

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P.M. on Tuesday, July 20, 1999 by the Chairman, Carmelo Milia.

PRESENT: Kenneth Courtney  
Mark Maxwell  
Gary Chamberlain  
James Giachino  
Carmelo Milia  
Jerald Sosnowski  
John Martin  
Gary A. Shripka

ABSENT: Christopher Fejes

Motion by Mr. Giachino  
Supported by Mr. Sosnowski

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

MOVED, that the absence of Mr. Fejes be excused.

**ITEM #1 Approval of Minutes, June 15, 1999**

Motion by Sosnowski  
Supported by Courtney

MOVED, to approve the June 15, 1999 minutes as written.

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

MOTION TO APPROVE CARRIED.

**RENEWALS**

**Item #2 RENEWAL REQUESTED: Massachusetts Mutual Life Real Estate, Inc., 2701 Troy Center Drive, for relief of the 6' high masonry screening wall along the north property line.**

The chairman moved request to the end of the agenda (#15) to give the petitioner the opportunity to be present.

**Item #3 RENEWAL REQUESTED: Village Green of Troy – East, 2330-2488 John R. for relief of the 4'6" high masonry wall required along the north and east sides of off-street parking.**

The chairman moved request to the end of the agenda (#16) to give the petitioner the opportunity to be present.

**Item #4      VARIANCE REQUESTED: Mr. and Mrs. Scott Lucas, 2847 Briarwood for relief of the Zoning Ordinance. Petitioner has withdrawn this request.**

**Item #5      VARIANCE REQUESTED: Mr. Robert G. Bishop, 6109 Emerald Lake 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 site plan submitted indicates a 33.7' rear yard setback to the proposed family room addition. The Zoning Ordinance requires a 35' minimum rear yard setback.

Mr. Robert Bishop was present and stated that he is very neighbor sensitive and has spoken with his neighbors regarding this construction. The three surrounding neighbors have no objection to this addition, nor does the Emerald Lakes Construction Board.

Mr. Bishop stated that this addition would create a downstairs bedroom, which would be easier for him and his wife to negotiate. A basement would be added under the family room that would help keep this room warmer.

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

There are five written approvals on file.

Motion by Chamberlain  
Supported by Maxwell

MOVED, to grant Mr. Robert Bishop, 6109 Emerald Lake Drive a variance, as requested, to construct an addition with a 33.7' rear yard setback where a 35' minimum rear yard setback is required.

- The variance is not contrary to public interest
- The variance will not cause an adverse effect to surrounding property.
- The variance relates only to the property described in the application.

Yeas:            All – 6  
Absent:         Fejes

MOTION TO APPROVE VARIANCE AS REQUESTED CARRIED

**Item #6      VARIANCE REQUESTED: Morgan-Heller Associates, 6071 Windrush for relief of the rear yard setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct a master bedroom addition. The site plan submitted indicates a 40.3' rear yard setback. The Zoning Ordinance requires a minimum 45' rear yard setback.

Robert and Lisa Funk, owners of 6071 Windrush were present and stated that they had bought the property 4 years ago because of the fact that the home is on a 1 ¾ acre lot. They have contacted the surrounding neighbors and have found them to be very supportive of this addition.

Mr. Funk stated that their house sits crooked on the lot and runs very close to I-75. By adding an L-shaped addition he believes this will result in noise reduction. He further stated that trees enclose their entire lot.

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 Sosnowski  
Supported by Courtney

MOVED, to grant Morgan-Heller Associates, 6071 Windrush a variance as requested to construct a master bedroom addition with a 40.3' rear yard setback where a 45' rear yard setback is required.

- This variance is not contrary to public interest.
- This variance has no adverse effect on surrounding property.
- The size of the variance is minimal.

Yeas:            All – 6  
Absent:        Fejes

MOTION TO APPROVE REQUEST CARRIED.

