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The regular meeting of the Troy Board of Zoning Appeals was called to order at 7:30 p.m. on October 18, 1983 by the Chairman, Richard Bonham.

PRESENT: Richard Bonham, Chairman
John Wilson
James Giachino
Wayne Wright
Kenneth Lashmet
John Lovio

ABSENT: Carmelo Milia (Arrived 7:50 p.m.)

ITEM #1. Approval of the minutes of the September 20, 1983 regular meeting and October 4, 1983 Special Meeting.

Motion by Lashmet
Supported by Lovio

MOVED, that the minutes of the September 20, 1983 and October 4, 1983 minutes be approved.

Ayes: 6 (Wright- Approves with the stipulation that Item #6 on the September 20, 1983 minutes by corrected to show vote count of Ayes-5, Nays-0, Absent-2)
Nays: 0
Absent: 1 (Milia)

MOTION TO APPROVE AS CORRECTED CARRIED.

ITEM #2. RENEWAL REQUESTED: Ring Screw Works, 1849 Ring Road, for relief of the required number of parking spaces.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board to maintain a parking lot for 19 cars. The Zoning Ordinance requires space for 43 cars for a building of this size. This request was originally approved in 1979 based on the fact that the petitioner did not need the additional parking and that he would be required to appear before the board on a yearly basis in case the status of the building would change and parking would be required. The conditions remain the same and there are no complaints or objections in our file.

Harold Chapel of Ring Screw Works was present and indicated that there has been no change, he has 9 employees and sufficient parking and requested that the board consider the renewal of his variance.

Motion by Lovio
Supported by Giachino

MOVED, to grant renewal of Ring Screw Works variance for relief of the required number of parking spaces at 1849 Ring Road.

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

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3. RENEWAL REQUESTED: Troy Masonic Temple, 1032 Hartland, for relief of the 4'6" screening wall required at the off-street parking area.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for a 4'6" masonry wall required at the off-street parking area adjacent to residential property. This relief has been granted on a yearly basis since 1970 primarily due to the fact that the adjacent property owners did not object. The conditions remain the same and we have no complaints or objections in our file.

George Curtis was present to represent the Troy Masonic Temple and indicated that nothing has changed, everything remains the same.

Motion by Giachino
Supported by Lashmet

MOVED, to renew Troy Masonic Temple's request for the relief of a 4'6" masonry wall adjacent to their parking area at 1032 Hartland.

1. The request has been before the board for several years and the conditions remain the same.
2. There are no objections or complaints on file.

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ITEM #3. continued

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #4. RENEWAL REQUESTED: Evanswood Church of God, 2601 E. Square Lake Road, for relief of the 4'6" masonry screening wall required at the off-street parking area.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for a 4'6" masonry screening wall required at the off-street parking area that is used by the church. The relief was originally granted in 1976 primarily due to the fact that the residential property adjacent to the parking area is undeveloped and has a natural screening of dense woods. The conditions remain the same and we have no objections or complaints in our file.

David Hornberger was present to represent the church and indicated he had nothing further to add.

Motion by Lashmet
Supported by Wright

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake Road, renewal of their relief of the 4'6" masonry screening wall at the off-street parking area.

1. It is a continuation of a variance granted since 1976.
2. The conditions remain the same.
3. There are no objections on file.
4. There is a dense woods which screens the property.

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5. RENEWAL REQUESTED: John L. Barker, 1985 Butterfield, for relief of the 6 foot masonry screening wall required along the east and west property lines.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for a 6 foot masonry screening wall required along the east and west property lines of this site. These property lines abut residential zoning. The relief was granted originally because the master land plan indicates that the adjacent land may become nonresidential in the future. The conditions remain the same and we have no objections or complaints in our file.

John Barker was present and indicated that he had nothing to add to Mr. VandenBussche's explanation.

Motion by Lovio
Supported by Wilson

MOVED, to grant John L. Barker, 1985 Butterfield renewal of relief of the 6 foot masonry wall along the east and west property lines.

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

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. RENEWAL REQUESTED: Zion Evangelistic Temple, 3668 Livernois, for relief to install landscaping in lieu of a 4'6" masonry screening wall at their off-street parking areas.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for the 4'6" masonry walls required at the south and east sides of their off-street parking areas that are adjacent to residential zoning. Permission was granted by this board in October of 1981 to eliminate these walls and install landscaping in their place.

