

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P.M. on Tuesday, October 19, 1999 by the Chairman, Carmelo Milia.

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

ITEM #1 APPROVAL OF MINUTES SEPTEMBER 21, 1999 MEETING

A revised page was provided by staff, indicating that the vote count on Item #1 to approve the minutes should read:

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

Motion by Sosnowski
Supported by Maxwell

MOVED, to approve the September 21, 1999 minutes as amended.

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

MOTION TO APPROVE AS CORRECTED CARRIED

ITEM #2 RENEWAL REQUESTED: HARTRICK & HARTRICK, 802 E. BIG BEAVER, for relief of the 6' high masonry screening wall required along the south and west property lines. Mr. Stimac explained that the property adjacent to this site has been rezoned to the B-3 Zoning District for the Troy Marketplace development. No additional action is required on this item; therefore this item has been withdrawn.

ITEM #3 RENEWAL REQUESTED: TROY MASONIC TEMPLE ASSOCIATION, 1032 HARTLAND, for relief of the 4'6" high masonry screening wall adjacent to off-street parking. Mr. Stimac explained that the petitioner is requesting renewal of a three-year variance in regards to a 4' 6" high screen wall adjacent to their parking lot. This variance was originally granted in 1970 and has been renewed since. Conditions at the site remain the same and we have no objections or complaints on file.

Mr. George Curtis, representing Troy Masonic Temple Association was present and indicated that he had nothing to add.

ITEM #3

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of their variance for relief of the 4'6" high masonry screening wall adjacent to off-street parking.

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

Yeas: 7 – All

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 RENEWAL REQUESTED: TROY COMMERCE CENTER, 1100-1170 E. BIG BEAVER, for relief to provide parking in the required front setback. Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this board to locate parking within the front yard setback of an M-1 Zoned site. This variance was originally granted in 1973 because of the large open drain that runs through the back of the site, preventing the installation of parking in the usual rear yard location. Conditions remain the same and we have no objections or complaints on file.

The Chairman moved this item to Item #18 to give the petitioner the opportunity to be present.

ITEM #5 RENEWAL REQUESTED: MONTESSORI CENTER OF MI, DBA BROOKFIELD ACADEMY, 3950 LIVERNOIS, for relief of the 4'6" high masonry screening wall required along the east side of off-street parking. Mr. Stimac explained that the petitioners are asking for renewal of a three-year variance on the requirement to install a 4' 6" high masonry screen wall required along the east side of their off-street parking area. This relief was originally granted in 1982 and expanded in 1988, in part, due to the fact that a chain link fence with redwood slats had been installed. Conditions at the site remain the same and we have no objections or complaints on file.

Dr. David R. Weinberg was present and stated that they are working very hard to beautify the area around the Academy. Mr. Maxwell stated that he had noticed that the fence on the east side was broken and Dr. Weinberg said that he would check into this and take whatever steps are required to fix the fence.

Motion by Courtney

ITEM #5

Supported by Maxwell

MOVED, to grant Montessori Center of MI, DBA Brookfield Academy, 3950 Livernois, a three (3) year variance for relief of the 4'6" high masonry screening wall required along the east side of off-street parking.

- There are no objections or complaints on file.
- Conditions remain the same.
- Fence will be repaired and kept in good repair.

Yeas: All – 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED.

ITEM #6 RENEWAL REQUESTED: TROY BAPTIST CHURCH, 3193 ROCHESTER, for relief of the 4'6" high masonry screening-wall required along the north and south sides of off-street parking. Mr. Stimac explained that the petitioners are asking for renewal of a three year variance on the requirement to install a 4' 6" high masonry screen wall required along the north and south sides of their off-street parking area. The relief was originally granted by the board in 1980. Conditions at the site remain the same and we have no objections or complaints on file.

Mr. Norman McComb, 6911 Livernois, representing Troy Baptist Church was present and had nothing to add.

