

The Vice-Chairman, Michael Hutson, called the Board of Zoning Appeals meeting to order at 7:30 P.M., on Tuesday, March 19, 2002.

Mr. Hutson announced at this time that the Building Department had received a written request that Item #7, Michael & Christine Vanhaerents, 5150 Crowfoot, be withdrawn.

PRESENT:	Kenneth Courtney Marcia Gies Michael Hutson Matthew Kovacs Mark Maxwell Cindy Pennington	ALSO PRESENT:	Mark Stimac Bob Davisson Pam Pasternak
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ABSENT: Christopher Fejes

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 19, 2002

Motion by Gies
Supported by Courtney

MOVED, to approve the minutes of the meeting of February 19, 2002 as written.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Pennington, Courtney
Absent: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

Motion by Courtney
Supported by Kovacs

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

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Pennington, Courtney

MOTION TO EXCUSE MR. FEJES CARRIED

ITEM #2 – RENEWAL REQUESTED. K MART, 100 E. MAPLE, for relief to display and sell flowers and plants in a designated area.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this board which allows for an outdoor display of plant materials in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk, at the west end of the building, adjacent to the building. The display is used for plants and flowers. This relief has been granted on a yearly basis since 1978 and the variance is valid during the months of April through July. This request has been subject to the petitioner providing a corral type fence to both enclose the area of the display and maintain a safe sidewalk at

ITEM #2 – con't.

the same time. Conditions remain the same and we have no complaints or objections on file.

Mr. Bruce DePlonty, Store Manager for K Mart was present and stated that he had nothing to add.

Motion by Maxwell

Supported by Courtney

MOVED, to grant K-Mart, 100 E. Maple, a one-year (1) renewal of a variance which will allow for an outdoor display of plant material in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk, at the west end of the building, adjacent to the building.

- Variance is in effect during the months of April through July.
- Petitioner will provide a corral type fence to both enclose the area of the display and maintain a safe sidewalk.
- Variance is not contrary to public interest.

Yeas: 6 – Hutson, Kovacs, Maxwell, Pennington, Courtney, Gies

MOTION TO GRANT RENEWAL OF VARIANCE FOR ONE-YEAR CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. & MRS. STEVEN NOVOSELL, 2225 VERMONT, for relief to store a recreational vehicle in the front setback.

Mr. Stimac explained that petitioner is requesting relief of the Ordinance to park an 8' x 40' recreational trailer on the drive in front of his home during a construction project. Section 40.65.02 prohibits the storage of recreational vehicles in the front yard. This item first appeared before this Board at the meeting of February 19, 2002, and was tabled to allow the Legal Department to determine if this request falls under the jurisdiction of the Board of Zoning Appeals.

There are ten (10) written approvals on file. There are two (2) written objections on file.

Mr. Davisson presented the Board with a written statement stating that he believes this request falls under the "dimensional requirements" of Section 43.72.00 of Chapter 39, and therefore, this request would fall under the jurisdiction of the Board of Zoning Appeals.

Mr. Novosell was present and stated that he had attempted to locate a storage facility for this trailer, however, there is quite a long waiting list. Mr. Novosell also stated that his builder has assured him that the construction of his home would be completed by July 1, 2002 weather permitting, and therefore, his request for a variance is only temporary. Mr. Novosell said that he uses this trailer, every week, from Thursday

ITEM #3 – con't.

through Sunday, from the middle of April until the middle of September, which would mean that it is actually gone most of the time. Mr. Novosell also indicated that he had spoken to most of his neighbors and they did not object to this request.

Mr. Kovacs asked if it would be possible for Mr. Novosell to place this trailer at the side of the house. Mr. Novosell stated that he had looked into that possibility, however, the ground is much too soft. Mr. Novosell also stated that he is planning on pouring a pad on the side of his new home for this trailer, so that in the future this would not be a problem as the trailer would then comply with the Zoning Ordinance. Mr. Novosell pointed out that this is only a temporary request.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Steven Novosell, 2225 Vermont, relief to store a recreational vehicle in the front setback of residential property.

- Variance will be in effect from April 15, 2002 until September 1, 2002 to allow for the new construction to be completed.
- Variance will not have an adverse effect on surrounding property.
- Variance is not contrary to public interest.

Yeas: 6 – Kovacs, Maxwell, Pennington, Courtney, Gies, Hutson

MOTION TO GRANT REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. GRANT NORRIS, 1800 E. LONG LAKE, for relief to repair/replace an accessory building.