**Item #7      VARIANCE REQUESTED: Mr. Richard M. Danz, 477 W. South Boulevard for relief of the front yard setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to park a recreational vehicle beyond the front face of the home. The Zoning Ordinance requires that all recreational vehicles be stored behind the front face of the home and no closer than 3' to any lot line.

Mr. Richard Danz was present and brought seven approval letters with him. He stated that he had only purchased this vehicle this season, and planned on finding a storage facility for it during the winter season. He further explained that his driveway is L-shaped and right now has it parked as far back as he can get it. Mr. Danz and his family use the vehicle every other weekend and it is gone from the property 4-5 days at a time.

Mr. Courtney stated this his neighbors have recreational vehicles and keep them stored elsewhere and bring them home just before they use them. He further stated that the cost of a storage facility was just about the same for 12 months as it is for 3.

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

Motion by Mr. Giachino  
Supported by Mr. Courtney

MOVED, to grant Mr. Richard Danz, 477 W. South Boulevard a temporary variance for the months of July, August, September and October, 1999 to allow this recreational vehicle to be parked beyond the front face of the home. After October 1999 a permanent storage facility would have to be found and this variance would no longer be valid.

- This variance is valid only for the months of July, August, September and October 1999.
- A permanent storage facility would be required after October 1999.

Yeas: All – 6  
Absent: Fejes

MOTION TO APPROVE TEMPORARY VARIANCE GRANTED.

**Item #8      VARIANCE REQUESTED: Allen Pyc, 1050 Wheaton for relief of the Zoning Ordinance regarding non-conforming structures.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to pave the existing non-conforming gravel parking lot in the required front setback. The Zoning Ordinance states that non-conforming structures shall not be enlarged in a way that increases their non-conformity.

Mr. Allen Pyc was present and stated that he had purchased the property 2 years ago and wanted to pave this area for his employee parking lot.

**ITEM #8**

Mr. Milia felt that paving the parking lot would enhance the entire area.

Mr. Giachino asked if the property to the south to Piedmont could be developed for parking.

Mr. Pyc stated the property in question is fenced for the storage of their trucks and the distance is greater.

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

Motion by Chamberlain  
Supported by Maxwell

MOVED, to grant Allen Pyc, 1050 Wheaton, a variance as requested for relief of the Zoning Ordinance to pave the existing non-conforming gravel parking lot in the required front setback.

- This variance is not contrary to public interest.
- The variance applies to this property only.
- This variance is not detrimental to surrounding property.

Yeas: 5 – Courtney, Maxwell, Chamberlain, Milia, Sosnowski  
Nays: 1 – Giachino  
Absent: Fejes

MOTION TO APPROVE REQUEST CARRIED

**Item #9      VARIANCE REQUESTED: Mr. David Kahan, Premier Realty, 1780 Larchwood for relief of the front setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct a 21,000 square foot light industrial building. The site plan submitted shows a portion of the parking lot for the new building in the front setback along Larchwood Avenue. The Zoning Ordinance requires all off-street parking to be located within a non-required yard or within the rear yard.

Mr. Jeff Kahan was present and stated that because the property is long and on the corner the setback is more severe. They would like to square off the corner of the parking lot to make the building more attractive to perspective tenants. Mr. Kahan further stated that they are requesting a 423 square foot variance and would provide 10,000 square feet of additional landscaping.

**ITEM #9**

Mr. Chamberlain asked if the size of the building would be effected by the outcome of the variance request. Mr. Chamberlain also asked what the practical difficulty or hardship was.

Mr. Kahan stated that the building would remain the same, however, real estate brokers had informed them that these parking spaces would make the building more attractive. He also stated that it is not the amount of parking spaces, it is the location.

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

Motion by Chamberlain  
Supported by Courtney

MOVED, to deny the request of Mr. David Kahan, Premier Realty, 1780 Larchwood relief of the variance to construct a parking lot in the front setback along Larchwood.

- No practical hardship has been shown.
- Variance does not effect the size of the proposed 21,000 square foot building.

