

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 P.M. on Tuesday, November 16, 1999 by the Chairman, Carmelo Milia.

PRESENT: KENNETH COURTNEY MARK STIMAC
 JAMES GIACHINO BOB DAVISSON
 CARMELO MILIA
 GARY CHAMBERLAIN
 MARK MAXWELL
 JERALD SOSNOWSKI

ABSENT: CHRISTOPHER FEJES

ITEM #1 APPROVAL OF MINUTES, OCTOBER 19, 1999

Motion by Chamberlain
Supported by Maxwell

MOVED, to approve October 19, 1999 minutes as written.

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

MOTION TO APPROVE MINUTES CARRIED

RENEWALS

ITEM #2 RENEWAL REQUESTED: Congregation Shir Tikvah, 3900 Northfield Parkway for relief of the 4'6" high masonry wall required on the east side of off-street parking.

Mr. Stimac explained that the petitioners are requesting renewal of a three year variance granted for relief to maintain landscaping in lieu of the 4'-6" high masonry screen wall required east side of their off-street parking area where it abuts residential zoned property. The variance was originally granted in November of 1996. Conditions remain the same and Mr. Stimac indicated that there was a letter of complaint on file.

Michael Bernstein, representing Congregation Shir Tikvah, was present and stated that it was originally the consensus of the neighbors that they preferred a berm rather than a masonry wall. Mr. Milia stated that there was a very strong letter against this berm and gave a copy to Mr. Bernstein.

Mr. Chamberlain stated that he hadn't had a chance to go by this site and would personally like to go and take a look at it before he made any decision for or against renewing this variance.

ITEM #2

Mr. Courtney stated that the objection came from the neighbor who abuts to the property near the kitchen area and objects to the noise and states that the screening is not sufficient. Mr. Sosnowski added that the letter of objection stated very serious allegations.

Motion by Chamberlain
Supported by Courtney

MOVED, to table the request of Congregation Shir Tikvah, 3900 Northfield Parkway for relief of the 4'6" high masonry wall required on the east side of off-street parking.

- Members of the Board wanted to visit the site to determine whether the variance could be continued or a new Public Hearing would be required.
- To allow the petitioner an opportunity to contact the neighbor and resolve the objection.

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

MOTION TO TABLE REQUEST UNTIL DECEMBER 21, 1999 MEETING CARRIED.

ITEM #3 RENEWAL REQUESTED: Schenck-Pegasus, 2890 John R., for relief of the 6' high masonry screening wall required along the east and a portion of the north property line.

Mr. Stimac explained that the petitioners are requesting renewal of relief granted by this Board in regards to a 6' high masonry screen wall required along the east property line and a portion of the north property line where their site abuts residential zoning. This relief has been granted since 1969 and last renewed for three years in 1996, primarily due to the fact that the residential land at the east end of their site is undeveloped and owned by the petitioner as well as the fact that the residential land to the north is controlled by consent judgment and is in fact developed as an office development. Conditions on the site remain the same and we have no objections or complaints on file.

Mr. Bill Ackerman of Schenck-Pegasus was present and indicated that he had nothing to add.

Motion by Courtney
Supported by Sosnowski

MOVED, to grant Schenck-Pegasus, 2890 John R., a three (3) year variance for relief of the 6' high masonry screening wall required along the east and a portion of the north property line.

- Not contrary to public interest.

ITEM #3

- No complaints or objections on file.

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

Absent: 1 – Fejes

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 RENEWAL REQUESTED: Crooks Road Investment Co., 2877 Crooks Road for relief of the 4'6" high masonry screening wall along a portion of the south property line.

Mr. Stimac explained that the petitioners are requesting renewal of relief granted by this Board for a 4'6" high masonry wall required along a portion of the south property line adjacent to their parking lot. This portion of the site is zoned P-1 and is such a wall is required between the parking lot and a residentially developed street. The petitioners also had a previous variance for a 4'6" high masonry wall required along their west property line where it abutted residentially zoned property. The Regency Park development adjacent to their site has now installed this wall and further renewals are no longer required. Other than the adjacent development, conditions at the site remain the same and we have no objections or complaints on file.

