

A regular meeting of the Board of Zoning Appeals was called to order by the Vice-Chairman, Christopher Fejes, at 7:30 P.M. on Tuesday, June 20, 2000.

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

Motion by Courtney
Supported by Hutson

MOVED, to excuse Mr. Giachino from this meeting as he was out of town.

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

MOTION TO EXCUSE MR. GIACHINO CARRIED

ITEM #1 – APPROVAL OF MINUTES, MEETING OF MAY 16, 2000

Motion by Courtney
Supported by Milia

MOVED, to approve the minutes of the May 16, 2000 meeting as written.

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

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 - RENEWAL REQUESTED – THE LUTHERAN CHURCH OF THE MASTER, 3333 COOLIDGE for relief to maintain a berm along the west side of off-street parking, in lieu of the required 4’6” high masonry screening wall.

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 required along the west property line. In 1976 permanent relief was granted to allow a landscaped berm along approximately 80’ of the property line as an obscuring element. In 1981 parking was increased and the Board allowed this berm to be extended. Relief of the berm extension had been granted on a yearly basis until 1997, at which time this Board

ITEM #2

granted a three-year variance, which is now up for renewal. Conditions remain the same and we have no objections or complaints on file.

Mr. Tracy Dalzell was present and stated that he had nothing to add.

Mr. Courtney asked if this variance could become a permanent variance. Mr. Stimac stated that it could be made a permanent variance as the use of the adjacent property was fairly well established and was not likely to change. Mr. Littman also stated that presently there is a move to change the ordinance, which would require Churches to have a landscaped berm rather than a masonry-screening wall. Mr. Stimac stated that this change was going to go before City Council at their July 10, 2000 meeting.

Motion by Milia

Supported by Littman

MOVED, to grant The Lutheran Church of the Master, 3333 Coolidge a three-year renewal of their variance for relief to maintain a berm along the west side of off-street parking, in lieu of the required 4'6" high masonry-screening wall.

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

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

Absent: 1 – Giachino

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 - RENEWAL REQUESTED – G.J. SLAGON & ASSOCIATES, 1000 JOHN R., for relief of the 6' high masonry screening wall required along the east and south property lines.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted, by this Board for relief of the 6' high masonry-screening wall required along the east and south property lines. The walls are required where this non-residentially zoned property abuts residential zoned property. This relief was originally granted in 1981, primarily due to the fact that the easterly portion of the property line has a retention pond adjacent to it and the south property line abuts the parking lot for the senior citizen complex. In 1997, this Board granted a renewal of three years for this variance. Conditions remain the same, and we have no objections or complaints on file.

Mr. Dan VanHerman, Property Manager was present and stated that he had nothing to add.

ITEM #3

Motion by Littman

Supported by Maxwell

MOVED, to grant G.J. Slagon & Associates, 1000 John R. a three (3) year variance for relief of the 6' high masonry screening wall required along the east and south property lines.

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

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

MOTION TO APPROVE VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 - RENEWAL REQUESTED – TROY SCHOOL DISTRICT, TROY HIGH SCHOOL 4777 NORTHFIELD PARKWAY, for relief of the 4'6" high masonry screening wall required along the west side of off-street parking.

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 west property line of the site, which abuts residential zoning. This relief was originally granted in July of 1988 based on the fact that this does not cause an adverse effect on properties in the immediate vicinity. This Board granted a three-year renewal of this variance in 1997. Conditions remain the same and we have no objections or complaints on file.

Mr. Mondo Belardi representing the Troy School District was present and stated that he had nothing to add.

Motion by Maxwell
Supported by Milia

MOVED, to grant the Troy School District, Troy High School, 4777 Northfield Parkway, a three (3) year variance for relief of the 4'6" high masonry screening wall required along the west side of off-street parking.

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

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #5 - RENEWAL REQUESTED – MR. DAN SMITH, REPRESENTING OLD KENT BANK, 2220 W. BIG BEAVER, for relief of the 6' high screening wall required between office and property that is zoned residential.

