

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P. M. on Tuesday, January 19, 1999, by the chairman Kenneth Courtney.

PRESENT: Michael Alaimo  
Robin Beltramini  
Kenneth Courtney  
Christopher Fejes  
James Giachino  
Carmelo Milia  
Jerald Sosnowski

Gary A. Shripka  
Robert Davisson

**ITEM #1 Approval of Minutes - December 15, 1998**

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Mrs. Beltramini noted that the vote on item #5 should read:

Yeas: 4- Milia, Sosnowski, Alaimo, Beltramini  
Nays: 2- Fejes, Courtney  
Abstain: 1- Giachino

Motion by Beltramini  
Supported by Milia

MOVED, to approve the December 15, 1998 minutes as corrected.

Yeas: All 7

MOTION TO APPROVE CARRIED

**ITEM #2 RENEWAL REQUESTED: St. Lucy Croatian Church, 200 E. Wattles, for relief of the 4'6" high masonry screening wall along the east and west sides of off-street parking.**

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The chairman moved item #2 to the end of the agenda, Item #8, to give the petitioner the opportunity to be present.

**ITEM #3 VARIANCE REQUESTED: Ronald W. Herzog, on behalf of William Beaumont Hospital, 44201 Dequindre, for relief of the required setback from the east property line.**

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Mr. Shripka explained that the petitioner originally appeared before this Board at the December, 1998, meeting. At that time the petitioner had asked for variances to construct up to 9 stories. At that meeting the Board moved to postpone the request from William Beaumont for a variety reasons: First, to allow the City to notify Sterling Heights of Beaumont's request. Permit the petitioner the opportunity to modify his request and include 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> floors, and, give the City the opportunity to have the Planning Department present to explain the ordinance requirement and the reasons for the setback requirement. As a result of that meeting, the petitioner has submitted a new request. They are now requesting relief of the Zoning Ordinance to construct a 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floor addition.

ITEM #3

The Zoning Ordinance requires a 7 story hospital building be located a minimum of 300 feet from the property line. The plan shows that the building would be located 239 feet from the east property line. And as requested, a complete package has been sent to the City of Sterling Heights.

Ronald Herzog was present and stated that they have revised their plan and they now plan to construct up to the 7<sup>th</sup> floor. Mr. Herzog noted that at one time the 7<sup>th</sup> floor was not going to extend to the east building line. It now extends to the east building line or the 239 foot setback.

Mr. Milia commented that his questions regarding zoning requirements were satisfied in the memo from Planning. Mr. Milia asked if the memo from Planning would become part of the record. Mr. Shripka said the memo was part of the file.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

Motion by Milia  
Supported by Sosnowski

MOVED, to grant William Beaumont Hospital, 44201 Dequindre, a variance, as requested, for relief to construct a 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floor with a 239 foot setback from the east property line where a 300 foot setback is required:

- The variance is not contrary to public interest.
- The variance does not establish a prohibited use in the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
- The variance relates only to the property described in the application.
- The setback requirement issue has been satisfied, there is adequate light and air provided.
- The building meets the intent of the ordinance.

Yeas: 6 - Beltramini, Milia, Sosnowski, Fejes, Courtney, Alaimo

Abstain: 1 - Giachino

MOTION TO APPROVE REQUEST CARRIED

**ITEM #4 VARIANCE REQUESTED: Dipti Bharat Shah, 2606 W. Square Lake Road (proposed address), for relief of the required front setback.**

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## ITEM #4

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new 5,033 square foot single family residence. The plot plan shows the proposed construction would result in a 35 foot front yard setback. The Zoning Ordinance requires a minimum front setback of 50 feet. The petitioner had originally appeared before this Board on this same site in October of 1997. At that time the request was to construct a single family residence with a front yard setback of 30 feet, where 50 foot was required. That request was denied. Also, a request was presented to the Board at the September 1998, meeting to discuss a significant change to the original proposal. That was also rejected.