Motion by Chamberlain
Supported by Fejes

At this point, Mr. Stimac stated that because area residents had requested to be notified when this variance was up for renewal Public Hearing notices were sent out and suggested that the Chairman may want to allow any members of the public in attendance to speak.

Mr. Milia stated that this practice was not followed as a rule for renewal requests, however, he would allow public comment.

Mr. James Savage, 800 Harris was present and stated that he was not opposed to the variance but had a few questions for the petitioner. He asked if they would put trees between the grass and parking lot, and what the setback would be for the masonry screening-wall along Harris.

Mr. Stimac stated that the wall would be placed at the 0' setback along the north edge of the existing parking lot.

ITEM #6

Mr. Horst Witt, 3156 Robina, was present and stated that he supported the variance.

Mr. John Murray, 840 Harris, was present and stated that he approved the variance, however he thought that cement curbing and landscaping should be around the entire parking lot area. He said that it was supposed to be done in 1996 but to date it has not been done.

Mr. Giachino reviewed the file and determined that a variance 1997 was denied for expansion of a non-conforming use.

Mr. Stimac stated that there have been numerous expansion plans for the Church over the years but was not aware of anything in 1996.

Mr. Murray asked if it was up to the City to do anything with this lot or if the petitioner would add the curbing.

Mr. Milia stated that this should be worked out between the Church and the neighbors.

Mr. Stimac stated that the City is not required to do anything on this property and does not have any requirements for curbing. He believes that Mr. Murray is concerned because of traffic driving over the lawn on the north side of the parking lot. He also stated that the Church is present for a renewal and not a new Public Hearing and additional conditions would not be appropriate. He stated that if the Board felt that the comments warranted it the Board could deny the renewal of this variance. Then the petitioner would need to apply for a new variance.

Mr. Fejes asked the petitioner if he would care to comment about people driving through the area.

Mr. McComb stated he had watched people drive through the lot and mainly it is the people living on Harris that go through the lot to avoid Rochester Road. He said that the parking lot slopes in to a drainage ditch and felt that the curbs might affect drainage from the lot.

Mr. Swails, 828 Harris was present and stated that behind the home is a fence that is falling over. He stated that this fence is in disrepair and is not maintained. There is also crushed concrete laying behind the home. Mr. Swails further stated that the Church's snow removal company pushed blocks and snow across Harris damaging the sidewalk. He would like something done to prevent pushing snow across Harris.

Mr. Chamberlain asked if the City should clean out the drainage ditch.

Mr. Stimac stated that this is more of a swale and plant material could be added.

ITEM #6

Mr. Chamberlain stated that if too much plant material was added, residents would complain because the street would flood.

Mr. McComb stated that the house on Harris, owned by the church is 4' lower than the parking lot and the wall was used as a retaining wall rather than a screening-wall. He also stated that he did think the snow plows were a problem, but was at a loss as to how to prevent this from happening. He was concerned that the plows would move the curbing along with the snow.

No other public wished to comment.

Mr. Milia stated that the petitioner should talk to the neighbors to come to terms with these problems.

Mr. Courtney suggested adding bumper blocks during the spring, summer and fall months and removing them for the winter.

There are two written approvals on file.

Motion by Chamberlain
Supported by Fejes

MOVED, to grant Troy Baptist Church, 3193 Rochester, a three (3) year variance for relief of the 4'6" high masonry screening-wall required along the north and south sides of off-street parking.

- Conditions remain the same.

Yeas: All - 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #7 RENEWAL REQUESTED: JACK D. CHRISTENSON, 2282 W. BIG BEAVER, for relief of the 6' high masonry screening-wall required along the north property line. Mr. Stimac explained that the petitioners are asking for renewal of a one-year variance on the requirement to install a 6' high masonry screen wall required along the north side of their site where it abuts residentially zoned property. The relief was originally granted in 1983 and again in 1997, (after being denied for lack of appearance by the petitioner) in part, due to the fact that the property to the north is a retention pond for the Standard Federal bank Building. A similar request was approved for the adjacent property in June of this year for a parking lot expansion. Conditions at the site remain the same and we have no objections or complaints on file.