Mr. Berge Najarian was present and indicated that he had nothing to add.

Mr. Sosnowski stated that he felt that this should be a permanent variance and asked Mr. Stimac how the surrounding property was zoned.

Mr. Stimac stated that there is a Church which abuts this property and currently the property is zoned residential. He further stated that past history has shown that the chances of the Church being torn down and the property redeveloped as single family homes is unlikely.

Motion by Sosnowski
Supported by Chamberlain

MOVED, to grant Crooks Road Investment Co., 2877 Crooks Road a three year variance for relief of the 4'6" high masonry screening wall along a portion of the south property line.

Mr. Milia stated that he felt this was harassment on the part of the City as he believes this could be a permanent variance and asked Mr. Davisson if they would be allowed to grant a permanent variance.

Mr. Davisson stated that a permanent variance could be granted with the condition that it would remain in effect as long as the adjacent property was not rezoned.

ITEM #4

Mr. Sosnowski withdrew his original motion.

Motion by Sosnowski
Supported by Maxwell

MOVED, to grant Crooks Road Investment Co., 2877 Crooks road a permanent variance for relief of the 4'6" high masonry screening wall along a portion of the south property line.

- Variance is in effect as long as Church abuts this property and property is not rezoned.
- No complaints or objections on file.

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

MOTION TO GRANT PERMANENT VARIANCE WITH STIPULATION CARRIED

ITEM #5 RENEWAL REQUESTED: Coleman's Towing, 1871 Birchwood, for relief of the zoning ordinance to maintain a 7' high obscuring fence in lieu of the 6' high masonry screening wall along Birchwood.

Mr. Stimac explained that petitioners are requesting renewal of a variance granted by this Board to screen an outdoor storage area with a 7' high obscuring fence in lieu of the normally required 6' high masonry screen wall. This variance was originally granted in 1986 and was last renewed in November of 1996. Conditions on the site remain the same and we have no objections or complaints on file.

Mr. Mark Bassett was present and indicated that he had nothing to add.

Motion by Courtney
Supported by Giachino

MOVED, to grant Coleman's Towing, 1871 Birchwood, a three-(3) year variance for relief of the zoning ordinance to maintain a 7' high obscuring fence in lieu of the 6' high masonry screening wall along Birchwood.

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

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

MOTION TO GRANT VARIANCE FOR THREE(3) YEARS CARRIED

ITEM #6 RENEWAL REQUESTED: William D. Welch, Hollywood Markets, 2670 W. Maple for relief of the 6' high masonry screening-wall required along the north property line.

Mr. Stimac explained that the petitioners are requesting renewal of a variance that was granted for relief of the 6' high masonry screening wall required along the north property line where it abuts residential zoning. This relief was originally granted in 1976 and has been renewed thereafter primarily due to the fact that the property to the north is a Michigan Bell telephone utility site, which is a permitted use in the residential zoning district. Conditions remain the same and there are no objections or complaints on file.

Mr. William Welch was present and had nothing to add.

Motion by Maxwell

Supported by Courtney

MOVED, to grant William D. Welch, Hollywood Markets, 2670 W. Maple 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 complaints or objections on file.

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

Absent: 1 – Fejes

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

TABLED ITEMS

ITEM #7 RENEWAL REQUESTED: Mr. Mike Dooley, Troy Commerce Center, 1100-1170 E. Big Beaver for relief to permit parking in the front yard setback of an industrial site.

Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this board to locate parking with 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 originally came to the Board on October 19, 1999 and was tabled to the November meeting to allow the petitioner to be present.

Mr. Mike Dooley was present and indicated that he had nothing to add.

ITEM #7

Motion by Giachino

Supported by Sosnowski

MOVED, to grant Mr. Mike Dooley, Troy Commerce Center, 1100-1170 E. Big Beaver a three (3) year variance for relief to permit parking in the front yard setback of an industrial site.

