

A meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, December 16, 1986.

PRESENT: James Giachino
George Miskowitz
Thomas Ethier
John Lovio
Carmelo Milia
Peter Dungjen
John Pappageorge (arrived 8:35)

ITEM #1 Approval of Minutes - November 18, 1986 Meeting

Motion by Ethier
Supported by Lovio

MOVED, to approve the minutes of November 18, 1986.

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO APPROVE CARRIED

ITEM #2. RENEWAL REQUESTED: Troy Swim Club, 538 E. Long Lake Road, for relief to maintain/operate a private swim club.

Mr. VandenBussche explained that among the conditions which allow non-profit swim clubs in residential zonings is the requirement of setbacks on front, side and rear setbacks adjacent to residential to be a minimum of 80 feet. This property does not have 80 foot setbacks on all sides and is therefore nonconforming. This property has been used as a swim club for about 40 years. The petitioner is requesting renewal of a variance granted, by this board, to operate a private swim club. This renewal has been granted on a yearly basis for many years with specific stipulations attached to their approval. A copy of these regulations is included in the packets. Conditions remain the same and there are no objections or complaints in the files.

Jack Hannah was present and had nothing to add.

Motion by Milia
Supported by Lovio

MOVED, to grant Troy Swim Club, 538 E. Long Lake Road, renewal of relief to maintain/operate a private swim club.

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

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #3. RENEWAL REQUESTED: Neil Satovsky, 445-555 Kirts (Sunnyside Apartments), for relief to maintain a wood fence and carports, for screening, in lieu of a 6 foot masonry screening wall.

Mr. VandenBussche explained that since 1979 the petitioner has been granted relief to maintain a fence and carports as their parking lot screening in place of the required 4'6" high masonry screening wall along their east property line. The property to the east has been rezoned to O-1 and screening is no longer required. No further action is required.

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ITEM #3

There was no action taken due to the rezoning of the adjacent property and it is no longer required that the wall be constructed by the apartment complex.

ITEM #4. RENEWAL REQUESTED: Schaefer Greenhouse, Inc., 6791 Rochester Road, for relief to maintain 8 temporary structures (greenhouses)

Mr. VandenBussche explained that the petitioner is requesting renewal of relief to maintain 8 temporary structures which have been used as greenhouses and which have been granted renewal of the variance on a yearly basis since 1971. Conditions remain relatively the same - there is a new residential subdivision scheduled for construction adjacent to the above property and Mr. VandenBussche suggested that the petitioner consider a reduction in the number of temporary structures.

Carol Rock was present and had nothing to add.

Motion by Lovio
Supported by Milia

MOVED, to grant Schaefer Greenhouses, Inc., 6791 Rochester Road, renewal of their variance for relief to maintain 8 temporary structures (greenhouses)

1. There are no complaints or objections on file regarding this variance.

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5 RENEWAL REQUESTED: J.F. Venture Co., 1120 E. Long Lake Road, for relief of the 6 foot masonry screening wall required at the east property line.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief for the 6 foot masonry screening wall required along the east property line. Problems involving plantings were apparently remedied at this renewal period in December of 1985. There are no objections or complaints on file.

Dr. Jalil Farah was present and had nothing to add.

Motion by Ethier
Supported by Milia

MOVED, to grant Dr. Farah, 1120 E. Long Lake Road, renewal of the variance for relief of the 6 foot masonry screening wall required along the east property line.

1. The petitioner has corrected whatever defects existed in the past.
2. There are no complaints or objections on file.

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #6. RENEWAL REQUESTED: Thunderbird/Emerald Lanes, 1950 E. Square Lake Road, for relief to maintain a 6 foot berm in lieu of the masonry screening wall required at the west property line.

Mr. VandenBussche explained that the the petitioner requests renewal of a variance to maintain a 6 foot earth berm in place of a 6 foot masonry screening wall at their west property line adjacent to residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent use is a church and there have never been any objections to this request.

David Walby was present and had nothing to add.

Motion by Millia
Supported by Ethier

MOVED, grant Thunderbird/Emerald Lanes, 1950 E. Square Lake Road, renewal of their variance for relief to maintain a 6 foot berm, in lieu of the 6 foot masonry screening wall required at their west property line.

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

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #7. RENEWAL REQUESTED: Clawson/Troy Elks, 1451 E. Big Beaver Road, for relief of the required number of parking spaces.

Mr. VandenBussche explained that the petitioner is requesting renewal of a variance to allow 217 parking spaces instead of the 254 spaces required for their use. Conditions remain the same and there are no objections or complaints filed with the Building Department.

Richard Broegman was present to represent Clawson-Troy Elks and had nothing to add.

Motion by Lovio
Supported by Millia

MOVED, to grant Clawson/Troy Elks, 1451 E. Big Beaver Road, renewal of their variance for relief of the required number of parking spaces.