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Mr. Stimac further explained that the variance for the adjacent property was approved for three years in June 1999, and asked the Board that this variance be renewed for three years so that both properties could be brought back together the next time these variances come up for renewal.

Mr. Tim Hagerty was present and had nothing to add.

Motion by Sosnowski
Supported by Fejes

MOVED, to grant Jack D. Christenson, 2282 W. Big Beaver a three (3) year variance for relief of the 6' high masonry screening wall required along the north property line.

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

Yeas: All – 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #8 **RENEWAL REQUESTED: SUN LIFE OF CANADA, 2125-2155 BUTTERFIELD, for relief of the 6' high masonry screening-wall required along the east property line.** Mr. Stimac explained that the petitioners are asking for renewal of a three-year variance on the requirement to install a 6' high masonry screen wall required along the east side of their site where it abuts residentially zoned property. The relief was originally granted in 1981 based on the fact that the adjacent property was shown on the Master Plan as being a non-residential use. The Master Plan has now been revised and shows the adjacent land as being high-density mid-rise residential. The adjacent property is now being developed as a multi-family development. The plans for that development include the construction of a 6' high masonry wall along this common property line. Once this wall is constructed this variance will no longer be required. Conditions at the site, other than noted above, remain the same and we have no objections or complaints on file.

Mr. Stimac stated that since the preparation of the agenda, it has come to his attention that Village Green has already constructed the wall. Therefore no action is required on this item.

Mr. Giachino expressed concern because Sun Life of Canada was granted this variance and Village Green was relieving the property owner of their responsibility to conform with the variance.

ITEM #8

Mr. Stimac stated that in his experience Village Green constructed this wall because they like to control what goes on around them and likes to control the way the finished product looks. He also stated that they have done, and plan to do, a lot of site improvements which are above and beyond what is required by the City.

Mr. Stimac stated that he has spoken with both Village Green and Sun Life of Canada and suggested that they develop an agreement regarding the maintenance of this wall.

No further action is required and this item is deleted.

ITEM #9 RENEWAL REQUESTED: ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the 4'6" high masonry screening-wall required along the east property line. Mr. Stimac explained that petitioner is requesting renewal of a three-year variance for relief of the 6' 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. This item was tabled at the September meeting to allow the petitioner to be present.

The Chairman moved this Item to Item #19 to give the petitioner the opportunity to be present.

ITEM #10 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 the 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 conditions remain the same and there are no complaints or objections on file. This item was tabled at the September meeting to allow the petitioner to be present.

Mr. Mark Dykes, representing Home Properties was present and stated that he would like the variance continued.

Mr. Giachino asked if the Building Department had received plans for the development to the north and if the plans included a 4'6' high masonry screening-wall.

ITEM #10

Mr. Stimac stated that the wall is required only along parking areas and believes that any walls which may have been required were previously waived by the Board.

Motion by Giachino
Supported by Courtney

MOVED, to grant Canterbury Square Apartments, N. side of Lovington, E. of John R., a three (3) year variance for relief of the 4'6" high masonry screening-wall required along the north and east sides of off-street parking.

- There are no complaints or objections on file.

Yeas: All – 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #11 VARIANCE REQUESTED: MS. PAT 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 sunroom addition and now has been changed to a 27.3' setback for an awning enclosure.

This item was tabled at the September meeting in order for the proper notices to be sent out on the revised plans. Those notices have been sent to the required property owners.

Mr. Tom Williams, the builder, was present and stated that after the winter storm of 1999 the existing unit was severely damaged and had to be replaced. When he applied for a Building Permit he was informed that this awning enclosure did not meet the setback requirements.

Ms. Pat Lozon was present and stated that the family had put on the original awning and she would like to replace same to enjoy her property.

