

ITEM #2

place. Mr. Stimac stated that if development were to be submitted now, it would take at least two (2) years before construction would be complete.

Motion by Courtney
Supported by Giachino

MOVED, to grant Mr. Dennis Bostick, Troy Sports Center, 1819 E. Big Beaver a three (3) year variance for relief to provide a landscaped berm in place of the 4'6" wall required along the north and a portion of the west property line.

- Variance will not cause an adverse effect on surrounding property.
- Three-year variance will allow enough time for future development to begin.

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

MOTION TO APPROVE VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 - RENEWAL REQUESTED, KMART CORPORATION, 3100 W. BIG BEAVER, for relief of the masonry screening wall on the north and east side of the parking lot.

Mr. Stimac explained that petitioner is requesting renewal of a variance granted by this board in 1998 of the 4'6" high masonry wall required where their parking lot abuts residentially zoned property. This relief was originally granted based on the fact that the variance is not contrary to public interest. Conditions remain the same and we have no objections or complaints on file.

Mr. John Roudebush, of Kmart Corporation was present and stated that he had nothing to add.

Motion by Courtney
Supported by Giachino

MOVED, to grant Kmart Corporation, 3100 W. Big Beaver, a three (3) year variance for relief of the masonry screening wall required on the north and east side of their parking lot.

- Conditions remain the same.
- Variance is not contrary to public interest.

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

ITEM #3

MOTION TO APPROVE VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 - RENEWAL REQUESTED, ST. MARK COPTIC ORTHODOX CHURCH, 3603 LIVERNOIS & 3615 LIVERNOIS, for relief to construct a landscaped berm in lieu of the 4'6" high masonry wall required along the south property line and relief of the 4'6" high masonry wall on the north property line.

Mr. Stimac explained that petitioner is requesting renewal of relief granted by this board in 1999 to construct a landscaped berm in lieu of the 4'6" high masonry wall on the south side of their parking lot as part of a new church construction at the rear of the existing site. Plans have not yet been received for the new church addition. Conditions remain the same and there are no objections or complaints on file.

The petitioner is also requesting renewal of relief granted by this board to maintain landscaping and natural screening elements in lieu of the 4'6" high masonry screening wall required adjacent to their existing off-street parking areas. A berm to the north and a natural vegetation barrier to the south presently screen this parking. This renewal has been granted on a yearly basis since 1978. Conditions remain the same and we have no objections or complaints on file. These two items, although expiring at different times, are being heard together to consolidate actions on the site.

Mr. A. Nasr, a member of the Church was present and stated that Father Michail passed away last year and Father Essek is the new pastor of the Church. Mr. Nasr also stated that the construction on the Church is expected to begin this summer and will take approximately twelve to sixteen months to complete.

Motion by Courtney
Supported by Maxwell

MOVED, to grant St. Mark Coptic Orthodox Church, 3603 Livernois and 3615 Livernois, a two (2) year variance for relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'6" high masonry wall required along the south property line and relief of the 4'6" high masonry wall on the north property line.

- Two-year time frame will allow for completion of new construction.
- Variance is not contrary to public interest.

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

MOTION TO APPROVE VARIANCE FOR TWO (2) YEARS CARRIED

ITEM #5 - RENEWAL REQUESTED, NORTHFIELD HILLS BAPTIST CHURCH, 1800 W. LONG LAKE, for relief to maintain a 4'6" high landscaped berm in lieu of the 4'6" high masonry wall required along the east side of the property adjacent to off-street parking.

Mr. Stimac explained that petitioner is requesting renewal of relief granted, by this Board, to maintain a 4'6" high landscaped berm at the east side of their off-street parking area where it abuts residential property in place of a masonry wall. This relief has been granted on a yearly basis since 1980. Conditions remain the same and there are no objections or complaints on file.

Pastor Stephen Husava was present and stated he had nothing to add.