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

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

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ITEM #8. RENEWAL REQUESTED: Marriott Courtyard Hotel, 1525 E. Maple Road, for relief of the required number of parking spaces.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief to allow 174 parking spaces in lieu of the 227 spaces required for the uses in this hotel. Relief was renewed on February 18, 1986 for a period until December 1986 to enable Marriott Corporation to experiment and to test their statistics. A further stipulation by the board was to submit documentation of Marriott's agreement with the adjacent property owners for the additional parking. The applicant has been advised that a representative should be present to answer any questions regarding the parking study conducted by Reid, Cool & Michalski, Inc. A copy of their study and Marriott's cover letter was included in the packets.

Dennis McGee was present and stated that in addition to the information provided in the study presented to the board members, they have found that there has never been any problems in regard to parking. They do have additional parking available at the restaurant next door (Stuart Andersons), which is also owned by them. Mr. McGee also pointed out that they are not a full service hotel, they do not have the banquet facilities like many other hotels and their meeting rooms, which will only seat about 12 people are used only by persons staying at the hotel. Therefore, they do not need the same number of parking spaces that a full service hotel would need. Mr. McGee also stated that the restaurant is small and closes at 9:00 p.m.

The board questioned the availability of property to the north for additional parking. Mr. McGee stated that they have not approached the owner since they have the parking available at the restaurant.

Motion by Ethier
Supported by Milia

MOVED, to grant Marriott Courtyard Hotel, 1525 E. Maple Road, renewal of their variance for relief of the required number of parking spaces.

1. The study presented to the board shows that the parking is sufficient.
2. They do have additional parking available at the adjacent site.
3. There are no complaints or objections on file.

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #9. RENEWAL REQUESTED: Yarmouth Enterprises, 2301 W. Big Beaver Road, for relief of the required number of parking spaces.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief for a reduction in the required parking spaces from 2123 to 1712. This relief was granted based on the fact that yearly renewals would be required. It was felt that because of dual use functions on the site (offices, hotel and spa) there might possibly be a reduction in needed parking spaces. Inasmuch as there have been some complaints as to available spaces, this item was tabled for 60 days from the October meeting to allow the petitioner the opportunity to show what the parking conditions would be after November 15, 1986 and show that there will be no inconvenience to customers.

ITEM #9

Stanley Frankel was present and stated that at the time of renewal, in October, they were experiencing a problem with insufficient parking due to the resurfacing of several areas of their parking. They now believe that they have more than sufficient parking available. Mr. Frankel showed the board pictures of the parking conditions at the site, stating that their main problem with parking was at Vic Tanny. There is sufficient parking, but the patrons tend to park in the aisles and fire lanes. Mr. Frankel stated that if parking becomes a problem they could add an additional level to their parking deck or take from their reserve (landscaped area). They feel, now that the resurfacing is completed, the posting of signs for the fire lanes will prevent the illegal parking.

Motion by Ethier
Supported by Miskowitz

MOVED, to grant Yarmouth Enterprises, 2301 W. Big Beaver Road, renewal of their variance for relief of the required number of parking spaces.

1. There are no recent complaints on file regarding the variance.
2. Based on the condition that the true test will be when the new building is leased.
3. Based on the petitioners willingness to provide additional parking in the parking structure if needed.

Ayes: 5
Nays: 1-Lovio
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #10. RENEWAL REQUESTED: Kerby's Koney Island, 2901 Crooks Road, for relief to maintain a 6 foot high wood fence, in lieu of the 4'6" masonry screening wall required at the off-street parking.

Mr. VandenBussche explained that the petitioner is requesting continuation to allow a 6 foot high wood fence in lieu of a 4'6" masonry screening wall along the property line where their off-street parking abuts residential zoning. Original approval of this variance in 1983 was predicated on the assumption that the adjacent property could possibly become non-residential. Conditions remain the same and there are no complaints or objections filed.

Van Keros was present to represent Kerby's Koney Island, and had nothing to add.

Motion by Ethier
Supported by Milia

MOVED, to grant Kerby's Koney Island, 2901 Crooks Road, renewal of their variance for relief to maintain a 6 foot high wood fence, in lieu of the 4'6" masonry screening wall required at the off-street parking.

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

Ayes: 6
Nays: 0
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #11. RENEWAL REQUESTED: Daniel MacLeish, 650-700 E. Big Beaver Road, for relief of the 6 foot high masonry screening wall required at the east and south property lines.

Mr. VandenBussche explained that the petitioner was granted a 6 months variance in May for erecting a 6 foot masonry wall at the south and east property lines based on the Master Land Use Plan showing adjacent land as possible future non-residential. Also that plans are in the works for rezoning and development of adjacent properties for non-residential use. The petitioner is requesting renewal of this variance.

Daniel MacLeish was present and stated that Sosnick Development is attempting to develop the property in question. They are still involved in working on some agreements and have to submit for site plan approval. He indicated that he did erect a temporary fence for those people who were concerned. They still do not have a definite date.

