

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P.M. on Tuesday, September 21, 1999 by the Chairman, Carmelo Milia.

PRESENT: Kenneth Courtney Mark Stimac
 Mark Maxwell Bob Davisson
 James Reece, Jr.
 Christopher Fejes
 James Giachino
 Jerald Sosnowski
 Carmelo Milia

ITEM #1 APPROVAL OF MINUTES – AUGUST 17, 1999

Motion by Sosnowski
Supported by Courtney

MOVED, to approve the August 17, 1999 as written.

Yeas: 6 – Maxwell, Fejes, Giachino, Milia, Sosnowski, Courtney
Abstain: 1 – Reece

MOTION TO APPROVE CARRIED

RENEWALS

ITEM #2 RENEWAL REQUESTED: WRC PROPERTIES, INC., 888 W. BIG BEAVER, for relief to maintain a 4588 square foot habitable space in the parking garage.

Mr. Stimac explained that petitioners are requesting renewal of relief, granted by this Board, to maintain an area in the parking garage as habitable space. This habitable space results in a gross building area for this site of 334,588 square feet. Section 26.70.00 of the Zoning Ordinance limits the building area on this site to no more than 330,000 square feet. Relief has been granted on a yearly basis since 1980, because the petitioner has indicated that at sometime in the future they would not need or require this additional space. To date, conditions remain the same and there are no complaints or objections on file.

Mr. James L. Jonas, Redico Management was present and stated that presently a tenant of the building was using this space as a plan evaluation center.

Motion by Sosnowski
Supported by Fejes

MOVED, to grant WRC Properties, Inc., 888 W. Big Beaver a one (1) year renewal of their variance for relief to maintain a 4588 square foot habitable space in the parking garage.

ITEM #2

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR ONE (1) YEAR CARRIED.

ITEM #3 RENEWAL REQUESTED: GARY TADIAN, TADIAN DEVELOPMENT CO., L.L.C, 1990 W. Big Beaver, Ste. #450 for relief to exceed the gross building area permitted.

Mr. Stimac explained that the petitioner was granted relief by this board in 1996 to construct a 12,006 square foot office building on an O-1 Zoned site where Section 24.70.01 of the Zoning Ordinance would limit the size to 8,595 square feet. This variance was granted for a period of three years and to date, no building permit has been obtained for the construction. The petitioner is not prepared to begin construction at this time and has asked that this variance not be renewed.

Mr. Milia stated that no further action would be taken on this item and variance will be allowed to expire.

ITEM #4 RENEWAL REQUESTED: PIPE SYSTEMS, 2525 CROOKS, for relief of the 6' high masonry screening wall required along property lines adjacent to residential zoned property.

Mr. Stimac explained that the petitioners are requesting renewal of a three-year variance granted by this Board to have a six-foot high wood fence along the west and south property line where it abuts residential zoned property. This relief was originally granted in 1983, primarily because there already was a six-foot high wood fence along the property line and the petitioner would have to remove a number of established trees in order to install the wall. Conditions remain the same and there are no complaints or objections on file.

Mr. Bob Somers was present and stated that they have kept the fence in good repair.

Motion by Giachino
Supported by Courtney

MOVED, to grant Pipe Systems, 2525 Crooks a three (3) year variance for relief of the 6' high masonry screening wall required along property lines adjacent to residential zoned property.

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED.

ITEM #5 RENEWAL REQUESTED: OAK MANOR, INC., 2316 JOHN R., for relief of the 4'6" high masonry screening wall required along the east and south sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a three year variance granted for relief of the requirement for a 4'-6" high masonry screening wall along the east and south areas of their parking lot where they are adjacent to residential zoned property. This relief was originally granted in September of 1985 based on the fact that the wall would serve no useful purpose in this area. Conditions remain the same and there are no complaints or objections on file.

Mr. Dale Garrett was present and had nothing to add.

Motion by Fejes
Supported by Giachino

MOVED, to grant Oak Manor, Inc., 2316 John R. a three (3) year variance for relief of the 4'6" high masonry screening wall required along the east and south sides of off-street parking.

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR THREE(3) YEARS CARRIED.

ITEM #6 RENEWAL REQUESTED: MICK BLUNDEN, DETROIT EDISON, 3080 JOHN R., for relief of the landscaped berms required along the north, east and west property lines.

Mr. Stimac explained that the petitioner is requesting renewal of a three year variance for relief of the landscaped berms required along the north, west and east property lines. This variance was originally granted in September of 1992, based on the fact that a number of mature established trees that currently provide adequate screening would have to be removed in order to install the berm. Conditions remain the same and there are no complaints or objections on file.

