

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P.M. on Tuesday, June 15, 1999 by the Chairman, Carmelo Milia.

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

John Martin  
Mitch Grusnick

**ITEM #1 Approval of Minutes – May 18, 1999**

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Motion by Fejes  
Supported by Courtney

Yeas: ALL

MOTION TO APPROVE THE MAY 18, 1999 MINUTES AS WRITTEN CARRIED

**ITEM #2 RENEWAL REQUESTED - VILLAGE GREEN OF TROY – EAST, 2330 – 2488 JOHN R. for relief of the 4’6” high screening wall required along the north and east sides of off-street parking.**

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Mr. Grusnick explained that petitioner is requesting renewal of a variance granted by this board to install a 5’ high berm in lieu of a wall along the north property line and the northern 300’ of the east property line where off-street parking abuts residential. The Zoning Ordinance requires a 4’6” high masonry-screening wall at this location. Conditions remain the same, we have no objections or complaints on file.

The chairman moved request to the end of the agenda to give the petitioner the opportunity to be present.

**ITEM #3 ST. MARK COPTIC ORTHODOX CHURCH, 3603 LIVERNOIS for relief of the 4’6” high screening wall required along the north and south property lines.**

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Mitch Grusnick explained that petitioner is 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 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.

Marina Basta was present and asked if this variance could be granted for three years.

Mr. Sosnowski questioned Mr. Grusnick as to plans for future land use. Mr. Grusnick was unaware of any plans for future development.

**ITEM #3**

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

Motion by Sosnowski  
Supported by Chamberlain

MOVED, to grant St. Mark Coptic Orthodox Church, 3603 Livernois, a one (1) year renewal for relief of the 4'6" high screening wall required along the north and south property lines.

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

Yeas: ALL - 7

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

**ITEM #4 ZION EVANGELISTIC TEMPLE, 3668 LIVERNOIS, for relief of the 4'6" high screening wall required along the south side of off-street parking.**

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Mr. Grusnick explained that the petitioner is requesting renewal of relief granted by this board to maintain a 4'6" high berm along the south property line adjacent to the off-street parking area. This relief has been granted on a yearly basis since 1985. Conditions remain the same. We have no objections or complaints on file.

Mr. Daniel was present and asked if this variance could be renewed for three years.

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

Motion by Courtney  
Supported by Fejes

MOVED, to grant Zion Evangelistic Temple, 3668 Livernois a three (3) year variance for relief of the 4'6" high screening wall required along the south side of off-street parking.

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

Yeas: 4-Giachino, Milia, Fejes, Courtney  
Nays: 3-Sosnowski, Maxwell, Chamberlain

**ITEM #4**

MOTION TO RENEW VARIANCE FOR THREE (3 ) YEARS CARRIED

**ITEM #5      FIRST PRESBYTERIAN CHURCH OF TROY, 4328 LIVERNOIS for relief of the 4'6" high screening wall along the south, east and north sides of off-street parking.**

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Mr. Grusnick explained that the petitioner is requesting renewal of a variance granted by this board in June of 1988 for relief of the 4'6" high wall required along the southeast and north sides of the property adjacent to the off-street parking. The original request was granted based on the fact that the adjacent property was either undeveloped or screened by dense woods. Conditions remain the same and we have no objections or complaints on file.

Mr. Robert Morgan 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 Giachino

MOVED, to grant First Presbyterian Church of Troy, 4328 Livernois a three (3) year variance for relief of the 4'6" high screening wall along the south, east and north sides of off-street parking.

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

YEAS:            ALL - 7

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED

**ITEM #6      SHAMIA WASSEF, 39865 DEQUINDRE (PROPOSED ADDRESS) for relief of the 85' minimum lot width requirement.**

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Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 2,000 square foot home on an existing 59' parcel. The Zoning Ordinance requires a minimum lot width of 85'. Petitioner had appeared before this board in November of 1997 requesting permission and relief of the Ordinance to construct a 2500 square foot house on the same piece. At that time motion was made to approve and that motion failed.

