

Regular Meeting #2 of the Board of Zoning Appeals was held Tuesday, October 23, 1973 at the Troy City Offices. The meeting was called to order by D. Gene Shellie, Chairman, at 8:00 P.M.

PRESENT: D. Gene Shellie  
Chairman

Randall Husk  
Kenneth Lashmet  
James Giachino  
Donald Boyd  
James McKenna  
Donald Oberholtzer

TABLED

ITEM #A. Variance Requested, Cranbrook Associates, 2280 West Big Beaver, for relief to erect a sign in the proposed right-of-way of Big Beaver.

Mr. Stanley explained that the petitioner appeared at the last regular meeting with a request to erect a sign in the proposed right-of-way of Big Beaver. The request was tabled by this committee for further study. The petitioner is requesting to erect a 10' x 4' and 7' high sign that will be located 60' from the center of Big Beaver. The zoning ordinance requires 102' from the center line.

Representatives from Cranbrook Associates were present and stated that they had a hardship in the fact that a smaller sign set back further could not be readily seen by passerbys on Big Beaver.

The Chairman opened the public hearing.

No comments from the audience.

The petitioner requested to alter their proposal and reduce the height of their sign to 5' and set it back 65' from the center line of Big Beaver

Motion by McKenna  
Support by Husk

MOVED, that the variance requested at 2280 W. Big Beaver, CT 434-3, Acreage, for relief to erect a sign in the proposed right-of-way of Big Beaver, with the proposed change to a 10' x 4' and 5' high sign, located 65' from the center of Big Beaver, be approved.

yeas: 4  
nays: 3 Husk, Shellie, Giachino  
absent: 0

MOTION FAILED

PETITION DENIED

ITEM #B. Variance Requested, Argonaut Realty Division of General Motors, CT 214-A and 215, Acreage, on the south side of Square Lake, east of Crooks, for relief of a 4'6" masonry wall at the off-street parking areas abutting residential property.

Mr. Stanley explained that the petitioner is proposing to erect a college-type facility on the south side of Square Lake, east of Crooks. They are requesting a variance from the required 4'6" masonry wall that is required at the off-street parking areas abutting residential property in lieu of a landscaped earth berm.

Mr. Renvez, from Argonaut Realty was present and explained that the earth berm would provide a more esthetic value to the area than a wall and they would incorporate some type of fencing in the landscaping of the berm to create a barrier.

The Chairman opened the public hearing.

Mr. Schilling, 6010 Canmoor has no objections to the earth berm.

Mr. Wilson and Mr. Yeng of the Historical Preservation Society were present and stated that this is the highest point of elevation in Troy which provides the best view of Detroit from Troy and should be preserved as an historical site.

No letters on file.

Motion by McKenna  
Support by Lashmet

MOVED, that the variance requested at the southeast corner of Square Lake and Crooks, for relief of a 4'6" masonry wall in lieu of a landscaped berm along the southerly property line be approved for the following reasons:

1. The berm would create a barrier to block the view from surrounding neighbors.
2. The earth berm provides an esthetic value to the area.
3. There were no objections.

ayes: 7  
nays: 0  
absent: 0

#### PUBLIC HEARINGS

ITEM #1. Variance Requested, Julius Hischman, Maple Road, Lot #13 and the west 59.33' of lot 12, Maple Acres Subdivision, for relief to expand a non-conforming use.

Mr. Stanley explained that the petitioner is proposing to construct an addition to an existing nonconforming building that will be converted to an office, from a residence. The petitioner is proposing to do interior alterations and make a 20' x 14' addition to the southwest corner of the building. The current building sets back 13' from the proposed right-of-way of Maple Road where a minimum set back of 40' is required.

Mr. Hischman was present and stated that this would be a Book-keeping service with three employees.

The Chairman opened the public hearing

No comments from the audience

One letter on file from Norman Brown of 2121 E. Maple objecting to this variance.

Motion by Husk  
Support by Oberholtzer

MOVED, that the variance requested by Julius Hischman on Maple Road Lot #13 and the west 49.33' of lot 12, Maple Acres Subdivision, for relief to expand a non-conforming use be denied for the following reasons:

1. Too close to the road.
2. There is no apparent hardship.

ayes: 7  
nays: 0  
absent: 0

ITEM #2. Variance Requested, Gilbert Carr, Westaway, lot 28, Bassett and Smith Flowing Springs Acres Subdivision, for relief of the required lot width.

