

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, April 21, 1998, by the chairman, Jerald Sosnowski.

PRESENT: Michael Alaimo John Martin
Robin Beltramini Gary A. Shripka
Kenneth Courtney
James Giachino
Carmelo Milia
Jerald Sosnowski

ABSENT: Christopher Fejes

ITEM #1 **Approval of Minutes - March 17, 1998**

Motion by: Giachino
Supported by: Beltramini

MOVED, to approve the March 17, 1998 minutes.

Yeas: 6
Absent: 1- Fejes

MOTION TO APPROVE CARRIED

ITEM #2 **RENEWAL REQUESTED: William Starrs, Troy Sports Center, 1819 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north and west property lines.**

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, in 1997 to provide landscaped berms along the north and a portion of the west property lines in lieu of the 6 foot high masonry screening wall. Relief was originally granted, based on the fact that the petitioner had demonstrated that conformance was unnecessary burdensome and the wall would be less attractive than the landscaped berm. The center is now nearing completion, we have no complaints on file.

Dennis Bostick was present and had nothing to add. Mr. Bostick answered the Board's questions regarding the site and berm.

Motion by Milia
Supported by Alaimo

MOVED, to grant William Starrs, Troy Sports Center, 1819 E. Big Beaver, a one (1) year renewal of their variance to provide a landscaped berm in place of the 4'6" wall required along the north and a portion of the west property lines;

1. There are no complaints on file.

ITEM #2

Yeas: 6
Absent: 1- Fejes

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

ITEM #3 **RENEWAL REQUESTED: Evanswood Church of God, 2601 E. Square Lake Road, for relief of the 4'6" masonry wall required along the west and north sides of off-street parking.**

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to provide a berm in place of the 4'6" high wall on the west side of off-street parking and deletion of the 4'6" high wall required along off-street parking on the north side of the property. This relief was originally granted in 1995 for one year, based on the fact the property immediately north of the parking lot is wetlands and has substantial growth. Conditions remain the same, we have no objections or complaints on file.

Bob Perrin, Chairman of the Board of Trustees was present. Mr. Perrin stated the neighbors to the west prefer the wall. Also, a very large Oak tree would have to be removed to install a wall.

Motion by Giachino
Supported by Courtney

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake Road, a three (3) year renewal of their variance for relief to maintain a berm in place of the 4'6" masonry wall required along the west side of off-street parking and relief of the 4'6" masonry wall required along the north side of off-street parking;

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

Yeas: 6
Absent: 1- Fejes

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #4 **RENEWAL REQUESTED: Wattles Investment Company, 4000 Livernois, for relief of the 6 foot high masonry screening wall required along the east property line and the 30 inch high wall or landscaped buffer required along Crestfield.**

The chairman moved this item to the end of the agenda (Item #16) to give the petitioner the opportunity to be present.

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ITEM #5 RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to use one_
required parking space for a dumpster enclosure.

The chairman moved this item to the end of the agenda (Item #17) to give the petitioner the opportunity to be present.

ITEM #6 VARIANCE REQUESTED: Martha & John Laymac, 2605 Wisconsin, for relief of
the required lot size.

Mr. Shripka explained that the petitioner originally appeared before this Board at their March 17, 1998 meeting. At that time the petitioner was requesting relief of the Zoning Ordinance to split an existing lot into two lots. Parcel A and Parcel B. The proposed split results in Parcel B being 7,223 square feet in size. The Zoning Ordinance requires lots in this residential zoned district to have a minimum area of 7,500 square feet. At that meeting, this item was tabled to give the petitioner the opportunity to get site plans showing easements and that easements would not interfere with required setbacks and also, to give the petitioner the opportunity to resolve differences with neighboring property owners in the area.

John & Martha Laymac were present. Mr. Laymac stated that he went back to the real estate agent and they once again checked with the survey and title companies. They were assured that the survey was correct.

Mr. Courtney again questioned utility easements on the property . The Laymac's stated that the title company assured them there were no easements

Mrs. Laymac stated that her brother was in a very bad auto accident and has Parkinson's and they plan to construct a new home on the lot split for their son and renovate the existing house for her brother so she can care for him. When questioned about an addition Mr. Laymac stated an addition would not look right, he has already put a lot of money into the house and a new home would enhance the value of the property.

The Board questioned whether they lived at the site and the Laymac's stated they live at 2509 Lake Charnwood, they bought this property 3 years ago, have improved the property and their son lives there.

The chairman opened the public hearing

Alice Myers, 1302 Minnesota, was present and objected, stating the petitioner bought the property as rental property and an addition would be a better alternative.

James Sialik, 2651 Wisconsin, was present and stated his wife is handicapped and their living room faces the property.

Daniel Wirsu, 1330 Minnesota, was present and objected stating lots should not be split, it will set a precedent.

ITEM #5

Manuel Ray, 895 Minnesota, was present and objected to the split for a number of reasons, indicating when he moved here 1/2 acre lots were the minimum size permitted.

There were no further comments and the public hearing was closed.

Motion by Alaimo
Supported by Courtney

MOVED, to deny the request of Martha and John Laymac, 3605 Wisconsin, for a lot split resulting in the split parcel being 7,223 square feet in size where 7500 square feet is required;

1. The petitioner has failed to provide the Board with sufficient basis to grant a variance.
2. There are other ways to handle their problem.

