

A meeting of the Zoning Board of Appeals was held on Tuesday, March 20, 1979 at the Troy City Offices. The meeting was called to order by Chairman, Carmelo Milia at 7:30 p.m.

PRESENT: Carmelo Milia
Chairman

Kenneth Lashmet
John Wilson
Robert Melaragni
James Giachino
Harrison Pearo
John Lovio (arrived at 8:00 p.m.)

ITEM #1. Approval of February 20, 1979 and February 27, 1979 minutes

Motion by Pearo
Support by Wilson

MOVED, to approve the minutes of February 20 and February 27, 1979 as written

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO APPROVE CARRIED

RENEWALS

ITEM #2. Kaufman and Broad, Wexford Park Homes, east side of Big Beaver, between John R and Dequindre, for relief of 4'6" obscuring walls required at off-street parking areas adjacent to residential property to the east and west.

Mr. VandenBussche explained that the petitioner is requesting a renewal for relief of the requirement of the 4'6" masonry walls along the off-street parking area of the condominium complex. The subject area for relief of these walls is along the west and east property lines. These areas are adjacent to a church site and retention pond on the east and undeveloped land to the west. This relief has been granted on a yearly basis since 1976. The conditions remain the same and there are no objections or complaints in our files.

Mr. Samuel Tull, representing Kaufman and Broad, was present. He had no additional comments.

Motion by Lashmet
Support by Wilson

MOVED, to approve relief of 4'6" obscuring walls required at the off-street parking areas adjacent to residential property to the east and west property lines for one year for the following reasons:

1. It is continuing a variance that was originally granted in 1976.
2. It is not detrimental to the area.
3. There are no objections or complaints on file.

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO RENEW FOR ONE YEAR CARRIED

D1

March 20, 1979

ITEM #3. Planterra Greenhouse, 6550 Coolidge, for relief to maintain a temporary greenhouse.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief to maintain a temporary greenhouse on their site. This variance has been granted on a yearly basis since 1968. The conditions remain the same and there are no objections or complaints in our files at this time.

Mr. Larry Pluska was present. He had no additional comments to contribute.

Motion by Giachino
Support by Melaragni

MOVED, to approve renewal of relief to maintain a temporary greenhouse at 6550 Coolidge for one year based on the following reasons:

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

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO APPROVE FOR ONE YEAR CARRIED

ITEM #4. Michigan Bell Telephone Company, 6950 Crooks, for relief of a masonry obscuring wall.

Mr. VandenBussche explained that the petitioner is requesting renewal for relief of a masonry wall required at the off-street parking area of their site. This variance has been granted on a yearly basis since 1971 primarily due to the fact that the adjacent land is undeveloped. The conditions remain the same and there are no objections or complaints in our files.

Mr. Jim Donovan, representing Michigan Bell Telephone Company was present. He had no additional comments.

Motion by Pearo
Support by Giachino

MOVED, to renew relief of a masonry obscuring wall at 6950 Crooks for one year based on the following reasons:

1. The conditions remain the same.
2. This variance has been granted since 1971.

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO APPROVE FOR ONE YEAR CARRIED

ITEM #5. Patricia Barlow, 894 East Big Beaver, for relief of a 6' masonry obscuring wall that is required at the residential zoning district line to the south.

The petitioner was not present.

Motion by Lashmet
Support by Melaragni

MOVED, to table this item until the end of the agenda as Item #24.

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO TABLE UNTIL THE END OF THE AGENDA CARRIED

ITEM #6. Richard J. Lomas, 1982 Livernois, relief of a 6' masonry obscuring wall.

Mr. VandenBussche explained that the petitioner is requesting renewal of the relief granted by this board for a masonry wall required at the east property line of their site abutting residential zoning. This relief has been granted on a yearly basis since 1973 primarily due to a hardship that would be caused to the resident of the site adjacent to the area where the 6' wall would be located. The residential site has a garage that is located in such a manner that its use would be hampered if the wall were to be installed. The conditions remain the same and there are no objections or complaints in the files.