Motion by Maxwell
Supported by Littman

MOVED, to grant Northfield Hills Baptist Church, 1800 W. Long Lake a three (3) year variance for relief to maintain a 4'6" high landscaped berm in lieu of the 4'6" masonry wall required along the east side of the property adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect on surrounding property.

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

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #6 - RENEWAL REQUESTED, PPG INDUSTRIES, 5875 NEW KING, for relief to maintain a berm in lieu of the 6' high masonry screening wall required along the west property line.

Mr. Stimac explained that petitioner is requesting renewal of a variance granted, by this Board, for relief of the 6-foot high masonry-screening wall required along the west property line that abuts residential zoning. This relief was originally granted in 1988 based on the fact the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. Conditions remain the same and we have no objections or complaints on file.

The Chairman moved this item to the end of the agenda, Item #18, to allow the petitioner the opportunity to be present.

ITEM #7 - RENEWAL REQUESTED, TROY CATHEDRAL OF PRAISE/CHURCH OF GOD, 1285 E. WATTLES, for relief to maintain berms in lieu of 4'6" high masonry walls, along the north and east, and relief of the 4'6" high masonry wall along the west property lines of the site where parking abuts residential.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted, by this Board, to construct berms in place of masonry walls along the north and east property line of their site where their parking lot abuts residentially zoned property. Also, to

omit, completely, the screening wall to the west. The site presently has berms on the east and north. There is a natural screening of trees and brush along the west side of the property. New subdivisions have now been built and occupied on both the east and west side of the church. Other than that, conditions remain the same and we have no objections or complaints on file.

The petitioner was not present. Mr. Stimac suggested that due to the new subdivisions in the area this item should revert to a Public Hearing.

Mr. Dave Kamal, 4052 Worthington, was present and stated that he was representing the homeowners of Worthington Manor Subdivision, and that they objected to this variance. They do not feel the berms provide safety for them and would like to see a wall constructed. Mr. Kamal also brought a letter signed by four additional neighbors objecting to this variance.

Motion by Courtney
Supported by Maxwell

MOVED, to deny the renewal request of Troy Cathedral of Praise/church of God, 1285 E. Wattles, for relief to maintain berms in lieu of 4'6" high masonry walls, along the north and east, and relief of the 4'6" high masonry wall along the west property line of the site where parking abuts residential.

- Petitioner was not present.
- Conditions have changed significantly warranting a new public hearing on the request.

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

MOTION TO DENY REQUEST CARRIED

ITEM #8 - RENEWAL REQUESTED, PETRUZZELLO'S CATERING HALL, 6950 ROCHESTER ROAD, for relief of the 4'6" high masonry screening wall required along a portion of the east and south property lines where parking abuts residential.

Mr. Stimac explained that petitioner is requesting renewal of a variance granted, by this Board, for relief of the 4'6" high masonry screening wall required along a portion of the east and south property lines of their site. This wall would separate the P-1 Zoning from the residentially zoned property. Relief has been granted on a yearly basis since 1977, primarily due to the fact the adjacent residential land is undeveloped. Conditions remain the same, we have no objections or complaints on file.

Mr. Frank Petruzzello of Petruzzello's was present and stated he had nothing to add.

Mr. Littman stated that the Planning Commission had received an application for a rezoning of the property to the south of this property. Mr. Petruzzello stated that Petruzzello's already owns the property directly adjacent to the hall.

Motion by Littman
Supported by Hutson

MOVED, to grant the request of Petruzzello's Catering Hall, 6950 Rochester Road, for relief of the 4'6" high masonry screening wall required along a portion of the east and south property lines where parking abuts residential for one (1) year.

- Variance is not contrary to public interest.
- One year will allow for the review of zoning of the adjacent property.

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

MOTION TO APPROVE REQUEST FOR ONE (1) YEAR CARRIED

ITEM #9 - VARIANCE REQUESTED, THOMAS A SARACINO, 1152 E. LONG LAKE (proposed address), for relief of the Zoning Ordinance to have 34,574 square feet of building where 30,000 square feet are permitted.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new two-story office building with a basement. The revised plans submitted indicates that the proposed construction would result in a total of 34,574 gross square feet of building on a two-(2) acre site, which is 17,287 gross square feet per acre. Section 24.70.01 of the Zoning Ordinance limits the amount of building in the O-1 Zoning District to 15,000 square feet of gross floor area per acre per site.