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

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

Absent: 1 - Fejes

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

PUBLIC HEARINGS**ITEM #8 VARIANCE REQUESTED: Mr. Jim Davison, 104 Starr for relief to exceed the maximum square footage of accessory structures.**

Mr. Stimac explained that the petitioners have requested approval to construct a new 12' x 14' shed in the rear yard of an existing residence. The plans indicate that the shed would be in addition to an existing 580 square foot detached garage resulting in a total square footage of accessory buildings of 749 square feet. Section 40.57.04 of the Zoning Ordinance limits the size of all accessory buildings on a site to one-half the ground floor area of the main building or 600 square feet whichever is greater. Because of the size of the existing house, the square footage of accessory buildings on this site is limited to 600 square feet.

Mr. Jim Davison was present and stated that he owned three cars, one of which is a 25-year old car and has two young children and he has outgrown the area he now has and needs the extra storage room. Mr. Davison also stated that on November 15, 1999, City Council had voted to vacate Troy Street, which would add an extra 25' on the side of his lot. He stated that originally he considered a 12'x16' shed but was trying to comply with the requirements of the City and therefore downsized the size of the proposed shed to 12' x 14'.

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

There are six (6) written approvals on file.

Motion by Maxwell

Supported by Courtney

ITEM #8

MOVED, to grant Mr. Jim Davison, 104 Starr a variance as requested for relief to exceed the maximum square footage of accessory structures.

- This variance is not contrary to public interest.
- This variance applies to this property only.
- The variance will not have an adverse effect on surrounding property.

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

Absent: 1 – Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 VARIANCE REQUESTED: Ms. Joanna Grillo, Tadian Homes, 4024 Worthington, for relief of the setback required along a major thoroughfare.

Mr. Stimac explained that a permit was issued by the Building Department for a new single family home located on a lot at the intersection of Worthington Drive and Wattles Road. The plans for that new structure indicated that it would comply with the required 50' setback from Wattles Road as required by Section 10.60.03 of the Zoning Ordinance. Upon filing of the required "as-built" surveys of the site, it was noted that the chase for the pre-fab fireplace constructed at the house was not shown on the proposed site plan and its construction caused an encroachment into the required setback. That encroachment results in a 48.25' setback from Wattles Road where 50' is required.

Ms. Joanna Grillo representing Tadian Homes was present and stated that the house is nearing completion and she noticed that the fireplace chase is encroaching into the easement (setback). She further stated that this fireplace chase was never drawn on the original site plan due to an error on the part of the engineering firm Tadian had hired to do the site plan.

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

There are two written approvals on file.

Motion by Chamberlain
Supported by Sosnowski

MOVED, to grant Ms. Joanna Grillo, Tadian Homes, 4024 Worthington, relief of the setback required along a major thoroughfare.

- This variance is not contrary to public interest.
- The variance will not have an effect on surrounding neighbors.

ITEM #9

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

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Mr. Richard Sowinski, 810 Trinway for relief to exceed the maximum square footage of accessory buildings permitted on a residential site.

Mr. Stimac explained that the petitioner has proposed to remove an existing 373 square foot detached garage and a 360 square foot detached shed which exists on their property and construct a new 1200 square foot detached garage. Section 40.57.04 limits the combined ground floor area of all accessory buildings on a parcel to one-half the ground floor area of the main building or 600 square feet whichever is greater. Because of the size of the existing 1128 square foot residence the maximum size of all accessory buildings on this site is limited to 600 square feet.

Mr. Richard Sowinski was present and stated that he needed the additional room because he had classic cars and not only needed the space for storage, but also wanted the room to be able to work on his cars. Mr. Sowinski further stated that he has a large lot and has a great deal of lawn maintenance equipment. Mr. Sowinski believes that because of the size of his lot and the fact that he would tear down two existing structures, the new garage would not be obtrusive to his neighbors. He also stated that his home has a Michigan basement and one part of the new garage would be made into a woodworking area.

Mr. Courtney asked about the third shed that is located on the property. Mr. Sowinski indicated that the other shed would also be removed if the variance was approved.

Mr. Chamberlain asked if Mr. Sowinski had thought of attaching this structure to his home and Mr. Sowinski replied that he had but really wanted this building as a separate structure. Mr. Chamberlain stated that he had a problem with the garage being larger than the home.

Mrs. Sowinski stated that they have five vehicles, a trailer, trimmers, a tractor and would rather have a large garage separate from their home. She stated that this is the way they live – they enjoy their property and cars.