Mr. William Decker, 28 Arthur who is the adjacent resident that would be affected, was present. He indicated that the conditions are the same and would not be able to get his car into the garage if a wall were to be erected.

Motion by Lashmet
Support by Wilson

MOVED, to approve renewal of the relief of a 6' masonry obscuring wall at 1982 Livernois for one year based on the following reasons:

1. It would be renewing a variance granted in 1973.
2. There is a particular hardship in that the land owner to the east would not be able to fully use his garage.
3. There are no objections in the files.

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO APPROVE FOR ONE YEAR CARRIED

ITEM #7. Walsh College, 3838 Livernois, for relief of a masonry wall.

The petitioner was not present.

Motion by Wilson
Support by Lashmet

MOVED, to table this item to the end of the agenda as Item #25.

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO TABLE UNTIL ITEM #25 CARRIED

ITEM #8. McDonalds Corporation, 4819 Rochester, for relief of a 6' masonry obscuring wall along the south property line.

Mr. VandenBussche explained that the petitioner is requesting renewal for relief of 6' masonry walls required at the residential zoning district line to the south. This relief was originally granted in 1974 based on the fact that abutting residential zoned land is used by a nonconforming industrial building. The conditions remain the same and there are no objections or complaints in our files.

Mr. Dave Stickler was present. He had no additional comments.

Motion by Giachino
Support by Pearo

MOVED, to approve relief of a 6' masonry obscuring wall along the south property line at 4819 Rochester Road for one year based on the following reasons:

1. The conditions of the abutting property remain the same.
2. There are no objections on file.

ayes: 6
nays: 0
absent: 1 - Lovio

MOTION TO APPROVE FOR ONE YEAR CARRIED

TABLED

ITEM #9. John Tortorici, Lot #19 and #20, McCormick and Lawrence Little Farms Subdivision, north side of Webb, for relief to erect a single family residence on a 90' lot in lieu of the required 100' in a R1B use district.

Mr. VandenBussche explained that at the last meeting the board tabled this item requesting the petitioner to make an attempt to obtain additional land to conform to the ordinance. Evidently the petitioner was able to obtain land and a permit was issued on this lot. The petitioner has a permit on this lot that conforms to the ordinance. Therefore, a variance is not needed.

NO ACTION TAKEN

Mr. John Lovio arrived at 8:00 p.m.

ITEM #10. Ladd's Incorporated, West side of Frankton, north 10' of Lot #88 and south 50' of Lot #87, Eyster's Beaver Gardens, to erect a single family residence on a lot having 7,320 square feet in lieu of the required 7,500 square feet.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a single family residence on a lot having an area of 4,320 square feet. The zoning ordinance requires a minimum lot area of 7,500 square feet in this zoning district. This item was tabled at our last regular meeting as the petitioner was not present.

Mr. Gary Hutchins was present. He stated that he represented Lakeview Building Company, who made the application and that the lots in questions do not have sufficient depth. He has made no attempt to purchase additional property to the north or the south. He felt that justification for this variance is strictly economical. Three houses would more adequately justify the cost of the utilities that would have to be installed.

The Chairman opened the public hearing.

Mr. Burlager of 3149 Frankton was present. He objected as he felt it would depreciate the value of his home.

Four letters of objection on file from Wilbert A Cinader, 3058 Frankton; Albert A. Kosinski, 3059 Frankton; Ruth Karrick, 3110 Troy Street; and Mrs. W. W. Smith of 3150 Frankton.

One letter of approval on file from First Citizens Bank (Richard A. Lawson), 3001 West Big Beaver.

The Chairman closed the public hearing.

Motion by Giachino
Support by Lashmet

MOVED, to deny the request for a single family residence on the north 10' of Lot #88 and the south 50' of Lot #87, Eyster's Beaver Gardens that has 7,320 square feet in lieu of the required 7,500 square feet for the following reasons:

1. The hardship that was displayed was solely economical.
2. The property in question is in an area that is designated on the Master Land Use Plan as High-Rise development. Development of small lots would not encourage the development of high-rise.

ayes: 7
nays: 0
absent: 0

MOTION TO DENY CARRIED.