ITEM #9

This item was originally brought to the Board at the March 2000 meeting and was tabled to allow the petitioner to come back to the Board with a more reasonable request for a variance.

Mr. Vito Pampalona and Mr. Thomas Saracino were present and stated that they had changed the square footage of the storage in the basement. Due to the size and number of mechanical units required for a building of this size, this is the smallest they could make the basement area. Once again, they stated that this basement would not be used for tenant space, but strictly for storage of mechanical equipment.

Mr. Milia asked if any changes had been made to the outside of the building. Mr. Saracino stated that nothing had been changed on the outside. He also stated that this is a very expensive building and that is the reason they shrunk the basement to the bare

minimum allowable. He again said that the costs are astronomical to move the cable and Edison lines that exist on the property.

Mr. Littman asked if the basement would be used as any type of computer room and was told it would be used only for wiring and equipment.

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

Motion by Giachino
Supported by Courtney

MOVED, to grant the request of Mr. Thomas A. Saracino, 1152 E. Long Lake, (proposed address), relief of the Zoning Ordinance to construct a new 34,574 square foot Office Building where 30,000 square feet are permitted.

- Petitioner has shown a willingness to make a significant change from his original plans.
- Variance would not be contrary to public interest.
- Building would be a significant improvement to the area.

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

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 - VARIANCE REQUESTED, TOM & LYNDA CARMICHAEL, 2560 BLACK PINE TRAIL, for relief to construct a freestanding gazebo.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo in the rear yard of an existing residence. Section 40.57.10 requires Board of Zoning Appeals approval for the placement of a free standing gazebo.

Mr. and Mrs. Carmichael were present .

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

There are six written approvals on file. There are no objections on file.

Motion by Hutson
Supported by Maxwell

MOVED, to approve the request of Tom & Lynda Carmichael, 2560 Black Pine Trail to construct a freestanding gazebo.

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

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

MOTION TO APPROVE REQUEST FOR A FREE STANDING GAZEBO CARRIED

Mr. Fejes arrived.

ITEM #11 - VARIANCE REQUESTED, DEBRA KRUZ, of HARLEY ELLIS ARCHITECTS, representing TADIAN CONSTRUCTION, 2038 W. BIG BEAVER, for relief to expand a non conforming structure and relief of the front yard setback.

Mr. Stimac stated that petitioner is requesting relief of the Zoning Ordinance to construct a 21,977 square foot addition to an existing building. The existing building is only 24' from the front property line. Section 30.20.01 of the Zoning Ordinance requires a 30' front yard setback. The building is therefore a legal non-conforming structure. Section 40.50.04 prohibits the expansion of legal non-conforming structures. In addition, the plans submitted indicate the replacement of an existing front canopy that has a 19.5' front setback and the installation of new brick on the face of the building resulting in a further reduction of the front setback of 4".

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Ms. Debra Kruz was present and stated that the widening of Big Beaver caused the existing building to become non-conforming. Michigan National Bank would like to expand the building to make it more attractive.

Ms. Kruz also stated that they planned to replace the canopy and reface the building with a matching brick, so the entire structure would be uniform with the new construction. She further stated that they have a shared driveway easement in place with the adjacent neighbors to the east. Tadian Development has offered to purchase some of the adjacent property to the west, however, the owners are very reluctant to sell same.

Mr. Milia asked what the addition would be used for and Ms. Kruz stated that it was strictly for office expansion.

The Chairman opened the Public Hearing.

