

The Regular Meeting of the Board of Zoning Appeals was held Tuesday, March 16, 1976 at the Troy City Offices. The meeting was called to order by Chairman, Leo Hinch, at 7:30 P.M.

PRESENT: Leo Hinch  
Chairman

John Lovio  
Randall Husk  
Patrick McDonough  
Kenneth Lashmet  
D. Gene Shellie  
James Giachino arrived 10:55 P.M.

ITEM #1. Approval of minutes, February 17, 1976

Motion by Lashmet  
Support by McDonough

MOVED, that the minutes of February 17, 1976 be approved as written.

yeas: All - 6  
nays: none  
absent: 1

RENEWALS

ITEM #2. Renewal Requested, Patricia Barlow, 894 East Big Beaver, for relief of a 6' masonry obscuring wall along the west and south property lines.

Inspector VandenBussche explained that the petitioner is requesting to renew the relief of a required 6' masonry wall at the west and south property lines of her site. This relief was granted in March of 1975 based on the fact that the adjacent residential zoning will be non-residential as indicated on the Master Land Use Plan. The conditions remain the same, and we have no objections or complaints in our file.

Mr. VandenBussche read a letter received from Ms. Barlow indicating her desire to continue the variance for another year and her regret at not being able to attend the meeting tonight. She also indicated in her letter that if the board had any questions, she could arrange to be present at the next meeting.

Motion by Husk  
Support by McDonough

MOVED, that the renewal requested at 894 East Big Beaver, for relief of a 6' masonry obscuring wall along the west and south property lines, be tabled until the next regular meeting to allow the petitioner to be present.

yeas: All - 6  
nays: none  
absent: 1

ITEM #3. Renewal Requested, John E. Sutton, 131 Habrand, for relief to park a truck over 3/4 ton on a residential lot.

Inspector VandenBussche explained that the petitioner is requesting to renew the relief granted by this board to park a truck over 3/4 ton on residential zoned property. This relief was granted for a period of one year in March of 1975 based on the hardship that the truck is not only used for his job, but as a means of transportation also.

Mr. Sutton was present and stated the conditions remain the same, and he would like to renew the variance for another year.

Motion by Lashmet  
Support by McDonough

MOVED, that the renewal requested at 131 Habrand, for relief to park a truck over 3/4 ton on a residential lot, be approved for one year for the following reasons:

1. Conditions remain the same.
2. It is not detrimental to the surrounding neighborhood.
3. The truck is parked at the rear of the drive behind the front line of his house.

yeas: All - 6  
nays: none  
absent: 1

ITEM #4. Renewal Requested, Troy Gospel Assembly, 3150 Troy Street, for relief of a 4'-6" masonry obscuring wall at the off-street parking area, and for relief to use the building as a combination church and residence.

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Inspector VandenBussche explained that the petitioner is requesting renewal of a 4'-6" masonry screening wall that is required at the off-street parking area of the church, and renewal of a relief granted to use the building as a combination church and residence. These items were approved for a period of one year in March of 1975 based on the fact that the petitioner was not aware of the requirements and that the previous owner had been cited for them. He indicated at that time that the residential use would be temporary until other arrangements could be made. The conditions appear to be the same, and we have no objections or complaints in the file.

Mrs. Sharp and Rev. Calloway were present and stated the church is no longer conducting services. The Troy Assembly of God is currently renting the chapel one night a week to conduct their youth meetings. This is the only church function on this site. Due to domestic problems, Mr. Sharp is no longer residing at this premise, and Mrs. Sharp is currently seeking a divorce. She is on ADC and the only other means of income is the money she is receiving from the Troy Assembly of God for rent. Until the divorce is settled, the property cannot be sold. They requested that the variance be continued for one year to allow Mrs. Sharp time in which to obtain her divorce and sell the property.

Motion by Husk  
Support by Lashmet

MOVED, that the renewal requested at 3150 Troy Street, for relief of a 4'-6" masonry obscuring wall at the off-street parking area, and for relief to use the building as a combination church and residence, be approved for one year, for the following reasons:

1. It is not detrimental to the area.
2. Time is needed to straighten out legal problems.
3. There were no objections or complaints in the file.
4. At the time of the original variance, the adjoining property owners did not want the wall.

yeas: 3  
nays: 1 - Shellie  
absent: 1

ITEM # 5. Renewal Requested, Nemer Commercial Construction Co., 3001 West Big Beaver, for relief of a 6' masonry obscuring wall required to the west.

