

## BOARD OF ZONING APPEALS

The ~~Zoning Board of Appeals~~ held a meeting on Tuesday, July 21, 1981 at the Troy City Offices. The meeting was called to order by Chairman, John Lovio at 8:00 p.m.

PRESENT: John Lovio  
Chairman

James Giachino (arrived 8:30)  
Walter Holden  
Carmelo Milia  
John Wilson

ABSENT: Kenneth Lashmet  
Richard Bonham

### ITEM #1. Approval of June 16, 1981 minutes

Motion by Holden  
Support by Milia

MOVED, to approve the minutes of July 21, 1981 as written

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

### RENEWALS

ITEM #2. Elerious King, 5601 Wright, for relief to park a 1 1/2 ton truck on residential property.

The petitioner was not present.

Motion by Milia  
Support by Wilson

MOVED, to table this item until the end of the agenda and hear as Item #16.

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

ITEM #3. Giuseppe Bommarito, 3035 John R, for relief of the 6' masonry obscuring wall along the north property line.

Mr. VandenBussche explained that this item for renewal for the request is for a 6' masonry wall along the property line for residential zoning. The property has been rezoned to non-residential. Therefore, the requirement for a 6' masonry wall is no longer necessary. This renewal will not come up again because the property is rezoned. There is no action required on this item.

NO ACTION TAKEN

ITEM #4. Child Incorporated, 3515 Rochester, for relief to erect a 6' chain link fence in lieu of a masonry obscuring wall.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for relief to erect a 6' chain link fence in lieu of a masonry obscuring wall. This relief was granted originally in August of 1977 based on the fact that the chain link fence would be more compatible to a nursery school use. The conditions remain the same and we have no objections or complaints in our files.

Mr. JerryTelotte Jr. (representing Child Incorporated) was present. He had no additional comments.

Motion by Milia  
Support by Wilson

MOVED, to approve relief to maintain a 6' chain link fence in lieu of a masonry obscuring wall for one additional year based on the following:

1. The conditions remain the same.
2. No complaints in the file.

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

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July 21, 1981

ITEM #5. Charles Riglay, 2315 East Long Lake, for relief to erect a temporary accessory structure (vegetable stand).

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board to maintain a plant and vegetable stand at the front of his property. The stand is used to sell vegetables and plants grown on his site. The conditions remain the same and we have no objections or complaints in our files.

Mr. Charles Riglay was present. He had no additional comments.

Motion by Wilson  
Support by Milia

MOVED, to approve relief to maintain a temporary accessory structure at 2315 East Long Lake for one additional year based on the following:

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

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

MOTION TO APPROVE CARRIED

ITEM #6. Rossman/Neuman Associates, 801-803 West Big Beaver, for relief to permit 349 parking spaces in lieu of the required 387 and relief of the required masonry wall required at the residential zoning district line.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief of parking spaces and masonry wall granted by this board in July 1980. The relief for parking spaces was from 387 to 349. The relief for the masonry wall was at the residentially zoned property to the south. This relief was granted based on the site design being more aesthetically pleasing both in the parking area and at the residential zoned district line. The conditions remain the same (the building is still under construction). There are no objections or complaints in our files.

Mr. Ken Neuman was present. He had no further comments.

Motion by Milia  
Support by Holden

MOVED, to approve relief to permit 349 parking spaces in lieu of the required 387 and relief of the required masonry wall at 801-803 West Big Beaver for one additional year based on the following:

1. There were no objections in the file.
2. The conditions remain the same

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

MOTION TO APPROVE FOR ONE YEAR CARRIED

TABLED

ITEM #7. Mr. Fay, 4515 Rochester, for relief to use a temporary stand for the sale of flowers and vegetables that are grown on the property.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board to continue use of a temporary stand on Rochester Road to sell flowers. This variance has been granted on a yearly basis since 1967. The conditions remain relatively the same and we have no objections or complaints in our files. This item was tabled at our last regular meeting to allow the petitioner to be able to be present. Attempts to contact the petitioner personally have been made to no avail. No one is home during the day but it is evident that the house is occupied and a garden is being maintained.