Mr. Stimac explained that the petitioner has an existing branch bank, located at 2282 W. Big Beaver. In 1998 the petitioners expanded the parking area by 24 spaces onto the adjacent Detroit Edison Substation site. The Zoning Ordinance requires a 6' high screening wall between this office-zoned site and the adjacent residential site to the north. In 1998 the Board granted a variance for the required wall primarily due to the fact that the adjacent residential property is used as a detention pond. In 1999 this Board granted a renewal of this variance for one year. Conditions remain the same and we have no objections or complaints on file. In October 1999, this Board also granted a three-year variance to Jack D. Christenson on the adjacent property at 2282 W. Big Beaver. Staff suggests that if this variance renewal is granted that the renewal would be until October of 2002 so that the two variances would be heard together.

Mr. Dan Smith of Old Kent Bank was present and stated that he had nothing to add.

Motion by Courtney
Supported by Milia

MOVED, to grant Mr. Dan Smith, representing Old Kent Bank, 2220 W. Big Beaver renewal of their variance for relief of the 6' high screening wall required between office and property that is zoned residential, until October 2002.

- This variance will run concurrent with the variance at 2282 W. Big Beaver.
- There are no objections or complaints on file.

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

MOTION TO GRANT VARIANCE UNTIL OCTOBER 2002 CARRIED

ITEM #6 - RENEWAL REQUESTED – KEN RUONA, CLARK REFINING & MARKETING, INC. 3400 ROCHESTER ROAD, for relief to maintain a 6' high fence in place of the 6' high masonry screening wall required along the east and a portion of the north property line.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board to maintain a 6' high fence in place of the 6' high masonry-screening wall required along the east and a portion of the north property line. This variance has been granted on a yearly basis since 1985, based on the preference of the adjacent owners to have the wood fence and landscaping in lieu of the masonry wall. In 1993 this variance was again renewed for a three-year period. In 1996 and 1997 a one-year renewal was

ITEM #6

granted and in 1998, this Board granted a two-year renewal. This item first appeared before the Board at the May 16, 2000 meeting and was tabled to allow the petitioner the opportunity to be present. Conditions remain the same and we have no complaints or objections on file.

Mr. Larry Davis was present and stated that he had nothing to add.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Clark Refining & Marketing, Inc., 3400 Rochester Road, a three (3) year variance for relief to maintain a 6' high fence in place of the 6' high masonry screening wall required along the east and a portion of the north property line.

- There are no complaints or objections on file.
- Conditions remain the same.

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

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #7 - VARIANCE REQUESTED – OFFICE PROPERTIES, L.L.C., 1555 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Zoning Ordinance to exceed allowable gross building area.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new office building. The site plan submitted indicates that the proposed office building, located on a 3.373-acre site, would be 57,162 square feet. Section 24.70.01 limits the gross building area to 15,000 square feet per acre of land in the O-1 Office District. The proposed building would result in 16,947 square feet of building per acre of land.

Mr. Dale Garrett of Office Properties, L.L.C., was present and stated that basically they needed the basement space to house furnaces and other mechanical equipment as well as using the space for storage. He feels that this will make the building more attractive to potential tenants.

Mr. Hutson stated that the Ordinance is not written in such a way that differentiates between storage space and tenant space. He further stated that due to the fact that this Board is receiving more and more of this type of request, he would like it go before City Council to see if perhaps the Ordinance could be changed to accommodate requests similar to these.

ITEM #7

Mr. Fejes opened the Public Hearing.

Ms. Alice Schmiege of 1592 Lakewood Drive was present and stated that she was against this variance due to the fact that there is an office building next door to this one which has been for lease for a considerable amount of time, and believes that rather than add another building, the vacant building should be used. This view was also expressed as a separate written objection.

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

Motion by Hutson
Supported by Littman

MOVED, to deny the request of Office Properties, L.L.C., 1555 E. Big Beaver (proposed address) relief of the Zoning Ordinance to construct a new office building which would exceed the gross building area allowed.

- Petitioner has not demonstrated a hardship.
- Board members would like City Council to address this Ordinance.

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

MOTION TO DENY REQUEST CARRIED

ITEM #8 - VARIANCE REQUESTED – AL & PRISCILLA KING, ATLAS VENEER FIREPLACES, 2212 LIVERNOIS, for relief of the 4'6" high masonry screening-wall required along the east property line.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally granted this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. In September and October 1999, this item appeared before the Board. This renewal was denied in October 1999, primarily due to the fact that the petitioner did not appear before the Board to represent the item. The petitioners have now filed a new application for variance.