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Inspector VandenBussche explained that the petitioner is requesting renewal of relief granted by this board in regard to a 6' masonry wall required at the west property line of their site. The relief was granted in March of 1975 based on the fact that only one residence is affected and was adequately obscured by out buildings. The Master Land Use Plan indicates this property to be future nonresidential. The conditions remain the same and we have no objections or complaints in our file.

Mr. Neumann, representing Nemer Commercial Construction Co., was present and stated that the conditions remain the same, and they would like to request renewal for another year.

Motion by Husk  
Support by Lovio

MOVED, that the renewal requested at 3001 West Big Beaver, for relief of a 6' masonry obscuring wall required to the west, be approved for one year for the following reasons:

1. It is not detrimental to the area.
2. The Master Land Use Plan indicates this property as future nonresidential.
3. There were no objections or complaints in the file.

yeas: All - 6  
nays: none  
absent: 1

ITEM #6. Renewal Requested, Stephen George, 6550 Coolidge, for relief to maintain a temporary greenhouse.

Inspector VandenBussche explained that the petitioner is requesting to renew a variance to maintain a temporary greenhouse on their site. This variance has been granted on a yearly basis since 1968 and the conditions remain the same. We have no objections or complaints in our file.

Mr. George was present and stated that the temporary greenhouse is used to start flowering plants in the early spring as his permanent greenhouses are being used to their maximum capacity. He further indicated that he would like to continue the variance for another year.

Motion by Lashmet  
Support by Shellie

MOVED, that the renewal requested at 6550 Coolidge, for relief to maintain a temporary greenhouse, be approved for one year for the following reasons:

1. There were no objections or complaints in the file.
2. It will not be detrimental to the area.
3. The conditions remain the same.

yeas: All - 6  
nays: none  
absent: 1

ITEM #7. Renewal Requested, Michigan Bell, 6950 Crooks, for relief of a masonry obscuring wall.

Inspector VandenBussche explained that the petitioner is requesting renewal for relief of a masonry obscuring wall required at the off-street parking area of their site. This variance has been granted on a yearly basis on the fact that the adjacent land was undeveloped. The conditions remain relatively the same, and we have no objections or complaints in our file.

Mr. Donovan, representing Michigan Bell, was present and stated that the conditions remain the same, and they would like to request renewal for another year.

Motion by Husk  
Support by Lovio

MOVED, that the renewal requested at 6950 Crooks, for relief of a masonry obscuring wall, be approved for one year, for the following reasons:

1. The area to the east is still undeveloped.
2. It will not be detrimental to the area.
3. There were no objections or complaints in the file.

yeas: All - 6  
nays: none  
absent: 1

ITEM #8. Renewal Requested, Charles H. Lewis, 1982 Livernois, for relief of a 6' masonry obscuring wall.

Inspector VandenBussche explained that the petitioner is requesting renewal of the relief granted by this board for a masonry wall required at the east property line of their site abutting residential zoning. This relief has been granted on a yearly basis since 1973 primarily due to the hardship that would be caused to the resident of the site adjacent to the area where the 6' wall would be located. The residential site has a garage that is located in such a manner that its use would be hampered if the wall were installed. The conditions remain the same, and we have no objections or complaints in our file.

Mr. VandenBussche further explained that the petitioner called the Building Department and indicated that he would not be able to attend the meeting as he was being hospitalized. If the board had any questions, he stated that he would be able to attend the next meeting.

Motion by Shellie  
Support by Lashmet

MOVED, that the renewal requested at 1982 Livernois, for relief of a 6' masonry obscuring wall, be approved for one year for the following reasons:

1. The wall would prohibit the adjacent property owner to utilize his garage.
2. It will not be detrimental to the area.
3. There were no objections or complaints in the file.

yeas: All - 6                      nays: none                      absent: 1

ITEM #9. Renewal Requested, Berdene McClure, 1930 Austin, for relief of a masonry obscuring wall.

Inspector VandenBussche explained that the petitioner is requesting renewal of a wall variance that was granted originally in 1972. The subject site is used for storage of trailers and similar equipment under a special use approval of the Plan Commission. This approval included a stipulation that an obscuring fence be placed at the west portion of the storage area and a 6' masonry wall at the east end of the storage area. The masonry wall is required for an obscuring element from the street that abuts this property. This relief was granted based on the fact that the subject street was undeveloped, and it would be a hardship to cause the erection of the wall as long as the street is not used. The conditions remain relatively the same, and we have no objections or complaints in our file.

