

A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, May 27, 1986 by the Chairman, Carmelo Milia.

PRESENT: Carmelo Milia  
James Giachino  
Kenneth Lashmet  
Richard Bonham  
John Wilson  
John Lovio

ABSENT: Thomas Ethier

Motion by Wilson  
Supported by Lashmet

MOVED, that Item #9 be taken out of order in that a tabling action will be requested and the item will not cause any delays in the agenda.

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

MOTION CARRIED

ITEM #9. RENEWAL REQUESTED: Clark Oil and Refining Company, 3400 Rochester, for relief of the 6 foot high masonry screening wall required at the east and a portion of the north property lines.

Max Kennedy, Construction Superintendent for Clark Oil Company, was present and requested tabling action, indicating that there had been some concern regarding the planting of trees in addition to the fence and this would give them the opportunity to plant the additional trees.

Motion by Wilson  
Supported by Bonham

MOVED, that the request of Clark Oil and Refining Company, 3400 Rochester Road be tabled until the next regular meeting (June 17, 1986) as requested by the petitioner.

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

MOTION TO TABLE UNTIL JUNE 17, 1986 CARRIED

ITEM #1. VARIANCE REQUESTED: Dave and Cindy Milburn, 6576 Parkview, for relief of the required setback from Shagbark and the side yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct two additions onto a single family residence. The plot plan shows that addition on the east side will have a 32 foot setback from Shagbark and the second addition will have a 6 foot side yard setback from the side property line. The Zoning Ordinance requires a minimum 35 foot setback from Shagbark and a 10 foot setback from the interior side property line. Both encroachments are partial in that due to the unique shape of the lot and the placement of the existing house on the lot, the encroachments are triangular shaped and the dimensions of 32 feet and 6 feet are at the point where the encroachment is the greatest and it becomes less to nothing as it follows the triangle.

May 27, 1986

## ITEM #1.

Dave Milburn was present and stated that the addition on the west side of the house is to add living space to their family room and the larger addition on the east side of the house is to add an additional bedroom and enlarge the existing bedroom. They presently have a three bedroom home and plan to increase the size of the master bedroom to 13'x15' and add one more bedroom. They have one child and are expecting a second child. They also have a 91 year old grandmother who visits periodically. The addition to the family room is to give them additional living area. Mr. Milburn further stated that due to the way the house is placed on the lot, it makes it very difficult to add on.

John Hallewicki the architect for Mr. & Mrs. Milburn was present and stated that the plan was the best proposal for the house layout; if the addition were placed further back to avoid the encroachment or lessen the encroachment, it would also lessen the useable space.

The chairman opened the public hearing.

Jack Christenson was present to represent the Charnwood Architectural Control Committee, and stated that the committee had no objections to the proposed addition.

There were no further comments from the audience.

The chairman closed the public hearing.

Mr. Milburn submitted with his application a proposed plot plan, showing the proposed addition, signed by 4 of his neighbors. Raymond C. Chase, 6514 Shagbark Henry J. Thiele, 6577 Parkview - D. A. & J. A. Mayer, 6572 Parkview - Curtis Crawford, 6493 Shagbark.

There are 4 letters of approval on file: David W. Pritchard, 6568 Parkview - Henry J. Thiele, 6577 Parkview - Andrew Check, 6477 Parkview - Keith Butler, 6523 Parkview.

Motion by Lovio  
Supported by Lashmet

MOVED, to deny the request of Dave and Cindy Milburn, 6576 Parkview, for relief of the required setback from Shagbark and the side yard setback (west side).

1. Insufficient hardship.
2. No practical difficulty shown.

Ayes: 3  
Nays: 3 (Giachino, Wilson, Bonham)  
Absent: 1 (Ethier)

MOTION FAILS.

Motion by Giachino  
Supported by Bonham

MOVED, to approve the request of Dave and Cindy Milburn, 6576 Parkview for relief of the required setback from Shagbark.

1. The variance is not contrary to public interest.
2. It does not establish a prohibited use within the zoning district.
3. It does not cause an adverse effect to the properties in the immediate vicinity or zoning district.
4. Only a small section of the addition encroaches - it is only nonconforming at one corner.
5. The addition is needed due to the increase in the size of their family and the periodic visitations from the grandmother and out of town guests.

FURTHER MOVED, to deny the addition to the west side of the family room.

1. The petitioner has not presented any practical difficulty or hardship.

Ayes: 3  
Nays: 3 (Lashmet, Lovio, Milia)  
Absent: 1 (Ethier)

MOTION FAILS - REQUEST DENIED

May 27, 1986

ITEM #2. VARIANCE REQUESTED: K mart Corporation, 3100 W. Big Beaver Road, for relief to erect a hub satellite and accessory building.