Ms. Kim Duford, 3141 McClure, was present and stated that she is very much against this expansion. She stated that since Somerset Mall has been built her property floods

with every rain. Ms. Duford further stated that there are approximately 60 children in this subdivision and traffic has increased to such an extent that the area is no longer safe for these children. She has contacted the traffic unit of the Police Department and they have counted 250 cars cutting through this area in a one-hour time frame. Ms. Duford said they can no longer ride bikes through this area and believes that expansion of this building would further aggravate this problem. Ms. Duford also said that Tadian has offered to buy her property, which will help her, but will do nothing for the other homeowners in the neighborhood. She believes that big businesses are being helped and the residents are being pushed out.

Mr. Milia stated that he felt that Ms. Duford's concerns regarding traffic were valid and asked Mr. Stimac to pass this information along to the appropriate departments to see if there is a viable solution to this problem.

Ms. Kruz also felt that Ms. Duford's concerns over traffic were valid and believes that Mr. Tadian would be in support of a sign saying "No Right Turn". She also stated that if this construction were allowed a detention pond would be required and believes that this would not increase the problem of flooding.

Mr. Stimac stated that he felt these were valid points, however, did not feel there was a way to prevent traffic from cutting through this subdivision. He also said that if it were not for the shared driveway there would be no way for residents to get out of McClure Street. However, the shared driveway was intended, and required, by the Zoning Ordinance to allow movement from one site to another without requiring numerous driveways on major roads. He proposed that possibly the Planning Commission could

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revisit the proposal of cross access on this particular site but did not see how the proposed variance request would effect the neighbors' concerns.

Mr. Milia stated that a large retention area would be required as part of the development and felt that it would help this area.

Mr. Mark Beres, 3322 McClure, was also present and stated that presently traffic is horrendous in this area and also felt that expansion of this building would cause further problems. He asked is signs stating "No Thru Traffic" could be put up.

Mr. Giachino stated that he was very concerned about granting a variance for a non-conforming structure. Mr. Giachino felt that this variance would aggravate the non-conformity and would further promote the problems with the neighbors.

Mr. Courtney raised the question of required parking spaces for this expansion. Mr. Stimac stated that the existing building has approximately 66 parking spaces. Ms. Kruz stated that the building now has approximately 111 parking spaces.

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

Motion by Courtney
Supported by Littman

MOVED, to grant the request of Debra Kruz, representing Michigan National Bank, 2038 W. Big Beaver for relief to expand a non conforming structure and relief of the front yard setback.

- Variance would be an improvement to the area.
- Variance will not establish a prohibited use.

Yeas: 3 – Milia, Courtney, Littman
Nays: 4 – Giachino, Hutson, Fejes, Maxwell

MOTION TO APPROVE REQUEST FAILS

Motion by Giachino
Supported by Hutson

ITEM #11

MOVED, to deny the request of Debra Kruz, representing Michigan National Bank, 2038 W. Big Beaver for relief to expand a non-conforming structure and relief of the front yard setback.

- Variance would cause an adverse effect on surrounding property.
- Variance would be contrary to public interest.

Yeas: 4 – Hutson, Fejes, Maxwell, Giachino
Nays: 3 – Milia, Courtney, Littman

MOTION TO DENY REQUEST CARRIED

ITEM #12 - VARIANCE REQUESTED, MR. MICHAEL BAILEY, 6806 DONALDSON, for relief of the Zoning Ordinance to have a total area 1450 square feet of accessory buildings where 600 square feet is permitted.

Mr. Stimac explained that petitioner is requesting relief of the Zoning Ordinance to construct a detached garage at an existing residence. The site plan submitted indicates that the proposed construction would result in a total area of 1,450 square feet of accessory buildings. Section 40.57.04 limits the total area of all accessory buildings on a site to one half the ground floor area of the main building, or

600 square feet, whichever is greater. With a ground floor area of the main building of only 1187 square feet, the size of accessory buildings is limited to 600 square feet.

Mr. Michael Bailey was present and stated that he would like to add to the existing garage to give him more room as he has a small car collection and would like to be able to store them. He also stated that the existing garage is in poor condition and he would re-roof and add new siding to match the new addition. He further stated that the new addition would not be seen from the street and a fence blocks this site to the north.

