

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P.M. on Tuesday, May 18, 1999 by the Chairman, Carmelo Milia.

PRESENT: Kenneth Courtney
Mark Maxwell
Gary Chamberlain
James Giachino
Carmelo Milia
Jerald Sosnowski
Christopher Fejes

Lori Grigg Bluhm
Gary Shripka

ITEM #1 Approval of Minutes – April 20, 1999

Motion by Courtney
Supported by Giachino

Mr. Fejes abstained from voting on approval of the April 20, 1999 minutes.

Yeas: 6 – Courtney, Maxwell, Chamberlain, Giachino, Milia, Sosnowski
Abstain: 1 – Fejest

MOTION TO APPROVE CARRIED

TABLED ITEMS

**ITEM #2 RENEWAL REQUESTED: Bethesda Romanian Pentecostal Church,
2075 E. Long Lake, for relief of the 4'6" high masonry screening wall
required along the east side of off-street parking.**

Mr. Shripka explained that petitioner is requesting renewal of a variance granted by this board in May, 1998 for relief of the 4'6" high masonry wall required where parking abuts residential zoning on the east side of the property. That relief was granted based on the fact that the petitioner would put in a 4' 6" high berm along the northern part of the east property line and provide sufficient plantings to screen the neighbors property. The Church is currently under construction and other than that conditions remain the same and we have no objections or complaints on file.

The Pastor of the Church was present and had nothing to add.

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

Motion by Courtney
Supported by Chamberlain

Item #2

MOVED, to grant Bethesda Romanian Pentecostal Church, 2075 E. Long Lake, a one (1) year renewal of their variance for relief of the 4'6" high masonry screening wall required along the east side of off-street parking.

- Conditions remain the same
- No complaints or objections on file

Yeas: All 7

MOTION TO APPROVE CARRIED

Item #3 - Deleted

ITEM #4 RENEWAL REQUESTED: Special Tree Rehabilitation Services, Inc. 1640 Axtell, for relief of the 6 foot high masonry screening wall required along the north property line.

Mr. Shripka explained that petitioner is requesting renewal of a variance granted by this board regarding the 6' high masonry screening wall that is required along the north property line. This relief was originally granted in 1987 based on the fact that the land to the north is used by Michigan Bell for a switching station building. Conditions remain the same. We have no objections or complaints on file. This item was tabled at our last regular meeting to give the petitioner the opportunity to be present.

Mr. Mike Malley of Special Tree Rehabilitation was present and had nothing to add.

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

Motion by Courtney
Supported by Sosnowski

MOVED, to grant Special Tree Rehabilitation Services, Inc. 1640 Axtell a three (3) year variance for relief of the 6 foot high masonry screening wall required along the north property line.

- No objections or complaints on file.
- Conditions remain the same.

Yeas: All

MOTION TO APPROVE REQUEST FOR THREE YEARS CARRIED

**ITEM #5 RENEWAL REQUESTED: Wattles Investment Company, 4000
Livernois for relief of the 6' high masonry screening wall required
along the north and west property lines.**

Mr. Shripka explained that petitioner is requesting renewal of a variance for relief of the 6' high masonry wall required at the east property line and renewal for relief of the landscaped buffer or 30" high wall required along the paper street Crestfield to the north. This variance was originally granted in 1985 based on the fact the property to the east was undeveloped and it was higher than the subject property resulting in a natural barrier. Relief of the landscaped buffer or 30" high wall on the north was due to the fact Crestfield was not a developed street and there would be no need for screening along the property. Conditions are now changed and there is subdivision immediately to the east of the property. This variance was renewed in 1998 with the condition that the petitioner works with the developer of the sub to come up with an agreement on screening. Currently on site there is a sidewalk and a split rail fence that runs between the two properties. Other than that, conditions remain the same, and we have no objections or complaints on file. This item was also tabled at our last regular meeting to give the petitioner the opportunity to be present.

Mr. Thomas Cavanaugh, of Wattles Investment Company was present. He stated that several changes had been made and he was willing to do whatever the Board required to comply with this variance. He believes all of the construction is done, however the homes are not yet occupied. As of this date, there is only one home next to the fence and it is unoccupied.

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

Mr. Cavanaugh stated that he had attempted to contact the builder and developer in order to work together but they have not contacted him.

Mr. Shripka stated that the issue is non-residential property abutting residential property and the developer has done all that is required of him.

