

The Chairman, Matthew Kovacs, called the Board of Zoning Appeals meeting to order at 7:30 P.M in Council Chambers of City Hall, on Tuesday, July 20, 2004.

PRESENT: Kenneth Courtney
 Marcia Gies
 Michael Hutson
 Matthew Kovacs
 Mark Maxwell
 Thomas Strat

ABSENT: Christopher Fejes

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
 Susan Lancaster, Assistant City Attorney
 Pamela Pasternak, Recording Secretary

Motion by Gies
Supported by Hutson

MOVED, to excuse Mr. Fejes from this meeting as he is out of town.

Yeas: All – 6

MOTION TO EXCUSE MR. FEJES CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 15, 2004

Mr. Strat indicated that he wished to change the first paragraph on page #8, regarding the request of Mr. & Mrs. Kevin Lindsey, 6890 Norton, to indicate that he had stated that he wanted the petitioner to receive a written report from a structural engineer on whether the barn could or could not be modified to accommodate the camper.

Motion by Courtney
Supported by Gies

MOVED TO APPROVE THE MINUTES OF THE MEETING OF JUNE 15, 2004 WITH THE ABOVE STATEMENT ADDED

Yeas: 4 – Gies, Maxwell, Strat, Courtney
Abstain: 2 – Hutson, Kovacs

MOTION TO APPROVE MINUTES WITH CORRECTION CARRIED

ITEM #2 – VARIANCE REQUEST. RWT BUILDING, LLC, 1309 BOYD (PROPOSED ADDRESS), for relief of the Zoning Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to divide a parcel and construct a new single-family residence. The existing home at 1321 Boyd is located on Lot #29 with a portion of the attached garage located on Lot #28. Although these two lots are shown as two separate parcels for tax purposes, since the same individual owns them, Section 40.50.02 of the Zoning Ordinance considers this to be an undivided parcel. Individually these lots are only 7,200 square feet in area. Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District. The plans submitted propose to remove the garage, separate the lots creating two 7,200 square foot parcels, and build a new home on Lot #28.

This item first appeared before this Board at the meeting of June 15, 2004 and was postponed at the request of the petitioner.

Mr. Gregory Wieg, the owner of this property was present. Mr. Wieg stated that he has owned this lot for approximately 12 years and this property was assigned a separate sidwell number, and was assessed a value of \$50,000 for tax purposes and he believed was considered to be a buildable lot. Mr. Wieg said that he has retired and wished to sell the property to this developer as he is well known to Mr. Wieg and believes that any home he puts in will enhance the value of this area.

Mr. Courtney asked if Mr. Wieg had ever checked with the City to determine if another home could be built on this property. Mr. Wieg stated that he had not and had assumed because of the high value of the lot that it was a buildable lot.

Mr. Hutson stated that in order to grant a variance this Board must find a practical difficulty with the land and as far as he could determine the hardship in this case was a financial one. Mr. Wieg said that it is a financial hardship to him and he had always paid taxes on it with the idea that it was a buildable lot. Mr. Wieg also said that this home would be in keeping with the character of the area. Mr. Hutson said that he had visited this area and did not want to contribute to the congestion in the area.

Mr. Kovacs asked about the size of the lots in this area. Mr. Stimac indicated most of the lots in the area are 60' wide, which was the way they were originally platted. Mr. Stimac also stated that he thought that the depth of the north side of the street were 120' deep. Mr. Stimac also pointed out that some of the homes are on two lots and there is an access drive to the school on the single lot immediately to the west.

The Chairman opened the Public Hearing.

Mr. Brad Comb, 1296 Boyd, was present and stated that he was concerned about building a house on that corner as it will block traffic. Mr. Comb said that this is a very

ITEM #2 – con't.

congested area and is concerned about the children going to school. Mr. Comb also said that he would not have a problem with this if it was a mid-block lot, but would rather not see a house built here. Mr. Comb is also concerned about the number of trees that would be taken down and is opposed to this variance.

Mrs. Diane Alati, 1308 Boyd was present and stated that she is opposed to this variance request. Mrs. Alati said that this is a very high traffic area and believes that construction on this lot would create a larger problem. Mrs. Alati also said that a bond was recently passed and a new, larger school facility was going to be built here and the congestion would be increased.

No one else wished to be heard and the Public Hearing was closed.

There are six (6) written objections on file. There are three (3) written approvals on file.

