

The Regular Meeting #1 of the Board of Zoning Appeals was held Tuesday, July 16, 1974, at the Troy City Offices. The meeting was called to order by James Giachino, Chairman, at 7:30 P.M.

PRESENT: James Giachino
Chairman

Gene Spillman
Gene Shellie
Randall Husk
Don Boyd arrived 8:00

ABSENT: Kenneth Lashmet
Leo Hinch

ITEM #1. Approval of minutes, Regular Meeting #1, June 18, 1974.
Approval of minutes, Regular Meeting #2, June 24, 1974.

Motion by Spillman
Support by Husk

MOVED, that the minutes of the Regular Meeting #1 of June 18, 1974 be approved with the correction of Item #10 to read Motion by Lashmet and Support by Husk.

yeas: All - 5
nays: . none
absent: 2

MOVED, that the minutes of the Regular Meeting #2 of June 24, 1974 be approved with the correction of Item #14 to read Motion by Husk and Support by Lashmet.

yeas: All - 5
nays: . none
absent: 2

ITEM #2. Renewal Requested, Levitt and Sons, 5700 Coolidge, for relief to maintain a barn as a construction office.

Insepctor VandenBussche explained that the petitioner is requesting renewal of the relief to maintain and operate a barn as a construction office. This approval was granted for a period of one year in July of 1971, and has been renewed on a yearly basis since that time. The conditions remain relatively the same, and there are no objections or complaints in our file.

Motion by Spillman
Support by Shellie

MOVED, That the renewal requested at 5700 Coolidge, for relief to maintain a barn as a construction office be approved for one year for the following reasons:

1. No complaints in our files.
2. It is not detrimental to the area.

ayes: 4
nays: 1 Husk
absent: 2

ITEM #3. Renewal Requested, Bruce Pettypiece, 90 East Square Lake, for relief to maintain and operate an antique shop.

Inspector VandenBussche explained that the petitioner is requesting to renew the variance that was granted by this board several years ago on a yearly basis. The conditions remain the same and there are no objections in our files.

Motion by Shellie
Support by Boyd

MOVED, that the renewal requested at 90 East Square Lake, for relief to maintain and operate an antique shop be tabled for one month for the following reasons:

1. To allow the petitioner to pay the renewal fee of \$10.00
2. To allow the petitioner to be present to express his opinion.

ayes: All - 5
nays: none
absent: 2

ITEM #4. Renewal Requested, Robert Jiggins, Lot 53, Addison Heights, 1934 Livernois, for relief of a masonry wall.

Inspector VandenBussche explained that the petitioner is requesting relief granted by this board of a 6' masonry wall that would be located at the east property line of the subject site that abutts residential land. This variance was granted in July of 1972 based on the undeveloped residential land to the east. The conditions remain relatively the same and there are no objections or complaints in our file.

Motion by Husk
Support by Spillman

MOVED, that the renewal requested at 1934 Livernois for relief of a masonry wall be approved for one year for the following reasons:

1. No objections or complaints in our file
2. Not Detrimental to the area.
3. The land to the east is undeveloped.

ayes: All - 5
nays: none
absent: 2

ITEM #5. Renewal Requested, Elerious King, Lot #55, Houghten Acres, 5601 Wright, for relief to park a 1-1/2 ton truck on residential property.

Inspector VandenBussche explained that the petitioner is requesting a renewal of the relief granted by this board to park a 1-1/2 ton truck on residential property. The zoning ordinance does not permit parking of trucks on residential lots that exceed 3/4 ton in size. The subject site is located at the northwest corner of Wright and Habrand.

Motion by Shellie
Support by Husk

MOVED, that the renewal for a variance requested at 5601 Wright, for relief to park a 1-1/2 ton truck on residential property be approved for the following reasons:

1. No complaints in our files.
2. The conditions remain the same
3. The truck is not visible from the street.

ayes: All - 5
nays: none
absent: 2

ITEM #6. Renewal Requested, Cranbrook Realtors, CT-434-3, Acreage, 2280 West Big Beaver, for relief of the 6' masonry wall along the north property line.

Inspector VandenBussche explained that the petitioner is requesting a renewal of the variance granted by this board in April of 1974 of a 6' masonry wall at the property line abutting the residential district to the north. This property was undeveloped at this time and was the basis for approval of the variance. The conditions are still the same and there are no objections or complaints in our files.