Mr. Paul Whitman was present and asked if the variance could be granted for a longer period of time.

Mr. Milia explained that at present the longest period of time variances are granted for is three years.

Motion by Maxwell
Supported by Sosnowski

MOVED, to grant Detroit Edison, 3080 John R. a three (3) year variance for relief of the landscaped berms required along the north, west and east property lines.

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED.

ITEM #7 RENEWAL REQUESTED: HANDLEMAN COMPANY, 500 KIRTS, for relief of the 6' high masonry-screening wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief, granted by this Board, of the required six foot high masonry screening wall along their northern property line where it abuts residentially zoned land. This relief was originally granted in 1984, based on the fact that the petitioner would be installing a berm with evergreen and deciduous plantings to screen the residential sites. A portion of the property to the north has been rezoned to the C-F zoning classification and therefore the renewal of relief is only required for the west 606 feet. Other than the change of adjacent zoning the conditions remain the same and there are no complaints or objections on file.

Mr. Thomas Braum was present and had nothing to add.

Motion by Sosnowski
Supported by Maxwell

MOVED, to grant Handleman Company, 500 Kirts, a three-(3) year variance for relief of the 6' high masonry-screening wall required along the west 606' of their north property line.

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED.

ITEM #8 RENEWAL REQUESTED: ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the 6' high masonry-screening wall required along the east property line.

Mr. Stimac explained that the petitioner is requesting renewal of a three-year variance for relief of the six-foot high masonry-screening wall along the east property line where the site abuts residentially zoned property. The Board originally granted this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. Conditions remain the same and there are no complaints or objections on file.

The Chairman moved this item to Agenda #20 to give the petitioner the opportunity to be present.

ITEM #9 RENEWAL REQUESTED: ST. NICHOLAS ROMANIAN ORTHODOX CHURCH, 5353 LIVERNOIS, for relief of the 4'6" high masonry wall required along the west and north sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a one year variance granted to provide a landscaped berm in lieu of the 4'-6' high masonry screening wall required adjacent to the off-street parking abutting Stalwart. The Board granted this relief originally in 1997 as part of an expansion project on the church. Construction is currently underway but the landscaping is not complete.

A representative of the Church was present and stated that construction on the Church would not be complete for one to two more years and that they wanted the berm on the north side only.

Motion by Giachino
Supported by Fejes

MOVED, to grant St. Nicholas Romanian Orthodox Church, 5353 Livernois, a one (1) year variance for relief to install a landscaped berm in lieu of the 4'6" high masonry wall required along the north side of off-street parking.

- One-year variance because construction of the Church is not complete.
- No complaints or objections on file.

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR ONE (1) YEAR CARRIED.

ITEM #10 RENEWAL REQUESTED: F & R INVESTMENTS, 6050-6054 LIVERNOIS, for relief of the 6' high masonry-screening wall required along the north and east property lines.

Mr. Stimac explained that the petitioners are requesting renewal of a three-year variance for relief of the six-foot high masonry screenwall required along the north and east property lines where they abut residentially zoned land. The Board originally granted this relief in 1989 when the second building was constructed. Conditions remain the same and there are no complaints or objections on file.

Mr. Robert W. Frickel was present and had nothing to add.

Motion by Fejes

Supported by Courtney

MOVED, to grant F & R Investments, 6050-6054 Livernois a three (3) year variance for relief of the 6' high masonry screening wall required along the north and east property lines.

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR THREE YEARS CARRIED.

ITEM #11 RENEWAL REQUESTED: CANTERBURY SQUARE APARTMENTS, N. SIDE OF LOVINGTON, E. OF JOHN R., for relief of the 4'6" high masonry screening wall required along the north and east sides of off-street parking.

Mr. Stimac explained that the petitioners are requesting renewal of a three year variance for relief of the 4'-6" high masonry screening wall required along north and east sides of their off-street parking areas where these areas abut residentially zoned land. This relief has been granted since 1974 primarily due to the fact that the adjacent residential land is undeveloped. The property to the north is now being developed for a multi-story senior citizen housing project. Other than that the conditions remain the same and there are no complaints or objections on file.

The Chairman moved this item to Agenda Item #21 to give the petitioner the opportunity to be present.

