

The Regular Meeting of the Board of Zoning Appeals was held Tuesday, November 23, 1976, at the Troy City Offices. The meeting was called to order by Chairman, Kenneth Lashmet, at 7:35 p.m.

PRESENT: Kenneth Lashmet
Chairman

James Giachino
Randall Husk
Leo Hinch
D. Gene Shellie
John Lovio
Patrick McDonough

ITEM #1. Approval of minutes of October 19, 1976 meeting

Motion by Husk
Support by McDonough

MOVED, that the minutes of October 19, 1976 be approved as written with the vote count changed on Items #7 and #8 to read 5 ayes, 0 nays and 2 absent,

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED

Motion by McDonough
Support by Husk

MOVED, to take Item #11 out of order because of a communication from the City Attorney regarding more time for further study.

ayes: All - 7
nays: none
absent: none

ITEM #11. Special Item, a request by David Hagelstein to the board for a new hearing on his request for expansion of the restaurant/bar located at the southeast corner of Big Beaver and Rochester Road, 2950 Rochester Road.

Motion by Lovio
Support by McDonough

MOVED, that the request by David Hagelstein for a new hearing be tabled for thirty days to allow the City Attorney more time for further study.

ayes: All - 7
nays: none
absent: none

MOTION TO TABLE CARRIED

ITEM #2. Renewal Requested, Eric E. Pearson, Lot #4, Eyster John R Farms, 5565 John R for relief to keep less than 10 dogs for a hobby and training.

Mr. VandenBussche explained that the petitioner is requesting a renewal of a variance granted by the board to keep less than 10 dogs on a residential premise for personal use as a hobby and training purposes. This request has been renewed on a year to year basis for quite some time and there are no objections or complaints in our file.

Mr. Pearson was present and stated that there has been no change in his request and he still maintains these dogs as a hobby.

Motion by Husk
Support by Lovio

MOVED, that the request at 5565 John R for relief to keep less than 10 dogs for a hobby and training be renewed for one more year for the following reasons:

1. It is not detrimental to the surrounding area.
2. There are no complaints in the files.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED

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ITEM #3. Renewal Requested, Holt Investments and Proctor Homer Warren, Inc., Lots #1-3, Muer's Garden Farms, 2100 West Big Beaver, for relief of a 6' masonry obscuring wall along the west property line.

Mr. VandenBussche explained that the petitioner is requesting relief of a 6' masonry wall required at the residential district abutting the west property line of the subject site. This variance was originally granted in November of 1973 based on the undeveloped condition of adjacent residential property. The conditions remain relatively the same and we have no objections or complaints in our file.

The petitioner was not present.

Motion by Husk
Support by Giachino

MOVED, to table the request for Holt Investments and Proctor Homer Warren, Inc., at 2100 West Big Beaver, for relief of a 6' masonry obscuring wall along the west property line for thirty days to allow the petitioner to be present.

ayes: All - 7
nays: none
absent: none

MOTION TO TABLE FOR THIRTY DAYS CARRIED

ITEM #4. Renewal Requested, Gale Electric, 2021 Barrett, for relief to operate a cement crusher.

Mr. VandenBussche explained that the petitioner is requesting to renew a variance to maintain a concrete crusher. This variance has been granted on a yearly basis since 1965. Conditions of this site remain relatively the same, and we have no objections or complaints in our files.

Mr. Patison was present and stated that the conditions remain the same and they would like to renew their variance.

Motion by Giachino
Support by Hinch

MOVED, to renew the variance for relief to operate a cement crusher at 2021 Barrett for one year based on the following reasons:

1. The conditions remain the same.
2. It is not detrimental to the area.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #5. Renewal Requested, Gertrude Evans, Lot #41, Rochester Road Farms, 4832 Rochester Road, for relief to maintain use of a temporary building.

Mr. VandenBussche explained that the petitioner is requesting to renew a variance to continue use of a temporary building for the display of vegetables and plants. This variance has been granted on a year to year basis since 1974. There are no objections or complaints in our files.

Mrs. Evans was present and stated that the conditions were the same and would like to renew her variance for an additional year.

