

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, November 15, 1994 by the Chairman, Carmelo Milia.

PRESENT: Michael Alaimo
Christopher Fejes
Carmelo Milia
Sherwood Shaver
Jerald Sosnowski

ABSENT: John Lovio
Barbara Palazzolo

ITEM #1 Approval of Minutes - October 18, 1994

Motion by Fejes
Supported by Sosnowski

MOVED, to approve the October 18, 1994 minutes as written.

Yeas: 5
Absent: 2- Lovio, Palazzolo

MOTION TO APPROVE CARRIED

Motion by Sosnowski
Supported by Fejes

MOVED, to excuse John Lovio from the meeting as he is out of the County.

Yeas: 5
Absent: 2- Palazzolo, Lovio

MOTION CARRIED

ITEM #2 RENEWAL REQUESTED: Vel Corporation, 3236 Rochester Road, for relief of the 6 foot high masonry screening wall required along the east property line.

The Chairman noted that the petitioner has submitted a request that this request be withdrawn, due to the fact that the wall has now been installed and no action is required on this request.

ITEM #3 RENEWAL REQUESTED: Crooks Road Investment Co., 2877 Crooks Road, for relief of the 4'6" high masonry obscuring wall required along the west and a portion of the south property line.

The Chairman tabled this request until the next regular meeting (December 20, 1994) based on the letter received from the petitioner, requesting tabling action as he cannot attend this meeting.

ITEM #4 RENEWAL REQUESTED: The Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake, for relief of the 4'6" high masonry obscuring wall required along the east and west sides of off-street parking.

The petitioner was not present.

Motion by Sosnowski
Supported by Fejes

MOVED, to move this item to the end of the agenda (Item #12) to give the petitioner the opportunity to be present.

Yeas: 5
Absent: 2- Lovio, Palazzolo

MOTION CARRIED

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ITEM #5 VARIANCE REQUESTED: Peter Saab, 2754 Palmerston, for relief of the front and rear yard setbacks.

Mr. Shripka explained that petitioner originally appeared before this Board September 20, 1994 requesting relief of the Zoning Ordinance to construct a 30'x24' addition to the front of an existing residence. The site plan shows that the proposed addition would result in a front yard setback of 34 feet and a rear yard setback of 32 feet. The Zoning Ordinance requires a front yard setback of 40 feet and a rear yard setback of 45 feet. This item was then tabled at that meeting to give the petitioner the opportunity to re-work his plans and re-submit. Since that time, the petitioner has in fact re-submitted drawings and has now relocated and reduced the size of the garage so he is now asking for relief of the Zoning Ordinance to construct a 22'x30' garage addition on the south side of an existing residence. The site plan shows the addition would result in a 35 foot front yard setback from Palmerston where the Zoning Ordinance requires a 40 foot setback. The site plan also shows a 10-1/2'x14' second floor addition on the rear of an existing 32 foot rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback.

Peter Saab was present and noted the changes he had made to the plans previously submitted. Mr. Saab noted that his lot is a corner lot and that the house is set diagonally on the lot. Mr. Saab presented the board with an approval of his proposed plan, signed by 17 neighbors and a public hearing response from 2 neighbors. Mr. Saab noted that the second story addition was to provide additional needed living area. The addition to the garage is to provide additional area and replace area he would be losing by converting the present garage to living space. Mr. Saab noted that the alteration of the present garage was to provide room for his mother who would be living with them part of the winter. Mr. Saab stated that the reason he wants the additional living space on the first floor is because his mother has a bad back. The Board questioned Mr. Saab on running a business from his home. Mr. Saab stated that his office is in his home and that he does not have any traffic coming to his home. He did indicate that he has a large van type truck that is parked outside at the home because it is too large for the garage and he drives it every day. In response to questions from the Board, Mr. Saab indicated that a portion of the garage would be used to park his suburban and the remainder of the garage would be used for storage, as it is now.

The chairman opened the public hearing. William Gadde, 2751 Bolingbroke, objected, stating that the proposal is over building the lot. Ron Deller, 2774 Palmerston, objected to the garage addition. There were no further comments and the public hearing was closed.

Motion by Alaimo
Supported by Sosnowski

MOVED, to grant Peter Saab, 2754 Palmerston, a variance, as requested for the second story addition;

1. The petitioner has an odd shaped lot.
2. He has demonstrated a need for the additional room.
3. There is no additional encroachment into the rear lot.

Yeas: 3- Sosnowski, Alaimo, Milia
Nays: 2- Fejes, Shaver
Absent: 2- Palazzolo, Lovio

MOTION FAILS, REQUEST DENIED

Motion by Alaimo
Supported by Sosnowski

MOVED, to deny the request of Peter Saab, 2754 Palmerston, for relief from the front setback;

1. No hardship has been presented.

ITEM #5

2. The petitioner has not presented a hardship showing a need for a 3 car garage.

Yeas: 5

Absent: 2- Lovio, Palazzolo

MOTION TO DENY REQUEST CARRIED

ITEM #6 APPROVAL REQUESTED: Lynn A. Bulkley, 5841 Ruby, for relief to erect a satellite dish.

