

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

PRESENT: KENNETH COURTNEY
MARK MAXWELL
GARY CHAMBERLAIN
CARMELO MILIA
JERALD SOSNOWSKI
CHRISTOPHER FEJES

MARK STIMAC
BOB DAVISSON

ABSENT: JAMES GIACHINO

Mr. Milia stated that Mr. Giachino had an emergency and was not able to attend the meeting.

Motion by Courtney
Supported by Fejes

MOVED, to excuse Mr. Giachino from the December 21, 1999 meeting.

Yeas: All – 6

ITEM #1 – APPROVAL OF MINUTES, NOVEMBER 16, 1999

Motion by Sosnowski
Supported by Chamberlain

MOVED, to approve the November 16, 1999 minutes as written.

Yeas: 5 – Chamberlain, Milia, Sosnowski, Courtney, Maxwell
Abstain: 1 – Fejes

MOTION TO APPROVE MINUTES CARRIED

RENEWALS

ITEM #2 RENEWAL REQUESTED: TROY CHRISTIAN CHAPEL, 400 E. LONG LAKE, for relief to maintain a landscaped berm in lieu of the 4'6" high masonry screening wall along the south and west property lines where off-street parking abuts residential.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board in 1986 to maintain a fence and landscaped berm in lieu of the required 4'6" high masonry screening wall along a portion of the south and west property lines that abut residential. This relief was originally granted based on the fact that the abutting

ITEM #2

neighbors requested the berm and fence in lieu of the required masonry wall. Conditions remain the same and we have no objections or complaints on file.

Mr. Dan Lewis was present and stated that he had nothing to add.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Troy Christian Chapel, 400 E. Long Lake, a three (3) year variance for relief to maintain a landscaped berm in lieu of the 4'6" high masonry screening wall along the south and west property lines where off-street parking abuts residential.

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

Yeas: All – 6

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 RENEWAL REQUESTED: THE PAULS CORPORATION, 4685 INVESTMENT DRIVE, for relief to construct a landscaped berm in place of the 6' high masonry screening wall required along the south and west property lines.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted to construct a landscaped berm in place of the 6' high masonry screening wall required along the south and west property lines. This variance was originally granted by this board in December 1998. Conditions remain the same and we have no complaints or objections on file.

Mr. Stimac further explained that we had received a letter asking us to table this item until the January 2000 meeting.

Motion by Chamberlain
Supported by Sosnowski

MOVED, to table the request of the Pauls Corporation, 4685 Investment Drive for relief to construct a landscaped berm in place of the 6' high masonry screening wall required along the south and west property lines until the January 18, 2000 meeting to allow the petitioner the opportunity to be present.

Yeas: All – 6

MOTION TO TABLE REQUEST CARRIED

ITEM #4 RENEWAL REQUESTED: DR. PHILIP D. COHEN, 2950 E. WATTLES RD., for relief of the 6' high masonry screening wall required along the south property line.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board in 1993 for relief of the requirement to install a 6' high masonry screening wall required along the south property line. This wall is required where non-residential abuts residential zoned properties. The relief was originally granted, based on the fact the wall would serve no practical purpose and the variance was not contrary to public interest. Conditions remain the same, and we have no complaints or objections on file.

Mr. Stimac also stated that we had received a request to table this item until the January 18, 2000 meeting.

Motion by Sosnowski
Supported by Maxwell

MOVED, to table the request of Dr. Philip D. Cohen, 2950 E. Wattles, Rd., for relief of the 6' high masonry screening wall required along the south property line until the January 18, 2000 to allow the petitioner the opportunity to be present.

Yeas: All – 6

MOTION TO TABLE REQUEST CARRIED

TABLED ITEMS

ITEM #5 RENEWAL REQUESTED: CONGREGATION SHIR TIKVAH, 3900 NORTHFIELD PARKWAY, for relief of the 4'6" high masonry screening 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-screening wall required along the east side of their off-street parking area where it abuts residential zoned property. This Board originally granted the variance, in November 1996. This item originally came to the board for renewal on November 16, 1999 and was tabled to allow members of the Board to visit the site to determine whether the variance could be continued and also to allow Congregation Shir Tikvah the opportunity to contact their adjacent neighbor who has filed an objection to this variance.

Mr. Michael Bernstein was present and stated that upon research it was determined that the neighbor who objected to this variance was not adjacent to the parking lot, but was

ITEM #5

in fact south of the parking lot and adjacent to the building. Mr. Bernstein also stated that Congregation Shir Tikvah felt that there were many valid concerns and in an effort to keep peace with the neighbors they were planning to plant approximately 25 additional trees in the spring. They are also planning on installing a burlap snow fence along the east side of their off-street parking in an effort to create a more solid barrier during the winter months.

Motion by Chamberlain
Supported by Courtney

MOVED, to grant Congregation Shir Tikvah, 3900 Northfield Parkway, a one (1) year variance for relief of the 4'6" high masonry screening wall required on the east side of off-street parking.

- One year will allow the Board to observe how the trees will fill in to create a natural barrier.
- Not contrary to public interest.