Motion by Giachino
Support by Hinch

MOVED, to renew the variance requested at 4832 Rochester Road for relief to maintain use of a temporary building for one year for the following reasons:

1. The conditions remain the same.
2. It is not detrimental to the area.
3. There are no complaints on file.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED

PUBLIC HEARINGS

ITEM #12. Variance Requested, St. Anastasia Church, 4571 John R, for relief of a masonry obscuring wall along the west property line adjacent to residential property.

Mr. VandenBussche explained that the petitioner is requesting a permanent relief of the 4'6" masonry obscuring wall required along the west property line of the site. This relief was previously granted on a yearly basis as a renewal and at the last regular meeting the board indicated to the petitioner that a request for a permanent relief must be through a public hearing. The petitioner has indicated that berms have been installed to provide adequate obscuring elements required for separation of the parking area adjacent to residential property.

Mr. Joe Viriser, a member of the parish, was present and indicated that the berm has been developed and acts satisfactorily as a shield for headlights. He has received no complaints from the immediate neighbors and would like a permanent variance. He also indicated that there are no future plans for future landscaping at the present time.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Carol K. Baker, 1900 Hamman and Robert L. Evans of 4701 John R.

Two letters of objection on file from Mary J. Cannon, 1837 Hamman and Mrs. Marie Valko of 1872 East Long Lake.

Motion by Husk
Support by McDonough

MOVED, that the variance requested at 4571 John R, for relief of a masonry obscuring wall along the west property line adjacent to residential property be replaced by a natural earth berm on the following basis:

1. The berm would be more aesthetic and give a better appearance.
2. The berm would serve the same function that the wall would serve.
3. It will not be detrimental to the area.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED

ITEM #13. Special Use, Ralph and Lorena Woffard, 1422 Hartwig, Lot #35, Eysters Suburban Homes, for an exception of the zoning ordinance so that he may park a one ton truck on his residential property.

Mr. VandenBussche explained that the petitioner is requesting relief to park a one ton truck on a residential site. Section 02.20.65 of the zoning ordinance permits storage of no more than one commercial vehicle not exceeding 3/4 ton. The petitioner was cited for this violation and subsequently has appealed this citation.

Mr. Ralph Woffard was present and stated that he operated a private landscaping business with this truck which supplements his income by about 25%. He is not in operation during the winter and plans to terminate the business completely within two years, therefore he will not be buying new equipment.

The Chairman opened the public hearing.

No comments from the audience.

Seven letters of approval on file from Benjamin Hoffman Jr., 1387 Hartwig; Denise Cura, 1402 Hartwig; Denise Cura, 1402 Hartwig; George Yerge, 1476 Cambria; Charles Swinson, 1384 Cambria; Mrs. Wallace Prall, 1402 Cambria; John Gallus, 1421 Hartwig.

Two letters of objection of file from Richard and Rosalie Young of 1436 Hartwig; and Leonard Cygnarowicz of 1495 Hartwig.

Motion by Giachino
Support by Shellie

MOVED, that the variance to park a 1970 Chevy one ton stake truck on his residential property at 1422 Hartwig be approved for one year with the following stipulations:

1. The truck be parked in the rear of the property.
2. The truck be screened from adjoining neighbors

Based on the following reason:

1. The petitioner has indicated that this use will only be for two years.

ayes: 5
nays: 2 - Husk, Lovio
absent: 0

Reason for nay vote from Mr. Husk - He is against the conditions of the motion as he feels that it places an undue hardship on the petitioner and does not feel that the board necessarily has the right to impose conditions on the use.

MOTION TO APPROVE FOR ONE YEAR CARRIED

ITEM #14. Special use, K. K. Kindermann, 3621 Livernois, for an exception of the zoning ordinance to allow a truck over 3/4 ton to be parked on his residential property.

Mr. VandenBussche explained that the petitioner is requesting to park a commercial vehicle in excess of 3/4 ton on a residential site. The zoning ordinance under section 02.20.65 does not permit storage of commercial vehicles that exceed a 3/4 ton rating. The petitioner was cited for this violation and subsequently is appealing this citation.

Mr. Kindermann was present and stated that he uses the truck for a contracting business.

The Chairman opened the public hearing.

No comments from the audience.

Four letters of approval on file from Arthur Molinar, 93 Kirk Lane; Edwin Frantz, 113 Kirk Lane; Mrs. J. R. Patterson, 3579 Livernois; and Burton Wells, 3561 Livernois.