Mr. Maxwell asked Mr. Stimac if the lot could be split and the garage put on one of the new lots. Mr. Stimac stated that according to the Zoning Ordinance you can't have an accessory building as the only structure on a lot, and if the lot is split, it would result in 63 ½' where 85' is required. Mr. Milia asked if the frontage lends itself to a split and Mr. Stimac stated it did not.

ITEM #10

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

There are two written approvals on file.

Mr. Courtney stated that he had a problem with the size of the proposed structure, but would have more of a problem if it were to be attached to the house.

Mr. Milia stated that if the variance were granted the result would be that the garage would be bigger than the house and the purpose of the ordinance is to prevent this type of occurrence from happening. He feels that it would violate the spirit of the ordinance.

Mr. Maxwell and Giachino both wondered if the petitioner had thought of making this structure smaller. Mr. Sowinski stated that if that was all he could get, he would do that.

Mr. Courtney stated that he would like to see one structure, but not one that was 1200'.

Mr. Maxwell stated that he would not like to set a precedent of granting accessory buildings that are larger than the home. Mr. Sowinski stated that several of his neighbors have very large garages.

Mr. Milia asked if he could live with a smaller garage. Mr. Sowinski stated that if he has to go to a smaller garage and tear down the accessory buildings he would still be cramped for room. He further stated that he needed some time to think about a smaller garage. Mr. Chamberlain suggested that he meet with the Building Department to see what would be allowable and what he could work out.

Motion by Courtney
Supported by Chamberlain

MOVED, to table the request of Mr. Sowinski, 810 Trinway, indefinitely a variance for relief to exceed the maximum square footage of accessory buildings permitted on a residential site.

- To allow petitioner the opportunity to meet with the Building Department to come up with an alternative plan.

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

MOTION TO TABLE REQUEST INDEFINITELY CARRIED

ITEM #11 VARIANCE REQUESTED: Mr. and Mrs. Michael Kochanski, 195 Evaline Avenue (proposed address) for relief of the maximum height of a residential building.

Mr. Stimac explained that the petitioners are proposing to construct a new single family residence on a parcel of land on Evaline Street. The proposed height of the new residence, as measured by the Zoning Ordinance, is 27'. Section 30.10.04 of the Zoning Ordinance limits the height of buildings in the R1C zoning district to a maximum of 25'.

Mr. Michael Kochanski was present and stated that he owned this lot and the lot next door to it. Both of these lots are in the 100-year flood plain. When Mr. Kochanski built the home he lives in he filled the lot in. In the spring of 1999, the City changed the ordinance not to allow outside material for fill in a flood plain. Because of the fact that the home is in a flood plain a basement is not allowed, and he wanted to build a home which would give him storage room in the attic as well as be appealing to the eye.

Mr. Stimac stated that habitable space of a home has to be above the flood plain and stated that in the spring of this year the ordinance was changed to state that fill cannot be placed in an area which increases flood elevation. The only time you can build in a flood plain is if you can show that the construction will not effect the elevation of the flood plain.

Mr. Giachino stated that he did not feel that 2' was a tremendous variance.

Mr. Courtney asked if the roofline of this home would be equal to the home next door. Mr. Kochanski stated that the two rooflines would match up.

The Chairman opened the Public Hearing.

Mr. Dale Smith, 220 Evaline was present and stated that he lives across the street from this property and has never had a problem with water and felt that Mr. Kochanski should be allowed to fill this lot. Mr. Stimac stated that the City allows filling as long as it has no effect on displacing the water. He further stated that the ordinance is in effect to protect the property of all the neighbors.

Mr. Milia asked Mr. Smith if he approved or disapproved of the variance. Mr. Smith stated that he approved.

Ms. Deborah Belcher, 168 Evaline was present and stated that she approves of the variance.

Ms. Patricia Thornton, 296 Randall was present and stated that she lives behind the property and the house next door is beautiful and she approves of the variance.

There are two written objections on file.

ITEM #11

The Public Hearing was closed.

Motion by Courtney
Supported by Giachino

MOVED, to approve the request of Mr. and Mrs. Michael Kochanski, 195 Evaline (proposed address) relief of the maximum height of a residential building.