ITEM #12 RENEWAL REQUESTED: ARNOLD BECKER, 2840-2880 ROCHESTER, for relief of the 4'6" high masonry-screening wall required adjacent to off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a three-year variance for relief of the six-foot high masonry screen wall required along their east property line where the site abuts residentially zoned land. The Board has granted this relief since 1971 primarily due to the fact that the land to the east is Master Planned for non-residential use. Conditions remain the same and there are no complaints or objections on file.

Ms. Eileen Youngerman, Property Manager was present and had nothing to add.

Motion by Courtney
Supported by Fejes

MOVED, to grant Arnold Becker, 2840-2880 Rochester, a three (3) year variance for relief of the 4'6" high masonry screening wall required adjacent to off-street parking.

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

Yeas: All – 7

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED.

ITEM #13 RENEWAL REQUESTED: CHURCH OF CHRIST TROY, 800 TROMBLEY, for relief of the 4'6" high masonry screening wall required along the east, south and west sides of off-street parking.

Mr. Stimac explained that the petitioners are requesting renewal of a three year variance for relief to provide landscape screening in lieu of the 4'-6" high masonry screen wall required along the east south and west areas of the parking lots where they are adjacent to residential zoning. This relief was originally granted in 1989. Conditions remain the same and there are no complaints or objections on file.

Mr. William Palmer was present and stated that they had added approximately 200 shrubs for additional screening.

Motion by Maxwell
Supported by Courtney

MOVED, to grant Church of Christ Troy, 800 Trombley, a three (3) year variance for relief of the 4'6" high masonry screening wall required along the east, south and west sides of off-street parking.

ITEM #13

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

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED.

PUBLIC HEARINGS

ITEM #14 VARIANCE REQUESTED: MS. PATRICIA LOZON, 1831 NORTH LAKE, for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the required 35' rear yard setback requirement in the R-1D Zoning District. The petitioner is proposing to install a patio enclosure at the rear of the residence that will result in a rear yard setback of only 28.3'. While the petitioner makes reference to a previous awning structure in the same location, a search of our records revealed only a permit for an un-covered patio.

Mr. Stimac further explained that between the time the original Building permit was applied for, and the Board of Zoning Appeals application turned in, the petitioner has made revisions to the plans without the Building Department's realizing the change had been made. Originally, the proposed construction was for a 28.3' setback for a sun-room addition and now has been changed to a 27.3' setback for an awning enclosure.

Mr. Reece explained that he had spoken to the petitioner and was told that all they wanted was to replace a partial existing enclosure.

The Chairman stated that no action would be taken on this item at this time, and it would be tabled until the next regular scheduled meeting to allow the petitioner to bring in the correct building plans.

ITEM #15 VARIANCE REQUESTED: MR. DANE LAWICKI, 1840 E. WATTLES, for relief of the Zoning Ordinance.

Mr. Stimac explained that the petitioner is proposing to construct a new 1536 square foot detached garage at his residence. The plans also indicate an existing 885 square foot detached garage on the site. Section 40.57.04 of the Zoning Ordinance limits the size of accessory buildings to one-half of the main structure or 600 square feet, whichever is larger. In this instance the size of the accessory buildings would be limited to 600 square feet. The petitioner is proposing a total of 2421square feet of accessory buildings. In addition the height of the accessory building is proposed to 14'-6". The Zoning Ordinance, in Section 40.57.06, limits the height of accessory buildings to 14 feet.

Mr. Dane Lawicki was present and stated that he had gone to City Council to seek a variance to park his commercial vehicle on residential zoned property. He was told at

that time that his variance would be granted provided he built a garage to house this truck. Mr. Lawicki stated that he had been granted a permit to build a pole barn, but was unable to begin construction because the property floods. He stated that his property is 24 ½" lower than the nearest home on Daley street. Mr. Lawicki has brought in dirt to try to raise his grade and prevent flooding. He further stated that his home is small and eventually he will be adding on to it.

Mr. Sosnowski asked if Council would go as far as to tell Mr. Lawicki that he had to build a structure this large.

Mr. Stimac stated that Council had informed Mr. Lawicki he had to build a pole barn to park his truck in, but would not dictate the size.

Mr. Lawicki stated that Councilman Pallotta said that they grant the variance for commercial vehicles and he would need a structure to put his truck in.

Mr. Giachino questioned Mr. Lawicki as to what type of business he was in. He stated that several of the neighbors had implied that he was fixing cars and selling them on his property, as well as selling firewood.

Mr. Lawicki informed Mr. Giachino that the cars he sold were in fact his, and that the large pile of firewood was for his private use. He further stated that he did odd jobs when people called him and had a small plumbing business.