Motion by Hinch
Support by Lovio

MOVED, that the special use at 3621 Livernois to park a truck over 3/4 ton on residential property be approved for one year for the following reasons:

1. There were no objections from the neighbors.
2. It is not detrimental to the surrounding neighborhood.

ayes: 5
nays: 2 - McDonough, Shellie
absent: 0

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #6. Renewal Requested, Vel Corporation, CT525, Acreage, 3236 Rochester, for relief of a masonry obscuring wall.

Mr. VandenBussche explained that the petitioner is requesting renewal for relief of an obscuring wall that is required along the rear property line. This variance has been granted on a yearly basis since 1968 in that the adjacent residential property is undeveloped. Conditions remain relatively the same, and there are no objections or complaints in the building department's files.

Mr. Richard Ehlart, representing Vel Corporation was present and stated that they had converted the property from residential to offices seven years ago. He also indicated that they presently have plans to expand and improve the property that will be presented to the board next month.

Motion by Husk
Support by McDonough

MOVED, that the renewal requested by Vel Corporation at 3236 Rochester, for relief of a masonry obscuring wall be approved for one year based on the following reasons:

1. The property to the east is still undeveloped.
2. The conditions remain the same.
3. It is not detrimental to the surrounding neighborhood.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #7. Variance Requested, Norman A. Witte, Lot #29, S/P #11 Subdivision, West side of Daley, for relief of the required front yard in an industrial district from 50' to 25'.

Mr. VandenBussche explained that the Building Department has received a letter from Mr. Norman A. Witte requesting that this appeal be cancelled at this time.

NO ACTION REQUIRED.

ITEM #8. Renewal Requested, Triangle Grinding Company, Lot #3, Badder's Little Farms, 972 Rankin, for relief to maintain a parking lot 30' from the front property line.

Mr. VandenBussche explained that the petitioner is requesting a renewal for relief to park within 30' of the front property line where 50' is required. This item appeared before the board at our last regular meeting, at which time it was tabled to allow the petitioner to obtain a communication from the seller of the property to the fact that he will not allow the petitioner to wreck the house.

Mr. Dennis Grifka, Assistant City Attorney indicated that he had received a letter from the seller that indicated the seller would not allow the house to be wrecked. He stated that this letter had been received within the last ten days.

Motion by Hinch
Support by McDonough

MOVED, that the renewal requested at 972 Rankin for relief to maintain a parking lot 30' from the front property line be approved for one year based on the following reasons:

1. The conditions remain the same.
2. There are no objections in the files.

ayes: 6
nays: 1 - Husk
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #9. Renewal Requested, Arcomb Management Company, 1985 West Big Beaver, for relief of a masonry obscuring wall along the east property line.

Mr. VandenBussche explained that the petitioner is requesting to renew a relief granted by this board for a masonry obscuring wall required along the east property line. This relief was originally granted in 1970 based on a Planning Commission determination that the adjacent property would be future nonresidential. The conditions remain the same and there are no objections or complaints in our files. This item appeared before the board at our last regular meeting, however, the petitioner did not pay the appropriate fees nor did he attend the meeting. The board tabled this item in order to allow the petitioner an opportunity to appear before the board.

Mr. Jack Walker, representing Arcomb Management Company was present and indicated that they would like a renewal of this variance.

Motion by Giachino
Support by Hinch

MOVED, that the renewal requested at 1985 West Big Beaver, for relief of a masonry obscuring wall along the east property line be approved for one year based on the following reasons:

1. The conditions remain the same
2. There are no objections in the file
3. It is not detrimental to the area

Further that the renewal not be effective until receipt of required filing fee of \$10.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED.

ITEM #10. Variance Requested, Gerald and Robert Savage, west half of Lot #34, Greenough Heights, Cherry Street, for relief of the required lot width in a R1E use district from 60' to 53'.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a single family residence on a site that has a width of 53'. The Assessing Department's records indicate that the lot is not a lot of record and must conform with the minimum lots of the district. Section 30.10.06 requires a minimum lot width of 60' in a R1E use district. This item was tabled at our last regular meeting to allow the petitioner the benefit of a full board.

Mr. John Stevens, representing the Savages was present and indicated that the parcels have been taxed separately and was transferred to the present owners in 1974.