Mr. Giachino recommended that when construction was completed and homes were occupied, this matter would be reopened as a Public Hearing.

Motion by Giachino
Supported by Sosnowski

ITEM #5

MOVED to grant Wattles Investment Company, 4000 Livernois, a one (1) year renewal for relief of the 6' high masonry screening wall required along the east property line and relief of the 30" wall or landscaped buffer required along Crestfield.

- After one (1) year, this matter will revert to a Public Hearing.
- Occupancy of homes in the area should be complete.
- Petitioner will submit plans showing what he intends to do.

MOVED TO APPROVE REQUEST FOR ONE (1) YEAR ON CONDITION OF RE-OPENING PUBLIC HEARING CARRIED

ITEM #6 VARIANCE REQUESTED: Steven and Barb Mead, 4729 Alton Dr., for relief of the rear yard setback.

Mr. Shripka explained that the petitioner first appeared before this board at the April 1999 meeting. At that time the petitioner was requesting relief of the Ordinance to construct an addition to the rear of an existing residence. The plot plan submitted shows the proposed addition would result in a 31' 10" rear yard setback. The Zoning Ordinance requires a 40' minimum rear yard setback. At that meeting this item was tabled to give the petitioners benefit of a full board and to also give the petitioner the opportunity to come back with a lesser variance request.

Mr. Steven Mead was present and stated that he would be happy to reduce the size of the addition to 9' x 20' which will result in a 35' rear yard setback. This addition would allow him the extra space he needs for his growing family and aging parent.

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

Mr. Maxwell stated that other neighbors had additions similar to this and did not see a problem with this one.

There are two written approvals on file.

There is one written objection on file.

Motion by Giachino

Supported by Maxwell

MOVED to grant Mr. Steven Mead, 4729 Alton, a variance to construct an addition to the rear of an existing residence resulting in a 35' rear yard setback.

- Not contrary to public interest
- No adverse effects
- The variance does not establish a prohibited use

ITEM #6

Yeas: 5 – Fejes, Maxwell, Giachino, Milia, Sosnowski
Nays: 2 – Courtney, Chamberlain

MOVED TO APPROVE REQUEST, REDUCING SETBACK, CARRIED

ITEM #7 VARIANCE REQUESTED: Mr. and Mrs. Melvyn R. Singleton, 1619 Welling, for relief of the rear yard setback.

Mr. Shripka explained that this item first appeared at the April 1999 meeting of this Board. At that time the petitioner was requesting relief of the Zoning Ordinance to construct a porch enclosure on an existing residence. The site plan indicated that the enclosure would result in a 26.4' rear yard setback. The Zoning Ordinance requires a minimum 40' rear yard setback. This item was tabled at that meeting to give the petitioner the benefit of a full board and to also give the petitioner the opportunity to reduce the size of the porch to come up with a lesser variance request.

Mr. Melvyn R. Singleton was present and stated that for health reasons this addition was very important for his wife. Mr. Singleton submitted a letter from a physician, stating this wife has a very poor tolerance to air conditioning. He also submitted plans showing that he had reduced his request for a variance by two and one half -feet (2 1/2').

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

Mr. Giachino asked if they could live with a 30' setback, due to the fact that this property sits on two roads. Mr. Singleton was agreeable to this change.

Mr. Maxwell noted that this addition would be less than the existing patio and also noted that Mr. Singleton's neighbor is in favor of this addition.

There are four written approvals on file.
There is one written objection on file.

Motion by Giachino
Supported by Fejes

MOVED, to grant Mr. & Mrs. Melvyn Singleton, 1619 Welling, a variance to construct a porch enclosure on an existing residence.

- This variance is to be restricted to provide a 30' rear yard setback.
- Petitioner's willingness to work with board.
- Approval from neighbors.

- This variance is not contrary to public interest.
- This variance has no adverse effects on surrounding property.

ITEM #7

Yeas: 6 – Courtney, Maxwell, Giachino, Milia, Sosnowski, Fejes
Nays: 1 – Chamberlain

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 VARIANCE REQUESTED: Pratt Building Co., 3031 Cedar Crest, for relief of the rear yard setback.

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct a foundation and place a relocated house on the property. Site plan submitted indicates the proposed house would be located 47.54' back from the East Big Beaver property line. The Zoning Ordinance requires a minimum 50' setback from Big Beaver.