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Mr. Stanley explained that the petitioner is requesting to split a parcel of property into four sites, three of them will be conforming with the zoning ordinance but the fourth site is in violation of the requirements regarding lot width and required side yards. The zoning ordinance requires a minimum lot width of 110' and a minimum side yard of 15' with total side yards of 30'. The proposed split leaves a site with a lot width of 80' and no side yard indicated on the north side of the property and 29' side yard showing on the south side. The only conforming requirement the petitioner has met is the lot area.

Azad Lucassian was present and indicated that the owner of the lot in question had agreed to sell his client this lot at a later date, his client will then attach it to a lot of 140' width to the north and create two 110' wide conforming lots.

The Chairman opened the public hearing.

No comments from the audience

One letter on file from Gerald Moore of 1190 Winthrop objecting to this variance.

Motion by Husk  
Support by McKenna

MOVED, that the variance requested at lot 28 on Westaway, Bassett and Smith Flowing Springs Acres Subdivision, for relief of the required lot width be denied for the following reason:

1. No hardship shown.

ayes: 7  
nays: 0  
absent: 0

ITEM #3. Variance Requested, Thoson-McCosh, Inc., 1985 Heide, CT617B5, Acreage, for relief of the minimum side yard requirement.

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Mr. Stanley explained that the petitioner is proposing to erect a temporary storage building that will be used in conjunction with the industrial use. The location of this temporary accessory building indicates a side yard set back of 2'. The zoning ordinance requires a minimum side yard set back of 10' in an M-1 district. The petitioner has indicated this will be a temporary building until such time that fuel will become available for a permanent structure. The zoning ordinance permits temporary buildings of this type to exist for a period of not more than six months, as in this case in a developed section of the city. (Section 43.04.02)

John McCosh was present and stated that they have a service door in the back of the building for semi-trucks and putting the building 10' from the lot line would interfere with the truck maneuverability.

Motion by Lashmet  
Support by Giachino

MOVED, that the variance requested for Thoson-McCosh, Inc., 1985 Heide, CT617B5, Acreage, for relief of the minimum side yard requirement be approved for six months for the following reasons:

1. There is a definite hardship shown.
2. It is not detrimental to the surrounding area.
3. There were no objections

ayes: 7  
nays: 0  
absent: 0

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ITEM #4. Variance Requested, Allen E. and Carol J. Toswell, 2704 Wisconsin, east 60' of lot #150, S/P Plainview Farms, for relief of the required side yard setback.

The petitioner has requested to withdraw this request as he is going to relocate the garage.

NO ACTION REQUIRED

ITEM #5. Variance Requested, Standard Garages, 2956 Sparta, lot #38, Mt. Olympia Estates, for relief of the 25' setback to 15' into the proposed right-of-way of Big Beaver.

Mr. Stanley explained that the petitioner is proposing to erect a residential addition (attached garage 22' x 22') that will extend 15' into the proposed right-of-way of Big Beaver. The zoning ordinance requires respect for all proposed right-of-ways of major thoroughfares. The proposed right-of-way has incumbered his property to the point where he can only construct on 37' of the site as that is all that will be left after the right-of-way is taken.

Stan Ambrose of Standard Garages was present.

Ronald A. Regnaert of 2955 Sparta was present, and stated that the yard would be useless if the garage had to be erected in the rear yard.

Letters on file from 16 neighbors approving of this variance.

Motion by McKenna  
Support by Boyd

MOVED, that the variance requested, Standard Garages, 2956 Sparta, lot 38 Mt. Olympia Estates, for relief of the 25' setback to 15' into the proposed right-of-way of Big Beaver be denied for the following reason:

1. Not sufficient hardship shown

ayes: 3  
nays: 4 Giachino, Husk, Oberholtzer, Shellie  
absent: 0

MOTION FAILED

Motion by Giachino  
Support by Husk

MOVED, that the variance requested, Standard Garages, 2956 Sparta, lot 38 Mt. Olympia Estates, for relief of the 25' setback to 15' into the proposed right-of-way of Big Beaver be approved for the following reasons:

1. There is reasonable use of property  
2. It shows a definite hardship in that it would leave the yard useless.

ayes: 4  
nays: 3 Boyd, McKenna, Lashmet  
absent: 0

MOTION FAILED.

PETITION DENIED

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ITEM #6. Variance Requested, Standard Garages, 2955 Sparta, lot #1, Mt. Olympia Estates, for relief of the 25' setback to 13'2" into the proposed right-of-way of Big Beaver.

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Since this was basically the same request as Item #5 with the same arguments no explanation was asked of Mr. Stanley or the petitioner.