Motion by Husk
Support by Spillman

MOVED, that the renewal requested at 2280 West Big Beaver, for relief of the 6' masonry wall along the north property line be tabled for thirty (30) days to allow the petitioner to be present.

ayes: All - 5
nays: none
absent: 2

ITEM #7. Renewal Requested, Glen Oaks Alliance Church, 5700 Rochester, for relief from erecting an obscuring wall and parking lot pavement.

Inspector VandenBussche explained that the petitioner is requesting a renewal of the relief of a masonry obscuring wall required at the off-street parking area, and for relief from the hardsurfacing of this area. These variances have been renewed on a yearly basis since 1970 based on the condition of the adjacent property. This variance was granted in March 1974 for a three month period based on the consideration that none of the residential homes have been occupied. The parking lot has been paved. The petitioner is proposing to erect a berm in lieu of the wall on the east and south side and renewal of relief of the north wall.

Motion by Shellie
Support by Spillman

MOVED, that the request for a renewal of the variance from erecting an obscuring wall at 5700 Rochester be approved for one year based on the following reasons:

1. The area is starting to develop now and a public hearing can be held in one year in regard to alternate protection and at that time the residents will be able to express their opinion.
2. Present conditions do not warrant obscuring of any kind.

NOTE: The board advised the petitioner that any alternate protection he may install now would at his own risk as this decision is for relief of the wall for one year.

ITEM #8. Variance Requested, Fred Bertram/Rossetti Associates, Inc., 755 West Big Beaver, for relief of the minimum number of parking spaces required from 2,376 to 1,976.

Inspector VandenBussche explained that this variance was tabled at the last regular meeting and that this variance is in conjunction with a health spa that will be taking the place of some of these parking spaces and eliminating some parking spaces for a landscaping berm. The petitioner has indicated that the spaces that are being eliminated will be readily reclaimed if necessary.

Motion by Spillman
Support by Husk

MOVED, that the variance requested at 755 West Big Beaver, for relief of the minimum number of parking spaces required from 2,376 to 1,976 be tabled for one week for the following reasons:

1. This will enable time for further study of the parking spaces available.
2. To allow the petitioner time to submit a letter of intent for recovering parking spaces to the City Attorney.

ayes: All - 5
nays: none
absent: 2

ITEM #9. Variance Requested, Darrell Bufkin, 5781 Houghton, for relief of the minimum side yard setback requirement from 10' to 6'.

Inspector VandenBussche explained that the petitioner is proposing to erect a 38' x 31' addition to their existing residence. The addition will result in a side yard of 6' where 10' is required. The existing residence does not have a basement and the petitioner has indicated that the use of this addition will be additional living area and storage area.

The Chairman opened the Public Hearing

No one was present

Two letters on file from Stephania Purchiaroni, 5780 Houghton; and Theodore Dutches, 5801 Houghton; both approving of the variance.

Motion by Husk
Support by Shellie

MOVED, that the variance requested at 5781 Houghton, for relief of the minimum side yard setback requirement from 10' to 6' be denied for the following reasons:

1. There was not sufficient hardship shown.

ayes: 3
nays: 2 Giachino, Boyd
absent: 2

ITEM #10. Variance Requested, Robert Dyla, 878 Brooklawn, for relief of the minimum rear yard setback requirement from 35' to 31'

Inspector VandenBussche explained that the petitioner is proposing to construct a 21' x 12' sun porch on the rear of his existing home. This addition will encroach into the required rear yard setback by 4'. The zoning ordinance requires 35' and his proposed addition will be 31' from the rear lot line.

The Chairman opened the Public Hearing

No one present

Two letters on file from William Story, 934 Brooklawn; and Mrs. G.E. Williams, 894 Brooklawn; both approving this variance.

Motion by Shellie
Support by Husk

MOVED, that the variance requested at 878 Brooklawn, for relief of the minimum rear yard setback requirement from 35' to 31' be approved for the following reasons:

1. There are no complaints in our files.
2. The rear yard is well landscaped.
3. The area to the rear of the yard is a school yard.

ayes: All - 5
nays: none
absent: 2

ITEM #11. Variance Requested, Ronald Keoleian, 3709 Kingspoint, Lot 401, Raintree Subdivision for relief of the minimum front set back requirement from 30' to 24'.

