

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, January 20, 1998 by Jerald Sosnowski, Chairman.

PRESENT: Michael Alaimo
Kenneth Courtney
Christopher Fejes
James Giachino
Carmelo Milia
Jerald Sosnowski
Wayne Wright

John Martin
Gary A. Shripka

ITEM #1 Approval of Minutes - November 18, 1997 and December 3, 1997

Motion by Courtney
Supported by Wright

Moved to approve the November 18, 1997 and December 3, 1997 minutes.

Yeas: All 7

ITEM #2 RENEWAL REQUESTED: Troy Lanes/Family Fun Center, 1950 E. Square Lake Road, for relief of the 6 foot high masonry screening wall required along the west property line.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to maintain a 6 foot high earth berm in lieu of the 6 foot high masonry screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a church. Conditions remain the same, we have no objections or complaints on file.

Bonnie Hethcole, Supervisor Troy Lanes, was present and had nothing to add.

Motion by Fejes
Supported by Alaimo

MOVED, to grant Troy Lanes/Family Fun Center, 1950 E. Square Lake, a three (3) year renewal of their variance for relief to maintain a 6 foot high earth berm in place of the 6 foot high masonry screening wall required along the west property line:

1. As long as conditions remain the same.
2. There are no complaints on file.

Yeas: All 7

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

ITEM #3 RENEWAL REQUESTED: St. Lucy's Church, 200 E. Wattles, for relief of the 4'6" high masonry wall required along the east and west sides of off-street parking.

ITEM #3

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, in 1993 for relief of the requirement to install 4'6" high masonry screening walls along the east and west sides of their off-street parking. This relief was originally granted based on the fact the walls would serve no useful purpose. The site has now been completed and there are no objections or complaints on file.

Vlado Markoevac, representing the church, was present and had nothing to add.

Motion by Milia
Supported by Wright

MOVED, to grant St. Lucy Church, 200 W. Wattles, a one (1) year renewal of their variance for relief of the 4'6" high masonry wall required along the east and west sides of their off-street parking:

1. There are no objections or complaints on file.
2. The property is still under development and there is other development in the area, a one year renewal will permit the Board to keep control on the variance.

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

ITEM #4 RENEWAL REQUESTED: Faith Apostolic Church, 6710 Crooks, for relief of the 4'6" masonry wall required on the north, east and south sides of off-street parking:

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, for relief of the 4'6" high masonry wall required on the north, east and south sides of their off-street parking areas. The Zoning Ordinance requires this masonry wall where the off-street parking abuts residential zoned property. This relief was originally granted in July of 1981. Conditions remain the same, there are no objections or complaints on file.

Mark Reed, Pastor, was present and noted the conditions have not changed and they have never received any complaints from their neighbors. Pastor Reed requested the Board consider a three (3) year renewal.

Motion by Giachino
Supported by Fejes

MOVED, to grant Faith Apostolic Church, 6710 Crooks, a three (3) year renewal of their variance for relief of the 4'6" high masonry wall required along the north, east, and south sides of their off-street parking:

1. Conditions remain the same.

ITEM #4

2. There are no objections or complaints on file.

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #5 RENEWAL REQUESTED: Cougar Investments, 2100 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the west property line at the north end of the parcel.

Mr. Shripka explained that the petitioner is requesting renewal of relief of the requirement to erect a 6 foot high masonry screening wall along the west property line at the north end of their site. This property abuts residential zoning and a 6 foot high masonry screening wall is required along that portion of the property. The Board originally granted relief for this wall in 1983, based on the fact the adjacent land was undeveloped and used as a retention pond. Conditions remain the same, we have no objections or complaints on file.

Jacques Haddad, a partner, was present and had nothing to add.

Motion by Alaimo
Supported by Courtney

MOVED, to grant Cougar Investments, 2100 W. Big Beaver, a three (3) year renewal of their variance for relief of the 6 foot high masonry screening wall required along north end of their west property line:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #6 RENEWAL REQUESTED: BRB Properties, 1655 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along portions of the south property line.

The chairman moved item #6 to the end of the agenda to give the petitioner the opportunity to be present.

ITEM #7 VARIANCE REQUESTED: James Ayers, 4190 Walnut Hill, for relief to maintain an antenna that exceeds the maximum height permitted.

ITEM #7

Mr. Shripka explained that the petitioner originally appeared before this Board at the October 21, 1997 meeting. At that time he was requesting relief of the Zoning Ordinance to maintain an amateur radio antenna erected without a permit. The Zoning Ordinance requires roof mounted antennas extend not more than 12 feet above the highest point of the roof. The petitioner's antenna extends 23 feet above the highest point of the existing roof. At that meeting, this item was tabled, first of all to give the petitioner the opportunity to apply to the Planning Commission for a change to the ordinance. The petitioner could maintain the antenna during that time, and tabling action was for three months. In checking with the Planning Department, we find that the Planning Commission needs more information as to how the Zoning Board would like them to proceed in this matter. Currently there is no change to the ordinance.

James Ayers - Andy Fisher, the petitioner's son-in-law and Phil Ode, President of the Hazel Park Radio Club were present.