Mrs. McClure was present and stated that the conditions have not changed and she would like to renew the variance for another year

Motion by McDonough  
Support by Husk

MOVED, that the renewal requested at 1930 Austin, for relief of a masonry obscuring wall be approved for one year for the following reasons:

1. The property line where the wall is required is adjacent to an undeveloped street.
2. The conditions remain the same.
3. There were no objections or complaints in the file.

yeas: All - 6  
nays: none  
absent: 1

TABLED

ITEM #10. Variance Requested, Tiffin & Associates, 1800 Austin, W. 300' of Lot #13, Supervisor's Plat #21, for relief of the minimum front yard setback in an industrial district from 50' to 25', and for relief of the minimum number of required parking spaces from 27 to 21.

Inspector VandenBussche explained that the petitioner is requesting to construct an industrial addition to the front of a structure that would result in a front yard setback of 25'. The site plan also indicates parking spaces for 21 cars. The Zoning Ordinance requires a minimum front setback of 50' and a minimum number of parking spaces required for their use of 27. This item was tabled at our last regular meeting at the request of the petitioner in that he was not prepared to make a presentation at that time.

Mr. Tiffin, representing Tiffin & Associates, was present and stated that at the present time there is no office area in the building which is badly needed. He further stated that they do not feel that it would be detrimental to the area as other buildings on this street are closer than 50' to the property line. The owner of the property has attempted to obtain additional property from surrounding neighbors, but has not been able to do this.

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

Two letters on file from Mr. Connolly, owner of Lot #15, S/P #21, and also owner of 1705 Austin, indicating his objection.

Motion by Husk  
Support by Shellie

MOVED, that the variance requested at 1800 Austin, for relief of the minimum front yard setback in an industrial district from 50' to 25', and for relief of the minimum number of required parking spaces from 27 to 21, be denied for the following reasons:

1. No hardship was shown.
2. The building could be enlarged without encroaching into the setback area.

yeas: All - 6  
nays: none  
absent: 1

PUBLIC HEARINGS

ITEM #11. Variance Requested, Galaxy Homes Inc., 2358 Valleyview, Lot #40, Windridge Subdivision, for relief of the minimum rear yard setback requirement in a R1B open space district from 45' to 35'-1".

Inspector VandenBussche explained that the petitioner is requesting to construct a single family residence that will result in a rear yard setback of 35'-1". The proposed residence is 65' x 49', and the Zoning Ordinance requires a minimum rear yard setback of 45' in a R1B use district.

A representative from Galaxy Homes was present and stated that this lot backs up to a five acre parcel so that there would be considerable distance between homes. He also stated that this is the shallowest lot in the subdivision and is difficult to construct a saleable home on the site.

The Chairman opened the public hearing.

No comments from the audience.

One letter of objection on file from Mr. Stover, 5382 Ridge.

Motion by Husk  
Support by Lashmet

MOVED, that the variance requested at 2358 Valleyview, for relief of the minimum rear yard setback requirement in a R1B open space district from 45' to 35'-1", be denied for the following reasons:

1. No hardship was shown.
2. The petitioner does have a model home that will fit on the lot and meet all the setback requirements of the ordinance.

yeas: All - 6  
nays: none  
absent: 1

ITEM #12. Variance Requested, Bollan Building Co., 2080 Topaz, Lot #483, Stoneridge Sub., for relief of the minimum setback requirement from a street right-of-way in a R1C open space district from 30' to 28.38' from Endicott (corner lot).

Inspector VandenBussche explained that the petitioner is requesting to construct a 57' x 53'-6" residence at the corner of Topaz and Endicott. The site requires a double front setback and the proposed structure will encroach into the required setback 1'-10" at its severest point. The site plan indicates that the lot narrows considerably at the rear, and the encroachment would only pertain to approximately 7' at the rear corner of the house. The Zoning Ordinance requires a minimum setback of 30' to the right-of-way of Endicott and the encroachment would result in a 28'-2" setback.

Mr. Bollan was present and stated that originally the lot was 101.55' but increased its size by adding 3' from the lot to the east. He also stated that this house is one of his standard models.