The petitioner was not present.

Motion by Holden  
Support by Milia

MOVED, to table this item for thirty days to allow a registered letter to be sent to the petitioner.

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

MOTION TO TABLE CARRIED

ITEM #8. Sunset Pools, 3800 Rochester, for relief to allow the temporary erection of swimming pools from April 1 to September 30 in an enclosed area.

Mr. VandenBussche explained that this relief was granted through an interpretation to allow this outside display in an enclosed area for a time period of April 1 to September 30. This item was tabled at our last regular meeting to allow the petitioner to be present. Our contact with the petitioner revealed that he does not plan to have outside display and hopes to build a new building in the near future and displays will be in an enclosed area.

The petitioner was not present.

Motion by Milia  
Support by Holden

MOVED, to deny the request for relief to allow temporary erection of swimming pools from April 1 to September 30 at 3800 Rochester Road for the following reasons:

1. There is an indication that the petitioner no longer has a need for the variance.

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

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PUBLIC HEARINGS

ITEM #9. Lee Short, 3720 Jennings, for relief to maintain an addition 6' from the side property line in lieu of the required 10'.

Mr. VandenBussche explained that the petitioner is requesting relief to maintain a 7' x 30' addition on a single family residence that will have a side yard setback of 6'. The zoning ordinance requires a minimum side yard setback of 10' in this residential district. The petitioner appeared before the board previously in an effort to get relief to maintain a 3' setback from this side property line. His request was denied at that time and he subsequently revised his plan to encroach only 4' into the side yard as compared to 7' previously.

Mr. Lee Short was present. He indicated that he will remove 3' from the existing shed like structure so that it only encroaches by 4'. This is an attempt to salvage some portion of this structure because if it is denied he will have to remove the entire structure.

The Chairman opened the public hearing.

Mr. Arthur Dear of 3660 Jennings was present and indicated approval.

The Chairman closed the public hearing.

Motion by Milia  
Support by Wilson

MOVED, to table this item for thirty days to give the petitioner the benefit of a full board.

ayes: 4  
nays: 0  
absent: 3 - Lashmet, Bonham, Giachino

MOTION TO TABLE CARRIED

Mr. James Giachino arrived at 8:30 p.m.

ITEM #10. William Coburn, 2840 Palmerston, for relief to erect an enclosed porch 30' from the rear property line in lieu of the required 45'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct an enclosed porch at the rear of his residence. This proposed addition will result in a rear yard setback of 30'. The zoning ordinance requires a minimum rear yard setback of 45' in this residential use district.

Mr. Coburn was present. He indicated that the back door can not be used due to a 3' drop. Since the original house was built in 1963 the setback requirements have changed.

The Chairman opened the public hearing.

Mrs. Coburn was present and indicated that her mother will be living with them and she has an allergy to insects. Therefore, needs the screened-in enclosure rather than just an open deck.

Two letters of approval on file from E. Bergismagen, 3520 North Adams; and Charlotte Kay, 2811 Sunridge.

One letter of objection on file from Ernst Eibach, 2851 Sunridge.

The Chairman closed the public hearing.

Motion by Giachino  
Support by Milia

MOVED, to approve the request for relief of the required rear yard setback from 45' to 30' to allow an enclosed porch at 2840 Palmerston for the following reasons:

1. It is a unique shaped lot.
2. A practical difficulty exists due to the use of the back door.

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

MOTION TO APPROVE CARRIED

ITEM #11. John Nelson, 4627 Butler Drive, for relief to erect a greenhouse addition that will be 7' from the side property line in lieu of the required 10'.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a greenhouse addition on the side of his residence. This addition will result in a side yard setback of 7'. The zoning ordinance requires a minimum side yard setback of 10' in this residential district.

Mrs. Hilda Forrest of 4585 Butler was present to represent the Nelsons who were on vacation. She indicated that this is not a permanent structure. However it is a unit that has to be installed to a window rather than a free standing structure. The Nelson's would like to have it installed on the south side due to the affect of the solar energy use that they would gain. The greenhouse will be used to grow vegetables and plants and as a source for solar energy to help gain heat in their house. The Nelson's have a retarded child and this greenhouse will aide in establishing a hobby for him to gain some motor skills.