Mr. Bill Cummings and Mr. Al King were both present. Mr. Cummings stated that this variance was approved in 1983 and due to the fact that the adjacent property is unimproved they would like to continue this variance.

ITEM #8

Mr. Milia stated that when he looked at this property, he was confused as to where the masonry wall would go due to the fact that there is a shed on the property. Mr. Cummings stated that the fence was in back of the shed. He also said that there was a thick tree line in this area and the masonry wall would hurt the look of the property.

Mr. Fejes opened the Public Hearing.

Mr. Richard Kilmer, 62 Hickory was present and stated that he would like to see a masonry-screening wall put up at this location. He stated that his property is adjacent to

Mr. Kings property and ends where Cherry Street ends. He stated that the fence is falling down, and there are a great many weeds around this fence. He stated that the new buildings on Livernois all have masonry screening walls and he would like to see this location with a wall so that the entire area would be uniform.

Mr. King stated that this property was going to be rezoned office property and the masonry wall would have a staggered effect.

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

Mr. Littman asked about the garage located on the property. Mr. Stimac stated that when this building was originally built, the property was zoned and used as residential. Later the frontage along Livernois was rezoned commercial, however, the garage was still in a residentially zoned area. Mr. Davisson stated that he felt that the use of the garage was inappropriate if used for commercial use in residential zoned property and he would be happy to research this question. Mr. Hutson stated that he felt that the owner had taken unfair advantage of a situation by using this garage, which is in residential zoned property for commercial use.

There is one written approval on file.
There is one written objection on file.

Motion by Courtney
Supported by Maxwell

MOVED, to table the request of Al & Priscilla King, Atlas Veneer Fireplaces, 2212 Livernois, until the meeting of July 18, 2000 for relief of the Zoning Ordinance to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property.

- To allow the Board members to go out and take a much closer look at this property to determine what course of action would be the best taken.
- To allow Bob Davisson the opportunity to research the property regarding use of a garage on residentially zoned property for commercial use.

ITEM #8

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

MOTION TO TABLE THE REQUEST UNTIL THE NEXT REGULAR MEETING OF JULY 18, 2000

ITEM #9 - VARIANCE REQUESTED – THE A.M.E. GROUP, INC., REPRESENTING WILLIAM E. FULLER TRUST, 1835 MAPLELAWN, for relief of the front yard setback, required 10' greenbelt, and required landscape area.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition onto an existing building and to construct a new building at 1835 Maplelawn. In 1983 this property was granted a variance to display (park) vehicles 25' from the front property line where Paragraph L of Section 31.30.00 requires parking 50' from the front property line. The parking lot in front of this building has since been illegally expanded to within 4' of the front property line. The petitioners are requesting relief to keep this illegal parking area. In addition, the petitioners are asking to be permitted to expand the parking area on the southern portion of their site at this 4' setback line. This will require a total of three variances. First, to be permitted to have a parking area within 4' of the front property line where 50' is required by Paragraph L of Section 31.30.00. Second, to be permitted a 4' greenbelt along a public street where a 10' greenbelt is required by Section 39.70.02. And finally, to have 6,390 square feet of landscaping on a site where Section 39.70.04 would require 10,625 square feet for a site this size.

Mr. Milia asked why parking was allowed within 4' of the front property line. Mr. Stimac explained that this was done without permits and done without the knowledge of the Building Department. He further stated that in 1983 the setback was 33' and further north of this location the setback is 50'.

Mr. Bill Fuller and Mr. Dick Lange, his architect, were present. Mr. Fuller stated that he did not intentionally do something illegal by parking his display vehicles in the greenbelt area. Mr. Fuller further stated that the entire motor mall is unique, in that the property is zoned M-1 (Light Industrial) and that the dealers in this area must adhere to the Zoning required for the M-1 district. He also said that finding affordable land in Troy for use by car dealers is extremely, if not impossible, to find. Mr. Fuller stated that when he did the last addition in 1995, they paved over the greenbelt to allow for the extra parking of display vehicles. He also stated that his dealership and the one next door to him had each given the City 10' of right-of-way for a retention pond. Mr. Lange stated that it is imperative for Mr. Fuller to have as much space as possible to display his vehicles.