The Chairman opened the public hearing.

No comments from the audience

Letters on file from 16 neighbors approving of this variance

Motion by McKenna  
Support by Boyd

MOVED, that the variance requested, Standard Garages, 2955 Sparta, lot #1 Mt. Olympia Estates, for relief of the 25' setback to 13'2" into the proposed right-of-way of Big Beaver be denied for the following reason:

1. Not sufficient hardship shown

ayes: 3  
nays: 4 Giachino, Husk, Oberholtzer, Shellie  
absent: 0

MOTION FAILED

Motion by Giachino  
Support by Husk

MOVED, that the variance requested, Standard Garages, 2955 Sparta, lot #1 Mt. Olympia Estates, for relief of the 25' setback to 13'2" into the proposed right-of-way of Big Beaver be approved for the following reasons:

1. There is reasonable use of property
2. It shows a definite hardship in that it would leave the yard useless.

ayes: 4  
nays: 3  
absent: 0 Boyd, McKenna, Lashmet

MOTION FAILED

PETITION DENIED

ITEM #7. Variance Requested, Robert Hawkins for William Price, 3725 Rochester Road, Lot 9, 10 and 13, S/P #7, for relief of a 6' masonry screening wall, for relief from the 50' required setback to 30' abutting residential zoning, for relief of the required 10' side yard to 0' for existing house and for relief to have the ingress and egress on Haldane.

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Mr. Stanley explained that the petitioner is proposing to erect a funeral home located on the southwest corner of Haldane and Livernois. This is on a parcel of land which had an existing historical house located on it. The northern portion of the land was rezoned to permit the funeral home. The petitioner has made several requests which are as follows:

1. They would be permitted to have a service drive on Haldane Street where the zoning ordinance says all ingress and egress should be off of a major thoroughfare.
2. They are requesting relief which would permit them to put a 6' decorative screening wall on their west property line which is adjacent to Canham Street, a dedicated right-of-way. This wall would be located in the required setback.

3. Omission of the wall on the southwest corner adjacent to lot #11.
4. Relief from requirements to install a wall on the south property line.
5. Relief of the requirements of the zoning ordinances of the required side yard on an existing house so that the split of this parcel may create a 0 side lot line for the historical house.
6. Relief of the requirements of the ordinance to erect the proposed funeral home only 30' from the south property line where 50' is required. This setback is reduced by a covered driveway that extends out 24' from the building proper, creating a canopy or a porch like atmosphere.
7. They are requesting relief from requirements from putting a screening wall in adjacent to the unloading and loading area to screen it from the adjacent residential properties.

William Price was present and stated that they would put up a locked gate or a chain across the drive so that the public cannot use the drive as a public access. They need relief from the screening wall between the existing residence and the funeral home as the existing home will be used as a managers residence.

The Chairman opened the public hearing

No comments from the audience

One letter on file approving from Mr. William Farron

Motion by Lashmet

Support by Husk

MOVED, that the following action be taken on the approved items:

1. Permit the driveway onto Haldane Street with a locked gate at the property line and the use of the driveway be restricted for delivery persons only.
2. Relief be granted which would permit a 6' decorative screening wall to be placed on the west property line adjacent to Canham Street. This would be an encroachment on the required setback.
3. Grant relief for one year of the requirements for a decorative screening wall on the southwest corner adjacent to lot #11.
- 4a. Deny relief for the required wall on the south property line from the west boundary to a point 15' west of the rear of the house located on the south property line.
- 4b. Grant relief for one year from the requirements to install a 6' decorative wall from a point 15' west of the rear of the house located on the south property line to the Livernois Street right-of-way line.
5. Grant relief from the side yard requirements on the existing house and permit the splitting of this parcel to create a 0 lot line for this historical house.
6. Grant relief of the requirements of the 50' side yard and permit the covered porch like structure to be placed within 30' of the south property line.
7. Take no action on this item until the final drawings are prepared to indicate the type of screening that may be needed to meet the requirements of the ordinance.

The reasons for the above actions are as follows:

1. The uniqueness of the parcel of land due to having three sides abutting public thoroughfares.
2. The desirability to maintain as much as possible a historical structure in the original condition.
3. These actions will not be detrimental to surrounding areas.
4. No objections from affected neighbors.
5. The petitioner has attempted to stay within the limits and requirements of the zoning ordinance where ever possible and that this plan meets the intent and purpose of the ordinance.

ayes: 7  
nays: 0  
absent: 0

MEETING ADJOURNED AT 11:50 P.M.