Mr. Ayers commented on the number of hours and the importance of the tower for radio communications to his son-in-law. Mr. Ayers commented that visibility of the tower is minimal and can only be seen from Adams Road.

Mr. Wright spoke on the information regarding Planning Commission discussions regarding this matter. Mr. Wright noted that no recommendation has been made for a change.

The Board questioned use of the radio for community service. Andy Fisher commented that he is involved in emergency testing and has just been named to the Net Control for Southeast Oakland County for emergency testing.

Phil Ode spoke on the need for height in relation to communications.

The Board suggested that the petitioner pursue the request to Plan Commission for changes to the ordinance regarding antennas.

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

Motion by Giachino
Supported by Milia

MOVED, to grant James Ayers, 3190 Walnut Hill, a variance, as requested, for relief to maintain an amateur radio antenna that extends 23 feet above the highest point of the home, where 12 feet is permitted:

1. It is a quasi service that the petitioner provides to the city and county . The antenna is the same as several others in the city.
2. The variance is not detrimental to the surrounding area.
3. The variance does not cause a change to the use or zoning.

ITEM #7

4. Safety is not an issue, it is far away from other properties, it is a reasonably low antenna.

Yeas: 6 - Fejes, Courtney, Alaimo, Giachino, Milia, Sosnowski

Nays: 1 - Wright

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 VARIANCE REQUESTED: Cynthia Starr, 70 Cloveridge, for relief of the side yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to remove and replace a detached garage. The plot plan shows the garage is to be 1.7 feet from the east side lot line. The Zoning Ordinance requires a 6 foot minimum setback from the side or rear property line.

Cynthia Starr was present and stated that the existing garage had been cited by the City as being unsafe. She was requested to remove or repair the garage. She obtained a permit to repair the garage, but when the repairs were started, they found that the garage was in worse condition than they thought. The bottom 10 to 12 boards were rotted, so they decided to remove the existing garage and construct a new garage in its place. Ms. Starr indicated that the foundation and slab for the garage was existing as the garage had been at this location for several years. Ms. Starr stated that she does not have the means or finances to re-build the garage at a location which meets codes.

The Board questioned the second driveway to the property and noted that it could be used for access to a garage in an approved location. Ms. Starr again noted that she did not have the means or finances to construct a new foundation, demolish and remove the existing one. The Board expressed its concerns with the number of trailers on the property. Ms. Starr stated that her trailer would be stored in the garage upon completion. Brian Holowinski was present and stated that he was repairing the other trailers, indicating it was his source of income, and the trailers would be removed when they were repaired. He stated that because of zoning requirements where he lived, he could not repair them there. If Ms. Starr receives the variance, he will guarantee they will be removed from the property. Ms. Starr noted that she plans to sell the property and the garage would add to the value of the property.

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

There were 4 written approvals on file.

Motion by Giachino
Supported by Alaimo

MOVED, to grant Cynthia Starr, 70 Coveridge, a variance as requested to construct a detached garage 1.7 feet from the east property line:

ITEM #8

1. The variance is granted with the condition that the property is cleaned up and the trailers removed from the rear yard prior to building approval.
2. The garage construction enhances the site as to what was there before.
3. A condition of the variance would be to provide, in writing, before the permit is issued, the fact that the conditions of removing the trailers and cleaning the property will be completed.

Yeas: 3 - Alaimo, Giachino, Sosnowski

Nays: 4- Courtney, Wright, Milia, Fejes - Mr. Milia noted that he feels the garage can be constructed to meet code and money spend would be recuperated when the property was sold.

MOTION FAILS - REQUEST DENIED

ITEM #9 VARIANCE REQUESTED: Thomas W. Brown, 2020 Rochester, for relief to maintain an accessory structure in the side yard.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to maintain an accessory building constructed without a permit. The building has been constructed without a rat wall, in the side yard, 4 feet from the main structure and 3 feet from the side lot line. The Zoning Ordinance requires; (a) accessory structures be in a rear yard only, (b) a 24 inch deep rat wall, (c) accessory buildings to be a minimum of 10 feet behind the main building, and (d) a minimum of 6 feet from any side or rear lot line.

Thomas Brown was present and stated that was not aware that a permit was required. He was given the information by the manufacturer of the accessory structure. The structure sets on a 4 inch slab with a 3 inch sand base. He feels that the structure meets the intention of the code. If he were to move the structure into the rear yard, he will lose yard area. Mr. Brown stated that if he were to set in 6 feet from the lot lines, it would look like the structure was in the middle of his yard. Mr. Brown stated he has a small garage and needs the accessory building for additional storage. Mr. Brown stated that the equipment loaned to him for the construction was no longer available to him and that it would be an economic hardship to relocate the accessory structure.

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

There was 1 written approval on file.