ITEM #6. continued

Approval was granted for one year and at this time the site is not developed to the extent that these landscaped areas have been installed. The conditions remain the same and we have no complaints or objections in our file.

Robert McComb of McComb Construction, the builder on the job, was present and indicated that they have installed the berms, that the landscape plans are being drawn by the landscape architect and they should be ready very soon but because of the construction of Phase II, in the area where some of the proposed landscaping is to be installed, they propose to plant next Spring.

Motion by Wilson
Supported by Lashmet

MOVED, to grant Zion Evangelistic Temple, 3668 Livernois a one year renewal of their variance.

1. The site is under construction.
2. There are no objections or complaints on file.
3. That next year the board will take a very careful look at the site to see that the landscaping is in place.

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7. RENEWAL REQUESTED: Edward Kedrow, N.E. corner of Chopin and Alger, for relief to park landscaping trucks within the 50 foot setback.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief to park landscaping trucks in the front setback of an industrial district adjacent to a street right-of-way. The encroachment at Alger Street, where the trucks are parked, is within 20 feet of the right-of-way. The conditions remain the same and there are no complaints or objections in our file. Mr. VandenBussche also indicated to the board that Mr. Kedrow had contacted him indicating that he was in the hospital and unable to attend the meeting; requesting that the board either consider hearing the item without his presence or take a tabling action as he could possibly attend the next meeting. Mr. VandenBussche also indicated that the area has been cleaned up since last year when this was before the board.

Motion by Giachino
Supported by Lovio

MOVED, to grant Edward Kedrow, N.E. corner of Chopin and Alger renewal of relief to park landscaping trucks within the required front setback of Alger Street.

1. There are no objections or complaints in the file.
2. The conditions remain the same.
3. Mr. Kedrow is ill and has a good reason for not being present, but has taken the time to notify the Building Department of his interest.

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #8. RENEWAL REQUESTED: Eric Pearson, 5565 John R., for relief to keep less than 10 dogs as a hobby and for training.

Mr. VandenBussche explained that the petitioner is requesting renewal of an approval, by this board, to keep less than 10 dogs on a residential premise for personal use as a hobby and training purpose. This request has been renewed on a yearly basis since 1965. The conditions remain the same and we have no objections or complaints in the file.

Eric Pearson was present and had nothing further to add.

Motion by Lovio
Supported by Wilson

MOVED, to grant Eric Pearson, 5565 John R. renewal of relief to keep less than 10 dogs on a residential premise for training and as a hobby.

ITEM #8. continued

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

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9. RENEWAL REQUESTED: Practical Management, N. side of Lovington (Canterbury Square Apartments II), for relief of the 4'6" masonry wall at the off-street parking area.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board to omit the 4'6" masonry wall required at the off-street parking area of an apartment complex. This relief was originally granted in 1974 and has been approved on a yearly basis since then. The basis for approval was that the residential land to the north and east was undeveloped. This item was tabled at the last regular meeting to give the petitioners the opportunity to be present.

John Lovo, resident/manager of the apartments was present and indicated that because the property is undeveloped and there is a wall of trees, they wish to continue the variance for relief of this wall.

Motion by Lashmet
Supported by Wilson

MOVED, to grant Practical Management, N. side of Lovington (Canterbury Square Apartments II) renewal of the relief to omit the 4'6" masonry wall at the off-street parking area.

1. The conditions remain the same.
2. There are no objections or complaints on file.
3. The area adjacent to the site is heavily wooded and provides a natural screening.

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #10. RENEWAL REQUESTED: Bruce Pettypiece, 90 E. Square Lake Road, for relief to maintain and operate an antique shop.

Mr. VandenBussche explained that the petitioner is requesting renewal of permission granted by this board to maintain and operate an antique shop in what used to be a church. The use is located in a residential district and the conditions are substantially the same as the previous requests and we have no complaints or objections in our file. This item was tabled at the last regular meeting to allow the petitioner to be present.

Bruce Pettypiece was present and indicated that he had nothing to add to Mr. VandenBussche's statement.

Motion by Giachino
Supported by Lashmet

MOVED, to grant Bruce Pettypiece, 90 E. Square Lake Road renewal of relief to maintain and operate an antique shop in a residential zoned district.