Mr. Stimac explained that the petitioner is requesting relief to repair/replace an accessory building at 1800 E. Long Lake. The site plan submitted indicates three(3) existing accessory buildings on this property having a total area of 2,892 square feet. Section 40.57.04 limits the total amount of square footage for accessory buildings on this property to 849 square feet. The plans submitted indicates repairs on the existing structure equivalent to replacing the 904 square foot dilapidated structure with a new building of the same size. Because the existing structures exceed the allowable area, they are non-conforming structures. Section 40.50.04 prohibits reconstruction of non-conforming structures to an extent of more than 60 percent of their replacement cost, exclusive of the foundation.

Mr. Maxwell asked Mr. Stimac how long these buildings had been on the property and Mr. Stimac explained that he had found a permit for the home dating back to 1952, and also found a permit dating back to 1963 for repairs on the back shed. Mr. Stimac believes that these buildings date back to before the Ordinance was changed.

ITEM #4 – con't.

Randall Gillary, attorney for Mr. Norris and Mr. Norris were present. Mr. Gillary explained that Mr. Norris had purchased this property in June 2001 and had several letters from neighbors stating that they were very happy with the changes Mr. Norris had made in the property. Mr. Gillary went on to say that he had two letters from builders stating that the replacement cost of this building would be well below the 60% cap.

A lengthy discussion ensued between the Board members, Mr. Stimac, Mr. Norris and Mr. Gillary regarding the cost of replacing this structure. Mr. Stimac pointed out that the Building Department had determined that this was a dangerous building, and was concerned that once repairs had begun, hidden problems as well as costs would be found. Mr. Stimac also explained that in order to bring this building up to present day building codes, a foundation would have to be added. After much discussion regarding the cost of repairing the building, Mr. Stimac stated that the main purpose of this request was to allow Mr. Norris to repair/replace an existing storage building in excess of the 60% maximum. The variance would be to allow accessory buildings, which exceeded the maximum allowable square footage for accessory buildings on this property.

Mr. Gillary stated that he felt that the need to put in a foundation under this building was a new issue and thought he might like to table this item to determine the cost of a foundation. Mr. Gillary also asked Mr. Collisi, Collisi & Associates, builder if he could give an estimate of how much the foundation would be. Mr. Collisi stated that he would probably add another \$2,000 - \$3,000 to his additional estimate of \$7,000 - \$7,500 for the foundation.

Mr. Maxwell stated that he had visited the property and feels that Mr. Norris is making a great deal of improvements and commended him on the work he has done.

The Vice-Chairman opened the Public Hearing.

Mr. Victor Leninov, 1929 Hopedale, was present and stated that he felt that the Board should make a determination of whether or not to either approve the petitioner's request or deny it, rather than table the request. Mr. Leninov believes that the cost is irrelevant.

Ms. Donna Miller, 1770 E. Long Lake, was present and stated that she was in favor of Mr. Norris's request due to the fact that he is working extremely hard to improve the property.

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

There are five (5) written approvals on file. There is one (1) written objection on file.

ITEM #4 – con't.

A motion was made by Mr. Courtney to table this request until the meeting of May 21, 2002 to allow the petitioner to bring in estimates of total cost of repairing this building. The motion failed due to lack of support.

Mr. Maxwell asked if the petitioner has appeared before City Council on this item. Mr. Stimac explained that he has appeared before City Council and a hearing on an appeal of the dangerous building determination is scheduled at the meeting of April 8, 2002. Mr. Stimac explained that at that hearing City Council can either overturn his determination that this is a dangerous building, and allow Mr. Norris to keep it as is, or they can uphold his decision and indicate to Mr. Norris that the building has to be demolished within twenty-one days of the City Council meeting.

At this time Mr. Gillary indicated that he wished to withdraw his tabling request.

Mr. Kovacs asked Mr. Norris if he would be willing to demolish any of the other buildings if the variance was granted to allow this extra accessory building. Mr. Norris stated that he has five children and needs as much storage room as possible. Mr. Norris also indicated that if he had to demolish the building and start all over he would, but he would rather be able to repair the existing building.

Motion by Maxwell

Supported by Kovacs

MOVED, to grant Mr. Grant Norris, 1800 E. Long Lake, relief of the Zoning Ordinance to repair/replace the existing accessory building, which will exceed the total amount of square footage for accessory buildings on this property.

- Existing building will be brought up to at least minimum requirements of the 2000 Michigan Building Code.
- If replaced the building will be the same size as the existing one.
- Conforming will be unnecessarily burdensome for the petitioner.
- Petitioner will work with the Building Department to make sure all repairs will make this building safe.

