

A meeting of the Board of Zoning Appeals was held on Tuesday, April 24, 1979 at the Troy City Offices. The meeting was called to order by Chairman, Carmelo Milia at 7:40 p.m.

PRESENT: Carmelo Milia
Chairman

Kenneth Lashmet
John Wilson (arrived 7:45)
Robert Melaragni
James Giachino
Harrison Pearo
John Lovio

ITEM #1. Approval of March 20, 1979 minutes

Motion by Pearo
Support by Lashmet

MOVED, to approve the minutes of March 20, 1979 as written

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

RENEWALS

ITEM #2. Gettel Management Company, 2231 Livernois, for relief from erecting a 6' masonry obscuring wall along the residential zoned property.

Mr. VandenBussche explained that the petitioner has called the Building Department and requested that this item be tabled until the May meeting as he is unable to attend the April 24 meeting.

Motion by Lashmet
Support by Melaragni

MOVED, to table 2231 Livernois, for relief from erecting a 6' masonry obscuring wall for thirty days at the petitioner's request.

ayes: 7
nays: 0
absent: 0

MOTION TO TABLE CARRIED

ITEM #3. San Marino Club, 1685 East Big Beaver, for relief of a 6' masonry obscuring wall along the north property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for a 6' masonry wall required along the residential zoning district line to the north. The relief was originally granted in 1976 based upon the fact that the adjacent residential zoning is undeveloped and owned by the petitioner. The conditions remain the same and there are no objections or complaints in our files.

Mr. Richard Zanotta was present. They are still considering using that area for a recreational area for their members. The wall would cause a hardship as they own the residential land in question.

Motion by Lovio
Support by Wilson

MOVED, to approve renewal of relief at 1685 East Big Beaver for relief of a 6' masonry obscuring wall along the north property line for one year based on the following reasons:

1. The conditions remain the same.
2. No objections or complaints in our files.

ayes: 7
nays: 0
absent: 0

MOTION TO RENEW FOR ONE YEAR CARRIED

D1

TABLED

ITEM #4. 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 is requesting a permit to construct a 12'x33' addition to an existing residence. This addition will result in a side yard setback of 3' on the east side of the site. The zoning ordinance requires a minimum 5' side yard setback in this use district. This item was tabled at the last regular meeting as the petitioner was unable to attend.

Mr. Lennox was present. He stated that his residence sets back quite a distance on his lot. If he were to erect the addition to the rear of the residence, it would eliminate the rear yard. The front yard has several trees that would have to be removed if an addition were placed on the front of the residence. The addition will consist of another bedroom, family room and enlarging the kitchen area for his increasing family.

The Chairman opened the public hearing.

No comments on file.

Three letters of approval on file from Irene L. Lydick, 51 Hickory; Stephanie M. Mozola, 13648 Meadowbrook, Grand Haven; and John Kacso, 32 Hickory.

The Chairman closed the public hearing.

Motion by Lashmet

Support by Pearo

MOVED, to approve relief to erect an addition to a single family residence at 38 Hickory that will be 3' from the side property line in lieu of the required 5' for the following reasons:

1. There is a hardship in that it is a small lot.
2. The homeowner needs additional space for his growing family.
3. The house does set back from the neighbors house and will not interfere with the neighbors to the east.
4. It will not be detrimental to the neighborhood.
5. There are no complaints in the files or at the public hearing.

eyes: 5

nays: 2 - Lovio, Melaragni

absent: 0

Reason for no vote: Lovio: Overbuilding the lot.

Melaragni: It is a 260' deep lot and does not find any reason for a variance on the site.

MOTION TO APPROVE 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 Lovio

Support by Melaragni

MOVED, to table this item until the end of the agenda to Item #20.

eyes: 7

nays: 0

absent: 0

MOTION TO TABLE CARRIED

ITEM #6. Walsh College, 3838 Livernois, for relief of a masonry wall.

Mr. VandenBussche explained that the petitioner is requesting renewal to maintain berms adjacent to the off-street parking area in lieu of the required masonry wall. This relief has been granted on a yearly basis since 1970. The conditions remain relatively the same. There are no objections or complaints in our files. This item was tabled at our last regular meeting due to the fact that the petitioner was not present.

Mr. Spencer, representing Walsh College, was present. He had no additional comments.