There are two written approvals on file.

It was also noted that there is one strong objection on file.

Mr. Courtney asked if the additional space would be used to work on these cars. Mr. Bailey stated that it would be used only for maintenance on the cars and not for rebuilding.

Mr. Maxwell asked if Mr. Bailey had any plans to add on to his home. Mr. Bailey stated that he had only been in his home since last fall and presently did not have any plans to add on.

Mr. Giachino asked Mr. Stimac if the size of the addition to the garage would be limited if Mr. Bailey attached it to his home. Mr. Stimac stated that there would not be a size **ITEM #12** restriction in this case. Mr. Bailey stated that he did not wish to place the garage in this location due to the fact that he has a very nice deck that he enjoys, and the addition would be clearly visible from the street. Mr. Bailey also stated that many of his neighbors do not keep up their property and he is only trying to add to the appearance of his home.

Mr. Fejes asked if Mr. Bailey would like to table this request due to the strong objection of his neighbor. Mr. Courtney asked if Mr. Bailey could present this plan to his neighbor and ask him if he would have a preference to either an attached garage, which would be closer to the neighbor's property line, or if the neighbor would rather have the addition put on the existing garage.

Mr. Milia asked if Mr. Bailey would consider tearing down the existing garage and construct a new garage. Mr. Bailey again stated that he would like the extra space for his car collection.

Motion by Courtney
Supported by Fejes

MOVED, to table the request of Mr. Michael Bailey, 6806 Donaldson, for relief of the Zoning Ordinance to have a total area of 1450 square feet of accessory buildings where 600 square feet is permitted.

- Allow petitioner to present an alternative plan to his neighbor on the south.
- Allow petitioner to present a request for a smaller variance.

Yeas: 4 – Fejes, Courtney, Maxwell, Giachino

Nays: 3 – Hutson, Littman, Milia

MOTION TO TABLE REQUEST OF MR. MICHAEL BAILEY, UNTIL REGULAR MEETING OF MAY 16, 2000 CARRIED

ITEM #13 - VARIANCE REQUESTED, MICHAEL D. SCHIRA, representing OMNIPOINT INVESTMENT, INC., 3001 W. BIG BEAVER, for relief of the Zoning Ordinance to have 42 antennas on a commercial building where 27 are permitted

Petitioner is requesting relief to install a total of nine (9) antennas on top of an existing building, bringing the total number of antennas on the building to forty-two (42). Section 40.57.08 limits the number of antennas on a building to two (2) antennas for the first 20,000 square feet of gross building area with one antenna permitted for each additional 20,000 square feet of gross building area. Based on the square footage of the building, a total of twenty-seven (27) antennas are permitted.

ITEM #13

Mr. Stimac stated that the City Administration has asked that no action be taken on this item, due to the fact that the owner of the property contacted the department and stated that he may want to modify the request. No further action was taken.

ITEM #14 - VARIANCE REQUESTED, ROBERT PELLICCIA, 5141 FOLKSTONE, to construct an addition to an attached garage with an 8.2' side yard setback where 10" is required.

Mr. Stimac explained that petitioner is requesting relief to construct an attached garage to an existing residence. The site plan submitted indicates an 8'-2" side yard setback to the proposed attached garage. Section 30.10.02 of the Zoning Ordinance requires a 10' minimum side yard setback in the R-1B Zoning District.

Mr. Robert Pelliccia was present and stated that he needed to place the garage in this location because his property slopes in the back of the yard. Due to the difference in the grade a detached garage would have to have the foundation raised and many contractors have refused to do this because the build up of the sand would cause the foundation to crack. He also feels that the attached garage would add to the value of his home.

Mr. Maxwell asked how large his home was and Mr. Pelliccia stated approximately 1700 square feet. He also stated that both garages would be approximately 1200 square feet.

Mr. Milia asked why Mr. Pelliccia needed four garages and he stated that he also has a small classic car collection and would like to be able to park them in the garage.