Mr. Shah was present and stated that he has met with his neighbors to the north and they approve of his request and have signed a petition, indicating their approval. Mr. Shah stated that the building line of the house is actually 135 feet from the centerline of Square Lake Road. The house would have the same setback as the neighboring properties. The property is a remnant piece of property and has a unusual pie shape.

Mr. Giachino asked where they would enter the property. Mr. Shah stated his entrance would be from the curved area of Square Lake because it would give more visibility of Square Lake when entering or exiting the property. Mr. Shah also commented that the proposed setback gave him a larger rear yard.

Mr. Milia questioned relocating the house on the property, or downsizing the house to be in compliance. Mr. Shah stated that all the homes in the area are 7,000 square feet in size. Mr. Milia asked Mr. Shripka the size of homes in the area. Mr. Shripka noted that the homes constructed by the builder are in the area of 4,000 square feet. Mr. Shah, in response to a question from Mr. Milia, stated that his family consisted of 4 and his parents. In response to relocating or rotating the home on the property, Mr. Shah stated he would get more noise from I-75.

Mrs. Beltramini questioned the larger right-of-way in the area of Mr. Shah's lot. Mr. Shripka stated it was probably due to the expressway.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There were 3 written approvals and 1 written objection on file.

Motion by Giachino

Supported by Sosnowski

MOVED, to deny the request of Dipti Bharat Shah, 2606 W. Square Lake Road (proposed address), for relief of the Zoning Ordinance to construct a 5,033 square foot residence with a 35 foot front yard setback where a 50 foot setback is required:

- No sufficient hardship has been shown.
- Although this is an unusual shape lot, there is adequate means to place a home on the lot without a variance.
- There is no compelling practical difficulty.

Yeas: All 7

MOTION TO DENY REQUEST CARRIED

**ITEM #5 VARIANCE REQUESTED: Edward K. Kuefler, 939 Minnesota, for relief to park a recreational vehicle in the front setback.**

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Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to park a travel trailer in the front setback. The Zoning Ordinance requires recreational vehicles be parked in the side or rear yard and maintain a minimum of 3 feet from the side or rear lot line.

Mr. Kuefler was present and stated that he is requesting to continue parking his travel trailer in the front setback. His home is 200 feet from the road. Because he sits back so far, half of his front yard is everyone else's rear yard. Any view of the trailer is pretty well blocked by trees. Mr. Kuefler stated he does not any other location to store the trailer. The rear yard is low and wet. There is a ditch across the rear yard which often overflows. Also, landscaping would have to be removed to get the trailer into the rear yard. If he were to park it on the north side of his garage, the camper would be more visible than it is now. He would also have the problem with wet ground and getting stuck.

Mr. Milia questioned parking the trailer elsewhere. Mr. Kuefler stated that to find a place and travel back and forth to park the trailer is a real inconvenience and explained his inconveniences. Mr. Kuefler noted that the adjacent or most affected neighbors approve of his request.

Mrs. Beltramini questioned parking the trailer on a pad or gravel in the rear. Mr. Kuefler stated that he would have to build it up 1 to 1/2 feet and it would still be wet.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There was 1 written objection on file.

Motion by Sosnowski  
Supported by Giachino

MOVED, to grant Edward K. Kuefler, 939 Minnesota, a variance, as requested, for relief to store a travel trailer in the front setback:

ITEM #5

- The variance is not contrary to public interest.
- The variance will not establish a prohibited use within the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.
- The special finding or hardship is the lay of the land prevents parking in the rear yard and natural resources would have to be removed.

Yeas: All 7

MOTION TO APPROVE CARRIED

**ITEM #6 VARIANCE REQUESTED: Tony Morganelli, Tech-Mor Inc., 1900 Heide, for relief to expand a non-conforming building and relief of the side yard setback.**

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Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 10,247 square foot addition to the north, east and south sides of an existing building. The plot plan shows the existing building and proposed addition to have a side yard setback from the south property line, ranging from 8 feet to 9.25 feet. The Zoning Ordinance requires a 10 foot side yard setback. Also, the existing building is non-conforming because of the side yard setback. The Zoning Ordinance does not permit additions to nor expansions of non-conformities. In 1997, the Board granted relief of the ordinance to construct an addition connecting the two buildings. That relief was granted to expand a non-conforming building.