Motion by Lovio
Support by Pearo

MOVED, to approve renewal of relief of a masonry wall at 3838 Livernois for the following reasons for eleven months:

1. The conditions remain the same.
2. There are no objections or complaints in the files.

ayes: 7
nays: 0
absent: 0

MOTION TO RENEW FOR ELEVEN MONTHS CARRIED

PUBLIC HEARINGS

ITEM #7. Rankin Industrial Park, 1220-1242 Rankin, for relief to erect a light industrial building that will have parking within the 50' front setback, to eliminate the 10' buffer along the Badder Street frontage and reduce the required landscaping from 14,515 square feet to 7,920 square feet.

Mr. VandenBussche explained that the petitioner is requesting relief to park in the required 50' setback from Badder Street. The site plan also indicates the elimination of the 10' green belt along Badder Street frontage and the entire site was revised to reduce the landscaped area to 7,920 square feet. The zoning ordinance requires a 50' setback from any public street in a light industrial district. This setback must be maintained as open space and parking is not permitted in it. The zoning ordinance also requires a 10' green belt along any public street frontage and 10% of the site, in addition to the greenbelt, shall be maintained in landscaping. The required landscaping in this case would be 14,515 square feet. Therefore, the petitioner is requesting relief of 6,595 square feet of landscaping, the 10' greenbelt at Badder and relief to park in the 50' setback of Badder Street.

Mr. Fred Fechheimer was present. He indicated that the building is completed and just about ready for occupancy. This building fronts on Rankin Street. The City of Clawson has vacated their half of Badder Street. The City of Troy does not have any immediate plans to improve Badder Street. Therefore, feels that parking to the rear of their building is a logical place to park. They will not use Badder Street for any purpose whatsoever. They will not put up any type of barricades to prevent traffic from gaining access and would be willing to allow people to use their property as a turn around and to gain access to Rankin Street.

The Chairman opened the public hearing.

No comments from the audience

Three letters of objection on file from Elias Keragis, 1301 Keywest; Gerald VandenBussche, 1289 Keywest; and Towlift of Michigan, Inc., 1151 Allen Drive.

The Chairman closed the public hearing.

Motion by Wilson
Support by Lashmet

MOVED, to table this item for 30 days to have a resolution in the direction the City plans to take on the vacation of Badder Street.

ayes: 2
nays: 5 -Milia, Pearo, Melaragni, Lovio, Giachino
absent: 0

MOTION TO TABLE FAILS

Motion by Lovio
Support by Pearo

MOVED, to deny relief to erect a light industrial building with parking in the 50' front setback, relief to eliminate the 10' buffer along the Badder Street frontage and reduce the required landscaping from 14,515 square feet to 7,920 square feet at 1220-1242 Rankin for the following reasons:

1. Overbuilding the lot.
2. The vacation of Badder Street is not in the foreseeable future.
3. There are three objections on file.

ayes: 5
nays: 2 - Milia, Wilson
absent: 0

MOTION TO DENY CARRIED

ITEM #8. Heritage Homes, 4782 John R, to erect a single family residence on an 84' lot with a total square footage for the house of 1,152. The zoning ordinance requires an 85' frontage with a minimum size house of 1,200 square feet. The petitioner is also requesting relief to have a front setback of 35' in lieu of the required 50'.

Ms. Nancy Maskarian, representing Heritage Homes, was present. She indicated that they are only requesting a variance of the lot width. They have set the house back 90' from the lot line which is 63' from the ultimate right-of-way and will place a house that has the required square footage. The only variance they are requesting is the 1' difference in the lot width. They have not attempted to purchase property from adjacent owners as there is landscaping along the property line and the other property owner is objecting to this variance.

The Chairman opened the public hearing.

No comments from the audience.

Four letters of objection on file from Emil Mazur, 4706 John R; Walter Thompson, 4753 John R; Judy Gill, 4789 John R; and Mr. & Mrs. R. L. Cather, 4764 John R.

The Chairman closed the public hearing.

Motion by Giachino
Support by Melaragni

MOVED, to approve relief of the 1' variance reducing the lot width requirement from 85' to 84' at 4782 John R, based on the following reasons:

1. The petitioner has reduced the request from three variances requested to one variance request.
2. The reduction in width is minor.
3. It will not be detrimental to the area.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #9. Sam Seltzer, 1147 Rankin, to erect a light industrial addition with a front setback of 25' where 50' is required.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 40'x44' addition to the rear of an existing residence. This addition will result in a 40' rear yard setback. The zoning ordinance requires a minimum rear yard setback of 45' in this residential district.

