

The Chairman, James Giachino, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, January 16, 2001.

PRESENT: Kenneth Courtney
Mark Maxwell
Lawrence Littman
James Giachino
Carmelo Milia
Michael Hutson
Christopher Fejes

ALSO PRESENT: Mark Stimac
Bob Davisson
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES, MEETING OF December 19, 2000

Motion by Courtney
Supported by Fejes

MOVED, to approve the minutes of the meeting of December 19, 2000 as written.

Yeas: Courtney, Maxwell, Fejes, Giachino, Milia, Hutson
Abstain: Littman

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

Mr. Giachino thanked Mr. Stimac for the follow-up on the variance request from Barrett Asphalt Paving at 2040 Barrett. This variance request was heard at the meeting of December 19, 2000.

ITEM #2 – RENEWAL REQUESTED. CATS BUILDING, 2100 W. BIG BEAVER, for relief of the 6’ high masonry screening wall required along the north end of the west property line.

Mr. Stimac explained that the petitioner is requesting relief of the requirement to erect a 6’ high masonry-screening wall along the west property line at the north end of this site. The northern 73’ of this property abuts residential zoning to the west and a 6’ high masonry-screening wall is required along that portion of the property by Section 39.10.01 of the Zoning Ordinance. The Board originally granted relief for this wall in 1983, based on the fact that the adjacent land was undeveloped and used as a retention pond. In 1998, this Board granted a three (3) year renewal of this variance. Conditions remain the same and we have no objections or complaints on file.

Mr. Jacques Haddad was present and stated that he had nothing to add.

Mr. Littman asked Mr. Stimac if the adjacent property was ever going to be re-developed in the future or if it would always remain a retention pond. Mr. Stimac

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stated that it was possible that this property would be developed, but he did not have any concrete information regarding this.

Motion by Littman
Supported by Fejes

MOVED, to grant a three (3) year renewal to Cats Building, 2100 W. Big Beaver for relief of the 6' high masonry-screening wall required along the north end of the west property line.

- This variance is not contrary to public interest.
- This variance will not cause an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 – RENEWAL REQUESTED. FAITH APOSTOLIC CHURCH, 6710 CROOKS, for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board since July of 1981, for relief of the 4'6" high masonry wall required by Section 39.10.01 of the Zoning Ordinance on the north, east and south sides of their off-street parking areas, which abut residential zoned property. In January 1998 this Board granted a three (3) year renewal of this variance. Conditions remain the same and we have no objections or complaints on file.

Mr. Jim Ellis, representing Faith Apostolic Church was present and stated that he had nothing to add.

Mr. Maxwell stated that he feels that the landscaping around the Church looks wonderful and is an asset to the area.

Motion by Maxwell
Supported by Milia

ITEM #3

MOVED, to grant a three (3) year renewal to Faith Apostolic Church, 6710 Crooks, for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking areas, which abut residentially zoned property.

- This variance will not have an adverse effect on surrounding property.
- Conditions remain the same.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 – RENEWAL REQUESTED. COVENTRY PLACE, LLC. 1655 W. BIG BEAVER, for relief to have a 6' high wood fence in lieu of the 6' high screening wall required along portions of the south property line.

Mr. Stimac explained that the petitioner is requesting relief of portions of the 6' high masonry-screening wall required by Section 39.10.01 of the Zoning Ordinance along the south property line where the site abuts residentially zoned property. The petitioner has constructed a 6' high wood fence in lieu of the masonry wall in certain areas where they are trying to preserve trees. This Board has granted this relief on a yearly basis since January 1984. In February 1998 this Board granted this variance for a period of three (3) years. The adjacent site is now under construction as the Regents Park residential development. Other than that, conditions remain the same and we have no complaints or objections on file.

Mr. Jim Beachum, one of the owners of the Coventry Place was present and stated that he had nothing to add.

Motion by Littman
Supported by Courtney

MOVED, to grant a three (3) year variance to Coventry Place, LLC, 1655 W. Big Beaver, for relief to have a 6' high wood fence in lieu of the 6' high screening wall required along portions of the south property line.

- This variance is not contrary to public interest.
- This variance will not have an adverse effect on surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #5 – VARIANCE REQUESTED. DAVID JENSEN, WOODWARD COMMON LAND CO., LLC. 4137 COOLIDGE (PROPOSED ADDRESS), for relief to divide an

existing parcel of land into four lots resulting in a 96' wide parcel where 100' wide lots are required.

Mr. Stimac explained that the petitioner is requesting relief to divide an existing parcel of land into four lots. The petitioner is proposing to combine three existing residential parcels with frontage on the west side of Coolidge Highway, north of Wattles Road. The existing properties have a combined frontage of 396'. The petitioner then proposes to demolish the one existing home on the site and to divide the property into four single-family residential lots. The site plan submitted indicates that the proposal to split this site would result in one lot having a width of 96'. Section 30.10.02 of the Zoning Ordinance requires a minimum lot width of 100' in the R-1B Zoning District.

Mr. Milia stated that he was concerned about the great speed on Coolidge and asked if there were any plans to widen Coolidge. Mr. Stimac stated he did not have specific information regarding widening of Coolidge, but does not believe any additional lanes will be added in this area. Mr. Courtney asked if this property would be needed to be re-platted due to the number of lots in question and Mr. Stimac stated that four (4) splits are allowed; a fifth (5) split would require platting. Mr. Maxwell asked what the front setback is from Coolidge and Mr. Stimac replied that it is 50'. Mr. Giachino asked if a cul-de-sac could be put in without a variance, and Mr. Stimac stated that the Planning Department had come up with a drawing showing a short cul-de-sac. He further stated that it would not require a variance but would require platting. Mr. Giachino raised concern over the number of "curb cuts" that would be required in the development of four separate homes, and Mr. Stimac stated that in the past adjoining single family residential homes have had one driveway for two homes.