ITEM #11

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 Ms. Pat Lozon, 1831 North Lake relief of the rear yard setback to install an awning enclosure that will result in a 27.3' setback where a 35' rear yard setback is required.

- This variance is not contrary to public interest.
- The variance does not establish a prohibited use within the zoning district.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: MR. AND MRS. PETRU VANCEA, 86 CRESTFIELD, for relief of the Zoning Ordinance to construct a gazebo. The petitioners are requesting approval to construct a gazebo at the rear of their home on Crestfield. Section 40.57.10 of the Zoning Ordinance requires approval of the Board of Zoning Appeals for the construction of a gazebo on residentially zoned property.

Mr. Stimac explained that because the structure is a gazebo the petitioner does not need to prove a hardship. All the petitioner needs is approval from the Board.

Mr. and Mrs. Petru Vancea, 86 Crestfield, were present and stated that they want to enjoy their property to the fullest as well as give them some privacy. He stated that he ordered the gazebo over the phone and it was all put together when it was delivered. He stated that he was unable to get the Permit before the unit was installed because the unit was delivered early.

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

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Mr. and Mrs. Petru Vancea, 86 Crestfield relief of the Zoning Ordinance to construct a free-standing gazebo.

- Not contrary to public interest.
- The variance will not cause an adverse effect to properties in the immediate area.

ITEM #12

- The City will inspect this structure to verify proper setbacks.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 VARIANCE REQUESTED: MR. MARK L. SHUTTLEWORTH, 5727 GLASGOW, for relief of the rear yard setback. Mr. Stimac explained that the petitioner wishes to construct a covered patio on the rear of an existing residence. The construction would result in a rear yard setback of 40'. Section 30.10.02 of the Zoning Ordinance requires a minimum 45 foot rear yard setback in the R-1B Zoning District.

Mr. Mark Shuttleworth was present and stated that the house was built in 1977 and he has enjoyed his covered patio for 22 years. The roof had deteriorated and he tore it down with the intention to replace same. When he applied for a Building Permit he was denied because of the setback requirements.

Mr. Chamberlain asked if the setbacks had changed in the last 22 years. Mr. Stimac explained that the setbacks had not changed, but the original permit applied for was for an open trellis frame, which was permitted to encroach into the setback.

Mr. Shuttleworth stated that the original plans showed an open frame but that roof panels were added shortly after he had moved in. He further stated that this was a concrete patio slab and he had no intentions of enclosing same.

Mr. Sosnowski asked if his house sat further back than other homes in the area.

Mr. Shuttleworth explained that the garage is 4' longer than the original plan and Mr. Milia stated that the home is in line with the front line of the adjacent homes but is deeper than the neighbors homes.

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 Maxwell
Supported by Fejes

MOVED, to grant Mr. Mark Shuttleworth, 5727 Glasgow, relief of the rear yard setback to construct a covered patio on the rear of an existing residence resulting in a 40' rear yard setback where a 45' rear yard setback is required.

ITEM #13

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

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #14 VARIANCE REQUESTED: MR. ROSS M. HOSKINS, 605 W. SOUTH BOULEVARD (PROPOSED ADDRESS) for relief of the front yard setback. Mr. Stimac explained that the petitioners are splitting an existing parcel of land located at the corner of South Boulevard and Westaway to create a second building site. Their plans for the new house to be constructed on the property indicate that it will be located only 35' from the west lot line along Westaway. Since the home located on the property immediately to the south fronts on Westaway, this yard is considered to be a front yard. Section 30.10.02 of the Zoning Ordinance requires a minimum front yard setback of 40'.

Mr. Ross Hoskins was present and stated he had tried everything he could to get the house to sit farther back on the property, however, traffic coming east on South Boulevard would see only a 60' straight wall.

Mr. Giachino asked if Mr. Hoskins could offset the garage 2'.

Mr. Hoskins stated the he could move the garage 2', which would result in a lesser variance of 3'. He further stated that he would be willing to work with the Board in any way for this variance.

The Chairman opened the Public Hearing.