Mr. Kovacs indicated that he thought a new home would fit in this area and did not think it would create a problem.

Mr. Maxwell asked who owned the access lot to the school. Mr. Stimac said that to the best of his knowledge he thought it would be owned by the school district. Mr. Maxwell indicated that he thought if there was school expansion there should also be expansion to the access drive as well.

Mr. Kovacs asked if the proposed residence would comply with the requirements of the Ordinance. Mr. Stimac said that the plan as proposed would comply with the setback requirements of the R-1E Zoning District.

Mr. Courtney said that he believes that are enough small lots in the area and thinks this lot should be left alone. Mr. Courtney thinks that the Board should honor the Ordinance "as is".

Mr. Strat asked if this property was considered a corner lot and Mr. Stimac said that because the access drive to the school is not a public street, this property is not considered by the Ordinance to be a corner lot. Mr. Strat asked if the existing structure meets the side yard requirements. Mr. Stimac said that the plans submitted indicate that the existing house has a 10' setback to the east property line and has a 6' setback to the west property line exclusive of the garage. The R-1E Zoning District requires a minimum of 5' with a total of 15' for the setback.

Mr. Kovacs stated that the petitioner thought he was paying taxes on a buildable lot and Mr. Stimac said that he could not comment on the procedures regarding City assessments. This property as indicated has two separate tax bills, but does have a structure that straddles both property lines.

ITEM #2 – con't.

Mr. Courtney stated that the assessment on this property is on the total combined property. Mr. Courtney asked if the school was planning to expand the drive to the school. Mr. Stimac said that the parcel of land that the school owns is 60', and thought a standard residential street could go in there. Mr. Courtney then asked what the setbacks for the proposed house would be if a public street were put in. Mr. Stimac said that the proposed house would have to have a minimum 10' setback from the west property line and a 5' setback to the east property line.

Motion by Courtney
Supported by Hutson

MOVED, to deny the request of RWT Building, LLC, 1309 Boyd (proposed address), for relief of the Zoning Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

- Petitioner did not demonstrate a hardship with the land.

Yeas: 2 – Hutson, Courtney
Nays: 4 – Kovacs, Maxwell Strat, Gies

MOTION TO DENY FAILS

Motion by Courtney to postpone.

Mr. Maxwell said that the property owner needs a variance to build on a second lot, and feels that some of the problems mentioned belong to the school in the area. Mr. Maxwell also said that there are a number of lots in the area that are small and thinks this would fit in.

Mr. Hutson stated that the Board is bound by the Ordinance and a variance requires a practical difficulty with the land and did not feel that there was a hardship with the land. Mr. Hutson also said that this is a crowded area and would rather not make it more crowded and would rather see a home on a double lot than two homes on smaller lots.

Motion by Courtney
Supported by Strat

ITEM #2 – con't.

MOVED, to postpone the request of RWT Building, LLC, 1309 Boyd (proposed address), for relief of the Zoning Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District until the next scheduled meeting of August 17, 2004.

- To allow the Board members to revisit the site to determine if the proposed home would create an adverse effect to surrounding property.

Yeas: All – 6

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF AUGUST 17, 2004 CARRIED

ITEM #3 – VARIANCE REQUEST. MR. & MRS. KEVIN LINDSEY, 6890 NORTON, for relief of the Ordinance to park a camper in the front yard of residential property where Section 40.65.02 requires parking of recreation vehicles behind the front face of the principal building.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to park their camper in the front yard of residential property. Section 40.65.02 of the Zoning Ordinance requires that recreational vehicles be parked in a building or behind the front face of the principal building on residential property.

This item first appeared before this Board at the meeting of June 15, 2004 and was postponed to allow the petitioner the opportunity to determine if the existing barn could be used to store this camper.

Mr. Lindsey was present and stated that he did not recall Mr. Strat asking for written verification from a structural engineer; however he had contacted two building contractors specializing in historic buildings and had brought in a letter from one of them. This letter states that because of the age and style of the structure it was not recommended that any changes be made. It was also indicated that a structural change could result in future structural problems. This is a historical building and was built around 1830 and any changes would have to go before the historical commission, as it is considered to be outside work and would affect the appearance of the barn.