ITEM #9

Mr. Maxwell asked why Mr. Fuller did not come to the board for a variance before paving the greenbelt and Mr. Fuller stated that he did not believe a variance was required.

Mr. Fuller also indicated that he is in the process of purchasing a portion of the former Troy Tennis building property and his closing date is set for July 10, 2000. At that time, due to the increase in additional property, it will be very difficult for him to meet the greenbelt requirement. He also said that he plans to use the additional property for car storage only. Mr. Fuller also stated that the property involving the Troy Tennis building is zoned R1C and will have to be rezoned to M-1 in order for the car dealers to be able to use this property. He stated that they plan to demolish the existing building and use the property for storage. Quite a bit of discussion ensued as Mr. Littman stated that he

believes that Mr. Fuller should come back to the board after the property has been purchased with a new plan. Mr. Littman said he would rather deal with the whole area rather than a piece at a time due to the fact that an additional size variance may be required. Mr. Stimac stated if the Board was to act this evening to allow 6,390 square feet of landscaping where 10,625 is required, that the variance may not still apply when possibly 15,000 square feet are required. Mr. Stimac also stated that three things need to happen – 1st step is to have the property re-zoned; 2nd step is to go to the Planning Commission for a Special Use Approval to allow the expansion of the dealership with the new property and the 3rd step is that the new site would require additional landscaping which would increase with the increase of site area. Mr. Stimac further stated that the landscaping located behind the building has never been accountable, while the landscaping at the side of the building has always been accountable.

There are no written approvals or objections on file.

Mr. Fejes opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Hutson stated that he was appalled that Mr. Fuller would ask for a further reduction in the greenbelt after the area had already been paved over and would not support this issue. He also said that before the greenbelt was paved over, the matter should have come before the board. Mr. Littman also said that he objected to using the Pontiac dealership as a comparison and could not see a reason to grant any of these variances. Mr. Fejes stated that he felt that Mr. Fuller would have to take the whole property into consideration and that Mr. Fuller would have to bring back a plan to the Board, which was substantially different from this request. Mr. Milia stated that although sympathetic with this request, he could not find a reason to support it. Mr. Stimac stated that they could go back to the original variance that was granted back in 1983 but would have to take out the asphalt and comply with the decision made by the Board at that time, and then they could add on to the building, however, they could not park display vehicles out in the front landscape area.

ITEM #9

Mr. Lange, from the A.M.E. Group, stated that the turning radius was very tight and large trucks coming into the dealership could not negotiate the turn. Mr. Lange stated that this was the reason they could not park display cars in this area.

Motion by Courtney
Supported by Hutson

MOVED, to deny the request of the A.M.E. Group, representing the William E. Fuller, Trust, 1835 Maplelawn to: 1st be permitted to have a parking area within 4' of the front property line where 50' is required by Paragraph L of Section 31.30.00; 2nd to be permitted a 4' greenbelt along a public street where a 10' greenbelt is required by Section 39.70.02 and 3rd to have 6,390 square feet of landscaping on a site where Section 39.70.04 would require 10,625 square feet for a site this size.

- These variances would be contrary to public interest.
- These variances would cause an adverse effect to properties in the immediate vicinity.
- Petitioner did not prove a hardship.

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

MOTION TO DENY VARIANCE CARRIED

A ten-minute break began at this time. The Board of Zoning Appeals meeting resumed at 9:15 P.M.

ITEM #10 - VARIANCE REQUESTED – JERRY ELLENICH AND DAWN VILK, 5110 DANIELS, for relief to expand a legal non-conforming setback and relief of the required front yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct additions onto an existing single family residence. The site plan submitted indicates that the existing structure has a 20.8' front yard setback. Section 30.10.02 requires a 40' minimum front setback in the R-1B Zoning District. The structure is therefore a legal non-conforming structure. The proposed second floor addition would continue this 20.8' front yard setback and a proposed first floor addition has only a 26' front yard setback. Section 40.50.04 of the Zoning Ordinance prohibits expansions of non-conforming structures.

ITEM #10

Dawn Vilks and Jerry Ellenich were present and stated that their home was built back in 1940 or 1950 and they have outgrown it. They would like to stay in Troy but need more room.