Mr. David Jensen was present and stated that this property has been in his family since 1978. He further stated that they are attempting to save as much of the natural vegetation as possible and even though they could put up five (5) houses on a cul-de-sac, they would rather save as many of the existing trees as possible and only put up four (4) houses. Mr. Jensen also said that because this is a divided highway, he did not believe this construction would create a safety issue. He feels that by developing the property in this manner, it would be less obtrusive to traffic on Coolidge and would preserve the greenery in the area. Mr. Jensen further stated that rather than the lots being 100' by 150', they would be 100' by 270'.

Mr. Courtney asked Mr. Jensen why he didn't just do three houses. Mr. Jensen replied that he does not feel that three houses would make the best use of this land. Mr. Courtney then questioned Mr. Jensen as to the feasibility of a cul-de-sac. Mr. Jensen stated that a cul-de-sac would require taking most of the trees out, and he

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does not feel that this would be beneficial to the area. Mr. Courtney then asked if they had looked into the possibility of buying additional land to make each lot equal.

Mr. Jensen stated that there is not any land available. Mr. Jensen also said that the Engineering Department requires certain things when bringing in a public road, which could make a cul-de-sac very expensive.

Mr. Maxwell asked how far these homes would be from Coolidge and Mr. Jensen said they would be built behind the tree line, which would make them approximately 150' from Coolidge. Mr. Maxwell then asked if a cul-de-sac were put in, how far it would be from Coolidge and Mr. Jensen stated that it would be right on Coolidge. Mr. Maxwell then stated that he feels that the proposal of four houses is much more attractive than a cul-de-sac, and likes the fact that traffic on Coolidge would see a straight line of greenery, rather than houses right on Coolidge.

Mr. Milia asked if the 96' wide lot would create a driveway that would be too narrow to negotiate and force cars to back out onto Coolidge. Mr. Jensen stated that their plans would allow for enough room for the cars to turn around on the site. Mr. Milia also asked if Mr. Jensen had spoken to Robertson Brothers regarding combing these two developments and Mr. Jensen stated that he had spoken to Robertson Brothers in the past but has not approached them recently and feels that his project will be compatible with Robertson Brothers development.

Mr. Milia also brought up the fact that we have received an approval to this variance request from Robertson Brothers. There are no written complaints in the file.

Mr. Fejes asked Mr. Jensen why he wanted to build four houses instead of five and Mr. Jensen replied that aesthetically he feels that this is the best way to use this piece of property as it will result in the preservation of the most trees. Mr. Jensen also said that there would be an eight-foot sidewalk in front of these homes that could be weaved through the trees.

Mr. Courtney again asked Mr. Stimac and Mr. Davisson what would be required to re-plat this property and questioned the number of splits that would be allowed. Both Mr. Stimac and Mr. Davisson indicated that they were not sure of the correct number, but would be happy to look into this matter. Mr. Jensen stated that due to the fact that this property had been in his family for a number of years, he would be allowed to build five homes on this property. Mr. Courtney made a motion to table any action on this request until the Administration had an opportunity to determine how many splits would be allowed. Mr. Giachino asked Mr. Courtney to withdraw his motion until after the Public Hearing, and Mr. Courtney withdrew his request.

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

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Mr. Giachino stated that although he applauds the fact that Mr. Jensen wished to preserve the natural landscape, the idea of four curb cuts versus one has bad vibes.

Mr. Maxwell asked if this proposal had been reviewed by the Traffic Department, and Mr. Stimac stated that at this point the Traffic Department does not review these plans. If a subdivision were proposed, the Traffic Department would do a review as part of the subdivision review process. Mr. Hutson stated that he does not feel that there are many curb cuts in the area of Coolidge between Long Lake and Wattles, and does not feel that these curb cuts would create a problem. Mr. Hutson also is in favor of this development. Mr. Littman stated that he also agrees with Mr. Hutson and feels that this would be beneficial to this area. Mr. Fejes also added that he likes the fact that these homes would be placed farther back from Coolidge, and people would see more trees than houses.

Mr. Giachino suggested that perhaps Mr. Jensen could go to Birmingham and look at several cluster developments in that area to see how they were done. He stated that some of these areas have brick pavers, and pedestrian lighting. He also said that he is concerned with the number of curb cuts involved.

Motion by Courtney
Supported by Giachino

MOVED, to table the request of David Jensen, Woodward Common Land Co., LLC, 4137 Coolidge (proposed address) for relief to divide an existing parcel of land into four lots resulting in a 96' wide parcel where 100' wide lots are required.

- Would like Mr. Jensen to see if he could purchase extra land to the north.
- To have the City Administration determine the number of splits permitted without platting.

Yeas: 2 – Courtney, Giachino
Nays: 5 – Hutson, Fejes, Maxwell, Littman, Milia

MOTION TO TABLE FAILS

Motion by Hutson
Supported by Littman

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MOVED, to grant the request of David Jensen, Woodward Common Land Co., LLC, 4137 Coolidge (proposed address) for relief to divide an existing parcel of land into four lots resulting in a 96' wide parcel where 100' wide lots are required.

- Houses will be set back behind the tree line.
- Development will be in keeping with the site plan presented as part of this appeal.
- This variance will not cause an adverse effect on surrounding property.
- Denial of the variance would negatively affect significant natural features.

Yeas: 5 – Fejes, Maxwell, Littman, Milia, Hutson

Nays: 2 – Courtney, Giachino

MOTION TO APPROVE REQUEST CARRIED

Mr. Giachino indicated that he would not be at the meeting of the Board of Zoning Appeals on February 20, 2001.

The Board of Zoning Appeals meeting adjourned at 8:20 P.M.

MS/pp