ITEM #11. Ladd's Incorporated, west side of Frankton, south 60' of the north 70' of Lot #88, Eysters Beaver Gardens, to erect a single family residence on a lot having 7,320 square feet in lieu of the required 7,500 square feet.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a single family residence on a lot having an area of 7,320 square feet. The zoning ordinance requires a minimum lot area of 7,500 square feet in this zoning district. This item was tabled at our last regular meeting as the petitioner was not present.

Mr. Gary Hutchins was present. He had no additional comments to add from his previous presentation.

The Chairman opened the public hearing.

No comments from the audience.

Four letters of objection on file from Wilbert A. Cinader, 3058 Frankton; Frank C. Smith, 3120 Frankton; Mrs. W. W. Smith, 3150 Frankton; and Albert A. Kosinski, 3059 Frankton.

One letter of approval on file from First Citizens Bank (Richard A. Lawson), 3001 West Big Beaver.

The Chairman closed the public hearing.

Motion by Giachino
Support by Lashmet

MOVED, to deny the request for a single family residence on the south 60' of the north 70' of Lot #88, Eysters Beaver Gardens, that has 7,320 square feet in lieu of the required 7,500 square feet for the following reasons:

1. The hardship that was displayed was solely economical.
2. The property in question is in an area that is designated on the Master Land Use Plan as High-Rise development. Development of small lots would not encourage the development of high-rise.

ayes: 7
nays: 0
absent: 0

MOTION TO DENY CARRIED

ITEM #12. Ladd's Incorporated, west side of Frankton, north 60' of Lot #87, Eysters Beaver Gardens, for relief to erect a single family residence on a lot having 7,320 square feet in lieu of the required 7,500 square feet.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a single family residence on a lot having an area of 7,320 square feet. The zoning ordinance requires a minimum lot area of 7,500 square feet in this zoning district. This item was tabled at our last regular meeting as the petitioner was not present.

Mr. Gary Hutchins was present. He had no additional comments to add from his previous presentation.

The Chairman opened the public hearing.

No comments from the audience.

Three letters of objection on file from Wilbert A. Cinader, 3058 Frankton; Albert A. Kosinski, 3059 Frankton; and Mrs. W. W. Smith, 3150 Frankton.

One letter of approval on file from First Citizens Bank (Richard A. Lawson), 3001 West Big Beaver.

The Chairman closed the public hearing.

Motion by Giachino
Support by Lashmet

MOVED, to deny the request for a single family residence on the north 60' of Lot #87, Eysters Beaver Gardens, that has 7,320 square feet in lieu of the required 7,500 square feet for the following reasons:

1. The hardship that was displayed was solely economical.
2. The property in question is in an area that is designated on the Master Land Use Plan as High-Rise development. Development of small lots would not encourage the development of high-rise.

ayes: 7
nays: 0
absent: 0

MOTION TO DENY CARRIED

ITEM #13. Mobil Oil Corporation, 25 East Fourteen Mile Road, to erect a canopy over an existing pump island that will be 61' from the center line of Fourteen Mile Road and project 9' into the John R right-of-way.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a gas station canopy that will have the canopy approximately 61' from the John R right-of-way and projecting approximately 9' into the proposed Fourteen Mile Road right-of-way. The zoning ordinance requires a minimum 75' setback from any proposed right-of-way in the HS zoned district. This item was tabled at our last regular meeting at the request of the petitioner so that he could have the benefit of a full board.

Mr. Patrick Duerr, representing Mobil Oil, was present. He stated that the canopy will be 16' from the bottom to the top and will not obstruct vision. The pylon will be 22' from the right-of-way of Fourteen Mile Road. The gas station will be a self-serve station and the canopy would provide protection to the public as well as to the employee. Mr. Duerr indicated that the pump island adjacent to the John R frontage would be removed. This is a major improvement of the property and the canopy is an important part of a self service operation. The canopy will not be connected to the main building.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by Giachino
Support by Wilson

MOVED, to approve relief to erect a canopy over an existing pump island at 25 East 14 Mile Road with the stipulation that the canopy be removed if 14 Mile is widened.