Mr. Lionel Lassiter, 6916 Westaway, was present and stated that his home was directly adjacent to this lot. He opposed the variance due to the fact that he would look out of his window and see 18' of house. He further stated that he was told that the garage presently on the property was going to be torn down but it has not been done. He also said that he would probably support the variance if the garage was torn down. He stated that the garage sits further to the property in the front.

Mr. Courtney asked if the split had already occurred?

Mr. Stimac stated that the petitioner could split the property if the garage were to be removed and that each parcel would meet minimum requirements.

The Chairman closed the Public Hearing.

ITEM #14

Mr. Giachino stated that he was concerned about the appearance of the garage.

Mr. Hoskins said he will repair the garage so that the exterior will match the house.

Motion by Giachino

Supported by Giachino

MOVED, to grant Mr. Ross M. Hoskins, 605 W. South Boulevard (proposed address) a variance for relief of the front yard setback to construct a home which will be 37' from the west lot line where a 40' setback is required.

- Mr. Hoskins has reduced the amount of variance from 5' to 3'.
- Petitioner will address concerns of neighbors.
- Existing garage will be made compatible to new construction.
- This variance will not have an adverse effect on surrounding property.

Yeas: 5 – Sosnowski, Fejes, Chamberlain, Giachino, Milia

Nays: 2 – Courtney, Maxwell

MOTION TO APPROVE REQUEST CARRIED

ITEM #15 VARIANCE REQUESTED: TADIAN DEVELOPMENT CO., LLC, JOHN R. AND WATTLES, for relief of the Zoning Ordinance regarding setbacks from major thoroughfares. Mr. Stimac explained that the petitioner is proposing to construct a new residential townhouse development on the property on the northeast corner of Wattles and John R. His plans indicate that the structures will be located only 50' from the lot lines along both Wattles and John R. Both of these roads are considered to be major thoroughfares. Section 12.50.01 of the Zoning Ordinance requires a minimum setback of 75' from a major thoroughfare.

Mr. Gary Tadian, President of Tadian Development was present stated that his hardship was present because he was surrounded by two major thoroughfares. He explained that his project was created for the "empty nester". He feels that there is a strong need for homes of this type. This would be condominium type living and he would create more security and provide adequate buffers and separation from these roads. Mr. Tadian further stated that he was planning to build a brick wall to separate this property from the surrounding Commercial buildings and would also construct a wood fence. He stated that this is his first time in this type of market and the variance is crucial. He also stated that he has met with the Homeowner's associations to the east and north and they have no opposition to this project.

Mr. Milia asked if Mr. Tadian knew what the setback of the office building to the north was. Mr. Tadian replied that he was not sure, but knew it was not 75'.

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Mr. Sosnowski asked what would be on the other side of the 6' wall. Mr. Tadian stated that he had every intention to maximize the landscaping in this area.

Mr. Milia asked if it would be a problem because this property was directly across from the high school. Mr. Tadian said he was aware of this and it is one of the reasons he would create privacy for this development.

Mr. Courtney raised the question of hardship to Mr. Tadian. Mr. Tadian feels that each road causes a hardship. Mr. Courtney stated that if the hardship was that there was two frontages, if one variance was granted the hardship would be eliminated. Mr. Courtney also wanted to know how many units Mr. Tadian was planning to build. Mr. Tadian responded with a 50' setback he could build 38 units, with a 75' setback he could only build 33 units.

Mr. Giachino asked if the Planning Commission had seen the site plan.

Mr. Chamberlain stated that this property has created a lot of problems with the City over the years and the setback to the East is 50' and to the North is 50".

Mr. Milia asked why this property had a 75' setback. Mr. Stimac replied that this was done very early on in the City. Mr. Milia also asked if the master plan shows any widening of John R. and Wattles. Mr. Stimac stated that road improvements are planned in front of petitioner's property.

The Chairman opened the Public Hearing.