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

Letters of approval on file from Mr. Schott, 2158 Topaz; Mr. Hutchins, 2125 Topaz; Mr. Ferguson, 2101 Rutgers; Mr. Schwartz, 2119 Rutgers; Mr. Passalacqua, 2191 Rutgers; Mr. Bozigar, 2140 Topaz; Mr. Moor, 2137 Rutgers; Mr. Lang, 2155 Rutgers; Ms. Ullmer, 2122 Topaz; and Mr. Fournier, 2194 Topaz.

Motion by McDonough  
Support by Lovio

MOVED, that the variance requested at 2080 Topaz, for relief of the minimum setback requirement from a street right-of-way in a R1C open space district from 30' to 28.38' from Endicott (corner lot), be approved for the following reasons:

1. The petitioner added 3' from his adjacent lot demonstrating an effort to conform.
2. The amount of encroachment is one of a minor nature.
3. The lot in question is irregular shaped and difficult to build on.

yeas: 5  
nays: 1 - Husk  
absent: 1

ITEM #13. Variance Requested, Frederick & Geraldine Campbell, 2605 East Wattles, Lot #38, Supervisor's Plat of Broadacres, for relief to store contractor's equipment on residential zoned property.

Inspector VandenBussche explained that the petitioner is requesting to park contractor's equipment and a dump truck on residential zoned property. The petitioner was cited by the Building Department for storing and/or parking contractor's equipment on residential property in violation of the Zoning Ordinance. The appellant is appealing this citation. Primarily, he contends that subject equipment and vehicles are parked there only about 50 percent of the time, and the rest of the time they are usually on a site that is under construction.

Mrs. Campbell was present and stated that they are in the excavation business and they have only a few pieces of equipment at the present time which they have been storing on their lot when it is not being used on a job site. She also stated that the business is her husband's sole source of income, and they would like a one year approval to allow them time in which to relocate.

The Chairman opened the public hearing.

Mr. Shingledecker, 4065 Forsythe, was present and submitted a petition from 45 residents in the area indicated their objections to this variance.

Mr. Stein, 3951 Fernleigh, was present and stated that he objected.

Letters of objections on file from Mr. Gueli, 4189 Forsythe; Mr. Avery, 4117 Forsythe; Mr. Jollich, 2560 E. Wattles; Ms. Bush, 4109 Forsythe; Mr. Schingledecker, 4065 Forsythe; Mr. Calucci, 3950 Fernleigh; and Mr. Tassiano, 4101 Forsythe.

Letters of approval on file from Mr. & Mrs. Kowry, 3867 Fernleigh; and Mr. Ratiu, 2595 E. Wattles.

Motion by McDonough  
Support by Lovio

MOVED, that the variance requested at 2605 East Wattles, for relief to store contractor's equipment on residential zoned property, be approved for three months, for the following reasons:

1. This will allow the petitioner a reasonable amount of time in which to relocate the equipment.
2. There is only a few pieces of equipment that the petitioner has which will only be on his lot when it is not in use on a job site.

yeas: All - 6  
nays: none  
absent: 1

ITEM #14. Variance Requested, Alfred SOWELS, 1825 South Boulevard, for relief of the minimum lot width requirement in a R1B use district without sewers from 110' to 87'-6".

Inspector VandenBussche explained that the petitioner is requesting to construct a single family residence on a site that has a lot width of 87'-6". The Zoning Ordinance requires a lot width of 110' in a R1B use district without sewers. The original site was a lot of record of 85' and a permit for a residence could have been issued providing the petitioner met all setback requirements. The proposed residence is 72' wide, and, in order to comply with the 15' side yard requirement, he purchased an additional 2' from the lot to the east of his site. He is proposing to combine this 2' with his existing lot of record, thereby, losing its status as a legal nonconforming lot. He has indicated that it is imperative that the house has a 72' wide dimension.

Mr. SOWELS was present and stated that the garage that belongs to the people next to him is encroaching on to his property. He also stated that he wanted a 72' wide house because of the size of the garage would allow him to place a door from the garage to the familyroom of the house. With a 2' smaller garage he would not be able to do this.

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

No letters on file.