Mr. Maxwell asked what Mr. Lawicki wanted to put in the pole barn to justify its size.

Mr. Lawicki stated that as long as he was putting up a building, he wanted it as large as he could get it. He has to store some of his equipment on other people's property presently as he does not have room for everything. He would like to put his farm tractor, a 15 horsepower tractor, a riding mower, two snowmobiles, two jet skis as well as his commercial truck in this pole barn. He would like to be able to keep all his equipment in one place and this would also allow him to lock this equipment up in the evening. He stated that he has had some vandalism and equipment moved on his property. He also stated that he would eventually park a motor home in this structure. He again stated that eventually he would like to add on to his house, or tear it down and build another larger home.

Mr. Courtney asked Mr. Lawicki how many cars he had on the property.

Mr. Lawicki replied three.

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.

The Chairman stated that he had seven vehement objections on file.

Mr. Lawicki stated that he had spoken with 4 or 5 of the neighbors on Daley and they had no objection. He felt that the neighbors on Victoria were opposed to this pole barn because they were led to believe that his property would be their subdivision park. He stated that this a long-standing feud.

Mr. Giachino asked Mr. Stimac if the restriction would still apply if this property was unplatted land.

Mr. Stimac stated that the rules apply to all property whether in a subdivision or not.

Mr. Reece asked Mr. Lawicki if had any plans available now covering the addition to his home.

Mr. Lawicki replied that the home had been built in 1865, and though he would like to add on to it this would not be done until a future date.

Mr. Milia stated that he felt that Mr. Lawicki could comply with the law to construct a pole barn and felt that the size of this building was a vagrant violation of the law.

Motion by Courtney
Supported by Maxwell

MOVED, to deny Mr. Dane Lawicki, 1840 E. Wattles, relief of the Zoning Ordinance to construct a new 1536 square foot , 14'6" high-detached garage at his residence.

- Variance is considered excessive.
- Variance would allow the barn to be greater in size than the house.
- Variance is contrary to public interest.

Yeas: All – 7

MOTION TO DENY REQUEST CARRIED.

ITEM #16 VARIANCE REQUESTED: Mr. ROBERT A. MELLER, 125 CHOPIN, for relief of the side yard setback.

Mr. Stimac explained that the petitioners are proposing to construct a new detached garage at the rear of an existing residence. The plans indicate that the garage will be located only 3 feet from the east property line. Section 40.57.05 of the Zoning

Ordinance requires that accessory buildings be located no closer than 6 feet from a side or rear lot line.

Mr. Robert Meller was present and stated that he needed to put the proposed garage in this location to make maneuverability easier. He has a large tree in the yard, and this would not effect the tree in any way and he felt it would be aesthetically pleasing.

Mr. Stimac stated that the Zoning Ordinance was changed in 1987. At that time the setback from the property line was change from 3' to 6'. He also stated that this change effected a number of older homes.

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 Sosnowski
Supported by Maxwell

MOVED, to grant Mr. Robert A. Meller, 125 Chopin relief of the Zoning Ordinance to construct a detached garage at an existing residence which will be located 3' from the east property line.

- This variance is not contrary to public interest.
- Variance applies to this property only.
- This variance does not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED.

ITEM #17 VARIANCE REQUESTED: MARYGROVE AWNING STORE, 57 PARK STREET, for relief of the front yard setback.

Mr. Stimac explained that the petitioners have constructed an awning on the front of an existing industrial building without first obtaining a building permit. A review of the permit application, now submitted, indicates that the existing building is built right at the 50-foot minimum front setback line. The awning extends into the front setback between six and seven feet. Section 41.50.00 allows for architectural projections but limits them to three feet into the required front yard.

A representative from Marygrove Awning was present and stated that they began construction without a permit because their permit department was delinquent in

obtaining a permit. He further stated that the purpose of this awning was to protect the walkway from inclement weather and that it had a minimal amount of advertising on it.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Fejes
Supported by Sosnowski

MOVED, to grant Marygrove Awning Store, 57 Park Street relief of the Zoning Ordinance to construct an awning which extends into the front setback between six and seven feet.

- Not contrary to public interest.
- The variance will not establish a prohibited use in this zoning district.
- Awning will protect walkway from inclement weather

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED.

