

The Chairman, Carmelo Milia, called a regular meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, February 15, 2000.

PRESENT: Kenneth Courtney Mark Stimac  
Mark Maxwell Bob Davisson  
Lawrence Littman Pam Pasternak  
Carmelo Milia  
Michael Hutson  
James Giachino

ABSENT: Christopher Fejes

Motion by Courtney (*Motion occurred later in the meeting*)  
Supported by Giachino

MOVED to excuse Mr. Fejes from attendance from this meeting.

Yeas: 6 – Courtney, Maxwell, Littman, Milia, Hutson, Giachino

MOTION TO EXCUSE MR. FEJES CARRIED

**ITEM #1 - APPROVAL OF MINUTES, JANUARY 18, 2000 MEETING**

Motion by Maxwell  
Supported by Hutson

MOVED, to approve the January 18, 2000 minutes as written.

Yeas: 5 – Courtney, Maxwell, Giachino, Milia, Hutson  
Abstain: 1 – Littman  
Absent: 1 – Fejes

MOTION TO APPROVE JANUARY 18, 2000 MINUTES AS WRITTEN CARRIED

ITEM #2 RENEWAL REQUESTED: St. GEORGE ORTHODOX CHURCH, 2160 E. MAPLE, for renewal of a variance granted to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'6" high masonry screening wall and relief of the 4'6" high masonry wall required along the west side of off-street parking.

The Chairman tabled this item to the end of the meeting (**Item #7**) to allow the petitioner the opportunity to be present.

ITEM #3 RENEWAL REQUESTED: MAGNOLIA GARDENS LTD, 2300 GRAND HAVEN (MAGNOLIA GARDENS), for relief of the 4'6" high masonry wall required along the north and east side of off-street parking.

Mr. Stimac explained that petitioner is requesting renewal of a variance originally granted by this Board in 1997 for relief of the 4'6" high masonry wall required along the north and east sides of off-street parking. This variance was originally approved, based on the fact there is more than adequate room between the parking area and drives and the adjacent residential property.

Kristin Hershberger, representing Magnolia Gardens LTD was present and stated she had nothing to add.

Motion by Giachino  
Supported by Courtney

MOVED, to grant Magnolia Gardens, LTD, 2300 Grand Haven a three-(3) year variance for relief of the 4'6" high masonry wall required along the north and east side of off-street parking.

- Not Contrary to Public Interest.
- No complaints or objections on file.

Yeas: 6 – Littman, Giachino, Milia, Hutson, Courtney, Maxwell  
Absent: 1 – Fejes

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED.

ITEM #4 VARIANCE REQUESTED: MR. THOMAS LEONARD, 1095  
NAUGHTON, for relief of the front yard setback.

Mr. Stimac explained that petitioner is requesting relief to construct an addition to an existing building. Section 30.20.09 of the Troy Zoning Ordinance requires a 50' front yard setback in the M-1 (light industrial) Zoning District. Paragraph L of Section 31.30.00 further states that this setback applies to all road frontages, including freeways, and that this yard must remain as landscaped open space. The site plan submitted indicates that the existing parking lot is only 14' from the north property line where it fronts on I-75. This condition makes this the site of a legal non-conforming structure. Section 40.50.04 prohibits the expansion of a non-conforming structure. Petitioners are asking for relief to expand the non-conforming structure.

The plan submitted also indicates that the green belt area is proposed to be reduced from the existing 14' to 3' and that this reduced setback is to be expanded across the western, undeveloped, portion of the site. Petitioners are asking for relief of the 50' landscaped setback requirement. Mr. Stimac further explained that the property on which the building is situated has two front setbacks.

Mr. Thomas Leonard was present and stated that many of the buildings on Naughton do not have parking at the rear of the building but have parking on the sides of the building. He stated that basically this building was used for storage and they have had many requests for more

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square footage. Presently the size of the building will not store the amount of materials their tenants require.

Mr. Courtney raised the question of having more than one tenant in the building. Mr. Leonard stated that at the present time they have one tenant in the building but that the addition may be

leased to a separate tenant. Mr. Milia asked what part of the building is visible from I-75. Mr. Leonard stated that only the top of the building is visible from I-75. Mr. Leonard further stated that if the building had more than one tenant it would be constructed in such a way, that it would not appear to be a multi-tenant building.

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

Mr. Giachino asked if all of the buildings on Naughton would be considered non-conforming. Mr. Stimac stated that he could not say definitely, but his general knowledge of the area would indicate that none of the buildings on the north side of Naughton have a 50' setback.

There are no written complaints or objections on file.

Motion by Giachino  
Supported by Courtney

Moved, to deny the request of Mr. Thomas Leonard, 1095 Naughton for relief of the front yard setback.

- Variance would be contrary to public interest.
- Further development would encourage non-conforming use.
- Economic reasons only

Mr. Hutson stated that he felt that this condition was not created by the property owner and that existing buildings on Naughton have only a 10' or 15' maximum setback. Mr. Stimac stated that the use of the property complies with the zoning ordinance requirements; the parking lot makes this property non-conforming.