Mr. VandenBussche explained that the petitioner is requesting permission to install a satellite antenna and an auxiliary equipment building (10'x20') on the K mart National Headquarters site located at the northwest corner of Big Beaver and Coolidge. The antenna will be depressed into the ground and it is substantial in size in that it is approximately 40 feet in height, but due to the location and depression, it will be fairly well obscured from the adjacent properties view. The Zoning Ordinance under Section 40.11.00 requires Board of Appeals approval for accessory structures and their uses in non-residential districts.

Harold Scarlett, Vice President of the Construction Department was present. Mr. Scarlett explained that the satellite dish is to be used for the communications link between their facilities and the headquarters. A smaller dish would not provide the power needed for their communications system. They have considered all possibilities for installation and this is the only location that will work and still be obscured from view. Other locations would make it impossible to screen the dish. They propose placing the antenna and building in a depression approximately 9 feet below the existing grade. The depression will be protected with retaining walls and a decorative security fence. Also, to provide visual screening they will provide an 11 foot landscaped berm with evergreens at the top to screen the antenna from pedestrain and vehicular traffic. A remote installation of the dish would require the use of fiber optics or microwave circuits between the dish and their building. This type link is less dependable and would cost considerably more.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Lovio  
Supported by Giachino

MOVED, to deny the request of K mart Corporation, 3100 W. Big Beaver Road, for the installation of a hub satellite and accessory building.

1. It is not an appropriate use and is an excessive size structure.
2. The petitioner has not presented a practical difficulty or hardship.

Ayes: 3  
Nays: 3 (Wilson, Lashmet, Milia)  
Absent: 1 (Ethier)

MOTION FAILS

Motion by Giachino  
Supported by Lashmet

MOVED, to table the request of K mart Corporation, 3100 W. Big Beaver Road, for permission to install a hub satellite and accessory building until the next regular meeting (June 17, 1986) to allow the petitioner the benefit of a full board.

Ayes: 5  
Nays: 1 (Lovio)  
Absent: 1 (Ethier)

MOTION TO TABLE CARRIED.

May 27, 1986

ITEM #3. VARIANCE REQUESTED: Daniel MacLeish, 650-700 E. Big Beaver Road, for relief of the 6 foot masonry screening wall required at the east and south property lines.

Mr. VandenBussche explained that the petitioner is requesting permission to obtain relief of a required 6 foot high masonry screening wall at the south and east property lines of this site. The site is located on the south side of Big Beaver between Rochester and Livernois. The Zoning Ordinance requires a 6 foot masonry screening wall where non-residential property abuts residential property. The petitioner is requesting relief of this requirement, primarily due to the fact that the adjacent residential land is indicated as possible non-residential, on the Master Land Use Plan, sometime in the future.

Daniel MacLeish was present and stated that they are attempting to include properties to the south in their Cornerstone Village office complex. They feel that it would be needless to erect a wall to the south and ultimately remove it when the adjoining area is developed. It is his understanding that even if they do not develop the adjoining property, it is very likely going to be sold to another developer. Mr. MacLeish indicated it would be approximately 9 to 10 months before the use of the property is known. Mr. MacLeish also stated that it is his understanding the the property to the east is scheduled, in a short time, to become O-1 zoning.

The chairman opened the public hearing.

Leon Jackson, 714 Owendale was present and stated that offers are being made on the Owendale properties and he has no objections to the delay of a screening wall, pending the rezoning.

Scott Voyles, 689 Owendale, was present and stated that if it is going to be several months or a year or more before anything takes place, he would like to see some type of protection.

There were no further comments from the audience.

The chairman closed the public hearing.

Motion by Giachino  
Supported by Lovio

MOVED, to grant Daniel MacLeish, 650-700 E. Big Beaver Road, a 6 month renewable variance for relief of the 6 foot high masonry screening wall at the south and east property lines.

1. The variance is not contrary to public interest.
2. It does not establish a prohibited use within the zoning district.
3. The variance does not cause an adverse effect to the immediate properties.
4. The Master Land Use plan does indicate the adjacent land as possible future non-residential
5. There are plans for the rezoning and development of the adjacent properties for non-residential.

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

MOTION TO APPROVE FOR 6 MONTHS CARRIED

ITEM #4. VARIANCE REQUESTED: Anwar Hanoosh, 6364 Atkins and (6368 Atkins - proposed second address), for relief of the minimum lot area.

Mr. VandenBussche explained that the petitioner is requesting permission to be able to have two residential lots that will have 7,492 square feet and 7,303 square feet of area respectively. The Zoning Ordinance requires a minimum lot area of 8,500 square feet for a lot in this residential zoned district. The petitioner is requesting the Board of Appeals to approve the relief of this square foot requirement so he can go through the platting of this piece of land into two lots. Mr. VandenBussche explained that this is different than requesting permission to split a piece of land in that the land has been split as many times as is permitted by the platting act. What he is requesting to do is to replat this site into two lots, but the lots will be deficient in lot area.

