with their proposed addition. The addition is needed to give them the room needed to house their very large machinery required for their business and to also safely operate equipment and machinery. Mr. Sawyer stated that they will not establish a precedence for the area in that there are several buildings with similar setbacks. They feel that the proposed addition will have no negative affect on the neighboring properties and the property is not really visible from I-75. They are also screened by trees and shrubs and because of a curve in I-75, it does not look like their building is not setback 50 feet because of the height of I-75 behind the property. Mr. Sawyer also presented letters of approval from 3 property owners on Naughton: Model-Matic, Inc., 1094 Naughton - Fitz-Rite Products, 1122 Naughton - Smoke Odor Dealer Service Co., 1125 Naughton.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 2 approvals on file: J. D. Singleman, 1125 Naughton and Stanley Kosmalski, owner of 1094 and 1150 Naughton.

Motion by Chamberlain
Supported by Shaver

MOVED, to grant Cavity Craft, 1107 Naughton, a variance, as requested, for relief to construct an addition to the rear of an existing industrial building, resulting in a 15 foot setback from I-75 where 50 feet is required:

1. The variance is not contrary to public interest as established by the letters submitted to the Board.
2. The variance does not establish a prohibited use.
3. Conforming would be unnecessarily burdensome.

Yeas: 5
Nays: 0
Absent: 2- Alaimo and Fejes

MOTION TO APPROVE REQUEST CARRIED.

The Board of Zoning Appeals adjourned at 9:15 p.m.

GAS/ddb