Mr. Don Pratt, and his son, Dan Pratt were present. Mr. Pratt stated that they had bought the property surrounding this home and after careful examination it has been determined that the house is structurally sound and with some work on the outside, the home's value would double.

Mr. Pratt further stated that he has looked for other lots on which to place this home but the cost was prohibitive. He brought in pictures of other properties on Big Beaver and stated that due to the widening of Big Beaver, these homes do not meet the required 50' setback abutting big Beaver.

Mr. Pratt stated that he would not like to see this home torn down and plans to do all they can to enhance the landscaping. He will be installing a berm and will maintain this property. Mr. Pratt further stated this his son would be the owner of this home.

Mr. Giachino asked if the home could be turned so the front of the home would be on Big Beaver. Mr. Shripka stated that driveways are prohibited to Big Beaver.

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

There are no written complaints or approvals on file.

Motion by Sosnowski
Supported by Courtney

ITEM #8

MOVED, to grant Pratt Building Co., 3031 Cedar Crest, a variance resulting in a 47.54' setback from Big Beaver, where a 50' minimum setback is required.

- This variance is not contrary to public interest
- The variance will not cause an adverse effect to property in the immediate vicinity
- The variance will not establish a prohibited use within the zoning district

Yeas: All

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 VARIANCE REQUESTED; Mr. and Mrs. Mark Jeffery, 6845 Donaldson, for relief of the Zoning Ordinance to construct an observatory gazebo at an existing residence.

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct an observatory gazebo at an existing residence. The Zoning Ordinance requires the Board of Appeals approval for any structure defined as other than antenna, cabana, doghouse, garage or shed.

Mr. Mark Jeffery was present and stated that his family was very interested in astronomy and this observatory gazebo would make viewing much easier. He has 100 trees on his property and the structure would blend in with the surroundings.

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 Chamberlain

Supported by Fejes

MOVED, to grant Mr. Mark Jeffery relief of the Zoning Ordinance to construct an observatory gazebo at an existing residence.

Yeas: ALL

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Mr. and Mrs. Peter Staal, 958 Brooklawn, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a rear yard deck to an existing residence. The site plan submitted indicates

ITEM #10

the proposed construction would result in a 20' rear yard setback. The Zoning Ordinance requires a minimum 25' rear yard setback from the deck to the property line.

Mr. Peter Staal was present and stated that his home was built nine years before Section 14.45.00 of the Zoning Ordinance was established. He has an elderly parent and two active children and does not feel that the current step on the deck is safe.

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

There are three written approvals on file.
There is one written objection on file.

Motion by Chamberlain
Supported by Courtney

MOVED, to grant Mr. Peter Staal, 958 Brooklawn, relief of the variance as requested to construct a rear yard deck, resulting in a 20' rear yard setback, where a 25' minimum rear yard setback is required.

- This variance is not contrary to public interest.
- No adverse effect on surrounding property.
- Does not establish a prohibited use.

Yeas: ALL

MOTION TO APPROVE REQUEST CARRIED

ITEM #11 VARIANCE REQUESTED; Mr. Marino Casadei, 6824 Houghten, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to an existing residence. The plot plan submitted indicates the proposed addition would result in a 39' rear yard setback. The Zoning Ordinance requires a minimum 45' rear yard setback.

Mr. Marino Casadei was present and stated that this addition would expand their living space for a growing family. This addition would add 125 square feet of living space to his home. They do not wish to move because his children are in an excellent school district and have a great number of friends in the area.

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

Mr. Sosnowski stated that this yard is very well screened.

BOARD OF ZONING APPEALS
ITEM #11

MAY 18, 1999

Mr. Milia was handed a list showing the approval of 10 neighbors.

There are also three written approvals on file.

There are no written objections on file.

Motion by Fejes

Supported by Maxwell

Moved, to grant Mr. Marino Casadei, 6824 Houghten, a variance as requested for relief of the rear yard setback to construct an addition which would result in a 39' rear yard setback, where a minimum 45' rear yard setback is required.

- This variance is not contrary to public interest.
- No adverse effects on surround property.
- This variance does not establish a prohibited use.

YEAS: ALL

MOTION TO APPROVE REQUEST CARRIED

The Board of Zoning Appeals adjourned at 8:45 P.M.

GAS:p