- The variance is not contrary to public interest.
- The ridgeline cannot exceed the elevation of the ridgeline of the house that is adjacent to the west.
- The variance only effects this property.

Yeas: 5 – Giachino, Sosnowski, Courtney, Maxwell, Chamberlain

Nays: 1 – Milia

Absent: 1 – Fejes

MOTION TO APPROVE REQUEST AS STIPULATED CARRIED

ITEM #12 VARIANCE REQUESTED: Mr. and Mrs. Donald Snyder, 2965 Lanergan, for relief of the Zoning Ordinance regarding expansion of a non-conforming structure and also for relief of the front yard setback.

Mr. Stimac explained that the petitioners are requesting approval to construct an addition onto an existing single family residence with a 30.1' front yard setback where 40' minimum is required by Section 30.10.02. The proposed construction extends the existing front wall of the house which continues the 30.1' front yard setback. Section 40.50.04 prohibits the enlargement of legal non-conforming structures in any way which increases its non-conformity. The plans also indicate the construction of a new covered front porch which will result in a 22.1' front yard setback where 40' is required by Section 30.10.02.

Mr. Stimac also stated that the home is not occupied at this time and that permits have not been issued depending on the decision of the Board of Zoning Appeals.

Mr. Don Snyder was present and stated that he had recently purchased the house and would like to square up the front of the home to make it more aesthetically pleasing.

Mr. Chamberlain asked Mr. Stimac why the home was non-conforming and Mr. Stimac stated that because most of the homes in this area were built in the 1940's and 1950's, he did not know what, if any, setback requirements of the ordinance would have been.

ITEM #12

The Chairman opened the Public Hearing.

Ms. Pam Lumetta, 2966 Lanergan, was present and stated that she had the opportunity to look over the plans for this home and was very pleased with what she had seen. She also stated that she was very happy that the Snyders wanted to improve the property and thinks it will add to all the property values. She approves of the variance.

The Public Hearing was closed.

There are two written approvals on file.

Mr. Chamberlain questioned the setbacks on houses and stated that one of the reasons for the ordinance was so that homes could not be built causing a jagged edge from their neighbors. Mr. Chamberlain stated that 10' is a lot for a setback.

Mr. Giachino stated that as long as it doesn't encroach any further, he did not see a problem, however mentioned the fact that there is also a request for a covered porch which reduces the setback to about one-half of what was required.

Mr. Milia stated that he would encourage two separate votes on this petition.

Motion by Chamberlain
Supported by Giachino

MOVED, to grant Mr. and Mrs. Donald Snyder, 2965 Lanergan, relief of the Zoning Ordinance regarding expansion of a non-conforming structure.

- Variance is not contrary to public interest.
- The variance will not cause an adverse effect to surrounding property.

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

MOTION TO APPROVE REQUEST REGARDING EXPANSION OF A NON-CONFORMING STRUCTURE CARRIED.

Motion by Chamberlain
Supported by Sosnowski

MOVED, to deny the request of Mr. and Mrs. Donald Snyder, 2965 Lanergan a variance to construct a new covered front porch which would result in a 22.1' front yard setback where 40' is required.

ITEM #12

- Variance is contrary to public interest.
- Variance would have an adverse effect on surrounding property.

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

Nays: 1 – Courtney

Absent: 1 – Fejes

MOTION TO DENY REQUEST FOR NEW COVERED FRONT PORCH CARRIED.

ITEM #13 VARIANCE REQUESTED: Mr. John Broderick, Honey Baked Ham Company, 1057-1155 E. Long Lake Road, for approval of a temporary structure.

Mr. Stimac explained that petitioner is requesting approval for the placement of three temporary storage containers at the rear of their property for a period from November 17, 1999 to December 30, 1999. Section 43.80.00 of the Zoning Ordinance gives the Board of Appeals the power to permit temporary buildings for permitted uses not to exceed two years.

Mr. Chamberlain stated that when he had gone out to see this property, there was a lot of trash in the back of the shopping center, and the trash dumpsters were not properly contained. He stated that he wanted someone from the Building Department to go out and take a look at this site to make sure there were no violations because he feels that this is a safety violation.