Motion by Giachino
Support by Husk

MOVED, that the variance requested by Gerald and Robert Savage on the west half of Lot #34, Greenough Heights, on Cherry Street, for relief of the required lot width in a R1E use district from 60' to 53' be approved for the following reasons:

1. The records do not indicate this as a lot of record.
2. The petitioner has tax receipts showing two separate parcels.
3. It is in keeping with the area, there are other sites less than the 60'.
4. 53' opposed to 60' is not significant.
5. The majority of neighbors were not in objection.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED.

ITEM #15. Interpretation Requested, Harvey Fink, 3718-3736 Rochester Road to permit an open front store (kiosk) in a B-3 zoning district and relief of the minimum required parking from 123 to 115.

Mr. VandenBussche explained that the petitioner is requesting an interpretation to permit an open front store (photo kiosk) in a B-3 zoned district. The petitioner is also requesting relief of the minimum required parking for a shopping center site. The zoning ordinance under section 40.12.11 requires a minimum of 123 parking spaces for a shopping center of this size. The submitted plan indicates the availability of 115 parking spaces. Section 24.30.04 permits open front store uses only in highway service districts.

Mr. Robert Weiner, representing Harvey Fink was present and stated that there were sanitary facilities within the shopping center making it possible to operate the kiosks without any problems. He felt that four parking spaces would be ample room to erect the kiosk that would have two windows on the north and south side of the kiosk. Mr. Harvey Fink was also present and stated that the shopping center was erected four years ago and has more than sufficient parking available for this type of center.

Mr. Weiner also indicated that this kiosk would not be detrimental to the health, welfare or safety of the public.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

Motion by Husk
Support by Lovio

MOVED, that the interpretation request to permit an open front store (photo kiosk) in a B-3 district is interpreted by this board, that the photo kiosk would be an open front store, that open front stores are not permitted in a B3 district, that the building department was correct, that the petitioner's request be denied.

ayes: 5

nays: 2 - Shellie, Giachino

absent: 0

ITEM #16. Variance Requested, Roy Rathka, Lot #305-306, John Arbor Subdivision, 2162 Jarman, for relief of the minimum lot size from 21,780 square feet to 10,800 square feet, lot width from 110' to 80', minimum side yard from 15' to 10' and the total side yard from 30' to 20'.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a single family residence on a lot that has a width of 80' with side yard setbacks of 10' and total side yards of 20'. The application also indicates a lot area of 10,800 square feet. Section 10.30.05 requires a minimum lot width of 110', a minimum side yard of 15', total side yard minimum of 30' and a minimum land size of 21,780 square feet in a R1D use district without sewers. The petitioner has indicated he has Oakland County Health Department approval for an on site sewage disposal system and at such time sewers are available, the site will be in conformance with the district.

Mr. Roy Rathka was present and had no further comments.

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 2162 Jarman for relief of the minimum lot size from 21,780 square feet to 10,800 square feet, lot width from 110' to 80', minimum side yard from 15' to 10' and the total side yard from 30' to 20' be approved for the following reasons:

1. When sewers become available, property will be in conformance
2. Several homes built on smaller lots in that particular area.
3. No objections

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED

ITEM #17. Variance Requested, Roy Rathka, Lot #295-296, John Arbor Subdivision, 2177 Burdic, for relief of the minimum lot size from 21,780 square feet to 10,800 square feet, lot width from 110' to 80', minimum side yard from 15' to 10' and the total side yard from 30' to 20'.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a single family residence on a lot that has a width of 80' with side yard setbacks of 10' and total side yards of 20'. The application also indicates a lot area of 10,800 square feet. Section 10.30.05 requires a minimum lot width of 110', a minimum side yard of 15', total side yard minimum of 30' and a minimum land size of 21,780 square feet in a R1D use district without sewers. The petitioner has indicated he has Oakland County Health Department approval for an on site sewage disposal system and at such time sewers are available, the site will be in conformance with the district.

Mr. Roy Rathka was present and had no further comments.

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 2177 Burdic for relief of the minimum lot size from 21,780 square feet to 10,800 square feet, lot width from 110' to 80', minimum side yard from 15' to 10' and the total side yard from 30' to 20' be approved for the following reasons:

1. When sewers become available, property will be in conformance.
2. Several homes built on smaller lots in that particular area.
3. No objections.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED.