Mr. Shripka explained that the petitioner had appeared at our October 18, 1994 meeting requesting approval, from the Board, to erect a 7-1/2 foot diameter satellite dish, 10 foot in height. The Zoning Ordinance requires Board of Zoning Appeals approval for satellite dishes or antennas exceeding 24 inches in diameter. At that meeting, the Board tabled this item until the next regular meeting, requesting the City provide them with additional guidelines, direction and criteria to work on for requests for satellite dishes and suggested Mr. Bulkley contact neighbors for approval.

Lynn Bulkley was present and stated that he had this satellite dish at his previous residence, in Troy, and wants to relocate it. The larger dish gives him more channels and allows him to view their church channel, which is not available on cable or the smaller satellite dish. Mr. Bulkley indicated that he could screen the satellite dish with shrubs. The Board asked Mr. Bulkley if his subdivision had subdivision restrictions regarding this type of installation and Mr. Bulkley responded that there were no restrictions.

The chairman opened the public hearing.

John Vansteenien who owns Satellite City in Troy was present and spoke about the differences and advantages of the larger dish versus the smaller dish. He stated the 18" dish was designed to compete with cable TV and did an excellent job. He is selling the smaller dish so fast, he cannot keep them in stock. He is putting the small dishes in like crazy in Troy. However, he felt the City's ordinance was not reasonable because the larger dish permitted the reception of more channels. Approximately half as many channels were available on the small verses larger dishes. He pointed out that new satellites have stronger signals and the dishes have become smaller. The quality of reception on a 24" dish is as good as that on a 10 foot dish. He also stated that the front of the proposed dish could not be screened.

Dwight Conger who owns Satellite City in Ferndale also spoke in favor of the larger dish. He sells both the smaller and larger dish and the larger dish was still more popular. 80% of his business is in Detroit. He stated that the new 18" dish had 150 channels capacity and the programming cost from \$7.00 to \$69.00 a month. The larger dish could access as many as 379 channels. The larger dish offered more choice.

The public hearing was closed.

Board member, Mr. Alaimo, pointed out that it was the obligation of the Board to provide a reasoned judgement. He felt the Board should look at such criteria, as the size of the lot, the reaction of the neighbors, deed restrictions and the ability to screen the proposed dish. It was his opinion that Mr. Bulkley's lot was small. He pointed out that Mr. Bulkley was proposing to screen only the side that was least objectionable to neighbors. The front of the dish pointed to neighbors to the rear who were objecting. Mr. Alaimo felt these factors all suggested the proposed dish should be disapproved.

The Chairman, Mr. Milia, stated that the board has to balance the petitioner's choice to get more channels against the neighbor's right to live in an aesthetic environment. He felt the petitioner had a tougher burden when the dish impacted on neighbors living close together. The Board could be more lenient if a big lot was involved. He stated that there were 8 objections and 2 approvals for the proposed dish.

ITEM #6

There were 2 approvals and 8 objections on file.

The Board discussed satellite dishes, advantages to owner and possible negative impact on adjacent property owners. The number of objections received on satellite dish requests, subdivision deed restrictions and the aesthetic impact of a large satellite dish on small lots was also discussed.

Motion by Sosnowski
Supported by Alaimo

MOVED, to deny the request from Lynn A. Bulkley, 5841 Ruby, to install a 7-1/2 foot satellite dish, 10 foot in height, because:

1. The objections from the neighbors.
2. The aesthetic impact of the dish due to the smallness of the lot.

Yeas: 5
Absent: 2- Lovio, Palazzolo

MOTION TO DENY REQUEST CARRIED.

The Board recessed at 9:14 p.m. and reconvened at 9:25 p.m.

ITEM #7 APPROVAL REQUESTED: Mazin Allah, 4836 Davis Ct., for relief to erect a satellite dish.

The Chairman moved the request of Mazin Allah to the end of the agenda (Item #13) to give the petitioner the opportunity to be present.

ITEM #8 APPROVAL REQUESTED: Roy D. Burkert, 6882 Westpointe, for relief to erect a satellite dish.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to erect a satellite dish 7-1/2 feet in diameter with a total height of 10 feet, located 6 feet from the east lot line. The Zoning Ordinance requires Board of Zoning Appeals Approval for satellite dishes exceeding 24 inches in diameter.

Mr. Burkert was present and stated that he was requesting permission to install the larger satellite dish because of the number of music channels available. He is senior buyer for Harmony House and being able to view additional channels will allow him to spot the trends in music for his job. The Board asked Mr. Burkert if there were any subdivision restrictions regarding this type of installation and he indicated his property was not a part of the subdivision.

The chairman opened the public hearing. There were no comments from the audience and the public hearing was closed.

There were 7 objections on file.

Motion by Sosnowski
Supported by Alaimo

MOVED, to table the request of Roy D. Burkert, 6882 Westpointe, for approval to install a 7-1/2 foot satellite dish until the next regular meeting (December 20, 1994) to give the petitioner the benefit of a full board.

Yeas: 4
Nays: 1- Fejes
Absent: 2- Lovio, Palazzolo

MOTION TO TABLE UNTIL NEXT REGULAR MEETING (DECEMBER 20, 1994) CARRIED.