Mrs. Wassef was present and stated that because this property is vacant it is being used as a dumping ground for nearby residents. She felt that the property would be an asset to the community once it was developed.

**ITEM #6**

The chairman suspended the meeting to hear Mr. Nino Licari, the City Assessor report on this property.

Mr. Licari stated that this property was a portion of a "C" shaped parcel that wrapped around a 150-foot acreage parcel that was not platted into the subdivision. The final Preliminary, and Final Plat of Wattles Pointe Subdivision did not include the parcel in question in the Plat. This was accomplished by reducing the north south lengths of what had now become Lots 69, 70 & 71 by approximately 59'. This error was not caught by the City's review of the Final Plat.

The Assessing Office notified Biltmore Properties of their ownership of this property, and within three days of this notification, they filed a deed releasing their ownership of the property. This action returned the property to the original owner. Mrs. Wassef contacted this person in Florida, who in turn sold this piece of property to Mrs. Wassef.

Mrs. Wassef then stated that at one time a gas station existed on this property.

Mr. Sosnowski questioned John Martin to the possibility of underground gas tanks still being on the property.

Mr. Martin stated that the tanks would have to be removed.

Mr. Licari stated that the Assessing Department checked records back to 1950 and could find no indication of gas tanks.

Mr. Grusnick stated that if a variance was granted, Mrs. Wassef, would have to determine if in fact underground gas tanks did exist and would have to have them removed at her own expense.

Mr. Chamberlain questioned Mr. Grusnick as to the size of house that could be built on this lot.

Mr. Grusnick stated that the minimum square footage required in R1C zoning is 1200 square feet. He also stated that the proposed site plan shows a 50' setback from the right-of-way which is in compliance with the Zoning Ordinance.

The chairman opened the public hearing.

Mr. and Mrs. Jaroslaw Mikulak, 39910 Dequindre were present and stated that their property abuts to Mrs. Wassef's property. Mr. Mikulak stated that they bought this piece of property because they were assured by the City that the lot next door was too small for anyone to build a home.

**ITEM #6**

Mr. Mikulak further stated that he has cut the grass on several occasions and cleaned the lot of debris. He also indicated that there were gas tanks below ground.

The chairman closed the public hearing.

Mr. Giachino suggested to Mr. Licari and Mr. Martin that perhaps the City could offer to purchase this property from Mrs. Wassef and therefore solve this problem once and for all.

Mr. Licari stated that City of Troy had offered to buy this property from Mrs. Wassef and was turned down.

Motion by Giachino  
Supported by Chamberlain

MOVED, to deny request of Mrs. Shamia Wassef, 39865 Dequindre (proposed address) for relief of the 85' minimum lot width requirement.

- Greatest justice was offered by the City and turned down

Yeas: 6 – Sosnowski, Fejes, Courtney, Maxwell, Chamberlain, Giachino

Nays: 1- Milia

MOTION TO DENY REQUEST CARRIED

**ITEM #7     Mr. Richard Cloutier, 4840 Valley Vista, for relief of the Zoning Ordinance to construct a seasonal greenhouse.**

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Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 95 square foot seasonal greenhouse. The Zoning Ordinance requires Board of Zoning Appeals approval for placement of a greenhouse.

Mr. and Mrs. Cloutier were present and stated that they had lived here 34 years. They like gardening and flowers and want to extend the Michigan growing season. They travel extensively and want a structure to protect their flowers.

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

**ITEM #7**

There are eight (8) written approvals on file.  
There is one (1) written objection on file.

Motion by Chamberlain  
Supported by Sosnowski

MOVED, to grant Mr. and Mrs. Richard Cloutier, 4840 Valley Vista relief of the Zoning Ordinance to construct a 95 square foot seasonal greenhouse.