Mr. Courtney asked how the barn doors open and Mr. Lindsey said they slide open. Mr. Courtney asked if the center beam could be removed, and Mr. Lindsey said that if the center beam were removed the doors would have to be widened as well in order to fit the camper inside. Mr. Courtney and Mr. Strat both indicated that they thought the camper would fit in, if the center beam were removed. Mr. Lindsey said this a post and beam barn and the beams would have to be cut into to fit the camper inside.

ITEM #3 – con't.

Mr. Hutson stated that when he visited this property he noticed that the camper was behind a wall of shrubs and asked if they were deciduous. Mr. Lindsey said that they were and although the trees were quite thick in this area, they do lose their leaves in the winter.

The Chairman opened the Public Hearing.

Mr. Lance Reigns, 37 Birchwood was present. Mr. Reigns asked what the legal aspect was for the variance of this camper being on this property. Mr. Kovacs explained that the Ordinance states that a recreational vehicle must be stored behind the front face of the principle building. Mr. Reigns said that his home is adjacent to an alley and wondered if he could store a recreational vehicle in this area. Mr. Kovacs said that the Board was there to consider the request of Mr. Lindsey. Mr. Stimac said that a recreational vehicle could not be parked on the alley, but it could be parked alongside the house as long as it was behind the front line of the house. Mr. Stimac said the barn in question is in front of the house and was granted a variance for this some years ago.

Mr. Kovacs asked if Mr. Reigns was for or against this request and Mr. Reigns stated he was neither, he was just concerned about the legal aspect.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are two (2) written objections on file.

Mr. Kovacs asked if the camper could be stored right behind the barn and Mr. Lindsey said it couldn't because the property slopes up.

Mr. Maxwell said that he did not feel this was a large camper and felt that the property was well screened, and therefore did not think Mr. Lindsey needed to change the structure of the barn.

Motion by Maxwell

MOVED, to grant the request of Mr. & Mrs. Kevin Lindsey, 6890 Norton, for relief of the Ordinance to park a camper in the front yard of residential property where Section 40.65.02 requires parking of recreation vehicles behind the front face of the principle building.

Motion dies due to lack of support.

Ms. Gies stated that she has a problem with this request and believes the camper could be stored off-site. Mr. Hutson said that he agrees with Ms. Gies and said that perhaps if evergreens were in place, however, he feels that this camper should be stored off-site.

ITEM #3 – con't.

Mr. Kovacs said that he felt this property could support this type of variance. Mr. Hutson said that the barn required a variance, and he feels that if granted, they would just keep adding variance after variance.

Mr. Courtney said that in his neighborhood there were a number of recreational vehicles and most of them are stored off-site and feels the petitioner could do the same thing. Mr. Kovacs also said that he had seen a number of recreational vehicles stored next to homes and does not see a difference between them and this particular one.

Mr. Strat stated that the Planning Commission is in the process of drafting a new Ordinance to encourage recreational vehicles and other types of vehicles to not park in residential areas. Mr. Strat also said that City Council is bombarded with requests to park large commercial vehicles to be stored on residential property and the Planning Commission is tightening up the Ordinance and providing space in the industrial storage areas for storing these types of vehicles.

Mr. Maxwell pointed out that this is not a large vehicle and does feel this would be a problem. Mr. Kovacs thinks it would be difficult to modify the barn and does not feel this variance request is out of line. Ms. Gies asked what would happen if a variance was granted for this vehicle and then a larger vehicle was purchased. Mr. Stimac said it would depend on the motion and if it was specific to a 10' x 10' trailer, it would be specific to that size.

Mr. Strat said that he did not find a practical difficulty with the land and did not feel that the petitioner demonstrated a hardship.

Motion by Courtney
Supported by Strat

MOVED, to deny the request of Mr. & Mrs. Kevin Lindsey, 6890 Norton, for relief of the Ordinance to park a camper in the front yard of residential property where Section 40.65.02 requires [parking of recreation vehicles behind the front face of the principle building.

- Petitioner did not demonstrate a hardship.
- Variance would have an adverse effect to surrounding property.

Yeas: 4 – Strat, Courtney, Gies, Hutson
Nays: 2 – Maxwell, Kovacs

MOTION TO DENY REQUEST CARRIED

ITEM #4 – VARIANCE REQUEST. MR. JIM LAPLANTE, 1839 E. WATTLES, for relief of the Ordinance to construct a detached garage addition, which would result in a total area of accessory buildings of 1,708 square feet, where Section 40.57.04 limits the area of all accessory buildings on this site to 600 square feet.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage addition. The proposed 980 square foot addition would bring the total area of this garage to 1,708 square feet. Section 40.57.04 limits the area of all accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building whichever is greater. As the home on this property is only 914 square feet on the ground floor, accessory buildings are limited to 600 square feet on this site. There is also a 100 square foot shed located on the property; however, the petitioner has indicated that this building would be removed if the variance were granted.