Yeas: 5 – Chamberlain, Giachino, Milia, Sosnowski, Courtney  
Nays: 1 – Maxwell  
Absent: Fejes

MOTION TO DENY REQUEST CARRIED

**Item #10      VARIANCE REQUESTED: Mr. and Mrs. Robert Schoen, 6553 Crabapple for relief of the rear yard setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct a patio enclosure to an existing residence. The site plan submitted indicates a 42.3' rear yard setback to the proposed patio enclosure. The Zoning Ordinance requires a minimum rear yard setback of 45'.

Mr. and Mrs. Robert Shoen were present and stated that they were both retired and loved to spend time in their backyard. Due to the fact that their yard is heavily wooded, they are having a problem with both allergies and bugs. Mr. Schoen also stated that this patio enclosure would not extend past the existing deck.

Mr. Giachino asked if this room could be downsized?

Mr. Schoen and Jim from Advance Builders, stated that because the room is all glass, the cost would be much higher.

**ITEM #10**

There are two written approvals on file.

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

Motion by Maxwell

Supported by Sosnowski

MOVED, to grant Mr. and Mrs. Robert Schoen, 6553 Crabapple relief of the rear yard setback to construct an addition with a 30'6" rear yard setback when a 35' minimum rear yard setback is required.

- This variance is not contrary to public interest.
- This variance will not have an adverse effect on surrounding property.
- The variance will not establish a prohibited use.

Yeas: All – 6

Absent: Fejes

MOTION TO APPROVE REQUEST CARRIED

**Item #11      VARIANCE REQUESTED: Father & Son Construction, 4425 Reilly Ct. for relief of the rear yard setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct an addition to an existing residence. The site plan as submitted indicates a 30'6" rear yard setback to the proposed addition. The Zoning Ordinance requires a minimum 35' rear yard setback.

Mr. and Mrs. Paul Mancini, owners of the property were present and stated that because they were on a corner lot they had two extreme setbacks. They also stated that Mrs. Mancini has a degenerative hip problem and the 1<sup>st</sup> floor laundry would make life much easier for her.

There is one written objection on file.

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 Father & Son Construction, 4425 Reilly Ct. relief of the rear yard setback to construct an addition with a 30'6" rear yard setback, where a minimum 35' rear yard setback is required.

- This variance is not contrary to public interest.
- This variance would be a nice improvement to the property.
- The variance would not cause adverse effects to the surrounding property.

Yeas: All – 6  
Absent: Fejes

MOTION TO APPROVE VARIANCE AS REQUESTED CARRIED

**Item #12      VARIANCE REQUESTED: Suzanne Stout, 2675 Avalon for relief of the rear yard setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct a patio enclosure to an existing residence. The site plan as submitted indicates a 33.6' rear yard setback to the proposed addition. The Zoning Ordinance requires a minimum 35' rear yard setback.

Suzanne Stout was present and stated that they could not reduce the request for this variance because it would make the enclosure too narrow. She also stated that they wished to add this enclosure to enable them to enjoy their yard year round.

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

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 Suzanne Stout, 2675 Avalon, relief of the variance to construct a patio enclosure with a 33.6' rear yard setback where a 35' minimum rear yard setback is required.

- This variance is not contrary to public interest.
- The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
- The variance is minimal.

**ITEM #12**

Yeas: All – 6  
Absent: Fejes

MOTION TO APPROVE VARIANCE AS REQUESTED CARRIED

**Item #13 VARIANCE REQUESTED: Mr. Bill Richardson, DeMattia Group, 2585 W. Maple for relief of the Zoning Ordinance regarding non-conforming structures.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to expand an existing non-conforming site. The Zoning Ordinance states that non-conforming structures shall not be enlarged in a way that increases their non-conformity. The structure is currently non-conforming at this site because of the front setback. The Zoning Ordinance requires a 50' setback and the existing building is only 43' from the Maple Road property line.