Yeas: 6 – Maxwell, Pennington, Courtney, Gies, Hutson, Kovacs

MOTION TO GRANT VARIANCE REQUEST TO REPAIR/REPLACE EXISTING ACCESSORY BUILDING CARRIED

ITEM #5 – VARIANCE REQUESTED. TIMOTHY OSTLER, 1854 EASTPORT, for relief to maintain an addition to a detached garage.

Mr. Stimac explained that the petitioner is requesting relief to maintain a 180 square foot addition to a detached garage. This addition was constructed without first obtaining a

ITEM #5 – con't.

building permit and resulted in a 637 square foot detached garage. Section 40.57.04 limits the total of all accessory buildings on this site to 600 square feet or one-half of the ground floor area the main building; whichever is greater. The ground floor area of the existing home is 887 square feet; therefore the total area of accessory buildings on this property cannot exceed 600 square feet.

Mr. Ostler was present and stated that he had purchased this lot which includes the lots on either side very quickly. Mr. Ostler indicated that he plans to build a home on the South lot as a “spec” home, and eventually plans on building another home on the northern lot, which would be his permanent home. Mr. Ostler also stated that he needed the extra space very quickly, and did not feel that the addition would cause a problem for surrounding neighbors.

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

There are no written objections or approvals on file.

Mr. Kovacs stated that he had visited this property and feels that the garage is very well built.

Motion by Kovacs
Supported by Gies

MOVED, to grant Timothy Ostler, 1854 Eastport, relief to maintain an addition to a detached garage.

- Variance request is very small.
- Literal enforcement of the variance would be unnecessarily burdensome.
- Variance is not contrary to public interest.

Yeas: 6 – Pennington, Courtney, Gies, Hutson, Kovacs, Maxwell

MOTION TO GRANT REQUEST CARRIED

ITEM #6 – VARIANCE REQUESTED. LANCE KAZAROSIAN, 37 BIRCHWOOD, for relief to construct a detached garage.

Mr. Stimac explained that the petitioner is requesting relief to construct a detached garage at 37 Birchwood. The site plan submitted indicates that the existing home is located very near the rear property line and that the proposed construction of this garage would be in the front yard of this property. Section 40.57.03 prohibits the placement of an accessory building in any yard except a rear yard.

ITEM #6 – con't.

Mr. Lance Kazarosian was present and stated that his home is a bungalow built in 1928 and is extremely small. Mr. Kazarosian went on to say that he needs the garage for storage as he presently has his belongings in several storage units. Mr. Kazarosian also stated that he has done a number of repairs to his home and many repairs are still required. Mr. Kazarosian indicated that this garage would be 12' x 20', and that he hoped it would only be a temporary structure until he was able to put an addition on to his home. Mr. Kazarosian said that he would also use this garage to store the materials necessary to make the repairs on his home.

Mr. Courtney asked about the placement of the garage on the property. Mr. Kazarosian stated that he could not place the garage closer to his home, due to the fact that there is both a water and gas line located there. Mr. Kazarosian, also indicated that if he moved the garage to the location of his garden, a large tree would have to be moved.

The Vice-Chairman opened the Public Hearing.

Mr. James Sheppard of 1824 Livernois was present and stated that he is against this request due to the fact that he thinks this garage could be located in another location on this property.

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

There are three (3) written objections on file. There are no written approvals on file.

Mr. Maxwell asked Mr. Kazarosian about the cars that are parked on the lot that are for sale. Mr. Kazarosian indicated that they are his vehicles and he no longer needs all of them for his use.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Lance Kazarosian, 37 Birchwood relief of the Zoning Ordinance to construct a detached garage.

- Garage will be setback not less than 55' from Birchwood.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 5 – Courtney, Gies, Kovacs, Maxwell, Pennington.

Nays: 1 – Hutson

MOTION TO APPROVE REQUEST WITH STIPULATION CARRIED

ITEM #7 – VARIANCE REQUESTED. MICHAEL & CHRISTINE VANHAERENTS, 5150 CROWFOOT, for relief to construct an enclosed patio.

The Board members noted and filed the petitioner's request to have this item withdrawn. No further action taken by the Board.

Mr. Stimac informed the Board that he will not be present at the meeting of April 16, 2002 and that Mr. Grusnick will be taking his place.

Mr. Kovacs informed the Board that he is up for re-appointment and sincerely hopes he will be re-appointed.

The Board of Zoning Appeals meeting adjourned at 9:29 P.M.

MS/pp