## ITEM #4.

Therefore, he cannot go through the replatting unless he receives a variance in the lot area requirements.

Anwar Hanoosh was present stated that his site is 6295 square feet larger than the 8,500 required by the ordinance and if he can construct only one home on the site he will have 6295 square feet that is of no value. Mr. Hanoosh stated that there are other lots in the area with less than the 8,500 square feet. They propose constructing one home for their family and one for Mrs. Hanoosh's brother. The homes will be approximately 2500 and 3000 square foot in area, which is comparable to the homes in the area. Mrs. Hanoosh also has a brother who lives across the street and they want the family close because of her health and there would be someone near if they were needed.

The chairman opened the public hearing.

Leonid Shashlo, who owns the property west of the site in question, was present and stated that he objected to splitting the lot, indicating that he bought his lot because of the lot size and the knowledge that the lots could not be subdivided.

June Collins, Atkins, was present and did not object as long as the lots were a minimum of 75 foot wide.

Jerry Slywka, 6322 Atkins, was present and objected indicating that when he subdivided these lots, it was his intention that they remain larger in size.

There were no further comments from the audience.

There were 7 letters of objection on file: Robert J. Nagy, 6333 Atkins - Michael R. & Patricia D Neveau, 6465 Atkins - James and Beryl Laherty, 1754 Three Lakes - William Carl Smude, R.A., 6325 Atkins - Martin Montano, 6349 Atkins Leonid and Valentina Shashlo, owners of 02-427-020 on Atkins - Mr. & Mrs. Richard Dodson, 6341 Atkins.

There was one qualified approval on file: Norman E. Kleinert, 6317 Atkins, stating there was no objection as long as the lots were 90 foot wide.

Motion by Lashmet  
Supported by Lovio

MOVED, to deny the request of Anwar Hanoosh, 6364 and 6368 Atkins for relief of the minimum lot size.

1. Insufficient hardship - there are other lots adjacent to this that exceed the 8,500 square foot requirement.
2. There are no unique or unusual conditions to qualify the site for a variance.
3. There were many objections from the adjacent properties.

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

MOTION TO DENY REQUEST CARRIED

THE BOARD RECESSED AT 9:05 P.M. AND RECONVENED AT 9:15 P.M.

ITEM #5. VARIANCE REQUESTED: Bobson Construction, 5190 Babbit, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 26'x15' addition onto the rear of an existing residence. The site is located at the southeast corner of Babbit and Lila and the plot plan shows that this rear addition will result in a rear yard setback of 27'6". The Zoning Ordinance requires a minimum rear yard setback of 35 feet in this residential zoned district.

## ITEM #5.

Dan Cooper, architect for Bobson Construction, was present. Mr. Cooper stated that the proposed addition is to enlarge the master bedroom. Mr. & Mrs. Hooper have lived at the home for fifteen years and feel that they need the room but do not desire to leave the area. The house is on a corner lot and because of this and the layout of the home they are limited in where they can add on.

Mr. Hooper, the home owner, was present also. Mr. Hooper stated that their home is 1400 square feet and the addition will provide them with more comfort by increasing the size of the master bedroom and master bath. The addition was proposed in this location so that it did not look like an addition. They are unable to add to the north side of the present bedroom area because they constructed a new patio in this area last year.

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: Mr. & Mrs. Louis Hamil, 5180 Babbit.

Motion by Giachino  
Supported by Wilson

MOVED, to deny the request of Bobson Construction, 5190 Babbit, for relief of the rear yard setback.

1. Lack of hardship or practical difficulty related to the property.

Ayes: 5  
Nays: 1 (Lovio)  
Absent: 1 (Ethier)

MOTION TO DENY REQUEST CARRIED.

ITEM #6. VARIANCE REQUESTED: Lutheran Church of The Master, 3333 Coolidge, for relief of the side yard setback (south side).

Mr. VandenBussche explained that the petitioner is requesting a permit to construct additions onto the existing church which is located on the west side of Coolidge just north of Big Beaver Road. The plot plan shows that one addition will extend a nonconforming side yard setback approximately 36 feet to the west. The Zoning Ordinance requires a minimum setback from any property line of 50 feet for a church. This setback that will be extended is a 20 foot setback. The Zoning Ordinance does not permit nonconforming setbacks to be extended. The nonconforming setback was created when the church sold some of their land on the south side to K mart corporation for parking.