Motion by Husk  
Support by Lashmet

MOVED, that the variance requested at 1825 South Boulevard, for relief of the minimum lot width requirement in a RLB use district without sewers from 110' to 87'-6", be modified to allow relief of the side yard setback requirement from 15' to 12'-6" from the east property line. This variance is granted for the following reasons:

1. The variance will be of a minor nature.
2. There were no objections from adjacent property owners.
3. It will not be detrimental to the surrounding area.
4. The lot in question is still legally a lot of record.

yeas: 5  
nays: 1 - McDonough  
absent: 1

ITEM #15. Variance Requested, Robert DiFazio, 138 Hampshire, Lot #161, Sylvan Glen Subdivision, for relief of the minimum rear yard setback requirement from 45' to 40'-6" in a RLB use district.

Inspector VandenBussche explained that the petitioner is requesting to construct a single family residence that will be 54' wide by 55'-6" deep and will result in a rear yard setback of 40'-6". The Zoning Ordinance requires a minimum rear yard setback of 45' in a RLB use district.

Mr. DiFazio was present and stated that at the time he designed the plans for his home, he was not aware of the rear yard setback requirement. He also stated that he is building the home for his own personal use, and would like to start construction as soon as possible.

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

One letter of approval on file from Mr. Kramer, 170 Hampshire.

Motion by Shellie  
Support by McDonough

MOVED, that the variance requested at 138 Hampshire, for relief of the minimum rear yard setback requirement from 45' to 40'-6" in a RLB use district, be denied for the following reasons:

1. No hardship was shown.
2. The petitioner indicated that he had not sold his present home, therefore, there is no urgency in moving.
3. The petitioner also indicated that no specific dates had been mentioned in the contracts that were entered into with contractors and could delay construction without fear of a law suit.

yeas: 3  
nays: 3 - Hinch, Lovio, Husk  
absent: 1

Motion by Husk  
Support by Lashmet

MOVED, that the variance requested at 138 Hampshire, for relief of the minimum rear yard setback requirement from 45' to 40'-6" in a RLB use district, be tabled until the next regular meeting.

MOTION WAS WITHDRAWN

Motion by McDonough  
Support by Lashmet

MOVED, that the variance requested at 138 Hampshire, for relief of the minimum rear yard setback requirement from 45' to 40'-6" in a RLB use district, be tabled until the next regular meeting so that the petitioner may have the benefit of a full board.

yeas: 4  
nays: 2 - Shellie, Hinch  
absent: 1

ITEM #16. Variance Requested, William Grannis, 1886 Lyster Lane, for relief of the minimum side yard setback from 8' to 1', and for relief of the total side yards from 20' to 9' in a RLD use district.

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Inspector VandenBussche explained that the petitioner is requesting to construct an attached garage to his existing residence. This addition will result in a 1' side yard setback, and total side yards of 9'. The Zoning Ordinance requires a minimum setback of 8', and total side yards of 20' in a RLD use district. The plot plan indicates that the property line adjacent to the proposed addition is a public access lot for the beach area of Emerald Lake.

Dr. Grannis was present and stated that he has a problem with the overflow of traffic from people using the beach access. The developer has indicated that there will be a fence erected on the property line separating these two parcels. If the fence is erected, he will have a problem getting his cars in and out of his garage. He further stated that he does not feel that this will be detrimental to the area since there is this access property abutting his property which will never be built upon.

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

Letters of approval on file from Mr. Lee, 1898 Lyster; Mr. Capraro, 1854 Lyster; Mr. & Mrs. Richards, 1934 Lyster; Mr. & Mrs. Baerd, 1863 Lyster.

One letter of objection on file from Mr. Heiserman, 1719 Three Lakes Drive.

Motion by Husk  
Support by McDonough

MOVED, that the variance requested at 1886 Lyster Lane, for relief of the minimum side yard setback from 8' to 1', and for relief of the total side yards from 20' to 9' in a RLD use district, be approved for the following reasons:

1. The property to the east is park land, and will not be built upon with a residence.
2. There were approvals from surrounding property owners.
3. It will not be detrimental to the area.

yeas: All - 6  
nays: none  
absent: 1

ITEM #17. Variance Requested, James L. Brooks, N. side of Aspinwall, E. 90' of Lot #5, Supervisor's Plat #31, for relief of the minimum lot width requirement from 100' to 90' in a RLB use district.

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Inspector VandenBussche explained that the petitioner is requesting to construct a single family residence on a site that has a lot width of 90'. The Zoning Ordinance requires a minimum lot width of 100' in a RLB use district.