There are six (6) written approvals on file.

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

Mr. Maxwell asked if there were any restrictions on the amount of square footage regarding an attached garage or on the number of cars on a property. Mr. Stimac stated that there are not any restrictions on the number of cars or on the square footage of an attached garage. Mr. Stimac also stated that Zoning District R1B requires that a home have a minimum of 1400 square feet of living area.

Motion by Giachino
Supported by Courtney

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MOVED, to grant the request of Mr. Robert Pelliccia, 5141 Folkstone, to construct an addition to an attached garage with an 8.2' side yard setback where 10' is required.

- Variance is very small – 1'10".
- Variance is not contrary to public interest.
- Variance will not establish a prohibited use.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #15 - VARIANCE REQUESTED, MARK BERES, 3322 MCCLURE, for relief of the Zoning Ordinance to expand a non-conforming detached garage in a side yard.

Mr. Stimac explained that the petitioner is requesting relief to construct an addition to a detached garage at an existing residence. The site plan submitted indicates the location of the garage in the side yard. The garage was constructed at a time when the Zoning Ordinance permitted accessory buildings in non-required side yards. Section 40.57.03 now prohibits the location of an accessory building in any yard, except a rear yard.

Mr. Milia asked if this home was addressed on Banmoor, if the garage could then be constructed as the site plan indicates and Mr. Stimac stated that it could.

Mr. Beres was present and stated that he needed the extra room for storage of lawn equipment and a lawn tractor. He also stated that he had gotten approval from his neighbors and this addition would be hidden from view. Mr. Beres said that if he put this garage in his rear yard it would take away most of his yard.

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

There are two written approvals on file.

Motion by Maxwell
Supported by Littman

MOVED, to grant Mr. Mark Beres, 3322 McClure, relief of the Zoning Ordinance to expand a non-conforming detached garage in a side yard.

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

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Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #16 - VARIANCE REQUESTED, TADIAN HOMES, 3699 EUCLID, to allow a 39.7 the rear yard setback where 40 foot is required on a new home under construction.

Mr. Stimac explained that petitioner is requesting relief of the rear yard setback. An “as built” plot plan of a home under construction was submitted to the Building Department indicating that the basement wall was placed 39.70’ from the rear property line. Section 30.10.04 of the Zoning Ordinance requires a 40’ minimum rear yard setback. The Building Department requires these surveys be submitted, showing compliance with setbacks, before framing begins on a house. Unfortunately, the builder began to frame the house before the survey was submitted and the deficiency was noted. A stop work order has since been placed on the house.

Mr. Hutson asked that he be excused from this agenda item as he recognized the petitioner’s representative as a previous client of his.

Motion by Giachino
Supported by Littman

MOVED, to excuse Mr. Hutson from this agenda item.

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

MOTION TO EXCUSE MR. HUTSON CARRIED

Joanna Grillo representing Tadian Homes was present and stated that she did not know how this mistake happened. She stated that Tadian had approached the homeowners on the west and tried to purchase the extra property but was turned down. Ms. Grillo also stated that an engineering firm would be hired to stake out future basements in an attempt to make sure this does not happen again.

Mr. Barry Solomon, general superintendent of Tadian Homes was present and stated that the hardship is to the person who has purchased this home. Construction has been delayed and owners are very anxious to get in.

Mr. Giachino asked Mr. Stimac if he has worked with Tadian in the past and if there had been problems. Mr. Giachino also asked why we did not catch this before it became a larger problem. Mr. Stimac stated that the home was framed without an inspection by the Building Department, even though such a stipulation was made at the time the Building Permit was issued. Mr. Stimac also stated that he felt that this hardship was

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self created and was concerned over the fact that other requests of a similar nature would be brought to the board.

Mr. Courtney asked if they could purchase the extra property if that would take care of the problem and Mr. Stimac indicated that there could be a legal issue due to the fact that there are two (2) different plats involved.

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 Littman
Supported by Maxwell

MOVED, to grant the request of Tadian Homes, 3699 Euclid to allow a 39.7' rear yard setback where 40' is required on a new home under construction.