ITEM #18. Variance Requested, Clawson Troy Elks, 1451 East Sixteen Mile, to obtain relief for a permit to erect a 3' x 4' sign in the proposed right-of-way.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a sign in the future right-of-way of Big Beaver Road. The application indicates the sign will be located approximately 65' from the center line of Big Beaver Road, where 102' is required from this center line according to the master land use plan of the future right-of-way for this major thoroughfare. The application indicates a sign 4' x 4', approximately 5' high.

Mr. Herb Kaiser, trustee of Clawson Troy Elks, was present and submitted a change in the wording on the sign. He indicated that this is not a profit making organization and needs the sign to bring the attendance up to the capacity of 350. They operate on a year round basis of two nights a week and draw 265 - 300 people.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Anna Main of 80 West Long Lake.

Motion by Husk
Support by McDonough

MOVED, that the request for a 3' x 4' sign in the proposed right-of-way at 1451 East Sixteen Mile Road be denied for the following reasons:

1. No hardship shown.
2. The sign can be erected out of the right-of-way.
3. The size and location of this specific sign will not increase nor decrease attendance, therefore serves no useful purpose.

ayes: 6
nays: 1 - Hinch
absent: 0

MOTION TO DENY CARRIED

ITEM #19. Variance Requested, William Jusela, 841 Hannah, for relief to erect a second story addition to an existing garage with a stairway as access.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a second story addition to an existing garage. The zoning ordinance, under Article 40.11.04 states that an accessory building shall not exceed one story. The application indicates a stairway to a second story that will be used for storage purposes.

Mr. William Jusela was present and indicated that he has placed plywood on top of the floor joists so that he can store recreational and garden equipment on the second floor. He does not have any plans on starting a business out of his garage.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Richard Harker, 881 Hannah and Mr. & Mrs. L. York, 842 Hannah.

One letter of objection on file from Jeffrey Trost of 901 Hannah.

Motion by Husk
Support by Lovio

MOVED, that the request for relief to erect a second story addition to an existing garage with a stairway as access at 841 Hannah be approved for the following reasons:

1. It is not detrimental to the area.
2. The structure meets all of the zoning ordinances, such as height etc.
3. The majority of responses were approvals.

ayes: 5
nays: 2 - McDonough, Lashmet
absent: 0

Reason for nay vote from Mr. Lashmet - does not like to see this type of building going up as it could lead to a commercial business.

MOTION TO APPROVE CARRIED.

ITEM #20. Variance requested, Troy School District, 3179 Livernois, for relief to erect a masonry screening wall at the east and west property lines.

Mr. VandenBussche explained that the petitioner is requesting a permit to install an off street parking lot for the Troy High School site on Vanderpool. The application does not indicate the 4'6" masonry screening wall required along the east and west property lines. The site plan also indicates a berm along the Vanderpool frontage. The zoning ordinance under section 39.10.01 requires a minimum 4'6" wall shielding off street parking areas in residential districts.

Mr. Al Bajgier, trustee of the School District, was present and indicated that they will be adding an additional 16 rooms onto the high school. He stated that all the surrounding property is zoned for office use in the future land use plan, but at the present time there are three abutting homes to the parking lot. He has not received any complaints from any of these homeowners.

The Chairman opened the public hearing.

Mr. Harold Thomas was present and stated that he was in opposition to this variance as it showed a total disrespect for the residents. He would not be satisfied with a chain link or wooden fence.

One letter of approval on file from Troy Assembly of God, 3200 Livernois.

Four letters of objection on file from Jack Sheubmar, 28775 Northwestern, Sfld., Walter R. Clark, 180 West Vanderpool; Mrs. Vernon M. Jeans Sr., 75 West Vanderpool; Vernon M. Jeans Jr., 111 N. Washington, Clawson.

Motion by McDonough
Support by Lashmet

MOVED, that relief of the masonry screening wall as to the western boundary of the parking lot only at 3179 Livernois be approved for one year for the following reason:

1. Land to the west is undeveloped, therefore a wall would serve no useful purpose.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE WEST WALL ONLY FOR ONE YEAR CARRIED

Motion by Lovio
Support by Hinch

MOVED, that relief of the masonry screening wall to the east of the parking lot at 3179 Livernois be approved for the following reasons:

1. It is not detrimental to the area.
2. A 4' wall will not serve a useful purpose.

ayes: 4
nays: 3 - McDonough, Lashmet, Shellie
absent: 0

MOTION FAILS.