Mr. Courtney gave a copy of a letter received by the Building Department to Mr. Broderick objecting to this variance. He stated that Honey Baked Ham Company should be aware of this problem and contact the writer to see if there is a way to resolve the problem.

Mr. Broderick stated that Honey Baked Ham Co. has approximately 50 stores and the Troy location is the 3rd busiest. He stated that these containers are necessary due to the large volume of business that they do as they would use them for storage. In the past they have used large Ryder Trucks and it is very difficult for their employees to get in and out of these trucks and Mr. Broderick stated that because the storage containers are closer to the ground they would offer a much safer environment for their employees. He also felt that they could reduce the number of storage containers needed from 3 to 2 and instead of 6 weeks they could possibly reduce the time period to 4 weeks.

Mr. Rick Kollcth, Regional Manager of Honey Baked Ham, was also present and stated because the product is fresh the storage containers would be used for packaging materials.

Mr. Chamberlain stated that this item had never been brought to this Board before and questioned why it was on the agenda now. Mr. Stimac replied that in 1997 it went

ITEM #13

before City Council to ask for a suspension of the Ordinance and was approved. In 1998 the petitioners returned and were denied by City Council because they felt Honey Baked Ham Company should try to find a larger space in the shopping center to meet their needs.

Mr. Giachino stated that in the past a seasonal extension had been granted however he believes that the storage trailers are an eyesore comparable to a trash container. He also asked what other alternatives have been explored. Mr. Broderick stated that at this time there was only one store vacant and it was several hundred feet away which from an efficiency standpoint would not work.

Mr. Chamberlain asked if trucks for storage were allowed if that in fact, was not violating the setbacks. Mr. Stimac stated that if in fact the parked vehicles are used for storage – this would constitute a storage building based upon the Zoning Ordinance definition.

Mr. Chamberlain stated that it was time for Honey Baked Ham Company to figure out how to take care of this problem permanently. He did not have any sympathy for this situation. Mr. Courtney stated that when Lena of Troy moved out of this shopping center as well as other stores, there was plenty of room for Honey Baked Ham to move.

The Chairman opened the Public Hearing.

Ms. Nancy Zebracki, 1220 E. Long Lake, was present and stated that she has lived across the street from this plaza for 13 years. In that time, she has seen an increase in traffic and speeding. She objects to the amount of commercialism that is taking place in the area. She stated that she moved here for peace and quiet. Because of the increased volume of traffic and noise and because she has a neighbor who is constantly working on his home, she has not enjoyed any peace or quiet. She feels that the whole situation causes a great deal of stress. She is opposed to this variance.

The Public Hearing was closed.

Motion by Courtney
Supported by Chamberlain

MOVED, to deny the request of Mr. John Broderick, Honey Baked Ham Company, 1057-1155 E. Long Lake Road, for approval of a temporary structure.

- Excessive addition to shopping center.
- No hardship demonstrated.

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

MOTION TO DENY REQUEST CARRIED

ITEM #14 VARIANCE REQUESTED: Mr. Eric Coulter, General Manager, and Mr. Willaim Christo, Architect, 555 Oliver for relief to permit a truckwell in the front yard setback in the light industrial zoning district.

Mr. Stimac explained that the petitioners are proposing to construct a truck well on the west side of an existing industrial building located at the southeast corner of the intersection of Oliver and Heide. The proposed location of the truck well places it within the required front yard of the Heide Street frontage. Paragraph L of Section 31.30.00 of the Zoning Ordinance prohibits parking spaces or loading areas within the front yard setback of industrially zoned sites.

Mr. William Christo was present and stated that in conjunction with this request they are planning to construct an addition at the east side of the building. He stated that visitor parking is located on the east side and presently when the trucks come in to unload they are blocking this parking. They are planning to remove the 6' high brick wall on the west side of the site and relocate it farther east in order to remove the access aisle from the front setback and obscure the outdoor storage from the street. Mr. Christo also stated that the trucks would drive down approximately 3 ½ ' to go into this truck well. Mr. Christo placed two drawings on the easel and Mr. Giachino asked if these drawings represented the complete picture. Mr. Stimac stated that he has not had the opportunity to view the proposed site plan. He further stated that from the drawings shown it did not appear that they would need any other variances. Mr. Christo stated that they felt they were in compliance with everything else.

