

The Regular Meeting of the Board of Zoning Appeals was held Tuesday, September 16, 1975 at the Troy City Offices. The meeting was called to order by Leo Hinch, Chairman, at 7:30 P.M.

PRESENT: Leo Hinch
Chairman

James Giachino
D. Gene Shellie
Kenneth Strobel
Kenneth Lashmet
Patrick McDonough arrived 7:40 P.M.

ABSENT: John D. Lovio

ITEM #1. Approval of minutes, Regular Meeting #1, August 19, 1975
Approval of minutes, Regular Meeting #2, August 26, 1975

Motion by Giachino
Support by Strobel

MOVED, that the minutes of the Regular Meeting #1 of August 19, 1975 be approved as written.

yeas: All - 5
nays: none
absent: 2

Motion by Lashmet
Support by Giachino

MOVED, that the minutes of the Regular Meeting #2 of August 26, 1975 be approved as written.

yeas: All - 5
nays: none
absent: 2

RENEWALS

ITEM #2. Renewal Requested, Royal Monarch, Inc., 2824 E. Maple, for relief of a masonry obscuring wall.

Inspector VandenBussche explained that the petitioner is requesting renewal of a variance that was granted for relief of a masonry obscuring wall required at the residential land to the west. The original variance was granted on the condition that a 6' redwood fence would be installed in lieu of the required wall. The conditions remain the same, and we have no objections or complaints in our file.

Mr. VandenBussche further explained that the petitioner was unable to attend the meeting tonight, and that if the board had any questions, perhaps they could table this until the next regular meeting.

Motion by Lashmet
Support by Giachino

MOVED, that the renewal requested at 2824 E. Maple, for relief of a masonry obscuring wall, be approved for one year for the following reasons:

1. The redwood fence has been maintained and is in good repair.
2. The conditions remain relatively the same.
3. There were no objections or complaints in the file.

yeas: All - 6
nays: none
absent: 1

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ITEM #3. Renewal Requested, Troy Masonic Temple, 1032 Hartland, for relief of a masonry obscuring wall and for relief from hardsurfacing the parking area.

Inspector VandenBussche explained that the petitioner is requesting renewal for a relief granted by this board on a masonry obscuring wall required at the off-street parking area used by the Masonic Temple and the hardsurfacing of this parking lot. This relief has been granted on a yearly basis since 1972 on the basis that owners of adjacent properties did not object. The conditions remain the same, and we have no objections or complaints in the file. It may be beneficial to consider this request after item #15 in that the Masonic Temple has requested a variance to expand their nonconforming structure, and if this variance were granted, the expansion would include hardsurfacing of this required parking area. This renewal then would be reduced to just relief of a masonry obscuring wall.

Motion by Lashmet
Support by Strobel

MOVED, that the decision regarding this renewal be considered after item #15 as the outcome of that item has a direct affect on this variance,

yeas: All - 6
nays: none
absent: 1

ITEM #4. Renewal Requested, Practical Home Builders, Inc., Canterbury Apartments II, on the north side of Lovington, for relief of the 4'-6" masonry wall required to screen off-street parking areas from residential districts.

Inspector VandenBussche explained that the petitioner is requesting to renew a variance granted by this board in 1974 for relief of a 4'-6" masonry wall required at off-street parking areas of an apartment complex. This relief was approved for one year as the residential land to the north and east was undeveloped. The conditions remain substantially the same, and we have no objections or complaints in the file.

Mr. Heckman, representing Practical Home Builders, was present and stated that the conditions remain the same, and they would like to renew the variance for another year.

Motion by Giachino
Support by Strobel

MOVED, that the renewal requested at Canterbury Apartments II, on the north side of Lovington, for relief of the 4'-6" masonry wall required to screen off-street parking areas from residential districts, be approved for one year for the following reasons:

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

yeas: All - 6
nays: none
absent: 1

TABLED

ITEM #5. Variance Requested, Kaufman & Broad, Wexford Parkhomes Site, south side of Big Beaver, east of John R, for relief of the maximum number of rooms permitted on this site from 1,082 to 1,100.