ITEM #9 APPROVAL REQUESTED: Shigeru Wami, 2612 Marcus, for relief to erect a satellite dish.

ITEM #9

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to erect a satellite dish 7-1/2 feet in diameter with a total height of 10 feet, located 15 feet from the southwest corner of the rear property line. The Zoning Ordinance requires Board of Zoning Appeals approval for satellite dishes exceeding 24 inches in diameter.

Shigeru Wami was present and stated he is requesting the larger satellite dish so that he can receive television broadcasts in Japanese because his wife does not understand or speak English. The Board noted that there was a copy of subdivision restrictions, submitted as part of the public hearing response. Those restrictions required subdivision approval for accessory structures.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There were 4 objections and 1 approval on file.

Motion by Sosnowski
Supported by Alaimo

MOVED, to table the request of Shigeru Wami, 2612 Marcus, until the next regular meeting (December 20, 1994) to give Mr. Wami the opportunity to present his proposal to his subdivision association for approval.

Yeas: 5
Absent: 2- Palazzolo, Lovio

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (DECEMBER 20, 1994)
CARRIED.

ITEM #10 VARIANCE REQUESTED: Doug Schuman, 2598 John R., for relief
of the required setback from Garry.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 14'x24' attached garage. The site plan shows the proposed garage would result in a 18'5" setback from Gary Street. The Zoning Ordinance requires a 25 foot setback. This property has been before this Board on two separate occasions; the first time required setback variances from both the north and south. That request was denied. The petitioner then made substantial change to his proposal, returned before this Board. At that time, the request presented, by the petitioner, was also denied.

Doug Schuman was present and reviewed, with the Board, his previous requests and the new proposal. Mr. Schuman stated that he must presently store his vehicles outside and store lawn equipment and gasoline for the lawn equipment in the basement. The garage will allow him to park the vehicle inside, out of the weather, and store lawn equipment and gasoline for that equipment, as well as trash containers.

The chairman opened the public hearing. Keith Prill of Italy American Construction Company, the builder, was present and stated that he feels the garage will add more value and be more attractive than a detached accessory building. It will not block the line of sight down the street and help to block the view of an old privacy fence along the rear of the property. There were no further comments and the public hearing was closed.

There were 2 approvals on file.

Motion by Shaver
Supported by Alaimo

ITEM #10

MOVED, to grant Doug Schuman, 2598 a variance, as requested to construct a 14'x24' attached garage, resulting in a 18'5" setback from Gary Street where a 25 foot setback is required;

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.

Yeas: 4

Nays: 1 - Fejes

Absent: 2- Lovio, Palazzolo

MOTION TO APPROVE REQUEST CARRIED

ITEM #11 VARIANCE REQUESTED: Anthony C. Rea, 2790 W. Maple, for relief to add to an existing legal non-conforming structure.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 244.8 square foot addition on the south side and alter an existing legal non-conforming building. The building is legal non-conforming in that it has a 28 foot rear yard setback. The Zoning Ordinance requires a 30 foot rear yard setback and does not permit expansion of non-conforming buildings.

Mr. Rea was present and stated that the site was previously a service station that has been vacated. With the greenhouse addition to the front this site it can be turned into a viable flower business. Mr. Rea noted that this additional space is needed because of the floor space needed for their walk-in cooler. The greenhouse addition will add character, aesthetic value and give the building needed visibility. Mr. Rea also noted that the proposed addition and alteration of the building will not encroach any further into the non-conforming rear setback.

The chairman opened the public hearing. Bob Welch of the Hollywood Supermarket, 2670 W. Maple, was present and objected expressing concerns about the use of their parking lot for overflow customers from the florist shop. There were no further comments and the public hearing was closed.

Motion by Sosnowski
Supported by Shaver

MOVED, to grant Anthony C. Rea, 2790 W. Maple, a variance, as requested to construct a 244.8 square foot addition to the front of an existing legal non-conforming building;

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 relates only to the property described in the application.
4. The request is not excessive and is an improvement to the site.

Yeas: 5

Absent: 2- Palazzolo, Lovio

MOTION TO APPROVE REQUEST CARRIED.

ITEM #12 ITEM #4. RENEWAL REQUESTED: The Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake, for relief of the 4'6" high masonry obscuring wall required along the east and west sides of off-street parking.

The petitioner was not present.

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ITEM #13 ITEM #7. APPROVAL REQUESTED: Mazin Allah, 4836 Davis Ct.,
for relief to erect a satellite dish.

The petitioner was not present.

Motion by Alaimo
Supported by Fejes

MOVED. to table the request of The Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake, for relief of the 4'6" high masonry screening wall required along the east and west sides of off-street parking; and the request of Mazin Allah, 4836 Davis Ct., for relief to erect a satellite dish, until the next regular meeting (December 20, 1994) to give the petitioner the opportunity to be present.

Yeas: 5
Absent: 2- Palazzolo, Lovio

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (DECEMBER 20, 1994)
CARRIED.

The Board of Zoning Appeals adjourned at 10:20 p.m.

GAS/ddb