The Chairman opened the public hearing.

One letter of approval on file from Joseph P. Giumette, 4609 Butler.

One letter of objection on file from William Wiggins, 4682 Bramford.

The Chairman closed the public hearing.

Motion by Giachino  
Support by Wilson

MOVED, to table relief at 4627 Butler Drive to give the petitioner an opportunity to be present and the benefit of a full board.

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

MOTION TO TABLE CARRIED

ITEM #12. Romulo G. Pascua, 5122 Cameron, for relief to erect a wood deck 21' from the rear property line in lieu of the required 35'.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 19' x 22' patio deck at the rear of his residence. This patio will result in a rear yard setback of 21'. The zoning ordinance requires that open patios be permitted to encroach into a required rear yard not more than 10'. In this zoning district the required rear yard setback is 45'. Therefore, the maximum distance that a deck could encroach would be within 35' of the rear property line.

Mr. Pascua was present. He indicated that he needs a bigger patio and that the original house had been extended a variance for the rear yard to be 40' rather than the required 45'.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Jerome Olenick, 5169 Cameron.

One letter of objection on file from Charles Cowan.

The Chairman closed the public hearing.

Motion by Holden  
Support by Wilson

MOVED, to approve relief to erect a wood deck 21' from the property line in lieu of the required 35' for the following reasons:

1. No objections on file.

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

MOTION TO APPROVE CARRIED

ITEM #13. Arthur Kalajian, (Faith Apostolic Church of Troy), 6710 Crooks, for relief of the required yards from 50' to 49' and relief of the required masonry screening wall.

Mr. VandenBussche explained that the petitioner is requesting to construct two additions onto their existing church. These additions will result in extending an existing setback that is 49' from the property line. The zoning ordinance requires a minimum of 50' to any property line on a church site. The site plan also does not indicate the 4'6" masonry screening wall required along the rear property line where additional parking will be located. The zoning ordinance requires a 4'6" masonry wall to screen any off-street parking area in a residential district. This request is for two variances, to allow the addition to encroach 1' into a required yard setback and for relief of the screening wall at the parking area.

Mr. Kalajian (architect) was present. He indicated that in order to reduce the size of the building, he would have to eliminate 1' from the aisle way. He would like to maintain the 5' aisle way. Bringing the addition in 1' would also give the church the appearance of being added onto. The Church owns 3 1/2 acres behind the church property therefore feels no need for an obscuring wall or berm at this point. The residential property to the north and south is undeveloped at this time.

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 Milia

MOVED, that relief be granted for the walls around the parking area at 6710 Crooks for a period of one year based on the following:

1. Property to rear is owned by the church.
2. No objections on file.

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

MOTION TO APPROVE WALLS CARRIED

Motion by Giachino  
Support by Milia

MOVED, to approve the building additions at 6710 Crooks Road for the following reason:

1. It is an extension of an existing setback.

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

MOTION TO APPROVE ADDITIONS CARRIED

ITEM #14. Frankel Associates, Lots 490-546, Pembroke Manor Subdivision #1 (Somerset Mall), corner of West Maple/ Coolidge, for relief of the required front setback from a street right-of-way from 75' to 28'.

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Mr. VandenBussche explained that the petitioner is requesting a permit to erect a building (walk-in fotomat) within the parking area of a shopping center. This proposed structure will be located 28' from the Maple Road right-of-way. The zoning ordinance requires a minimum setback of 75' from any street right-of-way in a B-2 zoned district. This proposed structure, I understand, will replace the existing self-serve post office that is presently on the site.

Mr. Pete Fogarty was present. He indicated that the structure will be 68' from the curb line. It is a well established shopping center and traffic flow patterns have already been in existence for some time. The electricity is already at this location.

Mr. Tim Davis was present and indicated that they are trying to leave the prime parking spaces for customer use and keep their structure closer to the street.

Mr. Robert Forest was present and indicated that he is selling only this portion of the parking area for this particular use.