Mr. LaPlante was present and stated that basically he wants to make his garage larger as he owns a small landscaping business, as well as several recreational vehicles and would like to use this building to store same. Mr. LaPlante brought in a petition signed by eight (8) of his neighbors indicating approval of his request. Mr. LaPlante also said that he has a commercial vehicle that requires a variance from City Council every two years, and this addition would eliminate the need for this variance request.

Mr. Courtney asked if all of the equipment would be stored inside this building. Mr. LaPlante said that the commercial vehicles would only be outside when they were coming in or going out. Mr. LaPlante also said that he has to work on his vehicles in front of the existing garage and if granted this variance he could work on them inside the structure.

Mr. Strat asked how long Mr. LaPlante has been in business. Mr. LaPlante said he has had his own business for about six (6) years, but has actually been in the landscaping field for about 10 years.

Mr. Hutson asked about the outbuilding, which was going to be removed. Mr. LaPlante said that it is about 80' behind the existing garage and is basically a shed.

The Chairman opened the Public Hearing.

Mrs. LaPlante was present also and stated that they would not have to seek a variance for the storage of the commercial vehicle from City Council as the vehicle would fit inside the garage. Mr. Kovacs asked how many times they have gone before City Council and Mrs. LaPlante said that they have received a variance twice and each variance runs for two (2) years.

Mr. Strat asked what would happen if this business was increased. Mr. LaPlante said that he would look for a piece of commercial property. Mr. Strat asked if they would come back to the Board requesting another variance and Mr. LaPlante indicated that he would not.

No one else wished to be heard and the Public Hearing was closed.

ITEM #4 – con't.

There is one (1) written approval on file, as well as signed petition brought in by applicant. There is one (1) written objection on file.

Mrs. Gies stated that she did not see a problem with this request because of the size of the lot.

Mr. Strat asked what the hardship was. Mrs. LaPlante said that basically they are running out of storage room and eventually they would like to add on to the home. Mrs. LaPlante also said this is a very large piece of property and they need extra storage room.

Mr. Kovacs asked if this garage could be constructed if it was an attached garage. Mr. Stimac said that as long as it met setback requirements it could be put up without the need for a variance.

Mr. Strat asked if there was enough room to put up an attached garage and Mr. Stimac said that there was.

Mr. Maxwell asked what type of property surrounded this parcel. Mr. LaPlante said that a parking lot for a Church was behind his property, and to the east is commercial property, and the west side is residential property. Mr. Maxwell said that he is surrounded by commercial property on two sides and Mr. LaPlante said he was.

Motion by Maxwell
Supported by Courtney

MOVED, to grant Jim LaPlante, 1839 E. Wattles, relief of the Ordinance to construct a detached garage addition, which would result in a total area of accessory buildings of 1,708 square feet, where Section 40.57.04 limits the area of all accessory buildings on this site to 600 square feet.

- With the condition that the commercial vehicles will be stored inside the garage.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. DAVID KAGE, 48 BIRCHWOOD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new home on an existing 40' wide parcel with an area of 4,800 square feet where Section 30.10.06 requires a 60' minimum lot width and 7,500 square feet minimum area in the R-1E Zoning District.

ITEM #5 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new home on an existing 40' wide parcel with an area of 4,800 square feet where Section 30.10.06 requires a 60' minimum lot width and 7,500 square feet minimum area in the R-1E Zoning District. This property is in single ownership with the adjacent property at 40 Birchwood. Each one is a platted 40-foot wide lot in the Addison Heights Subdivision. Section 40.50.02 requires that adjacent, single ownership parcels that do not meet lot width or area be considered an undivided parcel. Dividing these parcels for the purpose of constructing an additional single family home is in violation of the Ordinance.

Mr. Kovacs asked what the current width of the property was and Mr. Stimac explained that the two lots are 80' wide and 9600 square feet in area. Mr. Kovacs also asked about the other lots in this area. Mr. Stimac stated that these lots range in width from 40' to 100'.