- The variance is not contrary to public interest
- The variance will not establish a prohibited use.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #8 MR. AND MRS. LARRY SULLY, 2987 ORCHARD TRAIL, for relief of the rear yard setback.**

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Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition to an existing residence. The site plan submitted indicates a 41.5' rear yard setback. The Zoning Ordinance requires a 45' minimum rear yard setback.

Mr. Sully was present and stated that existing foundation was poorly built and that he had corrected it by adding a 42' footing around it. He did not want to tear it up in order to build a smaller sunroom.

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

There is one written approval on file.

Motion by Chamberlain  
Supported by Courtney

MOVED, to grant Mr. Larry Sully, 2987 Orchard Trail relief of the rear yard setback to construct a sunroom addition to an existing residence.

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

**ITEM #8**

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #9 MR. DANIEL LAPISH, 600 COLEBROOK, for relief of the rear yard setback.**

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Mr. Grusnick explained that petitioner is requesting relief of the Zoning Ordinance to construct an attached garage to an existing residence. The site plan submitted indicates a 15'6" rear yard setback from the proposed addition. The Zoning Ordinance requires a minimum 40' rear yard setback.

Mr. and Mrs. Lapish were present and stated that their original garage had burnt down. They felt that constructing a larger garage would give them the extra space they need for lawn equipment, pool equipment, children's toys, and cars.

Mrs. Lapish also stated that their lot is very shallow, but placement of this garage would not cause a problem.

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 Courtney  
Supported by Giachino

MOVED, to grant Mr. Daniel Lapish, 600 Colebrook relief of the rear yard setback to construct an attached garage to an existing residence resulting in a 15'6" rear yard setback.

- This variance is not contrary to public interest
- This variance is not detrimental to neighboring properties
- This variance applies to this property only

Yeas: All – 7

MOTION TO APPROVE CARRIED

**ITEM #10 MR. DAN SMITH, REPRESENTING OLD KENT BANK, 2220 W. BIG BEAVER, for relief of the 6' high screening wall required between office and residential sites.**

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Mr. Grusnick explained that the petitioner is requesting relief of the Ordinance to expand the parking area by 24 spaces onto the Detroit Edison Substation site. The Zoning Ordinance requires a 6' high screening wall between office and residential sites. The site plan submitted does not show a screening wall.

Mr. Dan Smith was present and stated that due to the fact their business was growing they are in need of additional parking spaces. They have negotiated with Detroit Edison to lease this property which backs to a retention area. There is a wrought iron fence along the property line.

Mr. Chamberlain stated that most retention ponds are not fenced and felt that this would be a security measure as this is an extremely large retention pond.

The chairman 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 Sosnowski  
Supported by Fejes

MOVED, to grant Mr. Dan Smith, of Old Kent Bank, 2220 W. Big Beaver, relief of the 6' high screening wall required between office and residential sites.

- Not contrary to public interest
- No need for a screening wall at this time

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #11 CONSERVATIONS UNLIMITED, 6498 TAMARACK, for relief of the rear yard setback.**

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Mr. Grusnick explained that petitioner is requesting relief of the Ordinance to construct a patio enclosure at an existing residence. The site plan submitted indicates a 42.5' rear yard setback to the proposed patio enclosure. The Zoning Ordinance requires a minimum 45' rear yard setback.

Mr. David Hill was present and stated they wanted to be able to enjoy their backyard and the weather.

Mr. Hill brought three written approvals with him.

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

Motion by Fejes  
Supported by Courtney

MOVED, to grant Conservations Unlimited, 6498 Tamarack relief of the rear yard setback to construct a patio enclosure at an existing residence resulting in a 42.5' rear yard setback.