Inspector VandenBussche explained that the petitioner is requesting relief of the number of rooms permitted in a multiple complex. The original approval of the complex complied with the room count requirement of the ordinance. Subsequently, the petitioner revised the site plan to accomodate a different type of condominium. In the interim the Zoning Ordinance was changed to a more restrictive room count to land area ratio, and under this new requirement the maximum room count would be limited to 1,082. The petitioner's proposed complex has a room count of 1,100. This item was tabled at our last regular meeting to allow the petitioner to be present.

The petitioner was not present.

Motion by Giachino
Support by Lashmet

MOVED, that the variance requested at the Wexford Parkhomes Site, south side of Big Beaver, east of John R, for relief of the maximum number of rooms permitted on this site from 1,082 to 1,100 be approved for the following reasons:

1. The deviation is a minor one and does not exceed the original room count.
2. The existing condominium owners would have to share the burden if the room count was limited to the ordinance requirement.

3. It will not be detrimental to the surrounding area.

yeas: All - 6
nays: none
absent: 1

PUBLIC HEARINGS

ITEM #6. Variance Requested, Pierre Farah, Landmark Restaurant, 110 W. Maple, Section 28, for relief of the minimum required aisle width for two-way traffic from 24' to 16'.

Inspector VandenBussche explained that the petitioner is requesting to place parallel parking along the east side of the Landmark Restaurant site. This would reduce the aisle for two-way traffic movement to 16'. The Zoning Ordinance requires a minimum 24' aisle for two-way traffic movement adjacent to parking areas.

Mr. Farah was present and stated that it would hurt their business tremendously if their customers were not permitted to park in front of the building.

The Chairman opened the public hearing.

One letter of approval on file from Mrs. A.D. Smith, 32 Forthton.

Motion by Strobel
Support by McDonough

MOVED, that the variance requested at 110 W. Maple, for relief of the minimum required aisle width for two-way traffic from 24' to 16', be tabled until the next regular meeting to allow the petitioner time to meet with the owners of the adjacent shopping complex to discuss entering into an agreement concerning their parking problem.

yeas: 4
nays: 1 - Giachino
absent: 2 - (Mr. Shellie was called away during the voting of this item to answer an emergency phone call)

ITEM #7. Variance Requested, Roy Rathka, Jr., north side of Stirling, between John R and Dequindre, Parcel "A", Section 1, for relief of the minimum land area requirement in a RID use district without sewers from 21,780 to 15,200 square feet.

Inspector VandenBussche explained that the petitioner is proposing to construct a single family residence on a site that has an area of 15,200 square feet. The Zoning Ordinance requires a minimum land area of 21,780 square feet in a RID use district without sewers. The Oakland County Health Department has approved an on site sewage disposal system for this location.

Mr. Rathka was present and stated that the proposed home will be in keeping with the other homes in the area. He also stated that there are homes in this subdivision built on smaller lots, and that when sewers become available, this lot will conform to the land area requirement.

The Chairman opened the public hearing.

Mr. Grayson, 2871 Troy Center Drive, was present and stated that he objected.

One letter of objection on file from Mr. Lind, 2071 Stirling.

Motion by Strobel
Support by Lashmet

MOVED, that the variance requested on the north side of Stirling, between John R and Dequindre, Parcel "A", Section 1, for relief of the minimum land area requirement in a RID use district without sewers from 21,780 to 15,200 square feet, be approved for the following reasons:

1. The site will meet the requirements of the ordinance when sewers become available.
2. The petitioner has obtained an approval for an on site sewage disposal system from the Oakland County Health Department.
3. It appears that the smaller lot size proposed will not be inconsistent with other lots in the subdivision.

yeas: 5
nays: 1 - McDonough
absent: 1

ITEM #8. Variance Requested, Roy Rathka, Jr., east side of John R, between Stirling and Chancery, Parcel "B", Section 1, for relief of the minimum land area requirement from 21,780 to 12,800 square feet, for relief of the minimum lot width requirement from 110' to 80', for relief of the minimum side yard setback requirement from 15' to 11'-4" and 9', and for relief of the combined side yard requirement from 30' to 20'-4".