Inspector VandenBussche explained that the petitioner is proposing to construct a single family residence on the corner of Kingspoint and Glenwood Drive. The proposed residence will have a set back of 24' from Glenwood Drive where the ordinance requires that on a corner lot of this type the side yard is required to be not less than the front setback of the residential area which in this case is 30'. The lot width appears adequate for the proposed residence but there is a problem in that the side entrance of the garage will be facing an interior lot line.

The Chairman opened the Public Hearing

No one present

No letters on file

Motion by Husk

Support by Spillman

MOVED, that the variance requested at 3709 Kingspoint, for relief of the minimum front setback requirement from 30' to 24' be denied for the following reasons:

1. No hardship shown
2. Public notices were sent out with 24' when the petitioners plan shows 20'.

ayes: All - 5
nays: none
absent: 2

ITEM #12. Variance Requested, Donaldson and Meir, Lots 9, 10, 11, and part of 12, Robbins Executive Park East, for relief to erect a masonry wall in the proposed right-of-way of the Henry-Graham Drain Project.

Inspector VandenBussche explained that the petitioner is proposing to construct a trade school type training center on a site that abutts residential zoning to the north. A 6' masonry wall is required at this north property line by the zoning ordinance. His plan indicates that a portion of this wall that will be located in the easement of the Henry-Graham Drain and the petitioner is requesting a variance from erecting this portion until the construction work has been completed on the drainage ditch.

The Chairman opened the Public Hearing

No one was present

Motion by Husk

Support by Boyd

MOVED, that the variance requested at 236 Executive Park Drive, for relief to erect a masonry wall in the proposed right-of-way of the Henry-Graham Drain Project be denied for the following reasons:

1. No hardship shown
2. The Board recognizes the postponement of construction at the discretion of the Building Department until construction of the Henry-Graham Drain is complete.

ITEM #13. Variance Requested, Michael Fricker, 2982 Athena, for relief of the minimum required setback from Dequindre from 25' to 17' to erect an accessory building.

Inspector VandenBussche explained that the petitioner is proposing to maintain a 10' x 10' accessory building (shed) that is located in what is considered the front setback of Dequindre. The zoning ordinance states on corner lots requiring double front setbacks a minimum of 25' setback is to be maintained and structures are not permitted in this setback. The petitioner submitted a plot plan indicating the shed will be located 17' from the right-of-way of Dequindre and approximately 9' from the rear property line.

The Chairman opened the Public Hearing

Mr. Allan N. Pedic was present and stated that he was representing Mrs. Eva Haus and she was out of town and would like a postponement of this variance until her return from Europe.

Three letters on file from Mike Harris, 2874 Samuel Drive; Mrs. Fred C. Nied, 2970 Athena; and Goulon M. Guilani, 2958 Athena all approving of this variance.

One petition on file signed by sixteen neighbors approving of this variance submitted by Michael Fricker.

Motion by Husk
Support by Shellie

MOVED, that the variance requested at 2982 Athena, for relief of the minimum required setback from Dequindre from 25' to 17' to erect an accessory building be approved for the following reasons:

1. It is not detrimental to the area.
2. The majority of the surrounding neighbors have no objections.

ayes: All - 5
nays: none
absent: 2

ITEM #14. Variance Requested, M. Niemen, 2435 Dalesford, for relief of the minimum required front setback of 40' to 26'

Inspector VandenBussche explained that the petitioner is requesting to construct a garage addition to an existing single family residence that will result in a setback of approximately 23' from Dalesford. The lot is unique in shape and in order to construct the garage in the area designated on the plot plan it would be impossible to comply with the 40' setback required by the zoning ordinance in this residential district. The petitioner appeared before this board previously with a similar request. The dimensions have been changed in order to enable him to reappeal as the original request was denied. Mr. Niemen contends that there is a hardship in the fact that the odd shaped lot restricts his area for placing this addition in the manner it can be effectively utilized.

The Chairman opened the Public Hearing

No one was present

Two letters on file from Mr. & Mrs. R. W. Hockins, 2345 Dalesford; C. W. Rumbold, 2470 Dalesford both approving of this variance.

Motion by Shellie
Support by Husk

MOVED, that the variance requested at 2435 Dalesford, for relief of the minimum required front setback of 40' to 26' be approved for the following reasons:

1. No objections from affected neighbors.
2. He is making the best of a unique situation on an odd shaped lot.

ayes: All - 5
nays: none
absent: 2