1. It is not a severe variance to the ordinance.
2. It would be a convenience offered to the public and would serve the public's welfare.

ayes: 6
nays: 1 - Lovio
absent: 0

Reason for no vote: Lovio: Insufficient hardship demonstrated.

PUBLIC HEARINGS

ITEM #14. Palmer Custom Builders, south side of Hickory, Lot #68, Greenough Heights, for relief of the required 60' frontage to 50'.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a single family residence on a lot 50' wide. The zoning ordinance requires a minimum lot width of 60' in this residential district.

Mr. Charles Palmer was present. He stated that the lot is an unbuildable lot if a variance is not granted.

The Chairman opened the public hearing.

Mrs. Vince of 87 Hickory was present. She objects to a house being built on this lot.

Two letters of approval on file from Stephanie M. Mozola, 13648 Meadowbrook, Grand Haven (owner of lot #13 of Greenough Heights); Irene Lydick, 51 Hickory.

One letter of objection on file from Marjorie E. Homan of 100 Hickory.

The Chairman closed the public hearing.

Motion by Lovio
Support by Melaragni

MOVED, to deny the request for relief of the required 60' frontage to 50' on Lot #68 of Greenough Heights for the following reasons:

1. Insufficient hardship.
2. Overbuilding of lot.
3. Numerous objections.

ayes: 4
nays: 3 - Lashmet, Milia, Wilson
absent: 0

Reason for no vote: Lashmet: This was a lot of record and there are a number of houses on the street that have narrow lots.

MOTION TO DENY CARRIED

ITEM #15. Rossetti Associates/Architects & planners, 888 West Big Beaver, northeast corner of Big Beaver and Crooks for relief of the required parking spaces from 1,239 to 1,100.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a thirteen story office building that will require a total of 1,239 parking spaces. The site plan indicates the site will have 1,100 parking spaces. Therefore, the petitioner is requesting relief of 139 parking spaces for this office complex. The site does have ample room to provide these parking spaces. The petitioner has indicated that they would prefer to use this area for landscaping that will be in addition to the required landscaping for the site.

Mr. Dennis Page, an architect with Rossetti Associates, was present. He stated that they can provide the parking that is required by ordinance. However, they would prefer to add additional landscaping in lieu of the extra 139 parking spaces. If they ever were in need of additional parking spaces, the landscaping could easily be removed to provide this parking. The building will be used strictly for office purposes.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Allen Rosefeld, 24901 Northwestern, Sfld. (owner of 21-351-004 and 21-302-010).

One letter of objection on file from Kelly Services, 999 West Big Beaver.

Motion by Giachino
Support by Wilson

MOVED, to approve relief of the required parking from 1,239 to 1,100 at 888 West Big Beaver for the following reasons:

1. Landscaping will enhance the area.
2. The site plan indicates that space is available for parking should the need arise in the future.

ayes: 5
nays: 2 - Lashmet, Pearo
absent: 0

Reason for no vote: Lashmet: parking variance was over 11% and feels that the Planning Commission should look at the parking requirements.

MOTION TO APPROVE CARRIED

ITEM #16. Joseph Aslanian, 2251 John R, for relief to expand a nonconforming building and permit a parking space 44' from the John R right-of-way. Also for relief of the required side yard from 15' to 10'.

Mr. VandenBussche explained that the petitioner is requesting a change of occupancy of a residential garage from the residential use to industrial use and to erect a 30' x 29' addition to this proposed industrial building. The existing building is nonconforming in that it is located 8' from the proposed right-of-way of John R. The zoning ordinance does not permit expansion of a nonconforming building. The existing structure and addition will be 10' from the existing residence on the site. Since the existing residence requires a minimum 5' side setback this would only allow a 5' setback for the industrial use where 10' is required in the ordinance. The site plan also indicates one parking space that will be 44' from the John R right-of-way. The zoning ordinance does not permit parking within a 50' required setback from a right-of-way in the industrial district.