Inspector VandenBussche explained that the petitioner is proposing to construct a single family residence on a lot that has 80' frontage and a land area of 12,800 square feet. The site plan indicates side yard setbacks of 9' and 11'-4". The Zoning Ordinance requires a minimum lot frontage of 110', minimum lot area of 21,780 square feet, and minimum side yard setbacks of 15' in a RID use district without sewers. The Oakland County Health Department has approved an on site sewage disposal system for this location.

Mr. Rathka was present and stated that the proposed home will be in keeping with the other homes in the area. He also stated that there are homes in this subdivision built on smaller lots, and that when sewers become available, this lot will conform to all the ordinance requirements.

The Chairman opened the public hearing.

Mr. Grayson, 2871 Troy Center Drive, was present and stated that he objected.

One letter of objection on file from Mrs. Fuchs, 6705 John R.

Motion by Strobel
Support by Lashmet

MOVED, that the variance requested on the east side of John R, between Stirling and Chancery, Parcel "B", Section 1, for relief of the minimum land area requirement from 21,780 to 12,800 square feet, for relief of the minimum lot width requirement from 110' to 80', for relief of the minimum side yard setback requirement from 15' to 11'-4" and 9', and for relief of the combined side yard requirement from 30' to 20'-4", be approved for the following reasons:

1. The site will meet the requirements of the ordinance when sewers become available.
2. The petitioner has obtained an approval for an on site sewage disposal system from the Oakland County Health Department.
3. It appears that the smaller lot size proposed will not be inconsistent with other lots in the subdivision.

yeas: 5
nays: 1 - McDonough
absent: 1

ITEM #9. Variance Requested, Roy Rathka, Jr., south side of Chancery, between John R and Dequindre, Parcel "C", Section 1, for relief of the minimum land area requirement in a RID use district without sewers from 21,780 to 15,200 square feet.

Inspector VandenBussche explained that the petitioner is proposing to construct a single family residence on a site that has an area of 15,200 square feet. The Zoning Ordinance requires a minimum land area of 21,780 square feet in a RID use district without sewers. The Oakland County Health Department has approved an on site sewage disposal system for this location.

Mr. Rathka was present and stated that the proposed home will be in keeping with the other homes in the area. He also stated that there are homes in this subdivision built on smaller lots, and that when sewers become available, this lot will conform to the land area requirement.

The Chairman opened the public hearing.

Mr. Grayson, 2871 Troy Center Drive, was present and stated that he objected.

Letters of objection on file from Mr. Greunisen, 6675 John R, and Mr. & Mrs. Lind, 2071 Stirling.

Motion by Strobel
Support by Lashmet

MOVED, that the variance requested on the north side of Stirling, between John R and Dequindre, Parcel "C", Section 1, for relief of the minimum land area requirement in a RID use district without sewers from 21,780 to 15,200 square feet, be approved for the following reasons:

1. The site will meet the requirements of the ordinance when sewers become available.
2. The petitioner has obtained an approval for an on site sewage disposal system from the Oakland County Health Department.
3. It appears that the smaller lot size proposed will not be inconsistent with other lots in the subdivision.

yeas: 5
nays: 1 - McDonough
absent: 1

ITEM #10. Variance Requested, Stewart Slatkin, 1832 Pelican, Lot #368, Troy Estates Sub., Section 20, for relief of the minimum rear yard setback requirement in a R1B use district from 45' to 40'.

Inspector VandenBussche explained that the petitioner is requesting to maintain a single family residence that has a 40' rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 45' in a R1B use district. The condition came about because of an increase in the family room size that was not a part of the permit that was issued for this structure. The family room was increased from 15' to 19' resulting in the encroachment of approximately 4-1/2' into a required rear yard.

Mr. Slatkin was present and stated that he is the homeowner and at the time the home was being constructed requested the builder to enlarge the family room and was told that there would be no problem. He also stated it would be a hardship to relocate the wall to conform to the ordinance.

The Chairman opened the public hearing.

No comments from the audience.