Mr. Earl Roberts, representing Mr. Brooks, was present and stated there original intent was to divide the property equally, but there is a barn on the west half of the lot which encroaches into the east half of the lot so they had to move the lot line over 10'. They do not feel that this would be detrimental to the area as the lot is very deep, and they do meet all other setbacks.

The Chairman opened the public hearing.

Mr. Fornwall, 735 Trinway, owner of the lot on Aspinwall, was present.

Letters of approval on file from Mr. Cook, 245 Aspinwall; and Mr. Ducat, 6464 Fredmoor.

Motion by Husk  
Support by Shellie

MOVED, that the variance requested at the E. 90' of Lot #5, S/P #31, N. side of Aspinwall, for relief of the minimum lot width requirement from 100' to 90' in a RLB use district, be tabled until the next regular meeting in order to allow time for the petitioner to submit additional information to the board in regards to the location of the existing home on the lot along with the out buildings and indicating the distance these buildings are from the property lot split.

yeas: All - 6  
nays: none  
absent: 1



ITEM #18. Interpretation Requested, Dorchon & Serlin Architects, 363 W. Big Beaver, for relief to allow a pedestal and canopy in an OSC use district, for relief of the minimum front setback requirement from 30' to 13', and for relief of the minimum number of parking spaces for this site from 203 to 191.

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Inspector VandenBussche explained that the petitioner is requesting to construct pedestals and a canopy on an existing office structure. The proposed addition will have drive-up type bank use. Since the use permits servicing customers without entering the building or even leaving their car, it is considered a drive-in or open front store service. This type of use is only permitted in highway service districts, and the petitioner is requesting an interpretation of the Zoning Ordinance that the use is normal and incidental extension of the permitted banking use. The proposed canopy will result in a front setback of 13' and the Zoning Ordinance requires a minimum 30' setback in this district. The site plan indicates that the proposed addition will reduce the parking spaces for the site to 191 spaces. The Zoning Ordinance requires a minimum of 203 parking spaces for this use.

Mr. Serlin was present and stated the building is being rented out to one single tenant with the exception of the bank. He further stated that they feel that this is the best arrangement for traffic flow for the banking operation.

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

No letters on file.

Motion by Giachino  
Support by McDonough

MOVED, that the pedestal and canopy is normal and an incidental extension of the permitted banking use in an OSC use district and would be allowed at the site at 363 West Big Beaver.

yeas: All - 7  
nays: none  
absent: 0

Motion by McDonough  
Support by Lashmet

MOVED, that the variances requested at 363 West Big Beaver, for relief of the minimum front setback requirement from 30' to 13', and for relief of the minimum number of parking spaces for this site from 203 to 191, be denied, for the following reasons:

1. The petitioner has not demonstrated that complying with the ordinance in respect to the setback and parking would result in a loss of the tenant or that the tenant would be unable to operate the business.
2. The plan submitted indicates a tendency to block up the front of the building creating possible traffic congestion.
3. No alternate plans were submitted showing the canopy and pedestals where it would conform.

yeas: 5  
nays: 2 - Hinch, Husk  
absent: 0

ITEM #19. Variance Requested, Harry Rolfe and Henry Corazza, 43003 Dequindre, for relief to expand a nonconforming building.

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Inspector VandenBussche explained that the petitioner is requesting to install a mansard roof on an existing nonconforming building. The existing building is located in the proposed right-of-way of Square Lake Road, and the mansard roof extension of 30" would be considered an expansion of this nonconforming location. The existing existing building also is setback 13' from the proposed right-of-way of Dequindre, and the expansion would increase the encroachment of this setback also. The front setback for a B-1 district is 25' from the proposed right-of-way.

Mr. Harry Rolfe and Mr. Henry Corazza were present and stated that they would like to improve the appearance of the building.

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

Letters of approval on file from Mr. Jacksin, 2923 E. Square Lake; and Mr. Wawrysz, 43109 Dequindre.

Motion by Lashmet  
Support by McDonough

MOVED, that the variance requested at 43003 Dequindre, for relief to expand a nonconforming building, be approved for the following reasons:

1. It will be improving the appearance of the building and the surrounding neighborhood.
2. There were no objections at the public hearing.
3. It will not be a major expansion of the building.

yeas: All - 7  
nays: none  
absent: 0

ITEM #20. Variance Requested, Nicholas Booras, 4621 Millpond, Lot #112, Windmill Point, for relief of the minimum rear yard setback requirement from 35' to 19'.