ITEM #21. R. E. Company of Michigan, 2939 Rochester Road, for relief of the 6' decorative masonry screening wall required along the west property line.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a restaurant (Burger King) and the site plan does not indicate the 6' masonry screening wall required along the west property line adjacent to residential zoning. Article 39.10.01 requires this decorative masonry screening wall along zoning district lines dividing business and residential zoning.

Mr. Rick Rollin was present and stated that the land to the west is non-residential, therefore, the wall would not serve any useful purpose.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

Motion by Husk
Support by Giachino

MOVED, that relief of the 6' decorative masonry screening wall required along the west property line at 2939 Rochester Road be approved for one year for the following reason:

1. The land to the west, as indicated by the Planning Director, could be future non-residential.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED

ITEM #22. Variance Requested, Hollywood Building and Investment Company, 2670 West Maple Road, for relief of a 6' decorative masonry screening wall required along the north property line and for relief to install a driveway entrance 0' from the residential zoned district where 20' is required.

Mr. VandenBussche explained that the petitioner is requesting a permit to expand a parking lot to the north of their existing parking area. The site plan does not indicate the 6' decorative masonry wall required at the zoning district line separating residential from business. The site plan also indicates a driveway entrance 0' from the residential zoned district to the north. Section 39.10.01 requires a 6' masonry screening wall at the zoning district line between B3 and residential zoning. Section 40.13.06 requires that entrances to any off street parking lot located in a business district shall be at least 20' from adjacent property located in a residential district. The property to the north is a Bell Telephone utility site that is permitted in residential districts.

Mr. Jay Welsh was present and indicated that they are expanding their parking lot and due to the nature of the use of the land adjacent to them they feel that a masonry wall would not serve a useful purpose.

The Chairman opened the public hearing.

No comments from the audience.

Three letters of approval on file from John McGregor, 2785 West Maple;
Marvin Brohl, 1640 Axtell; Kuhlman Corporation, 2565 West Maple Road.

One letter of objection on file from Michigan Bell Telephone Company

Motion by Husk
Support by Shellie

MOVED, that the variance to install a driveway 0' from the residential zoned district where 20' is required be approved for the following reason:

1. The driveway would make traffic flow much better

MOVED, that relief of the 6' masonry screening wall at 2170 West Maple Road be approved for one year for the following reason:

1. The area to the north is not used as residential and the wall would serve no useful purpose.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE DRIVE CARRIED

MOTION TO APPROVE WALL FOR ONE YEAR CARRIED.

ITEM #23. Variance Requested, Big W Corporation, Lot #58, Chelsea Village, 5024 Crestmont, for permission to use the garage of a model home for the purpose of a sales office with a 6' wooden deck walkway that will be 35' from Crestmont where 40' is required.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to use a model home for the sales office for the sale of homes in the Chelsea Village Subdivision. The application indicates a raised wooden deck that will be located 35' from the front property line. Article 10 of the zoning ordinance does not permit commercial sales offices in a residential district. Section 30.10.02 requires a minimum front setback of 40' in a R1B use district.

Mr. Goldhandler was present and indicated that the deck will be temporary and is being erected for the aesthetic value.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file

Motion by Husk
Support by Giachino

MOVED, that the variance requested at 5024 Crestmont for permission to use the garage of a model home for the purpose of a sales office with a 6' wooden deck walkway 35' from Crestmont be approved for one year with the following stipulation:

1. When the sales office use ceases, the wooden deck will be removed.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE FOR ONE YEAR CARRIED

ITEM #24. Interpretation Requested, Clair B. Rose, Lots #86-90, S/P Beaver Run #1 Subdivision, 3170 Rochester, to re-establish the second floor of a building as a residential unit that has been vacant for over 180 days in a business zoned district.

Mr. VandenBussche explained that the petitioner is requesting an interpretation by the board to permit him to re-establish a residential use on the second floor of a business building. This residential unit has been vacant for over 180 days and Article 40.10.05 states that when a nonconforming use is discontinued or ceases to exist for six consecutive months the structure or premise shall not thereafter be used except in conformance with the district in which it is located.

Mr. Clair Rose was present and stated that he has repaired the roof and has put panelling on the walls.