Mr. Littman asked if a variance was required for the original construction, and Mr. Stimac stated that due to the fact that the home was built prior to a City zoning ordinance and a variance would not have been required. Mr. Milia asked if the petitioners had thought about demolishing this home and just building a new home. Mr. Ellenich stated that they had thought about doing that, however the cost was prohibitive.

Mr. Fejes opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Littman

Supported by Courtney

MOVED, to grant the request of Jerry Ellenich and Dawn Vilk, 5110 Daniels, for relief to expand a legal non-conforming structure and relief of the front yard setback for an addition.

- This variance is not contrary to public interest.
- This variance will not have an adverse effect on surrounding property.
- The non-conformance was not caused by any action on the part of the petitioner.

Yeas: 4 – Fejes, Courtney, Maxwell, Littman

Nays: 2 – Milia, Hutson

Absent: 1 – Giachino

MOTION TO GRANT REQUEST CARRIED

ITEM #11 - VARIANCE REQUESTED – MR. EDWARD KENDZIUK, REPRESENTING K MART CORPORATION, 3100 W. BIG BEAVER, for relief of the Zoning Ordinance to re-stripe an existing parking lot with 9' wide parking spaces.

Mr. Stimac stated that the petitioner is requesting relief of the Zoning Ordinance to alter an existing parking lot. The site plan submitted indicates that the parking lot will be re-striped utilizing 9'-0" wide parking spaces. Section 40.25.03 of the Zoning Ordinance requires parking spaces to be at least 9'-6" wide.

ITEM #11

Mr. Edward Kendziuk was present and stated that presently Kmart has approximately 3100 parking spaces and 4000 employees. He stated that on many occasions employees have come to work, and when unable to find a parking space, have gone home and called in sick. The re-striping of the parking lot will create 88 extra spaces as well as allow for an additional 12 handicap parking spaces. Mr. Kendziuk also stated that he had explored the possibility of building a parking structure, however, it was determined to be the most expensive way for Kmart to go. Mr. Kendziuk further stated that they have an agreement with Somerset Mall to use an additional 75 parking spaces across the street, however, it is on a very limited basis.

Mr. Milia asked if this re-striping project was for the entire parking lot and was told it was for the Cunningham Street area only. Mr. Courtney stated that the last time Kmart had come before the Board, they stated that they had all of the parking they needed. Mr. Kendziuk stated at that time, they felt the parking was sufficient but have since added an additional 400 employees.

Mr. Milia stated that he felt that this was a challenge to the validity of the code. Mr. Stimac stated that Somerset Mall had 9' wide spaces as a result of the Consent Judgment, and Oakland Mall had received a variance, which allow parking spaces,

which are 9' wide. Mr. Stimac, however, stated that Somerset and Oakland Mall have angle parking versus 90 degree parking. Mr. Courtney stated that Beaumont has parking spaces in their parking structure which are 9' wide also. Mr. Courtney also asked if this variance were to be denied if Kmart would then build a parking structure, and Mr. Kendziuk stated that it was too cost prohibitive.

Mr. Fejes opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Milia
Supported by Courtney

MOVED, to grant Mr. Edward Kendziuk, representing Kmart Corporation, 3100 W. Big Beaver relief of the Zoning Ordinance to re-stripe an existing parking lot with 9' wide parking spaces.

- Variance is for re-striping of the lot on the lot south of Cunningham Drive only.
- Variance is not contrary to public interest.

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

Nays: 1 - Littman

Absent: 1 – Giachino

ITEM #11

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 - VARIANCE REQUESTED – MRS. BARBARA SHOEMAKER, 5691 LIVERNOIS, for relief of the Zoning Ordinance of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to split an existing single family homesite and construct a new single family residence on the resultant vacant parcel. The site plan submitted indicates that the resultant vacant lot would be only 11,500 square feet. Section 30.10.02 requires a minimum lot size of 15,000 square feet in the R-1B Zoning District. Also, the site plan submitted indicates that the proposed new residence would have a rear yard setback of 32'-8". The Zoning Ordinance requires a minimum 45' rear yard setback.