Mr. Joseph Aslanian was present. He stated that he was never aware of the proposed right-of-way. There is no definite time established as to when this right-of-way will be taken. He is a small businessman and is having a hard time establishing himself. He will be moving once the addition is built and will not use the existing house as a future residence. He is in the woodworking business which is his sole means of support. Mr. Aslanian has been there for four years and is expanding to increase his business as he has outgrown the present facilities.

The Chairman opened the public hearing.

No comments from the audience.

One letter of objection on file from Ms. Helen B. Bates, 411 East Sherman, Holly (owner of 25-305-010)

One letter of approval on file from Joseph Pittliglio, 1970 Brinston.

The Chairman closed the public hearing.

Motion by Lashmet
Support by Pearo

MOVED, to approve relief to expand a nonconforming building and permit a parking space 44' from the John R right-of-way and to reduce the side yard from 15' to 10' at 2251 John R with the stipulation that the petitioner will use the residence on the property by him as a temporary nature and will not use it as rental property when he leaves based on the following reasons:

1. There is a hardship in that the widening of John R has narrowed down this particular lot.
2. The lot is in an industrial area which was residential and is surrounded by industrial property.

ayes: 5
nays: 2 - Lovio, Melaragni
absent: 0

Reason for no vote: Lovio: Three variances are excessive. Insufficient hardship shown and lack of zoning board to control nature of residence.
Melaragni: Three variances are overstepping bounds of this board.

MOTION TO APPROVE CARRIED

Recess: 9:10
Reconvene: 9:25

ITEM #17. Michigan National Bank, 2970 East Big Beaver, for relief to erect a canopy 14' from the right-of-way in lieu of the required 40'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a canopy and drive-in pedestals at an existing bank site west of Dequindre and on the south side of Big Beaver. The site plan indicates that the canopy and pedestal will be located 14' from the proposed right-of-way of Big Beaver. The zoning ordinance requires that all buildings and structures shall have a minimum front yard setback of 40' in a B-3 district.

Mr. Roy Albert, architect for Michigan National Bank, was present. He indicated that the pedestals will be staggered. If they were installed straight, it would be necessary to remove a corner of the adjacent building. The existing building is a former gas station that is being converted to an office building for the bank facilities.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Harry Sado, 2831 Downey Drive.

The Chairman closed the public hearing.

Motion by Pearo
Support by Lovio

MOVED, to approve relief to erect a canopy 14' from the right-of-way in lieu of the required 40' at 2970 East Big Beaver for the following reasons:

1. It will enhance the traffic flow pattern.

ayes: 5
nays: 2 - Millia, Lashmet
absent: 0

Reason for no vote: Lashmet: Petitioner does have approved site plan without a variance. Therefore, does not see real hardship.
Millia: Creating a maze of traffic and feels petitioner can figure a better solution.

MOTION TO APPROVE CARRIED

ITEM #18. Leo A. Lennox, 38 Hickory, for relief to erect an addition to a single family residence 3' from the side property line in lieu of the required 5'.

Mr. VandenBussche explained that the petitioner has sent in a letter requesting that their item be tabled until the April meeting as they will be out of town for this meeting.

Motion by Lovio
Support by Melaragni

MOVED, to table Item #18 at 38 Hickory for 30 days.

ayes: 7
nays: 0
absent: 0

MOTION TO TABLE FOR 30 DAYS CARRIED

ITEM #19. James D. Cavanaugh, 6477 Glyndebourne, for relief of the required rear yard from 25' to 23' to erect an open deck.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an open deck patio that will result in a rear yard setback of 15'. The zoning ordinance permits open patios to extend into a required rear yard not more than 10'. Since the required rear yard of this district is 35', a minimum rear yard setback to a patio of 25' must be maintained.

Mrs. Delores Cavanaguh was present. She indicated that the rear of their lot backs up to a park area. There are no residences, it is all wooded. It would be a safety hazard not to have a deck as there are no exits from the main floor except for the front door. The rear exits open onto an area that was built for a deck. Without the deck the doors may not be used due to the grade of the lot.