Mr. Sam Seltzer was present. He indicated that he needs additional room for storage. He is presently storing material in his home and garage and outside of the building. The other buildings in this area have a 25' front setback and he will be in line with the rest of the neighborhood.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from J. Meltiune, 1026 Rankin; Omni Development, 333 Oliver.

Two letters of objection on file from Helen J. Silcox, 1071 Elmsford; and Virginia Bilski, 1044 Rankin.

The Chairman closed the public hearing.

Motion by Giachino

Support by Lashmet

MOVED, that relief to erect a light industrial addition with a 25' front setback in lieu of the 50' required at 1147 Rankin be approved for the following reason:

1. It is in keeping with other properties being built and already built to the west of this property.

ayes: 7

nays: 0

absent: 0

MOTION TO APPROVE CARRIED

ITEM #10. Robert Arends, 3622 Estates, to erect a 14'x10' addition to the rear of his residence that will be 40' from the rear lot line where 45' is required.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 10'x14' addition to the rear of an existing residence. This addition will result in a 40' rear yard setback. The zoning ordinance requires a minimum rear yard setback of 45' in this residential district.

Mr. Arends was present. He had no additional comments to make.

The Chairman opened the public hearing.

No comments from the audience.

Six letters of approval on file from Mr. & Mrs. J. Monohan, 3615 Estates; Ronald B. Travis, 3603 Estates; John Wohler, 3728 Boulder; Joseph Ganci, 3691 Boulder; R. A. McMahon, 3604 Estates; and Ronald Butterbaugh, 3667 Boulder Drive.

The Chairman closed the public hearing.

Motion by Lashmet

Support by Lovio

MOVED, to approve the erection of a 14'x10' addition to the rear of the residence at 3622 Estates for the following reasons:

1. Petitioner does need additional room for growing family.
2. Particular variance is at rear of house, people to the north do not object.
3. There were six approvals at the public hearing.
4. It will not be detrimental to the area.

ayes: 7

nays: 0

absent: 0

MOTION TO APPROVE CARRIED

ITEM #11. James Larivee, 2390 Avalon, for relief to erect a 19'x10' addition that will be 6' from an accessory building (detached garage) where the zoning ordinance requires 10'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 19'x10' addition at the rear of an existing residence. This addition will be 6' from an existing detached garage. The zoning ordinance does not permit accessory buildings to be located closer than 10' to the principal structure.

Mr. Larivee was present. He indicated that their dining area is too small. The location of existing windows makes it impossible to shift the addition to the left. It will not deter from the neighborhood aesthetically.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by Lashmet
Support by Lovio

MOVED, to approve relief at 2390 Avalon to erect a 19'x10' addition that will be 6' from the detached garage for the following reasons:

1. Petitioner does need additional space for dining area.
2. It will not be detrimental to the neighborhood.
3. Only problem is safety factor of garage which petitioner has agreed to put in necessary fire wall.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #12. Royal Oak Church of God, 1785 Crooks Road, to erect a 90'x50' addition to a nonconforming building.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 90'x50' addition to their existing church. The existing church is nonconforming in that it is located in an industrial zoned district. The zoning ordinance does not permit nonconformities to be enlarged or expanded in any manner. Churches are permitted in residential districts only by the zoning ordinance.

Mr. Chris Moree, Pastor of the Church, was present. They have been at this location for the past seventeen years. He stated that their present facilities are not adequate for their growing congregation. Their plans are to convert the present sanctuary into class room space.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by Melaragni
Support by Pearo

MOVED, to approve a 90'x50' addition to the nonconforming church at 1785 Crooks Road

ayes: 6
nays: 1 - Wilson
absent: 0

Reason for no vote: Wilson - It is a zoning problem which allows a variance to exist on a nonconforming use.

MOTION TO APPROVE CARRIED

ITEM #13. Med-Kas Hydraulics, Incorporated, 1419 John R, for permission to maintain five parking spaces within the front setback area of their site.

Mr. VandenBussche explained that the petitioner is requesting permission to maintain five parking spaces within the required front yard setback of an industrial district. The zoning ordinance requires a minimum front setback of 50' from any public right-of-way in an industrial district and does not permit this setback to be used for parking.

Mr. Ed Medici was present. He indicated that he had appeared before the board about three or four years ago and was denied. The State has taken 28' of his property to widen John R Road. He presently has 30 employees which he has enough parking for. However, in order trucks to gain access to the rear unloading area, employees vehicles have to be removed to give the trucks ample room to turn into the area. Therefore, he would like to allow five cars to be parked in front of the building to eliminate this problem.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from A-1 Standard (Don Boozer), 1980 East Maple, and Hydro Cam Engineering Company, 1900 East Maple Road.