1. The petitioner has been before the board several times and the conditions remain the same.
2. There are no complaints or objections on file.

Ayes: 6
Nays: 0
Absent: 1 (Milia)

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11. VARIANCE REQUESTED: Boron Oil Company, 5015 Livernois, for relief to expand a nonconforming use and relief of the front setback.

ITEM #11 continued

Mr. VandenBussche explained that the petitioner is requesting a permit to construct canopies on an existing nonconforming gas station. The station is nonconforming in that it is in a B-3 Zoned District and gas stations are only permitted in Highway Service Districts. The Zoning Ordinance does not permit expansions, extensions or enlargements of nonconformities. The site plan also shows that the proposed canopy will be within 17'5" of the proposed right-of-way of Livernois. The Zoning Ordinance requires a minimum setback of 40 feet for any structure in this district. Mr. VandenBussche also indicated to the board that the Station was originally erected at this location through a consent judgement which ordered the zoning be changed to B-3 to allow this station. At the time the station was erected, they were permitted in B-3 Zoning.

Al Schneider of Boron Oil was present and indicated that the existing service station was erected as a full service station and there was no need for the canopies. With this station changing to a self-service station, the canopies are proposed to protect the customers from the elements. Mr. Schneider further noted that the structure will be supported by columns that will be approximately the same size as a light pole, it will be open and therefore not block the motorist's public's view and that they will be over the front pumps only the side pumps will be removed.

The board questioned Mr. Schneider on the possibility of removing the Long Lake exit and installing some additional landscaping on that side of the building. Mr. Schneider indicated he would do what he could, but he has people he must answer to and did need their approval.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were two letters of approval on file: Gladys Bungart, 130 W. Long Lake Road and Anna Main, 80 W. Long Lake Road.

Motion by Giachino
Supported by Lovio

MOVED, to grant Boron Oil, 5015 Livermois a variance to erect canopies at a nonconforming service station and relief to erect these canopies to within 17'5" of the proposed Livermois Right-of-Way where a 40 foot setback is required.

1. There are no objections and two approvals on file.
2. It is for the protection of the customers and is in keeping with the character of self-service stations.
3. That the approval be granted with the stipulation that the petitioner also improve the landscaping to meet the current ordinance as closely as possible.

Ayes: 6
Nays: 1 (Wright)
Absent: 0

MOTION TO APPROVE AS STIPULATED CARRIED.

ITEM #12. VARIANCE REQUESTED: Greg Cook, 105 Streamview, for relief of the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a single family residence with a 5'6" side yard setback. The Zoning Ordinance requires a minimum side yard setback of 10 feet in this residential zoned district. The site plan indicates the encroachment will occur at the rear corner of the lot where the lot becomes more narrow and the encroachment becomes less toward the front of the house and eventually meets the setback requirement.

Greg Cook was present and indicated that because the lot is pie shaped it is very difficult to erect a home on the site that will meet the setback requirements. He has tried several home plans and they will not fit the lot. He indicated that he finally took a plan and changed the configuration to one that would come closest to fitting the lot - the encroachment is only at the one rear corner of the house and would be approximately 40 square feet of house. If he were to move the house forward it would encroach in the front setback; he cannot go back further on the lot because he would be in the flood plain.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

ITEM #12 continued

There was one letter of approval on file: Harry Aldridge, 78 Pineview.

There were five letters of objection: Gregory Vennettilli, Lot #9 - William Allen, Van Allen Builders, Lot #8 - Kenneth Koss, Koss Development - Diane M. Kramer, 136 Streamview - Leonard Dyja, 97 Streamview.

Motion by Wilson
Supported by Lashmet

MOVED, to table this item until the next regular meeting to give the petitioner the opportunity to present the board with a floor plan of the home for further study of the appeal.

Ayes: 6
Nays: 1 (Lovio)
Absent: 0

MOTION TO TABLE CARRIED.

ITEM #13. VARIANCE REQUESTED: Orlando Swaveda, 2075 E. Long Lake Road, for relief of the rear yard setback and relief of the masonry screening wall abutting residential zoning.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a commercial building that will be approximately 40'x68' in size. The site plan indicates the proposed building will have a zero rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 30 feet in this business zoned district. The site plan does not show the 6 foot masonry screening wall required at the east property line abutting residential zoning. The Zoning Ordinance requires a 6 foot high masonry screening wall where non-residential property abuts residential property.