Mr. William Belkowski, 4122 Allegheny, was present and stated that he had serious safety concerns. He feels that this is a very high traffic area and he also feels that homes built close to the road can cause a problem. He also states that even though Tadian builds high quality homes, he feels that this is a step in the wrong direction and that it may look like a housing project. He is opposed to this variance.

Mr. Richard T. Cronin, 4133 Allegheny was present and was opposed to this variance. He does not feel it would be aesthetically pleasing and also because of the tremendous volume of traffic the noise level would increase. He also feels that this project will be detrimental to the value of his home.

There is one written approval on file.

The Chairman closed the Public Hearing.

Mr. Chamberlain stated that this property had been rezoned to R-1T, and if it had not been rezoned the setback would only be 50'. Mr. Giachino asked approximately how long it would take to change the City Ordinance. Mr. Stimac said it would take at least

ITEM #15

two Public Hearings and anywhere from 60 days to one year. Mr. Courtney was against the Board approving a variance that would in effect change the City Ordinance.

Mr. Milia stated that the biggest hardship was the fact that this property was on a corner lot and asked if Mr. Tadian were restricted to 75' in one direction and 50' in another would he still be able to complete the project.

Mr. Tadian stated that his company has always adhered to the setbacks required by the City. He further stated that he only builds a quality product and this one would be the same. He believes that Troy residents want to stay in Troy, but up until now there has been no product and now he is trying to give these residents what they want.

Motion by Chamberlain
Supported by Maxwell

MOVED, to grant Tadian Development Co., LLC, John R. and Wattles relief of the Zoning Ordinance to construct a new residential townhouse development on the northeast corner of Wattles and John R. resulting in a 50' setback from the major thoroughfares where a 75' setback is required.

- Not contrary to public interest.
- The variance will not establish a prohibited use in the zoning district.
- The variance relates only to the property described in the application.

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

MOTION TO APPROVE REQUEST CARRIED

At this point, the Chairman requested a 10 minute recess.

The Board of Zoning Appeals meeting resumed at 9:37 P.M.

ITEM #16 VARIANCE REQUESTED: ROCHESTER/75 DEVELOPMENT CO., LLC, 654-854 E. BIG BEAVER, for relief of the 6' high masonry-screening wall. Mr. Stimac explained that the petitioners are in the process of constructing a new commercial development at the southwest corner of Big Beaver and Rochester. The adjacent property to the west is zoned residentially. Section 39.10.01 of the Zoning Ordinance requires that a 6' high masonry screen wall be installed along the zoning boundary. There is an existing 5' high masonry wall located along this property line that was installed by the adjacent apartment development. The petitioners seek relief to utilize this existing 5' high wall in lieu of installing a new 6' high wall.

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Mr. Mark Drane, representing Rochester/75 Development Co., LLC was present and stated that the apartment building adjacent to this project was required to put up a wall which they did. Since the Zoning was changed the wall is now needed by Rochester/75 Development Co. If they were to put up a 6' high wall next to a 5' high wall, the result would be a 6" gap between the walls. There is an existing 33' wide greenbelt on their side of the property line as well as very mature trees. These trees may be damaged when putting up the new wall.

Mr. Milia stated that due to the very heavy volume of traffic on Big Beaver, he was not able to see the wall, but asked if it was currently up to the petitioner's standards. Mr. Drane replied that it was adequate but that they planned to repair and were willing to take whatever steps were required to make it more presentable.

Mr. Giachino asked what type of material were going to be used on the buildings and if the same material could be used on the existing wall. Mr. Drane stated that the present wall is brick faced concrete and would not recommend painting same and the new buildings were to be constructed of brick and cement panels. Mr. Giachino again asked if the new wall would be compatible with the present wall.

Mr. Chamberlain asked if the wall on the South end of the property near the apartment buildings could have openings to make it more accessible for people to get to the shopping area. Mr. Drane stated that they do not want to open the wall at the back of the shopping center for safety reasons.