Mr. Ornathan Kage was present and said that he is Mr. Kage's son. Mr. Kage said that he wants to build a home close to his parents in order to help them out as much as possible. Mr. Kage indicated that his siblings are not in the area and therefore the care of his parents falls mainly on his shoulders. Mr. Kage also said that he and his wife would like to start a family, and his parents would help them out by watching their children.

Mr. Kovacs asked how long Mr. Kage has owned this property. Mr. David Kage said that he has owned it since 1961.

The Chairman opened the Public Hearing.

Mr. Lance Reigns, 37 Birchwood was present and asked how large the proposed home would be. Mr. Kage said it would be approximately 1800 square feet. Mr. Reigns said that he would like to reserve his opinion until later in the hearing.

Ms. Imbrunone, 22 Birchwood was present and stated that Mr. Kage has always been a good neighbor. Ms. Imbrunone indicated that Mr. Bogdonavich purchased one of the other lots in the area and a home was built on same, and she thought that there was approximately 20' available that he could purchase. Mr. Stimac said he thought this vacant lot was 60' wide.

Mr. Bogdonavich was present and stated that his family lives in this area and they own the property to the east. They had split these lots into two 60' parcels and eventually his brother plans to build a home on the vacant lot.

ITEM #5 – con't.

Ms. Imbrunone also said that if a home was built on this property, a number of trees would be removed and felt this proposed home would be very small. Ms. Imbrunone was very opposed to building a house in between their two homes.

Mr. Bogdonavich said that his family owns eight (8) homes in this area and feels that a new home would add to the value of this neighborhood. He also said that there are several new homes in this area, which have increased the value of this area.

Mr. Courtney said that Mr. Bogdonavich's family is building on 60' lots and questioned the fact that this proposed home would be on a 40' lot. Mr. Bogdonavich said that he has seen the proposed plan and did not feel it would be any different than what is in the area presently.

Mr. Reigns came back to the podium and stated that he agreed with Ms. Imbrunone and suggested that Mr. Kage add to his present home, rather than add another home. Mr. Reigns said that the size of this lot would be too small to support another home.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Ms. Gies said that she did not feel a variance was necessary and did not want to see the lots go down to 40'. Mr. Hutson agreed with Ms. Gies and said that he did not want to see the lots downsized and feels that 40' is too small.

Mr. Kovacs said that he can sympathize with the Kages, however, he feels this lot would be too small.

Motion by Hutson
Supported by Gies

MOVED, to deny the request of David Kage, 48 Birchwood (proposed address), for relief of the Ordinance to construct a new home on an existing 40' wide parcel with an area of 4,800 square feet where Section 30.10.06 requires a 60' minimum lot width and 7,500 square feet minimum area in the R-1E Zoning District.

- Petitioner did not demonstrate a hardship.
- Variance would minimize the lot size.
- Variance would have an adverse effect to surrounding property.
- Variance would be contrary to public interest.

Yeas: All – 6

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUEST. DAVID R. KRALL, ATTORNEY FOR WHITE CHAPEL CEMETERY, 621 W. LONG LAKE, for relief of the Ordinance to construct a new maintenance building in the front yard of the White Chapel Mausoleum, which will have an average roof height of 23'. Section 40.57.03 of the Zoning Ordinance only allows the construction of accessory buildings in the rear yard and Section 40.57.06 limits accessory buildings to not more than 14' in height.

Mr. Stimac explained that the Petitioner is requesting relief of the Zoning Ordinance to construct a new maintenance building. This building is an accessory building to the permitted use of the property as a cemetery. Section 40.57.03 of the Zoning Ordinance only allows the construction of accessory buildings in the rear yard. To do this the building would have to be placed south of the main mausoleum building. The plans indicate that this building will be placed in the front yard of the mausoleum near the northeast corner of the site. Further, Section 40.57.06 of the Zoning Ordinance limits accessory buildings to not more than 14 feet in height. The plans submitted indicate that the building will have an average roof height of 23'.

