

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, December 17, 2002.

PRESENT: Kenneth Courtney  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Cynthia Pennington

ALSO PRESENT: Mark Stimac  
Allan Motzny  
Pam Pasternak

ABSENT: Christopher Fejes

**ITEM #1 – APPROVAL OF MINUTES, MEETING OF NOVEMBER 19, 2002**

Motion by Courtney  
Supported by Pennington

MOVED, to approve the minutes of the meeting of November 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 Gies

MOVED, to excuse Mr. Fejes from the meeting of December 17, 2002.

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

**MOTION TO EXCUSE MR. FEJES FROM THIS MEETING CARRIED**

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5**

**RESOLVED**, that Items #3 through #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney  
Supported by Pennington

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

**ITEM #3 – RENEWAL REQUESTED. TROY CHRISTIAN CHAPEL, 400 E. LONG LAKE**, for relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall along the south and west property lines where off-street parking abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board, since 1986, for relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning. This relief was originally granted based on the fact that the abutting neighbors requested the berm and fence in lieu of the required masonry wall. This item last appeared before this Board at the meeting of December 1999 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Troy Christian Chapel, 400 E. Long Lake, a three-year (3) renewal of relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning.

- Conditions remain the same.
- We have no objections or complaints on file.

**ITEM #4 – RENEWAL REQUESTED. COMMUNITY BOWLING CENTERS, 1950 E. SQUARE LAKE**, for relief of the Zoning Ordinance to maintain a natural setting in place of a 6' high masonry-screening wall along the west property line where it abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a Church. This item last appeared before this Board at the meeting of December 2001 and was granted a one-year renewal to insure that the area was cleaned and kept clean of debris. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Community Bowling Centers, 1950 E. Square Lake, a three-year (3) renewal of relief to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning.

- Recent inspections indicate that the petitioner is making continued efforts to keep this area clean and free of debris.
- We have no objections or complaints on file.

**ITEM #5 – RENEWAL REQUESTED. ST. LUCY CROATIAN CATHOLIC CHURCH, 200 E. WATTLES**, for relief of the 4'-6" high masonry screening wall along the east and west side of off-street parking where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry-screening wall along the east and west sides of their off-street parking. This relief was originally granted in 1993 based on the fact that the wall would serve no useful purpose. This item last appeared before this Board at the meeting of February 1999 and was granted a three-year (3) renewal at that time.

MOVED, to grant St. Lucy Croatian Catholic Church, 200 E. Wattles, a three-year (3) renewal of relief to maintain a 4'-6" high masonry-screening wall along the east and west sides of their off-street parking.

- Conditions remain the same.
- We have no complaints or objections on file.

Mr. Hutson stated that his firm had been retained by Mr. Welch for help on some legal matters and indicated that he wished to be excused from hearing this item.

Yeas: 5 – Kovacs, Maxwell, Pennington, Courtney

MOTION TO EXCUSE MR. HUTSON CARRIED

**ITEM #6 – VARIANCE REQUESTED. WILLIAM WELCH, HOLLYWOOD MARKETS, 2670 W. MAPLE**, for relief of the 6' high masonry-screening wall required by Section 39.10.01 along the north property line where it abuts residential zoning.

Mr. Stimac explained that the petitioner's site is located in the B-3 (general Business) Zoning District. The property to the north is in the RM-1 (Multiple Family Residential) Zoning District. Petitioner is requesting relief of the 6' high masonry-screening wall required by Section 39.10.01 along the north property line where it abuts residential zoning. This relief was originally granted in 1976 and has been renewed thereafter primarily due to the fact that the property to the north is a Michigan Bell telephone utility site, which is a permitted use in this residential zoning district. The petitioner is now asking that this request be approved as a permanent variance. New Public Hearing notices have been sent out in response to this request.

Mr. Welch was present and stated that originally this wall was required due to the fact that a home was located adjacent to this property and now this home has been removed. Mr. Welch also said that this wall would cut the parking lot in half.

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

**ITEM #6 – con't.**

There are no written complaints or objections on file.

Motion by Pennington  
Supported by Gies

MOVED, to grant William Welch, Hollywood Markets, 2670 W. Maple, a variance for relief of the 6' high masonry-screening wall required by Section 39.10.01 along the north property line where it abuts residential zoning.

- Variance has been granted on a yearly basis since 1976.
- Variance is not contrary to public interest.
- The adjacent property, although residentially zoned, is not a residential use.
- Variance will not have an adverse effect on surrounding property.
- Compliance to the Ordinance would create a hardship for the petitioner.

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

MOTION TO GRANT VARIANCE CARRIED

**ITEM #7 – VARIANCE REQUESTED. DAVID KUJAWA, 3310 HARMONY**, for relief of Section 40.57.05 to maintain an accessory building with a 3.5' setback to the side lot line where a 6' setback is required and a 7'-10" setback from the main building where a 10' distance is required.

The Chairman moved this item to the end of the Agenda, Item #9, to allow the petitioner the opportunity to be present.

**ITEM #8 – VARIANCE REQUESTED. LINDA KRYCH, 34425 DEQUINDRE**, for relief of the Zoning Ordinance to have 1500 square feet of accessory building where 1030 square feet are permitted by Section 40.57.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. The site plan submitted indicates the construction of a 1,500 square foot detached garage. 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. The house footprint is 2,060 square feet. As such accessory buildings are limited to 1,030 square feet on this site. The existing shed also located on the site would be removed prior to the completion of the proposed garage.