Motion by Ethier
Supported by Lovio

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

1. Conditions remain the same.
2. There are no objections or complaints on file regarding the variance.

Ayes: 5
Nays: 1-Giachino (prefers a 6 month variance)
Absent: 1-Pappageorge

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #12. VARIANCE REQUESTED: Vern Hammarlund, 135 Park Street, for relief to extend a nonconforming site.

Mr. VandenBussche explained that the petitioner is requesting relief to construct a building addition on a nonconforming site. This addition will result in the extension of a 14 foot two-way driveway; 22 feet is required by ordinance. Nonconformities are prohibited from being expanded, extended or enlarged upon. This request was tabled at the last regular meeting to allow the petitioner the opportunity to contact the owner of the adjacent property regarding an easement allowing him the use of that portion of their parking lot as a part of their driveway.

Vern Hammarlund was present and indicated that he did make contact with the owner of the adjacent property, as requested by the board. The owner, however, is not interested in an easement or selling that portion of the property. Mr. Hammarlund stated that they could reduce the width of the addition which will give them a 20 foot wide drive, which was the width required when their building was constructed. However, because of the previous variance, the remainder of the drive would still be 14 feet.

Motion by Lovio
Supported by Ethier

MOVED, to deny the request of Vern Hammarlund, 135 Park Street, for relief to add to an existing nonconforming site.

1. The petitioner has not demonstrated a hardship.
2. The site is buildable - the variance requested is excessive.

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ITEM #12

Ayes: 4
Nays: 2-Milia and Giachino
Absent: 1-Pappageorge

MOTION TO DENY REQUEST CARRIED.

ITEM #13. VARIANCE REQUESTED: Albert Ferrari, 190 E. Big Beaver Road,
for relief of the side yard setback.

Mr. VandenBussche explained that the petitioner is proposing to replace an existing building at 198 E. Big Beaver Road with a new one story office building. The site plan shows a 15 foot easterly side yard whereas the Zoning Ordinance requires 30 feet. He is requesting relief to allow this 15 foot side yard.

Joel Garrett was present to represent the petitioner. Mr. Garrett stated that the petitioner is presently in a converted home and plans to construct a new single story office building. The lot is narrow for this type of development. They have provided the green area and parking required and they do have 45 feet between the buildings which is more than there is across the street, which is a different zoning. For this to be a buildable site they would have to construct a two story structure and the owner prefers a single story office building. They have provided more green space on the west side of the building, which they feel will enhance the building site since it is adjacent to parking and would break up the sea of asphalt. They feel the zoning is not right for the lot in question.

The chairman opened the public hearing.

Deborah Henkel, Vice President/General Manager of AmeriCenters, 200 E. Big Beaver, was present and objected, stating that they met the requirements and feel those same requirements should be met for this site. They feel that if granted the variance, it will detract from their building and they will have lease problems.

There were no further comments from the audience.

The chairman closed the public hearing.

There as one letter of objection on file: Deborah S. Henkel, Vice President/General Manager, AmeriCenters.

Motion by Ethier
Supported by Lovio

MOVED, to deny the request of Albert Ferrari, 190 E. Big Beaver Road,
for relief of the side yard setback.

1. The petitioner has not demonstrated a practical difficulty or a hardship.
2. The petitioner could request a zoning change if they feel the property is improperly zoned.

Ayes: 6
Nays: 1-Miskowitz
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #14. Request to rehear variance request on Bostick Properties,
1805-1787 Larchwood.

Mr. VandenBussche explained that the petitioner, Dennis Bostick, has submitted a written request that the board consider rehearing their request for a variance at the captioned address. A copy of Mr. Bostick's letter was enclosed in the agenda packets.

Motion by Lovio
Supported by Millia

MOVED, to deny the request of Dennis Bostick, Bostick Properties, 1805-1787 Larchwood, for a rehearing of their variance request to maintain an extension/expansion of a nonconforming building.

1. The petitioner has not demonstrated a practical difficulty or hardship that would warrant the extension of a nonconformity.
2. There has not been any new evidence presented, (physical or written) to justify a rehearing. The conditions remain the same.

Ayes: 6
Nays: 1-Miskowitz
Absent: 0

MOTION TO DENY REQUEST FOR REHEARING CARRIED.

ITEM #15. Request for special meeting by Detroit Cellular Telephone
Company, 985 Badder.

The board discussed dates and times and it was determined that a special meeting not be held and that this item appear on the regular agenda at January 20, 1987 meeting.

ITEM #16. Nomination and election of new Vice Chairman to replace
John Wilson.

Motion by Ethier
Supported by Pappageorge

MOVED, nominate John Lovio to serve as the Vice Chairman for the Board of Zoning Appeals.

Ayes: 6
Nays: 0
Absent: 0

The Board of Zoning Appeals meeting adjourned at 9:15 p.m.

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