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Inspector VandenBussche explained that the petitioner is proposing to construct an addition 13'-7" x 18'-9" to the rear of an existing residence. The proposed addition will result in a 19' rear yard setback and the Zoning Ordinance requires a minimum 35' rear yard setback in an established R1C use district.

Mr. Booras was present and stated that he would like to have the addition for his growing family. He further stated that he has a ranch type home and the only way an addition could be built on the lot would be to the rear. The property to the rear of his home is owned by the Troy School District and is a play yard for a school site.

The Chairman opened the public hearing.

No comments from the audience.

Letter of approval on file from Mr. O'Brien, 4649 Millpond.

Letter of objection on file from Mr. Trobaugh, 4570 Millpond.

Motion by Lashmet  
Support by Lovio

MOVED, that the variance requested at 4621 Millpond, for relief of the minimum rear yard setback requirement from 35' to 19', be approved for the following reasons:

1. The petitioner would not be able to enlarge his home in any other way.
2. The petitioner's rear property line abuts a school play yard and will not affect neighbors to the rear.
3. It will not be detrimental to the area.

yeas: 6  
nays: 1 - Shellie  
absent: 0

ITEM #21. Variance Requested, Andries-Butler Properties, 900 West Maple, for relief to expand a legal nonconforming parking lot that is located in the required 50' setback area from Barrett Street by 7 spaces.

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Inspector VandenBussche explained that the petitioner is proposing to expand an existing industrial structure located on Maple and Barrett. The site plan indicates an expanded parking lot that will result in 7 parking spaces that will be located in the required setback from Barrett Street. The proposed parking area expansion that encroaches into the setback are parking spaces that exceed the required spaces for the use of the building.

Mr. Andries was present and stated that they are requesting the expansion of the parking with 7 spaces in the setback area from Barrett in order to keep the parking area uniform and this would allow the tenant to have access all around the entire building.

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

No letters on file.

Motion by Giachino  
Support by Shellie

MOVED, that the variance requested at 900 West Maple, for relief to expand a legal nonconforming parking lot that is located in the required 50' setback area from Barrett Street by 7 spaces, be approved for the following reasons:

1. The extension of the parking into the Barrett Street setback area does not extend it beyond the original parking that is existing.
2. It will not be detrimental to the area.

yeas: 6  
nays: 1 - Lashmet  
absent: 0

ITEM #22. Variance Requested, Henry Piotrowski, E. side of John R, Lot #6, Deloy Gardens Subdivision, for relief of the minimum landscape requirement from 3,660 to 2,740 square feet, and for relief of the 5' wide walk required on the south side of the building.

Inspector VandenBussche explained that the petitioner is proposing to construct a commercial building that will have a landscaped area of 2,740 square feet. The site plan does not indicate the 5' walk required along the south end of the building separating vehicular use area from a structure. The Zoning Ordinance requires a minimum 3,660 square feet of landscaping on a site for business use.

Mr. Piotrowski was present and stated that a couple of years ago he obtained a site plan approval for the site with this plan, but at that time could not develop it due to problems involving the energy crisis. He further stated that he is now ready to proceed, but could not obtain a building permit because the ordinance has changed since the original site plan approval. In order to obtain a mortgage from a loan institution he must show a good return, and does not feel that he could prove this if the building were made smaller in order to comply.

The Chairman opened the public hearing.

No comments from the audience.

Letters of objection on file from Mr. Chetosky, 1975 Deloy; Mr. Lombardi, 1974 Deloy; and Mr. Sova, 1964 Deloy.

Motion by McDonough  
Support by Husk

MOVED, that the variance requested on the E. side of John R, Lot #6, Deloy Gardens Subdivision, for relief of the minimum landscape requirement from 3,660 to 2,740 square feet, and for relief of the 5' wide walk required on the south side of the building, be denied for the following reasons:

1. No hardship was shown.
2. The specifications set forth in the Zoning Ordinance would not prohibit the petitioner from developing the property, but merely reduces its profitability to the petitioner which is not sufficient hardship.

yeas: 4  
nays: 3 - Shellie, Giachino, Lovio  
absent: 0

ADJOURNED: 12:45 A.M.

*W*  
*L*