**ITEM #18 VARIANCE REQUESTED: JAMIE C. & TINA M. HSU, 1956
CONNOLLY, for relief of the rear yard setback.**

Mr. Stimac explained that the petitioners are proposing to construct a sunroom addition onto an existing residence. The proposed addition results in a rear yard setback of only 39'-2". Section 30.31.02 of the Zoning Ordinance requires a minimum rear yard setback of 45 feet in the R-1B Zoning District.

Mr. and Mrs. Hsu were present. Mr. Hsu stated that they wanted this addition so his wife could plant flowers and also uses the room to paint in. He wants the room to blend in with the house and that is why he wants it put in this area.

Mr. Milia asked what impact would be felt if this room was downsized.

Mr. Hsu stated that their custom is to have large family gatherings and they have a special table so that everyone can sit together.

Mrs. Hsu also stated that if the variance is granted they will not have to change two large windows, which face the yard, and the ceiling in the room would be a cathedral ceiling.

Mr. Giachino explained that while he empathized with Mr. & Mrs. Hsu, he did not feel that there was a hardship that would justify the variance.

Mr. Stimac explained that there is a large gas and utility easements in the front yard of this property, which caused this home to be built 49.5' back from the front property line. The Zoning Ordinance for R1B zoning requires a 40' setback from the front property line, therefore, this home was built farther back than is normally required.

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Mr. & Mrs. Jamie Hsu, 1956 Connolly, relief of the rear yard setback to construct a sunroom addition onto their existing residence with a rear yard setback of only 39'2" where a minimum 45' rear yard setback is required.

- This variance is not contrary to public interest.
- This variance does not have an adverse effect to surrounding property.
- This variance will not establish a prohibited use in this zoning district.
- The large easement in the front yard causes the house to be setback farther than usual.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED.

**ITEM #19 VARIANCE REQUESTED: SHEILA KOWALKE, 2885 E. LONG LAKE,
for relief of the Zoning Ordinance.**

Mr. Stimac explained that the petitioners are proposing to open an Adult Day Care facility in an existing B-2 zoned commercial building on East Long Lake Road. While an Adult Day Care facility is not specifically listed as a permitted use, it has been determined that the appropriate designation for this type of use is as an indoor commercial recreational use. Section 21.30.03 of the Zoning Ordinance allows these uses in the B-2 Zoning District but requires that the building be located at least 100 feet from residential zoned property. The plans submitted indicate that the existing building is located only 80 feet from the residentially zoned property to the west.

Ms. Sheila Kowalke was present and stated that this facility was an alternative choice for people with aging parents who did not want to place them in an assisted living home or nursing home. Their clients would be people who could still function on their own and would require only minimal supervision.

Ms. Kowalke stated that she has been a nurse since 1974 and a Nursing Home Administrator for sixteen (16) years. This facility would provide stimulating activities as well as community seminars on how to deal with aging parents.

Mr. Milia asked what the expected client number would be.

Ms. Kowalke stated that they felt they would have 30 attendees maximum, with a staff of six or seven. They would have structured hours such as a 6 or 7 A.M. drop off time and a 6:00 P.M. closing time. Ms. Kowalke further stated that their clients would not have mental health problems, or physical disabilities. They are going to provide security key pads on all doors and will have a high ratio of staff versus client. Mr. Milia asked why they had picked this location.

Ms. Kowalke replied that one of the partners of her business owns the property and eventually they would like to build a new facility and this location would be their corporate headquarters.

Mr. Giachino commended Ms. Kowalke on this concept but asked what would happen if one of their people had to stay overnight.

Ms. Kowalke stated that they would not have people stay overnight, but if an emergency came up, they would have a contract with Wynwood to handle either an emergency or crisis situation.

Mr. Giachino also asked if this type of venture was regulated in any way.

Ms. Kowalke stated that accreditation is required however, they do not need a license. When they open they will have certified nurses aides and will work toward accreditation.

Mr. Giachino stated that the neighbors were concerned regarding supervision and maintenance of the area and would be very sensitive to this type of business. He also asked if there were any provisions in the City Ordinance that would require inspections by the City.

Mr. Stimac stated that there are no licensing inspections but that the Fire Marshall would do an annual inspection because this was considered a place of assembly. He further stated that the difference between this facility and an Assisted Living Facility is that the occupants of an Assisted Living Facility are not considered to be self-preservational.

Mr. Milia asked what the justification was for the 100' setback from residential zoned property.

Mr. Stimac stated that other uses, which require this setback, are bowling alleys, billiard room, indoor tennis clubs due to the fact that the primary concern is noise and external effects. He does not believe these issues apply to this location.