Ms. Laura McElheron, representing the DeMattia Group and Glen VanVolkom, representing 2585 W. Maple were present and stated that they needed to add 30 additional parking spaces in the rear of the building due to an increase in business of Solvay Automotive.

Mr. VanVolkom stated that this building is the Administrative Headquarters.

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

Motion by Chamberlain.  
Supported by Maxwell.

MOVED, to grant Mr. Bill Richardson, Demattia Group, 2585 W. Maple relief of the Zoning Ordinance to expand an existing non-conforming site.

Yeas: All – 6  
Absent: Fejes

MOTION TO APPROVE VARIANCE AS REQUESTED CARRIED

**Item #14      VARIANCE REQUESTED: Mr. Scott N. Schumaker 217 E. Maple (proposed address) for relief of the front yard setback.**

Mr. Shripka explained that petitioner is requesting relief of the Zoning Ordinance to construct a new 1,250 square foot office building. The site plan submitted indicates a 23' front yard setback along East Maple and a 20' setback along Hartshorn. The Zoning Ordinance requires a minimum of 30' setback from both streets.

Mr. Shripka further explained that after reviewing the ordinance and after discussions with the Planning Department the yard along Hartshorn Street would be considered a "side" yard. Based on the plans submitted the proposed layout of the building is in compliance. Therefore, the only variance required involves the front setback along East Maple. 30' is required and the site plan submitted shows 23'.

Mr. Scott Schumaker was present and stated that he is a State Farm Agent in Royal Oak and as a Troy resident would like to move his business here.

Mr. Burt Kosack, his architect was also present and stated that building is 1250 square feet and in order to comply the size of the building would have to go down 25%. He stated that this property is a unique site because of its depth and the proposed construction would not be a threat to public safety.

Mr. Schumaker further stated that this would be a one-story Colonial looking building with an unfinished basement for storage. He studied the other buildings in the area and felt that this would blend in with, if not add to, existing property.

There is one written objection on file.

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

Motion by Chamberlain.

Supported by Courtney.

MOVED, to grant Mr. Scott N. Schumaker, 217 E. Maple (proposed address) relief of the Zoning Ordinance to construct a new 1,250 square foot office building with a 23' front yard setback along East Maple where a 30' setback is required.

- This variance is not contrary to public interest.
- This variance is not detrimental to property in the surrounding area.
- This variance would enhance the property to the north and west.

Yeas:            All – 6

Absent:        Fejes

MOTION TO APPROVE VARIANCE AS REQUESTED CARRIED

**ITEM #15 (#2)      RENEWAL REQUESTED: Massachusetts Mutual Life Real Estate, Inc., 2701 Troy Center Drive for relief of the 6' high masonry screening wall required along the north property line.**

The chairman tabled the request of Massachusetts Mutual Life Real Estate, Inc. 2701 Troy Center Drive to the next regular meeting (August 17, 1999) to give the petitioner the opportunity to be present.

**ITEM #16 (#3)      Village Green of Troy- East, 2330-2488 John R. for relief of the 4'6" high masonry screening-wall along the north property line and the northern 300' of the east property line where off-street parking abuts residential.**

The chairman tabled the request of Village Green of Troy- East, 2330-2488 John R. to the next regular meeting (August 17, 1999) to give the petitioner the opportunity to be present.

**OTHER BUSINESS**

Mr. Courtney asked for reconsideration of Item #6, from the June 15, 1999 meeting. This item was a request from Shamia Wassef, 39865 Dequindre (proposed address) for relief of the 85' minimum lot width requirement.

Mr. Milia asked Mr. Martin if the board was allowed to reconsider this petition.

Mr. Martin stated that there are two grounds for reconsideration:

1. Newly discovered evidence.
2. Has there been a substantial change.

Mr. Milia does not believe there is any newly discovered evidence which would justify reconsideration.

Motion by Courtney.

No one supported Mr. Courtney's motion.

MOTION DIES FOR LACK OF SUPPORT.

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

GAS:p