Philip Garcia the architect for the project was present and indicated that the lot is a small lot for the type zoning and to develop the property for the proposed use and still provide adequate parking and circulation the buildable area would only be approximately 30'x50' which would not be adequate for the proposed use. The Gibson Drain prevents development along the easterly property line and they have located the building so it will be at the furthest point possible from adjacent residential. The rear of the building abuts B-3 Zoning and it is the parking lot for a veterinary clinic. The wall has been omitted because of the Gibson Drain.

The chairman opened the public hearing.

There were no comments from the audience

The chairman closed the public hearing.

Motion by Giachino
Supported by Lashmet

MOVED, to grant a variance to Orlando Swaveda, 2075 E. Long Lake Road to erect a 40'x68' building with a zero rear yard setback.

1. The adjacent property, to the rear of the petitioners, is the side yard of the same zoning district and is used as a parking lot.
2. The site is a small parcel and difficult to build on.

Ayes: 4
Nays: 3 (Lovio, Milia, Wright - Overbuilding of the site)
Absent: 0

MOTION TO APPROVE CARRIED.

Motion by Lashmet
Supported by Giachino

MOVED, to grant a one year variance on relief of the 6 foot masonry screening wall along the east property line adjacent to residential zoning.

1. The area adjacent to the site is a bushy and wooded area which screens the site from the adjacent properties.
2. There is a drain along this side of the property and it is possible that a wall would not be permitted because of the possibility of blocking the drain.

Ayes: 4
Nays: 3 (Lovio, Milia, Wright)
Absent: 0

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #14. VARIANCE REQUESTED: Newberry Properties, 2112 Meijer Drive, for relief of the required landscaping.

Mr. VandenBussche explained that the petitioner is requesting a permit to alter an industrial building and add a drive and parking. This additional site work will result in the reducing of landscaping of the site. The site requires a minimum of 11,446 square feet of landscaping. The petitioner is requesting permission to maintain 8,472 square feet of landscaping. Basically the request is to allow additional development of the site that results in 8,472 square feet of landscaping where 11,446 is required.

Mike Damone was present and indicated that the Zoning Ordinance requires that 10% of the net site area be developed for landscaping. On this site the entire parcel contains 179,250 square feet of which 64,800 square feet is a fenced-in retention pond which does not benefit the site. The net usable area of the site is approximately 114,458 square feet and the Ordinance requires 11,446 square feet be landscaped. Mr. Damone further stated that the building has been completed and ready for occupancy since the Summer of 1981 but because of economic conditions they have not been able to lease it until now. Their tenant (Federal Express), because of their type of operation, requires that the site have a drive on both sides for loading of their delivery vans. Material is loaded through a rear door on a conveyor type system and loaded into their delivery vans on each side of the building from doors that will be located the length of the rear portion of the building. The building is unusable to the company without the additional drive and parking. There will be approximately 68 vans operating out of the building and each driver of these vans will be driving his own vehicle to the site. Mr. Damone also indicated that a building has been started on the adjoining site, therefore, they are unable to purchase additional property.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Giachino
Supported by Lashmet

MOVED, to deny the request of Newberry Properties, 2112 Meijer Drive to reduce the amount of landscapable area.

1. There has been no compromise offered to the Board, in lieu of just omitting landscaping, to make this a sellable piece of property.
2. No hardship has been shown, there should be some trade-offs.

Ayes: 2
Nays: 5 (Bonham, Lovio, Milia, Wright, Wilson)

MOTION TO DENY FAILS

Motion by Lovio
Supported by Wright

MOVED, to grant Newberry Properties, 2112 Meijer Drive relief of the required landscaping as requested.

1. There is a practical difficulty because of the unique type business and their needs for the building and site.
2. The petitioner is unable to obtain additional land adjacent to the site.
3. The variance does not impair or damage the property value.
4. It is suggested that the petitioner attempt to improve and add additional landscaping where possible.

Ayes: 5
Nays: 2 (Giachino and Lashmet)

MOTION TO APPROVE CARRIED.

ITEM #15. VARIANCE REQUESTED: George Milidrag, 999 Chicago, for relief of the required front setback.