The Chairman opened the public hearing.

No comments on file.

One letter of objection on file from Robert R. Clapham, 2785 West Maple Road.

The Chairman closed the public hearing.

Motion by Giachino

MOVED, to deny relief to erect a structure 28' from the street right-of-way for the following reasons:

1. Lack of practical difficulty by the petitioner in requesting a variance.

FURTHER MOVED, that the proviso be instilled that in the petitioners next step that the Plan Commission should place it in the location that he is showing, the Zoning Board of Appeals would approve the location on that basis.

Mr. Giachino withdrew his motion.

Motion by Giachino

Support by Holden

MOVED, to table this item for thirty days in order to obtain staff input from the Planning Director and Traffic Engineer regarding the proposed location and traffic pattern of the site.

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

MOTION TO TABLE CARRIED.

July 21, 1981

ITEM #15. Conrad E. Miesiak, 5373 Shrewsbury Drive, for relief to erect an addition that will be 36.5' from the property line where 40' is required.

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Mr. VandenBussche explained that the petitioner is requesting a permit to construct an addition to his existing two car garage. This addition will result in a setback of 36.5' from Folkstone Drive. The site is a corner lot and is required to respect the 40' front yard setback from both street rights-of-way.

Mr. Conrad Miesiak was present. He indicated that he has no grade door access to the garage and this is the purpose of the addition to provide room to install the door. It will be compatible with the other homes in the subdivision that have a grade door already installed.

The Chairman opened the public hearing.

Mr. Chris DeVilling of 315 Folkstone was present and indicated approval.

Mrs. Marge Riddle of 5343 Folkstone was present and indicated approval.

Ten letters of approval on file from Michael and Nancy Wilk, 5583 Falmouth; Bonnie Alagna, 5391 Folkstone; Robert Zye, 5337 Shrewsbury; F.I. Sanders, 5325 Folkstone; Loretta Slawinski, 5350 Shrewsbury; M.Thomas, 5309 Folkstone; Douglas Smith, 333 Folkstone; Gerald Odenweiler 5355 Shrewsbury; and Charles Riddle, 5343 Folkstone.

Three letters of objection on file from R. Fortner, 5370 Folkstone; Donald Chebowski, 5474 Hertford; and Roger Hedlund, 5373 Folkstone.

The Chairman closed the public hearing.

Motion by Millia  
Support by Wilson

MOVED, to approve the request for an addition that will be 36.5' from the property line where 40' is required at 5373 Shrewsbury for the following reasons:

1. The request is minor.
2. There is an inconvenience of no grade level door.
3. Preponderance of approvals.

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

MOTION TO APPROVE CARRIED

ITEM #16. (ITEM #2.) Elerious King, 5601 Wright, for relief to park a 1 1/2 ton truck on residential property.

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Mr. King was present. He indicated that he does have two trucks but will be storing the 1 1/2 ton truck elsewhere shortly.

Motion by Wilson  
Support by Holden

MOVED, to renew the variance at 5601 Wright for relief to park a 1 1/2 ton truck on residential property for one additional year for the following reasons:

1. No objections on file.
2. Conditions remain the same.

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

MOTION TO APPROVE FOR ONE YEAR CARRIED

ZONING BOARD OF APPEALS MEETING ADJOURNED AT 10:30 p.m.



BOARD OF ZONING APPEALS  
~~ZONING BOARD OF APPEALS~~

REVISION OF MINUTES

July 21, 1981

After a review of the tape of the regular meeting of the Board of Zoning Appeals meeting of July 21, 1981 a correction to ITEM #12 is as follows:

One letter of objection of file from Charles Cowan, 13330 Winchester, Huntington Woods, MI (Owner of Lots 91-92).

Motion by Holden  
Support by Wilson

MOVED, to approve relief to erect a wood deck 21' from the property line in lieu of the required 35' for the following reasons:

1. No objections from neighbors living in the area.
2. The rear property line abuts an undeveloped area backing up to the Kinder Care Child Center.

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

MOTION TO APPROVE CARRIED

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