Yeas: 2 – Giachino, Courtney  
Nays: 4 – Milia, Hutson, Maxwell, Littman  
Absent: 1 – Fejes

#### MOTION TO DENY REQUEST FAILS

Motion by Hutson  
Supported by Maxwell

MOVED, to grant Mr. Thomas Leonard, 1095 Naughton, relief to construct an addition to an existing non-conforming building, and to reduce the existing green belt area from 14' to 3' and that this reduced setback may be expanded across the western, undeveloped, portion of the site.

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- Variance is not contrary to public interest.
- The variance will not establish a prohibited use.
- The variance will not cause an adverse effect to the surrounding property.

Yeas: 4 – Milia, Hutson, Maxwell, Littman  
Nays: 2 – Giachino, Courtney  
Absent: 1 – Fejes

## MOTION TO APPROVE REQUEST CARRIED

Mr. Littman stated that by profession he is a head-hunter and he was trying to get a contract with Flagstar Bank to aid them in their hiring. He wanted the board to be aware of same, so as not to be construed as conflict of interest. Mr. Hutson stated he did not believe this was a conflict of interest but may create the appearance of impropriety.

Motion by Giachino  
Supported by Maxwell

MOVED, to excuse Mr. Littman from the hearing on the request of Flagstar Bank, 5151 Corporate.

- Mr. Littman is seeking business with petitioner.

Yeas: 4 – Hutson, Maxwell, Giachino, Milia  
Nays: 1 – Courtney  
Absent: 1 – Fejes

## MOTION TO EXCUSE MR. LITTMAN FROM THE MEETING FOR ITEM #5 CARRIED.

ITEM #5 VARIANCE REQUESTED: FLAGSTAR BANK, 5151 CORPORATE for relief to place an accessory building in a side yard.

Mr. Stimac explained that petitioner is requesting relief to locate carport structures covering 28 parking spaces on the south side of the office building currently under construction. This location is within the side yard of this site. Section 40.57.03 of the Troy Zoning Ordinance limits the location of accessory buildings to rear yard locations only. Because of the orientation of this site, with frontages on two parallel streets, there really is no rear yard. Petitioners are seeking relief to locate the accessory buildings in the side yard.

Mr. Robert Yurk of Gafari Associates, Architect for Flagstar Bank, was present and Mr. Milia pointed out that in order to get an approval for his variance he would require 4-yes votes. Mr. Milia asked if Mr. Yurk wished to table his request until the next meeting to gain the benefit of a full board. Mr. Yurk stated that he wished to present his case and would decide later in the hearing whether to table or not.

Mr. Yurk stated that the construction of these carports would not generate more traffic, but would be used for passenger size company vans which are used to transport documents to  
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Jackson, Michigan and also used by the sales staff when they are going out on call. Mr. Yurk stated these carports would increase the life of the vehicles and also make it much easier on the staff using the vehicles in inclement weather. He further stated that the construction of these carports would blend in with the building and would have a minimal impact on the surrounding area. The owners of the Timberland Office Park have been contacted and have no objection. He also said that these carports would be 330' from Northfield Parkway.

Mr. Giachino asked if this proposed plan, for only one bay of parking, was the full extent of the bank's intended carports or were the petitioners going to come back and ask for an additional variance. Mr. Yurk stated that it was a 60' wide and 135' long bay of parking for fourteen (14)

vehicles and this would be the total variance requested. He also stated that the present canopy would be higher than the proposed carports – 14' Vs 9'6".

Mr. Hutson stated that the proposed plan show various trees and asked if this was part of the landscaping plan. Mr. Yurk stated that the landscape plans had been approved with the initial site plan and was not aware if additional plantings would be provided. Mr. Milia asked if the carports could be constructed in any other area and Mr. Yurk said this was not feasible. He stated that this location was chosen because it was the closest area to where the branch bank is located in the office building. He also said that the roofs of the carports would be made of aluminum so they will not rust after time.

The Chairman opened the Public Hearing.

Ms. Tony Rock, 1597 Brentwood was present and stated that she was there to represent the members of the Northfield Hills Homeowner's Association. She stated that they did not receive notices and that they strenuously objected to the construction of these carports. She said that the residents had a beautifully landscaped berm, and now the area was covered with scrawny trees. Ms. Rock brought signatures from many of the homeowners, as well as letters objecting to this berm. Mr. Milia explained that property owners within 300' of the site are the only ones that receive notices of Public Hearings.

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

There is one written approval on file.  
There are two written objections on file.

Mr. Maxwell asked if Flagstar was planning on replacing the berm and adding more landscaping. Mr. Yurk stated that they did not intend to add to the berm along Northfield Parkway but was unable to say whether all the landscaping had been put in. Mr. Yurk then asked if this item could be tabled to the next meeting in order to bring in a more complete package.

Motion by Courtney  
Supported by Maxwell

MOVED, to table the request of Mr. Robert Yurk, representing Flagstar Bank, 5151 Corporate for relief to locate carport structures on the south side of the office building currently under construction, which will be in the side yard.

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- Will allow board members to go back out to the site.
- The petitioner will have the opportunity to bring in a more complete package which will include landscaping plans.
- Will give the petitioner the benefit of a full board.