Mr. Chamberlain asked if there would be more green area or less. Mr. Christo stated that presently there 15,000 square feet is required and they are at 24,000 square feet. Mr. Chamberlain also questioned that fact that the truck well would be 3 ½ ' below street level. Mr. Christo stated that the present berm comes up and then goes down again on the other side.

Mr. Mila asked what these trucks are for. Eric Coulter, General Manager for Hoekstra was present and stated that they carry parts needed for repair and also are used to ship retail parts. Mr. Coulter further stated that these parts are very heavy and hi-lows are used to load and unload same.

Mr. Giachino asked if there was any other place to put this truck well and Mr. Christo stated that they had looked into the possibility but any other way would eliminate 40% of the parking lot. Mr. Christo further stated that they are relocating items, however, they would not be able to service the trucks from the other side.

Mr. Chamberlain stated that Hoekstra is only one of two businesses in this area that sits on a corner which results in two front yards.

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

ITEM #14

There are two written approvals on file.

Mr. Milia questioned the fact that there are two fire hydrants on the property. Mr. Christo stated that the water line is not effected.

Motion by Chamberlain
Supported by Maxwell

MOVED, to grant a variance to Mr. Eric Coulter, Hoekstra, Inc., 555 Oliver, to permit a truckwell in the front yard setback in the light industrial zoning district.

- The variance is not contrary to public interest.
- The fact that this property is on a corner lot constitutes a hardship.

Yeas: 4 – Courtney, Maxwell, Chamberlain, Giachino
Nays: 2 – Milia, Sosnowski
Absent: 1 – Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #15 VARIANCE REQUESTED: Mr. Yuen H. Wong, 3400 Eagle, for relief of the required rear yard setback.

Mr. Stimac explained that the petitioners have requested approval to construct a living room addition onto the rear of an existing single family residence. The site plan indicates a 29' rear yard setback would result from the proposed addition. Section 34.20.03 requires that a 35' minimum rear yard setback be provided. In November, 1974 this Board granted a variance of the rear yard setback to 28' to construct a raised 16' x 16' patio with a 42" foundation. Petitioners are now asking approval to cover and enclose this patio to create the living room addition.

Mr. Yuen H. Wong was present and stated that both he and his wife have a medical problem with insects and cannot use the outside. Because the original variance was granted 25 years ago, he would not see a problem to covering this patio. He has spoken to his neighbors and they have no objection to this request. Mr. Wong has also checked into the feasibility of making this enclosure smaller and does not feel it is practical because of the footing size and it would not be economical.

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

Mr. Chamberlain stated that he had gone out and looked at the property and feels that this structure would cause this property to be over built.

Mr. Sosnowski asked Mr. Wong what his hardship was and Mr. Wong stated that it was

ITEM #15

a medical problem for both him and his wife. He stated that he was not asking for a new variance because the patio was already there.

There are four written approvals on file.

Motion by Giachino
Supported by Courtney

MOVED, to grant Mr. Yuen H. Wong, 3400 Eagle, a variance for relief of the required rear yard setback.

- This variance is not contrary to public interest.
- The neighbors adjacent to the property approve.
- This variance is tied into the variance previously granted.

Yeas: 3 – Courtney, Maxwell, Giachino
Nays: 3 – Chamberlain, Milia, Sosnowski
Absent: 1 – Fejes

This motion failed to receive the required four votes and Mr. Milia stated that he would like a motion to table this request until the December 21, 1999 meeting so a full board would be present. Mr. Wong stated that he would agree to this, however, he needed to be placed at the end of agenda because of a conflict with night school.

Motion by Sosnowski
Supported by Chamberlain

MOVED, to table the request of Mr. Yuen H. Wong, 3400 Eagle until the December 21, 1999 meeting.

- To give the petitioner the benefit of a full board

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

MOTION TO TABLE REQUEST UNTIL DECEMBER 21, 1999 CARRIED

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

MS/pr