Mr. Maxwell asked Mr. Stimac about the dimensions of this lot. Mr. Stimac explained that this is a double lot, and is 142' wide and approximately 270' deep.

Ms. Krych was present and stated that she needed a larger garage to park two classic cars, a boat and a lawn tractor. Ms. Krych indicated that this garage would be at

**ITEM #8 – con't.**

the back of the lot and therefore not visible to traffic along Dequindre. Ms. Krych also said that the existing attached garage is not big enough to store this equipment.

Ms. Pennington asked if they plan to remove any of the existing trees and Ms. Krych indicated that they would only need to remove one of the trees.

Mr. Courtney asked if this property was shielded from the people living on Wisconsin and Ms. Krych said that 95% of her property is shielded by trees.

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

There is one (1) written approval on file. There are no written objections on file.

Mr. Maxwell expressed concern over the size of this proposed garage and stated that he would be more amenable to a garage that was approximately 1200 square feet. Mr. Hutson asked the petitioner if a smaller garage would create a problem, and Ms. Krych indicated that they would probably have to store one of their vehicles somewhere else. Mr. Hutson also asked about the shed at the back of the garage. Ms. Krych said that the shed consisted of three (3) walls and a canopy and that would be removed. Mr. Hutson then asked what the attached garage was used for and Ms. Krych indicated that she and her boyfriend used it to park their every day vehicles.

Mr. Kovacs said that most standard garages are 24' deep and questioned the fact that the proposed garage would be 30' deep. Mr. Kovacs then asked if they could make this garage 26' x 50' which he thought would be large enough to store their vehicles. Mr. Kovacs also suggested making this structure "L" shaped, and Ms. Krych said that one of the other reasons she wanted the garage this deep was because she does woodworking and wants the extra room to store her materials.

Mr. Maxwell also asked if they could add on to the existing garage and Ms. Krych said that she could not add on to the back of the house because of the way the home is designed.

Mr. Courtney stated that he also has a problem with the size of the proposed garage and asked if they could store the classic cars elsewhere. Ms. Krych indicated that it was cost prohibitive to store their vehicles off-site.

Mr. Kovacs said that he can understand the need for the extra space, however, he thinks this proposed garage is too large and thinks the garage could be constructed 24' x 48' and make it "L" shaped, and therefore the petitioner would not require a variance.

Motion by Maxwell  
Supported by Pennington

**ITEM #8 – con't.**

MOVED, to grant Linda Krych, 34425 Dequindre, for relief of the Zoning Ordinance to have 1300 square feet of accessory building where 1030 square feet are permitted by Section 40.57.04.

- Size of garage would be 1300 square feet.
- Variance would not be contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Compliance with the Ordinance would be unnecessarily burdensome.
- Shed will be removed.

Yeas: 4 – Maxwell, Pennington, Gies, Kovacs

Nays: 2 – Courtney, Hutson

**MOTION TO GRANT VARIANCE FOR 1300 SQUARE FOOT GARAGE CARRIED**

**ITEM #9 (ITEM #7) – VARIANCE REQUESTED. DAVID KUJAWA, 3310 HARMONY,** for relief of Section 40.57.05 to maintain an accessory building with a 3.5' setback to the side lot line where a 6' setback is required and a 7'-10" setback from the main building where a 10' distance is required.

The Chairman moved this item to the end of the Agenda, Item #9, to allow the petitioner the opportunity to be present.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a shed, which was constructed without first obtaining the required Building Permit. The site plan submitted indicates that the shed has been placed 7'-10" from the rear of the house and 3' from the side property line to the north. Section 40.57.05 requires a 10' minimum setback from a house and a 6' minimum setback from any side or rear property line.

Mr. Kujawa was present and stated that he had the shed built off-site and was told by the builder that a permit was not required. Mr. Kujawa also explained that a Building Inspector was at the property regarding a fence variance and at that time discovered the shed, which was constructed without a permit. Mr. Kujawa also said that this was a very small shed and the reason he wished to keep it was to take the clutter out of the garage.

Mr. Kovacs asked how large the existing garage was and Mr. Kujawa said that he thought it was a 2-½-car garage, but that space is very limited.

Mr. Maxwell asked if the shed could be moved, and Mr. Kujawa said that on the other side of the property is a sunken patio with a non-removable pillar. Mr. Maxwell then asked if it could be moved to the other side of the yard and Mr. Kujawa indicated that the shed would then be very visible to persons along Lakewood, and also that he

**ITEM #9 (ITEM #7)- con't.**

wished to use this area as a play area for his sons. Mr. Kujawa said that if it were possible he would move it 10' from the house, but could not because of the pillar.

Ms. Pennington asked how tall the fence was next to the shed and Mr. Kujawa said that the fence is 6' high and the shed is approximately 10' high.

Ms. Gies asked if sheds were allowed in this subdivision and Mr. Kujawa stated that sheds are permitted.

Mr. Kovacs asked if the shed could be moved adjacent to the play area and Mr. Kujawa said that they wished to leave this as a play area for their children.

The 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.

Motion by Kovacs

Supported by Courtney

MOVED, to grant David Kujawa, 3310 Harmony, for relief of Section 40.57.05 to maintain an accessory building with a 3.5' setback to the side lot where a 6' setback is required and a 7'-10" setback from the main building where a 10' distance is required.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Absent a variance a significant natural feature of the property would be negatively affected or destroyed.

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

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals adjourned at 8:06 P.M.

MS/pp