Eric Flynn was present to represent the petitioner. Mr. Morganelli of Tech-Mor, Inc. and the builder Dave Pardun were also present. Mr. Flynn stated that this was probably one of the original industrial sites and they have three separate buildings on the site. It is their proposal to add on, combining the buildings into one building. They propose to extend the existing setback along the south side to keep the building uniform. The new building would be a state of the art facility and improve the site and area. Because of the footprint of their site and the neighboring site, they feel there will be no impact on the adjacent neighbor. The hardship exists because of the original construction. They feel that they would meet the spirit of the ordinance.

In response to a question from the Board, Mr. Morganelli stated that they do sheet metal manufacturing and need the building addition in order to meet their needs for manufacturing their product.

Mr. Giachino questioned purchasing additional property in order to meet the setback. Mr. Flynn stated he did not feel property was available because of a Detroit Edison Easement between their site and Masco Tech.

Mr. Pardun stated that he thinks Masco Tech already uses the easement on the Masco side.

ITEM #6

Mr. Giachino felt there should be an effort made to contact Edison to determine if additional property was available.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There was 1 written approval on file.

Motion by Giachino  
Supported by Milia

MOVED, to table the request of Tony Morganelli, Tech-Mor, Inc., 1900 Heide, for relief to expand a non-conforming building and relief of the side yard setback until the next regular meeting (February 16, 1999):

- To give the petitioner the opportunity to seek additional property so that a variance would not be necessary.

Yeas: All 7

MOTION TO TABLE UNTIL THE FEBRUARY 16, 1999 MEETING CARRIED

**ITEM #7 VARIANCE REQUESTED: Martin J. Knollenberg, 198 E. Big Beaver, for relief of the required front setback, relief of the side yard setback and relief to add to a non-conforming building.**

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Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct 4 awnings on an existing building. The plot plan shows two awnings projecting 3 feet into the 7.6 foot front yard setback. One awning projecting 3 feet into the 12.2 foot front setback. The Zoning Ordinance allows 3 foot projections into required setbacks. The plan also shows an awning projecting 3 feet into the west side yard. The Zoning Ordinance permits 20 inches. Also, this is a non-conforming building, in that it has a 7.6 foot front yard setback and the Zoning Ordinance requires a minimum front setback of 30 feet. The Zoning Ordinance prohibits expansions of and additions to non-conformities.

Steve Knollenberg and Martin Knollenberg were present. Steve Knollenberg stated they have an insurance office in a house that was rezoned to non-residential 20 years ago. They are requesting relief of the Zoning Ordinance to construct awnings to update and enhance the building. It is their intention to rebuild, but plan to improve and update the building in the meantime. The awnings will not protrude any further out than the landscaping. The awnings and other improvements will make the structure look more like an office building than a house.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

ITEM #7

Motion by Alaimo  
Supported by Fejes

MOVED, to grant Martin J. Knollenberg, 198 E. Big Beaver, a variance, as requested, for relief to (1) construct two awnings projecting 3 feet into a 7.6 foot setback and one awning projecting 3 feet into a 12.2 foot front setback and one awning projecting 3 feet into the west side yard:

- The variance is not contrary to public interest.
- The variance does not establish a prohibited use in the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.
- The proposal is an improvement to a structure along Big Beaver.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #2 RENEWAL REQUESTED: St. Lucy Croatian Church, 200 E. Wattles, for relief of the 4'6" high masonry screening wall along the east and west sides of off-street parking.**

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Motion by Giachino  
Supported by Alaimo

MOVED, to table the request of St. Lucy Croatian Church, 200 E. Wattles, until the next regular meeting (February 16, 1999) to give the petitioner the opportunity to be present.

Yeas: All 7

MOTION TO TABLE UNTIL THE FEBRUARY 16, 1999 MEETING CARRIED

The Board of Zoning Appeals adjourned at 8:30 p.m.

GAS/ddb