Mrs. Barbara Shoemaker was present and stated that she has been a resident of Troy for 32 years, and the reason she would like to split the lot is so that her daughter, Jill could build a home and be near to her. Mrs. Shoemaker also stated that the area around her is changing rapidly causing an increase in traffic along Livernois.

Mr. Fejes opened the Public Hearing. No one 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 what the other sizes of the lots on Blanche were and Mr. Stimac indicated that they were all around 100' wide and 300' deep. Mr. Courtney stated that with the split these would be the smallest two lots in the subdivision. Mr. Fejes stated that he felt that this split would set a precedent in this area.

Motion by Littman
Supported by Milia

MOVED, to deny the request of Mrs. Barbara Shoemaker, 5691 Livernois, relief of the Zoning Ordinance to split an existing single family homesite and construct a new single family residence which would result in a rear setback of 32'-8" where 45' is required.

- Petitioner did not demonstrate a hardship.
- This variance would have an adverse effect on surrounding property.

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

MOTION TO DENY REQUEST CARRIED

ITEM #13 - VARIANCE REQUESTED – MR. PATRICK PISCOPO, 1369 E. WATTLES, for relief of the Zoning Ordinance regarding minimum lot width.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to split an existing parcel of land and to construct a new home on the resulting vacant land. The site plan submitted indicates that the proposed lot split would result in a 78' wide lot for the existing house. Section 30.10.04 requires an 85' minimum lot width in the R-1C Zoning District.

Mr. Piscopo was present and stated that he wished to revise his request and withdraw this item at this time.

No further action was taken by the Board.

ITEM #14 - VARIANCE REQUESTED – MR. AND MRS. CHALMERS SANDERS, 1300 ROTHWELL, for relief of the rear yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct a sun room addition at the rear of an existing residence. The site plan submitted indicates a 34.4' rear yard setback to the proposed addition. Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning District.

Mr. Chalmers Sanders was present and stated that he had started this project some years ago, and it was not until a Building Inspector told him he would need a variance to enclose his deck that he realized that there was a problem. He stated that his wife has cancer and cannot be out in the sun and they both enjoy the outdoors, and feel that an enclosed sunroom would be the best of both worlds. Mr. Sanders also stated that he had gone before the Subdivision Board and was told that they did not have a problem with this addition.

Mr. Littman asked if the Building Department had given their O.K. for this project and Mr. Stimac explained that the original permit was for a deck only. A variance would not be required for an uncovered deck.

Mr. Fejes opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

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

Motion by Hutson
Supported by Maxwell

ITEM #14

MOVED, to grant the request of Mr. and Mrs. Chalmers Sanders, 1300 Rothwell, for relief of the rear yard setback to construct a sun room addition at the rear of an existing residence.

- This variance is not contrary to public interest.
- This variance will not have an adverse effect on the surrounding property.
- There is a great deal of support for this project.

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

MOTION TO APPROVE REQUEST CARRIED

Mr. Fejes stated that we have a request by Mr. Tadian for reconsideration of his request for a variance at 2038 W. Big Beaver. Mr. Courtney stated that they must be a major change for the Board to hear a new request but in order to reconsider a request it must be for the exact same motion. He further stated that a motion must be made by one of the members who had originally voted against the variance. Mr. Fejes stated that one of the homeowners was concerned regarding the flooding of her property and also an increase in traffic. He felt that traffic would not be a concern and Mr. Maxwell stated that with the addition of a retention pond it would improve this flooding problem.

Motion by Maxwell

Supported by Courtney

MOVED, to reconsider the request of Mr. Gary Tadian for a variance regarding 2038 W. Big Beaver.

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

MOTION TO RECONSIDER REQUEST CARRIED

Motion by Courtney
Supported by Littman

MOVED, to table the request of Mr. Gary Tadian for a variance regarding 2038 W. Big Beaver until the next regularly scheduled meeting of July 18, 2000.

- Allow time for advertisement of a new Public Hearing

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

MOTION TO TABLE THE REQUEST OF MR. GARY TADIAN UNTIL THE MEETING OF JULY 18, 2000 CARRIED

Both Mr. Fejes and Mr. Stimac stated that they will be absent from the meeting of July 18, 2000.

The meeting was adjourned at 10:12 P.M.

MS/pp