The Chairman opened the public hearing.

No comments from the audience.

Five letters of approval on file from Troy Development Company, 3192 Rochester Road; Mr. and Mrs. Clarence Oakes, 3208 Rochester Road; Vel Corporation,

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3296 Rochester Road; Harvey Siglow, 1055 Hartland; Troy Baptist Church, 3193 Rochester Road.

Motion by Shellie
Support by Hinch

MOVED, that an interpretation be made that this unit may be used as a residential unit as it would be a continuation of previous use interrupted only by need of repair and a lack of funds.

ayes: 6
nays: 1 - Giachino
absent: 0

MOTION TO APPROVE USE CARRIED

ITEM #25. Variance Requested, National Bank of Detroit, Lots #101 and #102, Beaver Park, 363 West Big Beaver, to erect a 11' x 3' ground sign in the proposed master thoroughfare right-of-way.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a 11' x 4' sign, 7' high in the proposed right-of-way of Big Beaver Road. The zoning ordinance, under Article 30, paragraph "R" does not permit structures to be erected in the proposed master thoroughfare right-of-way. The site plan indicates the sign will be located approximately 60' from the centerline of Big Beaver Road. The proposed right-of-way of this thoroughfare is 102' from this centerline.

Mr. George Fischell was present and stated if the sign were erected the required 102' from the centerline it would not be visible because of the berm that is erected in their front setback. He indicated that at such time Big Beaver Road is widened, the sign would be removed and they have no intentions of erecting any other sign.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file

Motion by Hinch
Support by Husk

MOVED, that the variance to permit an 11' x 3' ground sign in the proposed master thoroughfare right-of-way be approved for the following reasons:

1. No objections from adjacent homeowners.
2. It will not be detrimental to the city.
3. The bank agrees to remove the sign when the right-of-way goes through.

ayes: 3
nays: 4 - Lovio, Shellie, McDonough, Lashmet
absent: 0

MOTION TO APPROVE FAILS

ITEM #26. Variance Requested, Loretta Danna, 1047 East Long Lake, to permit a pre-school creative arts center without any outside play area where a minimum of 5,000 square feet is required.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to occupy a tenant area in a commercial shopping center located on East Long Lake, east of Rochester Road. The proposed use is considered a nursery school and Article 20.30.02 requires that nursery schools have a minimum of 150 square feet of outdoor play area per child and a minimum of 5,000 square feet of play area, regardless of the amount of children cared for. This section of the ordinance also requires that this play area be screened and fenced from commercial and residential zoned districts. The site plan does not indicate any outdoor play area whatsoever.

Mrs. Dana was present and stated that she was unable to obtain any commercial or industrial land within the city that would provide the required 5,000 square feet of play area. She also indicated that the curriculum of the school does not preclude a necessity for an outdoor play area. A class is in operation for only two hours and they have three supervisors for 16 children.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

Motion by Giachino
Support by Husk

MOVED, that the variance requested at 1047 East Long Lake to permit a pre-school creative arts center without any outside play area be approved for the following reasons:

1. The nature of the center is one structured more for indoor activities.
2. A special use which does not come under a normal day care center.
3. They will not have a child for more than two hours except on an exceptional basis.

ayes: 4
nays: 3 - Lovio, Shellie, and McDonough
absent: 0

Reason for nay vote - Mr. Lovio, does not feel that a child should be placed in a shopping center for school. Mr. McDonough, the existence of a nursery school in a shopping center as opposed to a church affects the health, welfare and safety of the children and further thinks that there are other sites within the city where a nursery school may be located.

MOTION FAILS - Request denied.

ITEM #27. Variance Requested, Raymond DeSteiger, east 193' of Lot #21, east 99' of Lot #23 and all of #24, Indusco Subdivision, for relief to park within the required 50' front setback in a M-1 use district.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to expand a nonconforming parking lot in an industrial district. The existing parking lot is 20' from the right-of-way line of Indusco Road and the proposed expansion to the north will continue this 20' setback all the way to the north property line. The zoning ordinance, under section 30.20.09, paragraph "L" does not permit parking in the required 50' setback of the district. This 50' setback is measured from any adjacent thoroughfare. The petitioner obtained approval for this expansion from the Zoning Board of Appeals in November of 1973. Subsequently, a permit was not obtained to install this parking area and the relief granted at that time is no longer valid.