Yeas: 5 – Courtney, Maxwell, Giachino, Milia, Hutson  
Excused: 1 – Littman  
Absent: 1 – Fejes

MOVED TO TABLE REQUEST UNTIL MARCH 21, 2000 MEETING.

Mr. Milia suggested to Mr. Yurk that his corporation contact the surrounding neighbors to see if something can be done to make them happier with this construction.

ITEM #6                      VARIANCE REQUESTED: JOSEPH & LINDA COULTER, 2161 Harned  
for relief of required minimum lot width.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance for the required lot width in the R-1D Zoning District. They are proposing to demolish a portion of an existing home and split a lot into 2 parcels. The site plan submitted indicates the split would result in a 90.65' wide lot and a 73' wide lot. Section 30.10.05 of the Zoning Ordinance requires lots have a 75' minimum width. In July 1998, petitioner had presented this item to the Board of Zoning Appeals, requesting a lot split that would have resulted in one lot being 63.95' wide. This request was denied. Petitioners have submitted a new application asking for relief for this larger (yet still deficient) lot width.

Mr. Joseph Coulter was present and stated that the Lake Association had changed the deed restrictions and now requires each property owner to maintain the upkeep of the frontage to the lake. He further stated that because he is at the west end of the lake an extremely large amount of debris ends up in front of his property. Due to the fact that he has severe arthritis of the spine, he is physically unable to meet the obligation set up by the Lake Association.

Mr. Hutson asked if there was a 20' easement on the western edge of the property. Mr. Stimac stated that he believes that easement is not on this property but on adjacent property. Mr. Hutson also asked what size home would be allowed on this property. Mr. Stimac replied that on a 73' wide parcel a 53 foot wide house could be built. According to the Zoning Ordinance, the minimum house width required is 24'.

Mr. Courtney asked Mr. Coulter if he had signed anything, which authorizes deed restrictions on his property. Mr. Coulter stated that he had signed an easement to the Lake Association at the time the lake was being put in. Mr. Courtney stated that unless he had authorized such a change to the original deed restrictions, it would not be allowed. Mr. Hutson suggested that Mr. Coulter take his papers to an attorney to find out whether he would be bound by these deed restrictions.

Mr. Giachino asked Mr. Coulter if he did not have to maintain this area of the property, would he still want the property split. Mr. Coulter replied that the only reason he was requesting the lot split was because of his inability to take care of the property.

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The Chairman opened the Public Hearing.

Mr. Kenneth Bousquet, 2149 Harned was present and stated that he lived right next door to the Coulter's property. He stated that presently his home is 83' from 2161 Harned and he and his wife are very happy with this distance. He is afraid that if the lot is split, the new structure would be small and would have a negative impact on the value of his home, and he is also concerned that the new structure would be too close to his present home. Mr. Bousquet also would like Mr. Coulter to contact the John Arbor Lake Association and present his problem to them and ask for their help in taking care of this problem. Mr. Bousquet also stated that he would be willing to possibly help Mr. Coulter maintain his property.

Mr. Mark Baker, 2173 Harned was present and stated that he did not have an objection to Mr. Coulter's request to remove 11' of his present home and obtain the lot split. Mr. Baker asked what the smallest size home allowable would be and Mr. Stimac stated that according to Section 30.10.05 the minimum size home would be 1,000 square feet.

Mrs. Jackie Baker, 2173 Harned was present and stated that she objected to the lot split and felt that all the lots should comply with the ordinance.

Mr. Davisson suggested to Mr. Coulter that he could deed a small portion of his lot with the lake frontage to his neighbor on the west and this may take care of the problem.

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

There are two written objections on file.

Motion by Giachino  
Supported by Littman

MOVED, to table the request of Mr. Coulter, 2161 Harned for relief of the Zoning Ordinance for the required lot width in the R-1D Zoning District for ninety (90) days.

- Allow the petitioner and neighbor to meet with the Lake Association to determine how property can be maintained.
- If amicable agreement can be reached, lot split will not be required.

Yeas: 6 – Courtney, Maxwell, Littman, Giachino, Milia, Hutson  
Absent: 1 – Fejes

MOTION TO TABLE REQUEST FOR NINETY (90) DAYS CARRIED

ITEM #7(2) RENEWAL REQUESTED: St. GEORGE ORTHODOX CHURCH, 2160 E. MAPLE, for renewal of a variance granted to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'6" high masonry screening wall and relief of the 4'6" high masonry wall required along the west side of off-street parking.

ITEM #7 (2)  
Motion by Courtney  
Supported by Littman

MOVED, to table the request of St. George Orthodox Church, 2160 E. Maple, for renewal of a variance granted to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'6" high masonry screening wall and relief of the 4'6" high masonry wall required along the west side of off-street parking.

- To allow the petitioner the opportunity to be present.

Yeas: 6 – Courtney, Maxwell, Littman, Giachino, Milia, Hutson  
Absent: 1 – Fejes

MOTION TO TABLE REQUEST UNTIL MARCH 21, 2000 MEETING CARRIED

The Board of Zoning Appeals meeting was adjourned at 9:15 P.M.

MS/pr