Mr. Dennis Cowan, Attorney from Plunkett & Cooney was present to represent White Chapel. Mr. Cowan had some procedural questions regarding the packets the members had received and said that after his presentation he would call up Mr. Krall and Mr. Prykucki. Mr. Cowan said that several years ago White Chapel had drafted a master plan for the cemetery property, which included the replacement of certain maintenance buildings, as well as the construction of mausoleums. This building has always been located on the northeast section of the property and there are no other maintenance buildings or sheds anywhere else on the property. The mausoleum for White Chapel cemetery is located approximately one-half mile from the entrance to the cemetery and was placed in this area as a safety issue to minimize traffic congestion. Troy's Ordinance dictates that this new building would have to be constructed south of the Mausoleum and this would be an unnecessary hardship. Mr. Cowan also said this is a very large piece of property, which is approximately 205 acres. Mr. Cowan also indicated that this location made it a safe area for vendors and trucks to make deliveries to maintenance areas. If this building were located in the south area of this property, it would cause these vendors and trucks to travel a large distance through the cemetery to reach this building. Mr. Cowan also said that it would cause a problem for the workers for White Chapel. Mr. Cowan further stated that there is no excess property available on the south side of the property, and gravesites would have to be removed in order for this building to be located in this area. This property is unique in that it is a cemetery and there are no subdivisions or residential property adjacent to it.

Mr. Cowan also said that the height variance would not create any inconsistency with residential areas as there are none in the immediate area. White Chapel owns very large vehicles and back hoes and need this building to be functional with appropriate height for the storage and maintenance of these buildings.

ITEM #6 – con't.

Mr. David Krall was present and is president of White Chapel Cemetery. Mr. Krall has been with the cemetery for 24 years. Mr. Krall also indicated that the location of the maintenance building is part of their master plan and they plan to remove the existing storage building and construct this new facility. Mr. Krall stated that if this building had to be placed on the south end of the property, it would create a problem for traffic coming in and vendors and trucks would interfere with families coming in. Mr. Krall stated that he has never received any complaints in his 24 years regarding the placement of the present maintenance building.

Mr. Steve Prykucki was present and said that he is the superintendent of the grounds of White Chapel. Mr. Prykucki said that he lives on the grounds and has been there 30 years. Mr. Prykucki is responsible for the day-to-day operation of the cemetery. Mr. Prykucki said that the pole barn would have 16' walls and would allow for the equipment to be parked in there, which includes the backhoes that are 12' to 13' in height. Mr. Prykucki also indicated that if the maintenance building had to be located at the south end of the property it would create a number of problems regarding the families coming in and seeing the equipment running near the mausoleums. Mr. Prykucki also indicated that if the maintenance building were to be located at the south end of the property, it would be create a very inefficient use of the workers time because of the distance involved.

Mr. Courtney asked what the height at the tallest point of the proposed structure. Mr. Prykucki said that he believes it is about 23'. Mr. Courtney asked what the height of the wall was at the entrance. Mr. Prykucki said that he thought it was at least 23' high. Mr. Courtney indicated that the structure would not be visible because of the height of this wall.

Mr. Courtney asked if the proposed location would interfere with the potential right of way requirements for I-75. Mr. Stimac said that the only issues pertaining to this building were the height and the location in the front setback. Mr. Stimac also said that based on the plan submitted, it appears the highest peak would be 28'-8".

Mr. Strat asked what the building was going to be made of. Mr. Prykucki indicated that it was basically wood construction. Mr. Strat stated that approximately 6 months before at the Planning Commission on August 12, 2003, Mr. Prykucki indicated that the structure would be made of concrete, resembling stone. Mr. Prykucki indicated that the revised plans show a pole barn of wood construction due to the cost issue. Mr. Strat inquired as to how long the master plan has been in existence, to which Mr. Prykucki stated 1999. He also wondered how many changes were made to the master plan. Mr. Krall said they have made several modifications to the master plan. Mr. Strat asked if they owned adjoining parcels of land, including the property to the south and if they are in negotiations to purchase more land. Mr. Prykucki said the cemetery does not own anymore than the 205 acres and would not like to comment on any other land

ITEM #6 – con't.

acquisition possibilities. Mr. Strat said he is aware of some land being considered for purchase.

Mr. Strat asked what height their backhoe was; if it was 14' high. Mr. Prykucki indicated it is 12 ½' high for normal driving conditions but it can be lowered to get into a building. Mr. Strat asked what the reason was for requesting a storage building this high. Mr. Prykucki indicated that the overhead door would be 14' high, and in order to have a 14' high door, you would need 12" overhead for the track. Pole barns are built in 2' increments so 16' walls would allow for that.