Mr. DeSteiger was present and indicated that for economic reasons he could not expand previously. He has a storage area at the north end of his site and will be warehousing only.

The Chairman opened the public hearing.

No comments from the audience.

November 23, 1976

One letter of objection on file from Erie Engineering Company, 1401 East Fourteen Mile Road.

Motion by Giachino
Support by Lovio

MOVED, that the variance requested at 1241 East Fourteen Mile Road for relief to park within the required 50' front setback in a M-1 use district be approved based on the original granting in 1973.

1. The extension of the parking area does not encroach any further than the original parking area.
2. It is not detrimental to the area.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED.

ITEM #28. Variance Requested, Thunderbird Homes, Lot #4, Pinemeadow Subdivision, 920 Longfellow, for relief of the minimum rear yard setback requirement in a R1C use area from 40' to 34'9".

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to erect a single family residence 49' x 45'3" that will result in a rear yard setback of 34'9". Article 30.10.04 requires a minimum rear yard setback of 40' in a R1C use district.

The petitioner was not present.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Louis Kaumeyer, 4305 Rochester Road.

One letter of objection on file from Bruce and Pam Budde of 823 Randall Dr.

Motion by Giachino
Support by McDonough

MOVED, that the variance requested at 920 Longfellow for relief of the minimum rear yard setback requirement to 34'9" be tabled for thirty days to allow the petitioner to be present.

ayes: 6
nays: 1 - Husk
absent: 0

MOTION TO TABLE CARRIED

ITEM #29. Variance requested, Stow-Away Secure Storage Company, 322 East Maple, to permit the use of a portion of their industrial building as a residence for their security officer.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to construct an industrial storage complex that will have a residential dwelling unit for the security officer of the complex. Article 28 of the zoning ordinance does not permit residential uses in a M-1 use district.

Mr. Sam Walker was present and stated that they need a caretaker due to the vandalism and the residential unit would only take 9/10 percent of the total building area (900 square feet). This area will be used for personal, commercial or industrial storage.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from S.A. Walker, 744 West Maple.

November 23, 1976

Four letters of objection on file from Reliant Realty Company, 3180 Edgewood Park, Union Lake; Norbert Kubicki, 1183 Combermere; Renaldy Michnewicz, 277 Park Street; Walter and Helga Rautenberg of 1433 Cedar Bend Drive, Bloomfield Hills.

Motion by Husk
Support by Giachino

MOVED, that the variance requested to permit the use of a portion of their industrial building as a residence for their security officer be approved for the following reasons:

1. It will allow a more stable type of security officer as opposed to a private guard service.
2. The objections were to the buildings themselves and not to the residential unit.

ayes: 5
nays: 2 - Lashmet, Hinch
absent: 0

MOTION TO APPROVE CARRIED

ITEM #30. Variance Requested, Troy-Oakland Medical, east side of John R, 36-100-008, for relief to install a drive way entrance and exit along the south property line where a 20' setback is required from residential property.

Mr. VandenBussche explained that the petitioner is requesting to obtain a permit to construct a medical clinic. The site plan indicates an entrance drive abutting the residential district to the south. Section 40.13.06 requires that any driveway entrance servicing nonresidential property be a minimum of 20' from adjacent residential zoned districts.

Mr. Wes Newmeyer was present and stated that their site plan has been approved. The drive will be approximately 500' from the senior citizen's building. There is an open drain to the north of their site and they have placed the building as close as possible to this drain.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file

Motion by Husk
Support by Lovio

MOVED, that the variance requested for the Troy-Oakland Medical building on the east side of John R, 36-100-008 for relief to install a drive way entrance and exit along the south property line be approved for the following reasons:

1. It will not be detrimental to the area.
2. The Towers Group submitted a letter in approval
3. There were no objections or complaints in the files.

ayes: All - 7
nays: none
absent: none

MOTION TO APPROVE CARRIED

ITEMS #31 and #32. Letters from Harold Keetch and Fred W. Stanley regarding 2976 Quartz.

Noted and Filed.

Adjournment

Motion by McDonough
Support by Lashmet

MOVED, to adjourn the Zoning Board of Appeals meeting at 1:30 a.m.

ayes: All - 7
nays: none
absent: none

MOTION TO ADJOURN CARRIED