Pastor Thomas Barbret was present and stated that they were not aware, that by selling some of their land to K mart, they became nonconforming until they applied for site plan approval for their proposed addition. Pastor Barbret stated that their congregation has grown more than they anticipated and they now need additional sunday school area, which will be provided in the smaller addition. The larger addition (on the north side) is to increase the size of the sanctuary. Because the area in question abuts to a parking lot, they feel that there should not be any problems to any residential properties. They do not want the church to look like it has been added onto and are therefore keeping the present lines of the church which is in keeping with their neighbors desires. Also, they need the parking area, so they cannot add on in any other location.

The chairman opened the public hearing.

Harold Scarlett was present to represent K mart and stated that they approved of the addition, stating that with the addition adjacent to parking, there should be no problems to adjacent neighbors. Mr. Scarlett stated that K mart, also, was unaware that a nonconforming setback was being created by the sale of the land.

ITEM #6.

There were no further comments from the audience.

The chairman closed the public hearing.

Motion by Giachino  
Supported by Wilson

MOVED, to grant the Lutheran Church of The Master, 3333 Coolidge, a variance, as requested for relief of the side (south) yard setback - 20 feet where 50 feet is required.

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use in the zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The addition is adjacent to parking and only parking would be allowed in the adjacent area.
5. The addition is an extension of an existing building line and will not be increasing the setback.

Ayes: 5  
Nays: 1 (Lovio)  
Absent: 1 (Ethier)

MOTION TO APPROVE CARRIED.

ITEM #7. VARIANCE REQUESTED: Ramada Inns, Inc., 305 W. Big Beaver Road (south-west corner of Big Beaver and Spencer), for relief of the required number of parking spaces.

Mr. VandenBussche explained that the Ramada Inns has requested that their request be withdrawn from the agenda. Therefore, no action is necessary on this item.

NO ACTION TAKEN

ITEM #8. VARIANCE REQUESTED: James M. & Tina R. Vogt, 2529 Hampton, for relief of the rear yard setback.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a wood deck onto the rear of an existing home. The plot plan shows that the wood deck will result in a rear yard setback of 15'2". The Zoning Ordinance requires a minimum 25 foot rear yard setback to an open deck in this residential zoned district.

James Vogt was present and stated that they presently have a patio in the area where the deck is proposed. The patio is deteriorating and they plan to replace it with a deck. Their property is on a corner lot and they are required to have a double front setback. Mr. Vogt stated that their home was constructed under the old Zoning Ordinance which allowed 30 feet to the rear property line and their home was constructed with a 35'2" rear yard setback and in order to meet the ordinance, they can only build a 10'2" deck. Mr. Vogt stated that the deck will be smaller than the present patio and they feel it will improve the property value. Because of the deteriorating patio, it will improve the property aesthetically. Also, the deck is designed around existing trees and bushes.

The chairman opened the public hearing.

Helen Scarlett, 3152 Caswell was present and approved of the proposed variance, indicating that the Zoning Ordinance has changed since the home was originally constructed.

There were no further comments from the audience.

The chairman closed the public hearing

## ITEM #8.

There were two letters of approval on file: Brian L. Dunn, 3134 Wendover and Cynthia A. Seager, 3154 Wendover

Motion by Bonham  
Supported by Lashmet

MOVED, to grant James and Tina Vogt, 2529 Hampton, a variance as requested, for relief of the rear yard setback - 15'2" where 25 feet is required.

1. The variance is not contrary to public interest.
2. It will not establish a prohibited use in the zoning district.
3. The variance will not cause an adverse effect to the neighbors in the vicinity or zoning district.
4. If the ordinance is met, natural features will be destroyed.

Ayes: 3  
Nays: 3 (Wilson, Milia, Giachino)  
Absent: 1 (Ethier)

## MOTION FAILS

Motion by Giachino  
Supported by Lovio

MOVED, to table the request of James M. and Tina R. Vogt, 2529 Hampton until the next regular meeting to allow the petitioner the benefit of a full board.

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

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (June 17, 1986) CARRIED.

ITEM #10. RENEWAL REQUESTED: Waggoner Corporation, 1400 Rochester 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, in May of 1985 to provide 428 parking spaces where 454 are required. This relief was originally granted one year ago and the construction has not been completed on the site. Therefore, there is no actual real test of the adequacy of parking. At the present time there are no complaints or objections regarding this matter. This item was tabled at the last regular meeting to allow the petitioner the opportunity to be present.

Dawn Philips, attorney for Waggoner Corporation, was present. Ms. Philips stated that they are in the midst of construction and would like to continue the variance. They will know better next year as to whether they will have any parking problems.

Motion by Wilson  
Supported by Lashmet

MOVED, to grant Waggoner Corporation, 1400 Rochester Road, renewal of their variance for relief of the required number of parking spaces - 428 where 454 are required.

1. This is a continuation of an existing variance.
2. There are no complaints or objections on file regarding this matter.

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

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

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