Letters of approval on file from Nung Man Synn, 3876 Edgemont; N. O. Iurz, MD, 3939 Edgemont; Mr. Mital, 1848 Pelican Ct.; Mr. Dombrowski, 1865 Pelican; Mr. McCarty, 3915 Edgemont; Mr. Baker, 1867 Chatham; Mr. Bonnefil, MD, 1835 Chatham; Mr. Kerr, 3897 Edgemont.

Motion by Giachino
Support by McDonough

MOVED, that the variance requested at 1832 Pelican, for relief of the minimum rear yard setback requirement in a R1B use district from 45' to 40', be approved for the following reasons:

1. To conform to the ordinance at this point, would cause the petitioner a severe hardship as the home has been completed and is presently being occupied by the petitioner.
2. There were several approvals from surrounding property owners.
3. It will not be detrimental to the surrounding area.

yeas: All - 6
nays: none
absent: 1

ITEM #11. Variance Requested, Peter J. Platusich, 90 Hampshire, Lot #164, Sylvan Glen, Section 10, for relief of the minimum rear yard setback requirement in a R1B use district from 45' to 31' in order to erect a wood patio deck.

Inspector VandenBussche explained that the petitioner is proposing to construct a wood patio deck that will result in a rear yard setback of 31'. The proposed patio is approximately 20' x 14' and will be located adjacent to the family room at the rear of this residence. The minimum rear yard setback in an established R1B district is 35'.

Mr. Platusich was present and stated that because of the grading of the lot it would be impractical to install a concrete patio. He also stated that from the doorwall there is quite a step down, and he feels that the patio would help to eliminate a hazardous condition.

The Chairman opened the public hearing.

No comments from the audience.

Letters of approval on file from Mr. Toerock, 139 Hampshire; and Paul Jackson, 74 Hampshire.

Motion by Lashmet
Support by Shellie

MOVED, that the variance requested at 90 Hampshire, for relief of the minimum rear yard setback requirement in a R1B use district from 45' to 31' in order to erect a wood patio deck, be approved for the following reasons:

1. This is an uncovered wood deck and is no more permanent than a concrete patio on grade.
2. There were approvals from adjacent property owners.
3. It will not be detrimental to the area.

yeas: All - 6
nays: none
absent: 1

The Chairman stated that he was asked by the petitioner to request the board to consider hearing ITEM #16 next as the petitioner would not be able to stay until the case would come up in normal order. The board members gave unanimous consent.

ITEM #16. Special Use Requested, Kelly McGuffin, 2904 Spencer, Lot #133, Beaver Park, Section 28, for relief to erect an accessory structure that will be used as an animal shelter.

Inspector VandenBussche explained that the petitioner is requesting to construct a 7' x 7' accessory structure that will be used as a shelter for an animal. The Zoning Ordinance requires that any accessory structure that will be used for sheltering animals of this nature (horse), the use must be approved by the Board of Appeals.

Miss McGuffin was present and stated that the shelter is needed to protect the horse from the elements.

The Chairman opened the public hearing.

No comments from the audience.

One letter on file from Mrs. Nilson, 28-226-006, 007, 008.

Motion by Shellie
Support by Lashmet

MOVED, that the special use requested at 2904 Spencer, for relief to erect an accessory structure that will be used as an animal shelter, be approved for the following reasons:

1. There were no objections from adjacent property owners.
2. This would meet all the other requirements of the ordinance.
3. It will not be detrimental to the surrounding area.

yeas: All - 6

nays: none

absent: 1

ITEM #12. Variance Requested, Evanswood Church of God, 2601 E. Square Lake, Section 1, for relief to expand a nonconforming structure, for relief to install an earth berm in lieu of a 4'-6" screening wall required at the off-street parking area, and for relief from hardsurfacing the parking area.