Motion by Alaimo
Supported by Milia

MOVED, to deny the request from Thomas W. Brown, 2020 Rochester, for relief to maintain an accessory structure constructed without a permit, constructed in a side yard, constructed without a ratwall, constructed less than 10 feet to the rear of the home and constructed less than 6 feet from the lot line:

ITEM #9

1. The petitioner has not demonstrated a hardship to justify a variance.

Yeas: 6 - Courtney, Alaimo, Wright, Milia, Sosnowski, Fejes
Nays: 1 - Giachino

MOTION TO DENY REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: John & Elaine Doctor, 6255 Evanswood, for relief to exceed the allowed size and height for an accessory building and relief to locate an accessory building in a side yard.

Mr. Shripka explained that the petitioner originally appeared before this Board during the October, 1997 meeting. At that time the petitioner was requesting relief of the ordinance to construct a 46'x52' x 25' high accessory building in the side yard. That request was denied. The petitioner has now re-submitted drawings and has asked that a new variance be approved. The petitioner has made significant changes to the original request and is now seeking relief of the Zoning Ordinance to construct a 2852 sq. ft. detached garage, 17'6" high, located in the north side yard. The Zoning Ordinance limits garage area allowed, at this location, to 2044 square feet. The Zoning Ordinance limits accessory buildings to 14 feet high and requires they be located in a rear yard only.

John and Elaine Doctor were present. Mr. Doctor noted that the garage has been reduced 5-6% of the original plan. He thought it was less but the overhang counts as square foot area. Mr. Doctor explained the need for the size, indicating the need for storage and vehicle storage, the height is to accommodate a camper and motor home. The placement is due to large mature trees and the designated wetland area in the rear yard.

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

There was 1 written approval on file.

Motion by Courtney
Supported by Giachino

MOVED, to grant John and Elaine Doctor, 6255 Evanswood, a variance, as requested, for relief to a 2852 square foot detached garage, 17'6" high, in the north side yard:

1. Location of the accessory building is restricted due to mature trees and designated wetlands
2. The variance will not establish a prohibited use in the zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance is not contrary to public interest.
5. The variance relates only to the property described in the application.

ITEM #10

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #11 VARIANCE REQUESTED: Gregory & Patricia Bright, 1372 Tennyson, for relief of the front yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 26'x7' covered porch addition. The plot plan shows the proposed addition would result in a 28.1 foot front yard setback. The Zoning Ordinance requires a 30 foot front yard setback for this zoning district.

Gregg and Patricia Bright were present. Mr. Bright stated that they have a special needs child and the addition of the covered front porch will allow them to spend time outside with their child and the neighbors. The open covered front porch will still allow them to keep the open air environment. Mr. Bright stated that he has discussed the proposal with neighbors and they have no objections. Mr. Bright also stated that they would like to stay in Troy because of the Special Education Program.

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

There were 9 written approvals on file.

Motion by Milia
Supported by Wright

MOVED, to grant Gregory & Patricia Bright, 1372 Tennyson, a variance, as requested, for relief to construct a 26'x7' covered porch addition resulting in a 18.1 foot front yard setback:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use in the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The petitioner has presented a practical difficulty associated with a special needs child.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: Charles Marks, Redstone Tiseo Architects, 1970 E. Big Beaver for relief to construct an addition at a non-conforming site.

ITEM #12

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 152'8"x60' addition for truck wells on the west side of an existing building. The site is existing legal non-conforming because there is parking is the required setbacks from Big Beaver and John R. The Zoning Ordinance does not permit additions to, nor expansions of non-conforming sites.

Charles Redstone and Charles Marks of Redstone Tiseo Architects and John Boyd of Signature Associates were present. Mr. Redstone showed the Board a current site plan and explained the improvements proposed for the site. Mr. Redstone stated that the truck well on the John R. side would be removed, as it causes a traffic problem when in use. They would like to relocate and add truck wells to the west side. They plan to increase the landscaping by 24 to 46%. Trees will be provided to meet the ordinance. The number of parking spaces, in front setbacks will be decreased from 102 to 87. Their plan will provide a better looking site and lessen the non-conformity. The lack of setbacks is due to the widening of both Big Beaver and John R. Mr. Redstone noted that the prospective tenant has an option subject to approval of the variance.

In response to the Board's questions. John Boyd of Signature Associates explained the nature of the tenants business, use of the building and the number of employees. Mr. Boyd noted that the building has been vacant since April, 1997, and they hope to get it occupied.

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

Motion by Fejes
Supported by Alaimo

MOVED, to grant Charles Marks of Redstone Tiseo Associates, 1970 E. Big Beaver, a variance, as requested, for relief to construct a 152'8"x60' addition to the west side of a building on an existing legal non-conforming site:

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
4. The proposal will clear up a traffic problem on John R., making it a safer site.
5. The petitioner is lessening the non-conformity of the site by increasing landscaping and cutting down non-conforming parking.
6. The petitioner is not adding to the non-conformity of the site.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 (ITEM #6) **RENEWAL REQUESTED: BRB Properties, 1655 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along portions of the south property line.**

ITEM #13 (6) BRB Properties, 1655 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along portions of the south property line, was tabled until the February 17, 1998 meeting to give the petitioner the opportunity to be present.

The Board of Zoning Appeals Meeting adjourned at 8:45 p.m. Tuesday, January 20, 1998.

GAS/ddb