The Chairman opened the public hearing.

No comments from the audience.

Five letters of approval on file from Brennan B. Gillespie, 6480 Glyndebourne; R. Blastic, 6478 Red Oak; Brigitte Krawiee, 6461 Glyndebourne; Kathryn Sigouin, 6462 Red Oak; Anne S. Castiglione, 6480 Glyndebourne.

The Chairman closed the public hearing.

Motion by Lovio
Support by Lashmet

MOVED, to approve relief of the required rear yard from 25' to 23' to erect an open deck at 6477 Glyndebourne for the following reasons:

1. For the safety and well being of the occupants.
2. It is keeping of the neighborhood.
3. Property to the rear is not residential and is open space.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #20. City of Troy, 11-101-001, east side of Rochester Road, between Long Lake and Square Lake, for relief of the required greenbelt from 10' to an angle of 2' to 9'.

Motion by Lovio
Support by Milia

MOVED, to move Item #20 to the end of the agenda as Item #26.

ayes: 7
nays: 0
absent: 0

MOTION TO MOVE ITEM #20 to the END OF THE AGENDA CARRIED

ITEM #21. Marjorie and David Brooks, 1380 Larayne, for relief to erect an addition to a single family residence that will be 7.9' from a detached accessory building (garage) where 10' is required.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a residential addition, 28' x 12' to the rear of their existing home. This addition will result in a 7.9' distance between it and an existing garage. The zoning ordinance requires that detached accessory buildings (garage) can not be closer than 10' to any principle building.

Mr. David Brooks was present. He indicated that he needs the additional space for his growing family.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from George Craig, 1383 Larayne.

One letter of objection on file from James F. Lipari, 5608 Casper.

The Chairman closed the public hearing.

Motion by Lashmet
Support by Wilson

MOVED, to approve relief to erect an addition to a single family residence at 1380 Larayne that will be 7.9' from a detached accessory building where 10' is required for the following reasons:

1. Petitioner has a hardship in that he needs additional room for family.
2. 7.9' distance does seem to be adequate.
3. There is an approval from the adjacent homeowner on file.
4. Objection on file is from street fairly good distance away.
5. It will not be detrimental to the area.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #22. James Cavendish, 3294 Wendover, to erect an addition 35' from the rear lot line in lieu of the required 45'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 30' x 15' addition to the rear of his residence. The addition will result in a rear yard setback of 35'. The zoning ordinance requires a minimum rear yard setback of 45' in this residential district.

Mr. Jim Cavendish was present. He indicated that when they purchased the home the setback was 35' and has since been changed. They need more room as they have very little storage and do not have a dining room. If they are unable to construct this addition, they will have to move. The addition will not be visible from the road.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Morley Winograd, 3374 Newgate.

One petition of approval on file with four signatures (David E. John, 3293 Wendover; Thomas Parks, 3286 Wendover; William Glazier, 3430 Newgate; and Ann Climer, 3389 Newgate)

The Chairman closed the public hearing.

Motion by Wilson
Support by Melaragni

MOVED, to approve relief to erect an addition 35' from the rear lot line at 3294 Wendover for the following reasons:

1. A hardship has been shown
2. No objections on file

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #23. Dennis R. Dutton, 3961 Bristol, to erect an accessory building creating a total square foot floor area of 1,300 which will be 411 square feet in excess of the principle structure and for relief of the required side yard from 10' to 3'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a detached garage that will be located in the required side yard of this residential district. The site plan indicates a 20' x 44' garage located 10' from the residence and 3.2' from the side yard. The zoning ordinance requires a minimum side yard of 10' in this residential district. This accessory building will create a total square foot floor area of 1,300. The ground floor area of the principle structure is 888. The zoning ordinance does not permit the total square foot floor area of accessory buildings to exceed the total ground floor square foot of the principle structure.