Mr. Courtney asked Ms. Kowalke to expound on her qualifications.

Ms. Kowalke stated that she was at one time affiliated with the Bonsecour Nursing Program, Springhouse Assisted Living and Courtyard Management. She further stated that her partner has 16 years experience in this field.

Mr. Sosnowski stated that there are three written objections on file. The neighbors main concerns are that there are young children in the area and are worried about how this would affect them.

Ms. Kowalke stated that they would have a high staffing ratio, there would be a security system on all the doors, there would be no outside activity and none of these people would be physically or mentally impaired.

The Chairman opened the Public Hearing.

Ms. Pamela Niebel, 41203 Dequindre was present and stated that she believes this is a very good service, however she is concerned because she owns 1 ¼ acres of land adjoining this property and is afraid that someone will get out and get hurt on her property and she will be liable. She feels that the driveway is very narrow and there is too much vacant land surrounding the area, which does not make it conducive to this type of care facility. She further stated that traffic is terrible in this area and believes this would create further problems. Ms. Niebel also stated that the owner of the property Mr. Percy Peter does not maintain the weeds and grass on this property.

Ms. Niebel objects to this variance.

Ms. Mary Wiechec, 5083 Fedora was present and stated that she has five young children and is concerned both about their safety and the increase in traffic. She believes that the owner of the property is trying to create any kind of day care center he can without regard to the neighbors.

Ms. Wiechec objects to this variance.

Ms. Peggy Marros was present and stated that she is Ms. Kowalke's partner and has been an administrator for 15 years and has never had anyone escape from their centers. She also stated that they can change the key code daily and because the staff ratio is high security is not a problem.

Mr. Buford Ballard, 41251 Dequindre was present and stated that he objects to the variance because City, County or State does not regulate it and that they can move in as many people as they like.

The Public Hearing was closed.

Mr. Maxwell asked what size the building was and what type of activities would be available.

Ms. Kowalke stated that she thought the building was approximately 1650' and that they would have card games, memory games, speakers other stimulating activities. They would also provide light lunches and snacks. They were also going to look into hospitals in the area and see if they could join in with one of their meal programs.

Mr. Maxwell asked if they planned to expand. Mr. Maxwell also feels that family involvement will help to regulate this business.

Ms. Kowalke stated that they would like to build a new facility in two years and use this building as their office.

Mr. Giachino stated that even though he felt this was a wonderful idea he was concerned because it was not regulated and there is no way of telling what will happen down the road. He also asked why it was brought to the board as a variance rather than an interpretation.

Mr. Stimac stated that it was brought to the board because of the 80' setback where 100' is required. This use is permitted in this location. In terms of the 100' setback the questions raised are the impact on the surrounding area. He felt that the Board may wish to grant the variance for one year, at which time another Public Hearing would be generated and have petitioner come back to the board.

Member Giachino proposed granting a one-year variance with the following restrictions:

- Limit clients to 30 with adequate staffing.
- No outdoor activity.
- No increase in noise level.

Mr. Milia stated that he felt a one-year variance was too restrictive and cost prohibitive. He thought two years would be more appropriate.

Motion by Giachino
Supported by Sosnowski

MOVED, to grant Sheila Kowalke, 2885 E. Long Lake relief of the variance to open an Adult Day Care facility in an existing commercial building located 80' from residentially zoned property to the west where 100' are required.

- Limit clients to 30 with qualified nursing staff.

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ITEM #19

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- No outside activity.
- No increase in the noise level.
- Public Hearing to be held one year from this date.
- One (1) year renewable variance.

Yeas: All – 7

MOTION TO APPROVE VARIANCE FOR ONE (1) YEAR GRANTED. PUBLIC HEARING TO BE RE-OPENED ONE YEAR FROM DATE.

ITEMS #20 (#8) & #21 (#11)

Motion by Courtney
Supported by Giachino

MOVED TO TABLE THE REQUESTS UNTIL THE NEXT SCHEDULED MEETING,
OCTOBER 19, 1999

OF ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the 6' high masonry screening wall required along the east property line and

CANTERBURY SQUARE APARTMENTS, N. SIDE OF LOVINGTON, E. OF JOHN R. for relief of the 4'6" high masonry screening wall required along the north and east sides of off-street parking where their property abuts residentially zoned property.

This would allow the petitioners to be present. If petitioners are not present these variances would be disapproved.

Yeas: All – 7

The Board of Zoning Appeals meeting adjourned at 9:45 P.M.