Mr. Strat inquired how wide the designated property on Long Lake is and how far it is from the east entry at I-75. Mr. Prykucki indicated it is roughly 230' from the I-75 fence to where the first fence is next to the residence. From there, it is double to triple to the main entrance. Mr. Strat said the structure would be visible as you traveled Long Lake and Mr. Prykucki said there is a stockade fence to separate burials from the maintenance area in place now. Mr. Prykucki answered that that is the main entrance and if they had to place the maintenance building in another location they would have to move burial sites. Mr. Strat also said it can be viewed from I-75 and also that the area has been cleaned recently.

Mr. Strat asked if they had any plots designated in the area along I-75 to the south. Mr. Prykucki said there are plots designated for the southeast corner but Mr. Strat said they are not designated on the plans submitted. Mr. Strat asked if there was any undeveloped land and Mr. Prykucki indicated there was not on the eastern edge of I-75. The revised master plan showed crypts and a mausoleum in that area. The original plan dates back to the 1970's. Mr. Strat indicated that he recently did try to purchase lots along that area and was told they were not available. Mr. Strat did say he was opposed to this maintenance area and Mr. Prykucki said there was no available land behind the main mausoleum without moving gravesites and it would impose a hardship to move the maintenance facilities. Mr. Stimac stated that the document titled A-2 showed no gravesites but confirmed with the petitioner that they do in fact exist in that area. Mr. Stimac said that by Ordinance and by definition the rear yard starts when you are past the main mausoleum building.

Mr. Hutson asked if there would be a condemnation proceeding within this footprint area. Mr. Cowan asked that this not be considered during this variance procedure. Mr. Hutson indicated that he was attempting to gather information and that the board would decide what information would or would not be considered.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

ITEM #6 – con't.

Motion by Courtney
Supported by Strat

MOVED, to postpone the request of Mr. David R. Krall, Attorney for White Chapel Cemetery, 621 W. Long Lake, for relief of the Ordinance to construct a new maintenance building in the front yard of the White Chapel Mausoleum, which will have an average roof height of 23'. Section 40.57.03 of the Zoning Ordinance only allows the construction of accessory buildings in the rear yard and Section 40.57.06 limits accessory buildings to not more than 14' in height.

In response to the question Mr. Stimac said there has not been formal action served; however, the most recent right of way proposal that staff is working with for the interchange improvement will not affect this building directly or adversely affect the required setbacks.

Yeas: 2 – Courtney, Strat
Nays: 2 – Gies, Hutson, Kovacs, Maxwell

MOTION TO POSTPONE REQUEST FAILS

Mr. Hutson stated that we have two variances before us. The first is the height of the maintenance building and the second is the location. He indicated that he was satisfied that this is a unique property. The maintenance building has always been in the northeast corner. He is comfortable that this is the appropriate location for the new building. He is not, however, convinced that the building needs to be that high.

Mr. Strat indicated that the building is actually a two-story building. It has a loft space. He raised concerns regarding the aesthetics of the project regarding the height of the building. Mr. Strat also mentioned the fact that there may be an on-ramp to I-75 constructed in the area that will raise visibility in that area.

Mr. Kovacs indicated that based upon the size of this parcel and the equipment necessary to maintain it, he felt that the height was appropriate.

Mr. Courtney asked about being able to screen the building.

Mr. Stimac said that a motion could be made to divide the question; deal with the location of the building and then the height variance. Mr. Stimac was not sure what type of screening could be used with a building this size and height.

Mr. Hutson was concerned about the height of this building as it relates to the other existing buildings on the site and thinks that the question should be divided.

ITEM #6 – con't.

Motion by Gies
Supported by Courtney

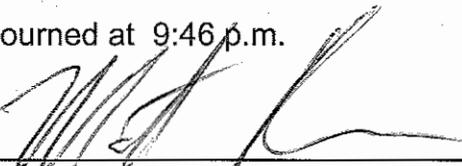
MOVED, to approve the request of David R. Krall, Attorney for White Chapel Cemetery, 621 W. Long Lake, for relief of the Ordinance to construct a new maintenance building in the front yard of the White Chapel Mausoleum, which will have an average roof height of 23'. Section 40.57.03 of the Zoning Ordinance only allows the construction of accessory buildings in the rear yard and Section 40.57.06 limits accessory buildings to not more than 14' in height.

- Variance would not be contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: 4 – Gies, Kovacs, Maxwell, Courtney
Nays: 2 – Hutson, Strat

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 9:46 p.m.



Matthew Kovacs – Chairman



Pamela Pasternak – Recording Secretary