The Chairman closed the public hearing.

Motion by Lovio
Support by Wilson

MOVED, to deny the request to park within the front setback at 1419 John R for the following reasons:

1. The petitioner has adequate facilities to park the necessary cars to the rear of the building.

ayes: 7
nays: 0
absent: 0

MOTION TO DENY CARRIED

ITEM #14. John Welch, 3398 Medford, for relief to erect an addition, 16'3" from the rear property line where 35' is required.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a single family addition 12'x20', to the rear of an existing residence. This addition will result in a rear yard setback of 16'3". The zoning ordinance requires a minimum rear yard setback of 35' in this residential district.

Mr. Welch was present. He indicated that due to his wife's heart condition they need a bedroom on the first level. If the addition were built to the east of the existing house, it would block the kitchen window and basement windows.

The Chairman opened the public hearing.

No comments from the audience.

Three letters of approval on file from Carl Friebe, 3419 Essex; Carl Stellin, 3438 Witherbee; and Peter Miskech of 3392 Medford Court.

The Chairman closed the public hearing.

Motion by Giachino
Support by Lovio

MOVED, to approve relief to erect a 12'x20' addition at 3398 Medford 16'3" from the rear property line for the following reasons:

1. A hardship was demonstrated by the petitioner.
2. Medical reasons given in letter to board members.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #15. David Lichtle, west 1/2 of Lot #29, Square Acres, north side of East Wattles, for relief of the lot width from 110' to 94'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a single family residence on a lot that will have 94' of frontage on a public street. The zoning ordinance requires that residential lots without sewers shall be a minimum of 110' in width in this residential district.

Mr. David Lichtle was present. He indicated that they had talked to the Engineering Department and that sewers would be available within one year. He has attempted to purchase addition property from the adjacent lots, however, they will not sell.

Motion by Melaragni

MOVED, to table for thirty days to find out status of sewers.

Motion fails due to lack of support.

The Chairman opened the public hearing.

Mrs. Settler of 1151 East Wattles was present. She felt that the lots in the area should maintain the 110' width.

Mr. Harold Hoke of 1125 East Wattles was present and had no objections.

One letter of approval on file from Mrs. Alice Malik of 1580 East Sidney Road, Stanton, Michigan (Owner of parcel in question).

The Chairman closed the public hearing.

Motion by Giachino

Support by Pearo

MOVED, to approve relief to erect a single family residence on the west half of Lot #29 which is only 94' in width for the following reason:

1. When and if the sewers are installed the property will comply with the ordinance.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM # 16. Lawrence Prykuki, north side of Deloy, Lot #8, Deloy Gardens, to erect a single family residence on a lot that has 84' of frontage on a public street where the zoning ordinance requires 85'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a single family residence on a lot that has 84' of frontage on a public street. The zoning ordinance requires a minimum frontage of 85' in this residential district.

Mr. Prykuki was present. He stated that it would be a financial hardship as he would not be able to sell the land if a variance is not granted.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Guy Lombardi of 1974 Deloy.

The Chairman closed the public hearing.

Motion by Lashmet

Support by Lovio

MOVED, to approve relief to erect a single family residence on an 84' lot in lieu of the required 85' on Lot #8 of Deloy Gardens for the following reasons:

1. The particular lots of this subdivision are 85' lots with houses built on all of them.
2. The lot could not be built on without a variance.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #17. Walter Kuzencoff, 57 through 69 East Square Lake, to erect a 6'x8' wood sign within the right-of-way of Square Lake Road (33' from the center line of Square Lake).

Mr. VandenBussche explained that the petitioner is requesting a permit to locate a 6'x 8' sign in the proposed right-of-way of Square Lake Road. This sign will be 33' from the center line of Square Lake. The proposed right-of-way of Square Lake is 60' from the center line and the zoning ordinance does not permit structures of this type to be located in the proposed right-of-way of major thoroughfares.

Mr. Kuzencoff was present. He indicated that he has a small shopping area. He wants to remove the sign on the roof and replace it with the requested sign. He agreed to move the sign at his expense if the road were ever widened.

The Chairman opened the public hearing.

No comments from the audience.

One letter of objection on file from Harry M. Godfrey of 77 Cutting, Troy.

The Chairman closed the public hearing.