Mr. Dennis Dutton was present. He stated that prior to purchasing the property he had checked with the Building Department and was assured that there would be no problem in erecting the detached garage as he proposed it on the site. Mr. Dutton has two cars and one van that will not fit into his existing garage. There are also bicycles, snow blowers, lawn equipment, etc. to store. Mr. Dutton and his son do woodworking as a hobby and will use the back portion of the proposed building to establish a work shop. He could build a garage in the rear of his lot that could conform to the ordinance. However, this would create a problem with the drainage. He has had his plans designed by an architect and it will have a very elegant look.

The Chairman opened the public hearing.

Mrs. Patty Hanson of 3973 Bristol objected.

One letter of approval on file from Edith Boggs of 640 East Wattles Road.

Three letters of objection on file from Mr. & Mrs. Ross Gooch, 3888 Bristol;
Constance Stodulski, 3830 Bristol; Merrill E. Drallmeier, 4022 Cypress.

One petition of objection on file from Patti M. Hansen, 3973 Bristol; Linda M. Hines, 3952 Bristol; Karen M. Fresard, 3924 Bristol; Robert Blen, 3900 Bristol; Mariel Whiteman, 3876 Bristol; Constance Stodulski, 3830 Bristol; Kaye C. Lewandowski, 3829 Bristol; Rene E. Sherman, 3810 Bristol; Marlene Ribhan, 3901 Bristol; Savannah Coleman, 3976 Bristol; Richard A. Coleman 3976 Bristol; Cynthia S. Gooch, 3888 Bristol; Ross Gooch, 3888 Bristol; Sandra K. Adams, 3856 Bristol; Mel Gambalan, 3674 Bristol; Murill E. Drallineier, 4022 Cypress Drive; Carl E. Hefferman, 4037 Cypress Drive; Jane E. Hefferman, 4037 Cypress Drive

Motion by Lovio
Support by Melaragni

MOVED, to deny relief to erect an accessory building that will be 411 square feet in excess of the principle structure and be 3' from the side property line at 3961 Bristol for the following reasons:

1. Twenty plus objections
2. Insufficient hardship
3. Request is to large
4. Overbuilding the lot.

ayes: 7
nays: 0
absent: 0

MOTION TO DENY CARRIED

ITEM #24. Patricia Barlow, 894 East Big Beaver, for relief of a 6' masonry obscuring wall that is required at the residential zoning district line to the south.

The petitioner was not present.

Motion by Lashmet
Support by Lovio

MOVED, to table Item #24 for 30 days as the petitioner is not present.

ayes: 7
nays: 0
absent: 0

MOTION TO TABLE FOR 30 DAYS CARRIED

ITEM #25. Walsh College, 3838 Livernois, for relief of a masonry wall.

The petitioner was not present.

Motion by Lovio
Support by Pearo

MOVED, to table Item #25 for 30 days as the petitioner is not present.

ayes: 7
nays: 0
absent: 0

MOTION TO TABLE FOR 30 DAYS CARRIED

ITEM #26. City of Troy, 11-101-001, east side of Rochester Road, between Long Lake and Square Lake, for relief of the required greenbelt from 10' to an angle of 2' to 9'.

Mr. VandenBussche explained that the City is requesting a permit to change the occupancy of an existing residence to a business use. The non-residential use will require a 10' green belt adjacent to the Rochester Road right-of-way. The site plan indicated the green belt will be reduced from 10' to 2' at the south end of it and 8' at the north end of it. This relief is requested in order to obtain the full right-of-way of Rochester Road in the proposed ultimate alignment that it will follow.

Mr. VandenBussche further explained that in order to get a change of occupancy they would have to meet the requirements of greenbelts, parking, etc. The extra footage taken for the right-of-way will go onto the greenbelt area. The City of Troy agreed to appear before the Zoning Board of Appeals for a variance on the green belt area in order to obtain the right-of-way.

The Chairman opened the public hearing.

No comments from the audience

No letters on file.

Motion by Lovio
Support by Melaragni

MOVED, to approve relief of the required greenbelt from 10' to an angle of 2' to 9' on parcel 11-101-001.

1. It would be a hardship to cause delay in the improvement of Rochester Road.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ADJOURNMENT

Zoning Board of Appeals meeting adjourned at 11:30