- Hardship is on new homeowner.
- Tadian Homes will not bring similar requests before the Board.

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

MOTION TO GRANT REQUEST CARRIED

ITEM #17 - VARIANCE REQUESTED, BEHR AMERICA, INC., SOUTH END OF DALEY STREET, BETWEEN ROCHESTER ROAD & JOHN R. (revised plans), for relief of the Zoning Ordinance to allow a 66 foot tall wind tunnel where 40 foot maximum height is permitted.

Mr. Stimac explained that petitioners are proposing to construct a new 86,845 square foot industrial building on a parcel of land at the south end of Daley Street, south of Big Beaver Road. Part of that proposed development includes a 23,500 square foot wind tunnel testing facility. The height of the wind tunnel is proposed to be a total of 66' tall. Section 30.20.09 of the Zoning Ordinance limits the height of all buildings in the M-1 (Light Industrial) Zoning District to no more than 40'. Petitioners appeared before the Board at the February 2000 meeting and were successful in obtaining a variance. Those plans indicated that the wind tunnel structure would be located approximately at the center of the site. They have now submitted revised plans indicating that the wind tunnel would be located only 10 feet from the west property line. This revision has been determined to be significant enough to require new action by the Board. They are requesting relief to allow this taller structure at the new location.

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Mr. Philip Tocco was present and stated that the reason they revised the plans was due to the fact that they had carefully studied the land and if this construction was kept in the original location, they would not be able to retain the natural look of the property. They felt that the best use of the property would be to construct this building further to the west. This location will allow them to leave more of the trees untouched, and also they want to make the site as attractive as possible to their employees. Mr. Tocco also stated that they had planned to have only one building; however, because of an existing sewer easement running through the middle of the property, the owners are allowing them to separate the wind tunnel from the lab. The purpose of the wind tunnel is to test prototype cars and security is of the utmost importance.

Mr. Giachino stated that he was concerned because many of the buildings along I-75 have allowed their property to deteriorate and have become junkyards. Mr. Tocco assured him that the appearance of the site is very important to the owners, as they wish to convince the auto companies to come to them for testing. He stated that they were going to construct the building of brushed stainless steel with glass. He also stated that this is a testing development center and the owner cannot afford to put forth anything but a high-class professional image.

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

Motion by Courtney
Supported by Littman

MOVED, to grant the request of Behr America, Inc., South end of Daley Street, between Rochester Road and John R. relief of the Zoning Ordinance to allow a 66' tall wind tunnel where 40' maximum height is permitted.

- Variance is not contrary to public interest.
- The variance will not establish a prohibited use in the Zoning District.
- Variance will not cause an adverse effect to properties in the immediate vicinity.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #18 (ITEM #6) RENEWAL REQUESTED, PPG INDUSTRIES, 5875 NEW KING, for relief to maintain a berm in lieu of the 6' high masonry-screening wall required along the west property line.

Mr. Stimac explained that petitioner is requesting renewal of a variance

ITEM #18 (ITEM #6)

granted, by this Board, for relief of the 6-foot high masonry-screening wall required along the west property line that abuts residential zoning. This relief was originally granted in 1988 based on the fact the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. Conditions remain the same and we have no objections or complaints on file.

The Chairman moved this item to the end of the agenda, Item #18, to allow the petitioner the opportunity to be present.

Motion by Littman
Supported by Fejes

MOVED, to table the request of PPG Industries, 5875 New King, for relief to maintain a berm in lieu of the 6' high masonry screening wall required along the west property line until the next regularly scheduled meeting – May 16, 2000.

- To allow the petitioner the opportunity to be present.

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

MOTION TO TABLE REQUEST UNTIL MAY 16, 2000 CARRIED

Mr. Stimac stated that elections for new offices of the Board of Zoning Appeals would be on the May meeting agenda.

The Board of Zoning Appeals adjourned at 9:55 P.M.

MS/pp