Motion by Lovio

Support by Lashmet

MOVED, to approve a sign within the proposed right-of-way at 57 through 69 East Square Lake for the following reasons:

1. The sign will be removed from the roof.
2. The petitioner will move the sign at his own expense at such time that the proposed right-of-way is needed by the City.

ayes: 6
nays: 1 - Giachino
absent: 0

Reason for no vote: Giachino: Objects to signs within the rights-of-way of the City based on an aesthetic standpoint.

MOTION TO APPROVE CARRIED

ITEM #18. Sharon Ulrich, 54 East Square Lake, for relief of the required 6' masonry wall abutting residential property to the east and south. Also for relief to permit a temporary gravel parking lot and relief to have this parking lot within the proposed right-of-way.

Mr. VandenBussche explained that the petitioner is requesting a change of occupancy for this site and the proposed site plan does not indicate a 6' decorative masonry wall at the residential zoning district lines to the east and south. The site plan also indicates a temporary gravel parking lot that will be partially located in the proposed right-of-way of Square Lake Road. The zoning ordinance requires that all sites provide hard surface parking areas in an approved off-street area.

Mrs. Ulrich was present. She indicated that there is a church to the east. A wall is not desired between the two properties by either party. Mrs. Ulrich stated that she would like a temporary delay in the hardsurfacing of the parking area and would be willing to install asphalt within a year. She is opening up an antique and gift shop.

The Chairman opened the public hearing.

Mr. Pettypiece was present and stated that he does not want a wall.

Mr. Chris Fayner was present and stated that he does not want a wall.

One letter of objection on file from Harry Godfrey, 77 Cutting.

Motion by Lashmet

Support by Lovio

MOVED, to approve relief of the wall to the east and to the south at 54 East Square Lake Road for the following reason:

1. Both of adjacent property owners do not want walls.

FURTHER MOVED, that the gravel parking lot be allowed for one year with the understanding that at the end of the year the petitioner will provide a hardsurfaced parking area,

FURTHER MOVED, that parking be allowed in the front setback, however should not begin until 8' behind the face of the building.

ayes: 7
nays: 0
absent: 0

MOTION TO APPROVE AS STATED CARRIED

ITEM #19. Randy Pardy (Natures Image Landscaping), 4210 Rochester Road, to maintain a sign within the proposed right-of-way of Rochester Road.

Mr. VandenBussche explained that the petitioner is requesting a permit to locate a sign within the proposed right-of-way of Rochester Road. The sign will be approximately 5' wide and located 60' from the center line of Rochester Road. The zoning ordinance does not permit structures of this type in a proposed right-of-way of a major thoroughfare. In this particular case it is 75' from the center line of Rochester Road.

Mr. Randy Pardy was present. He indicated that the existing sign is hazardous and wishes to replace it. He will remove this sign at his expense if the City takes the right-of-way.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by Wilson

Support by Pearo

MOVED, to approve relief to maintain a sign within the proposed right-of-way of Rochester Road for the following reasons:

1. It is in keeping with the development along Rochester Road.
2. The petitioner will remove sign at his cost if the right-of-way is needed.

ayes: 6
nays: 1 - Giachino
absent: 0

Reason for no vote: Giachino: Objects to signs within the rights-of-way of the City based on an aesthetic standpoint.

MOTION TO APPROVE CARRIED

ITEM #20. (#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.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief of a 6' masonry wall required at the south property line of the site. This relief was originally granted in March of 1975 based on the fact that the adjacent residential zoning is indicated as future non-residential on the Master Land Use Plan. The conditions remain the same. There are no objections or complaints in the files. The petitioner has paid the appropriate renewal fee under protest as she does not see the necessity for obtaining renewal every year.

The petitioner was not present.

Motion by Lovio

Support by Pearo

MOVED, to deny renewal for relief of a 6' masonry obscuring wall that is required at the residential zoning district line to the south for the following reason:

1. Failure of petitioner to appear after proper notification from the Building Department.
2. Petitioner did not appear at last meeting, item was tabled for 30 days to allow petitioner to be present. Petitioner has not indicated any reason for not being able to attend meeting.
3. Petitioner has been given ample opportunity to appear before board.

ayes: 6
nays: 1 - Lashmet
absent: 0

MOTION TO DENY CARRIED

ADJOURNMENT

Motion by Lovio
Support by Wilson

MOVED, to adjourn the Board of Zoning Appeals meeting at 11:05 p.m.

ayes: 7
nays: 0
absent: 0

MOTION TO ADJOURN CARRIED

GV/bd