- This variance is not contrary to public interest
- This variance will not create adverse effects on surrounding property
- The variance does not establish a prohibited use within the zoning district

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**Item #12 MR. AND MRS. AL MERIAN, 172 SCOTTSDALE for relief of the rear yard setback.**

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Mr. Grusnick explained that the petitioner is requesting relief of the Ordinance to construct an addition to an existing residence. The site plan submitted indicates the proposed addition would result in a 39.5' rear yard setback. The Zoning Ordinance requires a minimum 45' rear yard setback.

Mr. and Mrs. Merian were present and stated that this addition would give them the additional room they need for teenagers and to create more room for aging parents to live with them. Their property backs up to a 5 acre subdivision park and the closest neighbors are 50 yards away.

Mr. Courtney questioned whether the Home Owner's Association had been notified of this proposed addition.

Mr. Merian stated that they had and had no objection.

The chairman opened the public hearing.

Mr. Richard Fogo, 154 Scottsdale was present and approved the variance requested.

The chairman closed the public hearing.

**ITEM #12**

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

Motion by Giachino  
Supported by Fejes

MOVED, to grant Mr. and Mrs. Al Merian, 172 Scottsdale relief of the rear yard setback to construct an addition to an existing residence resulting in a 39.5' rear yard setback.

- This variance is not contrary to public interest
- This variance will not cause adverse effects to surrounding property
- The variance will not establish a prohibited use

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #13 MR. AND MRS. SCOTT LUCAS, 2847 BRIARWOOD for relief of the rear yard setback.**

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Mr. Grusnick explained that petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo at an existing residence. The site plan submitted indicates an 18" setback from the proposed gazebo to the main building. The Zoning Ordinance requires a minimum 10' setback from an accessory building to a main building. The Zoning Ordinance also requires approval from the Board of Appeals for the placement of a gazebo.

Mr. Milia questioned the 18" setback. Mr. Grusnick stated that this was considered a free-standing building.

Mr. Sosnowski asked if it could be attached. Mr. Grusnick stated that if it is attached it would have to be built according to the same standards as the main building.

Mr. and Mrs. Lucas were present. Mrs. Lucas stated that this would be more of a Cabana room over the hot tub, rather than a gazebo. Mrs. Lucas felt that this would keep her children and children in the neighborhood out of the hot tub unsupervised and allow her to watch what the children were doing. She also felt that because it is so close to the house it would be less obtrusive and the color of the siding would blend in with the siding on their home.

Mr. Giachino asked if they had been working with a company regarding this structure.

Mrs. Lucas stated that the company from which they purchased the hot tub recommended this structure. It would have screens in the summer and windows in the winter.

Mr. Sosnowski asked if the structure would be locked. Mrs. Lucas stated it would be locked at all times.

Mr. Giachino expressed concern regarding the proximity of the gazebo to the house. He did not feel it would be accessible in an emergency to either the police or fire department. He also expressed concern about maintaining the appearance.

Mr. Chamberlain asked if they could place this structure 5' away from the home.

Mrs. Lucas stated that they wanted to put it on the patio for support.

Mr. Grusnick stated that the structure would be required to have a foundation. Mr. and Mrs. Lucas were not aware that this structure would need a foundation.

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 Courtney  
Supported by Chamberlain

MOVED, to table item until July 20, 1999 meeting to allow petitioner to bring plans in to Building Department to show an acceptable foundation.

Yeas: All – 7

MOTION TO TABLE REQUEST CARRIED

**ITEM #14    ITEM #2 – VILLAGE GREEN OF TROY EAST, 2330-2488 JOHN R. for relief of the 4'6" high screening wall required along the north and east sides of off-street parking.**

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Motion by Courtney  
Supported by Chamberlain

BOARD OF ZONING APPEALS

JUNE 15, 1999

**ITEM #14 (ITEM #2)**

MOVED, to table request of Village Green of Troy East, 2330-2488 John R. until next scheduled meeting – July 20, 1999.

- To give petitioner opportunity to be present

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL JULY 20, 1999 MEETING CARRIED

The Zoning Board of Appeals was adjourned at 9:10 P.M.

Mg:p