Yeas: All – 6

MOTION TO GRANT VARIANCE RENEWAL FOR ONE YEAR CARRIED

**ITEM #6 VARIANCE REQUESTED: MR. WILLIAM BUTKOVICH, 804
ROBINWOOD DRIVE, for relief of the front yard setback.**

Mr. Stimac explained that the petitioner is requesting relief of the front yard setback to construct a detached garage. With the development of the adjacent Pennington Estates Subdivision, Enterprise Street was constructed along the east side of this property. The lot has now become a double front corner lot. Section 30.10.06 requires a 25' minimum front yard setback from Enterprise. The site plan submitted indicates a 22' setback from the proposed garage to the property line along Enterprise.

Mr. William Butkovich was present and stated that he had purchased the home in November 1999. At that time, the seller had indicated that a garage had already been approved. Mr. Butkovich also stated that there was not basement in the house and No Parking signs had been placed on the streets around his home and he now has no where to park his vehicles.

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 Fejes

ITEM #6

MOVED, to grant Mr. William Butkovich, 804 Robinwood, relief of the front yard setback to construct a detached garage with a 22' setback from Enterprise, where a 25' minimum setback is required.

- This variance is not contrary to public interest.
- Hardship is due to the fact that this property has two front yards.
- This variance will not cause an adverse effect on surrounding property.

Yeas: All – 6

MOTION TO APPROVE REQUEST CARRIED

ITEM #7 VARIANCE REQUESTED: MR. AND MRS. JOHN WERNER, 183 TACOMA, for relief of the front yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an addition onto an existing single family residence. Section 30.10.09 requires a 25' minimum front yard setback in the R-2 (Two Family Residential) Zoning District. The existing house has only a 21.3 foot front yard setback. The plans submitted indicate a second floor expansion over this existing structure. Section 40.50.04 prohibits the expansion of non-conforming structures. Also, Section 41.50.00 allows a 3' maximum roof overhang projection into a required front yard. The minimum front setback to roof projections at this location is 22'. The plans indicate front setbacks of 17.3' to the roof overhang of the covered porch roof and 20.3' to the garage roof overhang.

Mr. John Werner was present and stated that he and his wife wanted to add living space to the home and felt that the variance was not excessive and would conform to other properties in the area.

Mr. Maxwell asked how big Mr. Werner's home and was told it was 800 square feet.

Mr. Stimac presented the plans of the proposed construction to this home and explained that the existing structure has a bay window and the roof structure on the second floor is added over the top of this bay. This addition will result in a 7 ½' encroachment in the required setback. As well, the overhangs of the proposed porch and garage roofs will encroach 4.7' and 1.7' respectively into the required front setback.

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.

ITEM #7

Motion by Chamberlain
Supported by Maxwell

MOVED, to grant Mr. and Mrs. John Werner, 183 Tacoma, relief of the Zoning Ordinance to construct an addition onto an existing single family residence, which will expand a legal non-conforming structure, construct a new front porch with a 17.3' setback to the roof overhang where 22' is required and construct a new garage with a 20.3' setback to the roof overhang where 22' is required.

- Variance will allow petitioners more use of their property.
- This variance is not contrary to public interest.
- The variance does not establish a prohibited use in the zoning district.
- This variance only applies to this property.

Yeas: All – 6

MOTION TO APPROVE REQUEST CARRIED

**ITEM #8 VARIANCE REQUESTED: ROBERT AND MARLENE ZUKE, 525
ECKFORD, for relief of Section 40.65.00 of Chapter 39 of the Troy
City Code.**

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to store a boat in the front yard of an existing property. Chapter 39, Section 40.65.00 of the City of Troy Code prohibits recreational vehicles being stored in front of the front face of a residential building.

Mr. Stimac also stated that we had received a request from the petitioners to table this item until the January 18, 2000 meeting.

There are four written approvals on file.

Motion by Chamberlain
Supported by Courtney

MOVED, to table the request of Robert Zuke and Marlene Zuke, 525 Eckford, for relief of Section 40.65.00 of Chapter 39 of the Troy City Code to give the petitioner the opportunity to be present.

Yeas: All – 6

MOTION TO TABLE REQUEST UNTIL THE JANUARY 18, 2000 MEETING CARRIED

**ITEM #9 VARIANCE REQUESTED: (TABLED ITEM) MR. YUEN H. WONG,
3400 EAGLE, for relief of the rear yard setback.**

Mr. Stimac explained that the petitioner is requesting approval to construct a living room addition onto the rear of an existing single family residence. The site plan submitted 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. This item was originally brought to this Board in November 1999 and was tabled until the December meeting in order to give Mr. Wong the opportunity of a full board. Mr. Wong asked that this item be placed at the end of the agenda because of a conflict with night school.

Mr. Wong was present and Mr. Milia explained to him that due to Mr. Giachino's absence he still did not have the benefit of a full board and asked if he would like to table this item until the January 18, 2000 meeting. Mr. Wong stated that he appreciated that and would like to table his request.

Motion by Courtney
Supported by Maxwell

MOVED, to table the request of Mr. Yuen H. Wong, 3400 Eagle for relief of the rear yard setback until the January 18, 2000 meeting to give the petitioner the opportunity to be heard by a full board.

Yeas: All – 6

MOTION TO TABLE REQUEST UNTIL THE JANUARY 18, 2000 CARRIED

The Board of Zoning Appeals meeting adjourned at 8:10 P.M.

MS/pr