Mr. VandenBussche explained that the petitioner is requesting permission to erect a display structure in the front setback of an industrial zoned district. The structure will be located 38 feet from the Chicago Road Right-of-Way and the Zoning Ordinance requires a minimum setback of 50 feet for all structures in this industrial zoned district. The display structure will contain an automobile that is supposed to indicate what their product is that is manufactured on the site.

ITEM #15. continued

George Milidrag was present and indicated that the structure was to display the Pontiac Fiero. They are a mini technical center and they did the design on the Fiero and are very proud of this and wanted to display their product in a display structure in front of their building. They feel this is the best location because of a sewer easement, the sidewalk and existing landscaping.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There was one letter of approval on file: Keith Pomeroy, IKS, 900 Chicago.

Motion by Lovio
Supported by Lashmet

MOVED, to deny the request of George Milidrag, 999 Chicago to erect a display structure within the required front setback area.

1. No practical difficulty or hardship has been displayed by the petitioner.
2. The display structure can be erected within a reasonable distance and meet the zoning requirements.

Ayes: 6
Nays: 1 (Milia)
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #16. VARIANCE REQUESTED: Patrick Giannotta, 1800 Austin, for relief of the front setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 55'x17' office addition to the front of an existing industrial building. The site plan indicates that this will result in a 33 foot front setback from Austin Street. The Zoning Ordinance requires a minimum setback of 50 feet in all industrial zoned districts. This request has appeared before the board on 5 previous occasions. Each time the petitioner has appeared before the board he has changed the dimension. We have indicated to the petitioner that in order for the board to hear this case they would have to be presented with some justifications. Therefore, this item will not be heard until the board has decided whether the justifications warrant re-hearing this case.

Motion by Giachino
Supported by Milia

MOVED, that the petitioner be allowed to address the board on the subject as to why the board should hear this item and why he did not attempt to appear at the last hearing on this subject.

Ayes: 6
Nays: 1 (Lovio)
Absent: 0

MOTION CARRIED.

Patrick Giannotta was present and stated to the board that he purchased the subject property in 1963, that his lot is only a partial lot (300 feet deep) because of the expressway. When he purchased the property there was a house on the front portion of the property which he lived in when he was starting his business. Later when he decided to build he ran into problems because of the size of the lot. He did erect a warehouse building and removed the house from the property. However when he decided to add an office area in 1971 he was denied a permit because of the encroachment into the required front setback. He later bought a similar business in Warren and operated out of both sites. He did not pursue the addition because he had the additional room in Warren and did not realize the need for the office space in Troy. He indicated that because he was involved in more than one location and that he had people handling his business for a period of time; they filed for additional applications and filed with the Board of Zoning Appeals on his behalf. Because he spent some time in the service during this period, he was not fully aware of what was happening. The reason he did not appear at the last Public Hearing for a variance on the setback was that he did have the Warren facility and he did not really feel that the Troy addition was that important at the time. However later when the economy became bad he had to consolidate all his business and move everything to the Troy location. He at one point moved a trailer to the site but was told he could not operate out of a trailer and moved the trailer inside the building. He further indicated to the board that he is now much more serious about his needs for an office addition and needs the room at his Austin site because it is his only location now. He hopes to computerize the operations and in order to do this he needs the office area as proposed on his application.

ITEM #16. continued

Motion by Lovio
Supported by Lashmet

MOVED, to deny the request of Patrick Giannotta, 1800 Austin for a hearing on relief of the required front setback.

1. There has not been a significant change in the petition.
2. Although the presentation has credit, it is not felt that justification for a new public hearing has been shown.

Ayes: 6
Nays: 1 (Milia)
Absent: 0

MOTION TO DENY HEARING CARRIED.

OTHER BUSINESS

ITEM #17. Mr. Lashmet brought up the fact that at one of the seminars at the MSPS Meeting they were told that their Cities should carry insurance on them for their protection. He questioned as to whether or not the City of Troy did carry such an insurance.

Mr. VandenBussche explained to Mr. Lashmet that they were insured as per Chapter 4 of the Troy City Code.

Mr. Lovio mentioned that they received a handout of very good material at the meeting regarding guide lines and that these handouts would be very informative to those members who could not attend.

Mr. VandenBussche indicated that he had those copies and had intended on providing the board members with this material.

The meeting of the Board of Zoning Appeals was adjourned at 10:15 p.m.