Inspector VandenBussche explained that the petitioner is proposing to construct an addition on an existing church. The addition will be approximately 80' x 64' and will be added to the rear of the existing structure. Since the existing church is located 40' from the right-of-way of Evanswood where the Zoning Ordinance requires a minimum 50' setback, this would be expanding a nonconforming structure. The site plan also indicates a new gravel parking area for 28 cars, and the plan does not indicate the 4'-6" masonry walls required at off-street parking areas in residential districts. The Zoning Ordinance requires that all parking lots must be hardsurfaced and adjacent residential areas shielded with masonry walls.

Mr. Smith, representing Evanswood Church of God, was present and stated that they would like the addition to run parallel with the existing church which is at the 40' setback. He also stated that a berm would be more aesthetically pleasing than a wall, and the cost of paving the parking area at this time might delay the construction of the addition which is badly needed due to the increase in the congregation.

The Chairman opened the public hearing. No comments from the audience.

One letter of approval on file from Mr. Briggs, 2655 Pearl.

Motion by Giachino
Support by Strobil

MOVED, that the variance requested at 2601 E. Square Lake, for relief to expand a nonconforming structure, be approved. That the variance requested for relief to install an earth berm in lieu of a 4'-6" screening wall required at the off-street parking area, be approved for one year. These variance are granted for the following reasons:

1. The residential property is not substantially developed enough for the wall to be of any useful purpose.
2. The addition will be following the building line of the existing church.
3. It will not be detrimental to the surrounding area.
4. There were no objections from adjacent property owners.

Further, that the variance requested for relief from hardsurfacing the parking area, be denied for the following reasons:

1. In the normal practice of the Building Department, the church would be given one year after occupancy to complete this hardsurfacing, and if at that time they cannot comply, the board would consider a rehearing.
2. No hardship was shown.

yeas: All - 6
nays: none
absent: 1

ITEM #13. Variance Requested, Clawson-Troy Elks Club, 1451 E. Big Beaver, Section 23, for relief to erect posts and entrance structures that will be located in the proposed right-of-way of Big Beaver Road.

Inspector VandenBussche explained that the petitioner is proposing to construct entrance structures at the driveway approaches into their parking lot. The structures will be made of pressure-treated posts and will be approximately 11' in height. The petitioner's site plan also indicates a compacted berm that will be placed on an abandoned entrance to their site. This berm and entrance structures will be located in the proposed right-of-way of Big Beaver, and the Zoning Ordinance does not permit structures in proposed right-of-ways of major thoroughfares.

Mr. Herb Kaiser, representing the Clawson-Troy Elks Club, was present and stated that the posts will help to light the entrances into the parking area. At the present time these entrances are poorly lit at night causing an unsafe condition for their members. He also stated that they have had several accidents as a direct result of this problem.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

Motion by Shellie
Support by McDonough

MOVED, that the variance requested at 1451 E. Big Beaver, for relief to erect posts and entrance structures that will be located in the proposed right-of-way of Big Beaver Road, be approved with the stipulation that they supply to the City a written statement that they will agree to remove these structures at the time Big Beaver Road is widened. This variance is granted for the following reasons:

1. The petitioner is trying to eliminate a hazardous situation.
2. There were no objections from adjacent property owners.

yeas: All - 6
nays: none
absent: 1

ITEM #14. Variance Requested, Melvyn J. Bennett, 677 Elmwood, Section 34, for relief to park on an existing drive that is located in the required front setback area of an industrial district.

Inspector VandenBussche explained that the petitioner is proposing to use an existing concrete drive for parking in the front setback of an industrial building. The width of the drive does not comply with the Zoning Ordinance parking standard in regards to parking spaces and required aisle widths for these parking spaces. The petitioner appears to be primarily interested in being permitted to park in the required front setback of the district. The Zoning Ordinance requires a minimum 50' front setback in industrial districts and does not permit parking in this setback.

Mr. Bennett was present and stated that they would like to have parking in the front for convenience. He also stated that there would not be more than three or four cars parked in this area at any time.

The Chairman opened the public hearing.

The owner of the Troy Apartments, 1071 Rochester, was present and stated that he had no objection.

Letters of approval on file from Mr. Stewenson, Wilson-Garner Co., 641 Elmwood; and Detroit Productive Parts, 665 Elmwood.