Mr. Courtney asked if they had an agreement with the apartment building to do the maintenance on the wall. Mr. Drane stated that they had discussed this with Home Properties and they have no objections to this project and were comfortable with working out something with petitioner.

Mr. Scott Wortman was present and stated that they have agreed to add additional landscape screening in the greenbelt along the wall. This would minimize the visual impact of the wall

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 Rochester/75 Development Co., LLC, 654-854 E. Big Beaver relief of the 6' high masonry screening-wall to allow the existing 5' wall.

- The existing wall will be repaired.

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- The variance relates only to the property described in the application.
- The variance is not contrary to public interest.

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

Nays: 1 – Giachino

MOTION TO APPROVE REQUEST CARRIED

ITEM #17 VARIANCE REQUESTED: MR. MICHAEL GUERRA, MILLCREEK BUILDING COMPANY, for relief of the setback from major thoroughfares to construct a new residential townhouse development. Mr. Stimac explained that the petitioner is proposing to construct a new residential townhouse development on the property on the north side of Long Lake Road, west of Livernois. Their plans indicate that the structures will be located only 50' from the lot lines along Long Lake. This road is considered to be major thoroughfare. Section 12.50.01 of the Zoning Ordinance requires a minimum setback of 75' from a major thoroughfare.

Mr. Michael Guerra was present and stated that the site is very small and if the property was deeper a variance would not be required. They are planning to build 12 duplex units and will heavily landscape the area to separate the homes from the noise and traffic.

Mr. Milia asked what the setback of the adjacent office building was. Ronald Mayotte, the architect for this project, was present and stated that because of the parking lot on the office building, the setback is much greater. Mr. Milia asked if there ever was any intention of coordinating both properties and was told that at the time the office building was constructed this piece of property which was owned by the City was not available. He also stated that they chose not to go with maximum density because he does not think it would be aesthetically pleasing.

Mr. Chamberlain stated that there is a lot of land available to the north and west of this property and the Planning Commission tried to help the petitioner include this property, however, the homeowners were not willing to give up this property.

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

Motion by Chamberlain
Supported by Sosnowski

MOVED, to grant Mr. Michael Guerra, Millcreek Building Company, relief of the setback to construct a new residential townhouse development on West Long Lake Road

ITEM #17

resulting in a 50' setback where a 75' setback is required.

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

Yeas: 4 – Maxwell, Chamberlain, Milia, Sosnowski

Nays: 3 – Courtney, Giachino, Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #18 (4) RENEWAL REQUESTED: TROY COMMERCE CENTER, 1100-1170 E. BIG BEAVER, for relief to provide parking in the required front setback. Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this board to locate parking within the front yard setback of an M-1 Zoned site. This variance was originally granted in 1973 because of the large open drain that runs through the back of the site, preventing the installation of parking in the usual rear yard location. Conditions remain the same and we have no objections or complaints on file.

This item had been moved to the end of the agenda to give the petitioner the opportunity to be present.

Motion by Courtney
Supported by Chamberlain

MOVED, to table request of Troy Commerce Center, 1100-1170 E. Big Beaver, for relief to provide parking in the required front setback, until the next regularly scheduled meeting (November 16, 1999) to allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL NOVEMBER 16, 1999 CARRIED

ITEM #19 (9) RENEWAL REQUESTED: ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the 4'6" high masonry screening-wall required along the east property line. Mr. Stimac explained that petitioner is requesting renewal of a three-year variance for relief of the 6' 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. This item was tabled at the September meeting to allow the petitioner to be present.

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The Chairman moved this Item to Item #19 to give the petitioner the opportunity to be present.

Motion by Courtney
Supported by Chamberlain

MOVED, to deny the variance of Atlas Veneer Fireplace, 2212 Livernois, for relief of the 4'6" high masonry screening-wall required along the east property line. Petitioner will have comply with the ordinance requirements or request a new Public Hearing.

Yeas: All – 7

MOTION TO DENY REQUEST CARRIED

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

MS:pr