Motion by Lashmet
Support by McDonough

MOVED, that the variance requested at 677 Elmwood, for relief to park on an existing drive that is located in the required front setback area of an industrial district, be denied for the following reasons:

1. No hardship was shown.
2. There is plenty of land available at this site out of the front setback area that can be utilized for parking.

yeas: 5
nays: 1 - Shellie
absent: 1

ITEM #15. Variance Requested, Troy Masonic Temple, 1032 Hartland, part of Lot #12, S/P #13, Section 23, for relief to expand a nonconforming structure.

Inspector VandenBussche explained that the petitioner is proposing to construct an addition to an existing nonconforming building. The proposed addition would be approximately 10' onto the west side of the existing building and 12'-4" onto the rear. The existing building is nonconforming in regards to front setbacks and accessibility from a major thoroughfare. Any expansion of a nonconforming structure and use must be approved by the Board of Appeals. The site plan also indicates expansion of the parking lot to accomodate the additional square footage that increases the occupancy load of the building. The petitioner has indicated that the new parking area and existing parking area will be hardsurfaced to comply with the requirements of the ordinance, but they do not indicate the required 4'-6" masonry walls at these parking areas adjacent to residential properties. The petitioner has requested relief of these walls and renewal of a relief previously granted to the original parking areas.

Mr. Jan VanDine, representing the Troy Masonic Temple, was present and stated that the addition is needed for the expanding membership. He further stated that the adjacent residential property has been designated as future nonresidential on the Master Land Use Plan.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Vel Corporation, 3236 Rochester Road.

Motion by McDonough
Support by Lashmet

MOVED, that the variance requested at 1032 Hartland, for relief to expand a nonconforming structure, be approved for the following reasons:

1. The original structure was built prior to the setback requirements, and the addition
2. will not be increasing this nonconforming setback.
2. There were no objections from adjacent property owners.
3. The addition is needed for the expanding membership.

yeas: All - 6
nays: none
absent: 1

Motion by Giachino
Support by Shellie

MOVED, that the variance requested at 1032 Hartland, for relief of the 4'-6" masonry screening walls required at the parking area adjacent to residential property, be tabled until the next regular meeting to allow time to have this referred to the Plan Commission for their determination as to the future zoning of the adjacent residential property.

yeas: All - 6
nays: none
absent: 1

MOTION ON ITEM #3

Motion by Giachino
Support by Strobel

MOVED, that the renewal requested at 1032 Hartland, for relief of a masonry obscuring wall and for relief from hardsurfacing the parking area, be denied as this relief is no longer necessary.

yeas: All - 6
nays: none
absent: 1

ITEM #17. Variance Requested, Jack Stone, north side of Colebrook, west of Rochester, Lot #45 & 46, Cloverdale Farms Sub., for relief of a lot split that will result in two parcels that will have land areas 8,600 and 8,800 square feet where 10,500 square feet is required, and for relief of the minimum front yard setback requirement from 40' to 25.07'.

Inspector VandenBussche explained that the petitioner is proposing to split and combine lot frontages on Colebrook Street that will result in a lot of 88' x 100' that has an existing residence and a lot of 86' x 100' that will be used to construct a single family residence. This lot split will result in two parcels that will have land areas of 8,600 and 8,800 square feet respectively. The Zoning Ordinance requires a minimum lot area of 10,500 square feet in a RIC use district. The site plan indicates the proposed residence will have a 25' front setback where 40' is required in an established RIC use district.

Mr. Bischoff, representing Mr. Stone, was present and stated that lot #45 is considerably smaller than the other lots in this subdivision because of a 25' street easement. This property would not be buildable unless a variance is granted.

The Chairman opened the public hearing

No comments from the audience. No letters on file.

Motion by Shellie
Support by Giachino

MOVED, that the variance requested on the north side of Colebrook, west of Rochester, Lots #45 & 46, Cloverdale Farms Sub., be tabled until the next regular meeting to allow time to have this referred to the Plan Commission for their determination as to the future need for the 25' street easement.

yeas: All - 6
nays: none
absent: 1

ADJOURNMENT: 11:45 P.M.

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