Yeas: 5- Milia, Sosnowski, Courtney, Alaimo, Beltramini
 Nays: 1- Giachino
 Absent: 1- Fejes

MOTION TO DENY REQUEST CARRIED

ITEM #7 **VARIANCE REQUESTED: Elder Land Development Corporation, 1819 Maplelawn (proposed address) for relief of the required landscaping.**

Mr. Shripka explained that the petitioner first appeared before this Board at the March 17, 1998 meeting. At that time the petitioner was requesting relief of the ordinance to construct a 15,000 square foot stand alone dealership on their site at 1815 Maplelawn for their Saab franchise. The plot plan shows the site would have 18,888 square feet of countable landscaping. The Zoning Ordinance requires 30,010 square feet of landscaping for a site of this size. At that meeting, this item was tabled to give the petitioner the opportunity to meet with the Planning and Building Departments in order to work out a plan for providing additional landscaping. Since that time, the petitioner has in fact met and increased the landscaped area from 18,888 square feet to a total of 25,3350 square feet, leaving this site 4,660 square feet short of the required landscape area.

Paul Sabatini of the Jaguar Dealership and Tony Rea were present. Mr. Rea stated that they met with Larry Keisling and Mark Stimac of the Planning Department and have come up with a new site plan, based on that meeting. They have eliminated the parking in to provide additional landscaping.

Motion by Giachino
Supported by Beltramini

MOVED, to grant Elder Land Development Corporation, 1819 Maplelawn (proposed address), a variance, as requested, for relief construct a new Saab Dealership providing 25,330 square feet of landscaping where 30,010 is required for the site;

ITEM #7

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1. The variance is not contrary to public interest for the general intent and purpose of the ordinance.
2. The variance does not establish a prohibited use in the zoning district.
3. The variance will not have a substantial adverse effect to properties in the immediate vicinity or zoning district.
4. Literal enforcement of the Zoning Ordinance precludes full enjoyment and permitted use and makes conforming unnecessarily burdensome.

Yeas: 6
 Absent: 1- Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 Request withdrew until May meeting.

ITEM #9 VARIANCE REQUESTED: James & Carol Leever, 1129 Birchwood, for relief to exceed the maximum size permitted for a garage and relief of the side yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 22'x20' detached garage. The site plan shows the proposed garage would result in structures on the lot totaling 1,560 square feet of building area. The Zoning Ordinance limits building area on this lot to 30% of the lot or 1,512 square feet. Also, the plan shows a proposed 3 foot setback from the west side lot line. The Zoning Ordinance requires a 6 foot minimum side yard setback.

James Leever was present and stated that the garage is needed to park two vehicles, lawn equipment and provide for other storage, such as bikes and tools. Also, the people who live there have a cleaning service for offices. The size also gives them storage AREA for cleaning equipment, waxes, etc. The garage is pretty much a standard size two car garage. If they were to maintain a 6 foot setback from the side lot line, it would be very difficult to maneuver the second vehicle in and out of the garage because of a deck.

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 & Carol Leever, 1129 Birchwood, a variance, as requested for relief to construct a 22'x20' detached garage 3 foot from the west side lot line;

1. The variance is not contrary to public interest for the general purpose and intent of the ordinance.
2. The variance does not establish a prohibited use in the zoning district.

ITEM #9

3. The variance does not cause a substantial adverse effect to properties in the immediate vicinity or zoning district.

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4. Literal enforcement of the Zoning Ordinance precludes full permitted use and enjoyment of a garage and is unnecessarily burdensome.

Yeas: 6
Absent: 1- Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 **VARIANCE REQUESTED: Ronald A. & Denise M. Lance, 3369 Tothill, for relief of the required front setback.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 28'10" x 11' addition to their garage. The plot plan shows the proposed addition would result in a 34'8" front yard setback. The Zoning Ordinance requires a minimum front setback of 40 feet.

Ronald Lance was present and stated the addition to the garage was to give them needed room, as they have two more licensed drivers in the family. As part of the garage addition, renovations are planned to the laundry area to alleviate a heating problem. Mr. Lance explained that it would be inconsistent with the neighborhood to park vehicles outside. The proposed addition will be in line with columns of the porch on the front of the home.

The Board questioned a rear yard addition to the garage, indicating it would not require a variance as there is a large rear yard. Mr. Lance spoke of a in-ground pool which has been filled in and would be in the area of the addition if it were constructed on the rear. Mr. Lance stated that his builder informed him, because of soft sand fill and pool remnants , it would be very difficult to dig footings. Also, an addition to the rear would block his neighbors view from their deck and the drive would be too close to the neighbor.

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

There were 5 written approvals on file.

Motion by Beltramini
Supported by Milia

MOVED, to table the request of Ronald A. & Denise M. Lance, 3369 Tothill, until the next regular meeting (May 19, 1998) to give the petitioner the opportunity to show whether or not the pool is a problem.

Yeas: 5- Alaimo, Beltramini, Giachino, Milia, Sosnowski
Nays: 1- Courtney

ITEM #10

Absent: 1- Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MAY 19, 1998) CARRIED

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ITEM #11 VARIANCE REQUESTED: St. Mark Coptic Orthodox Church, 3615 Livernois (proposed address), for relief of the 4'6" high masonry wall required along the south property line.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new 28,104 square foot church. The plot plan shows a landscaped berm along the south property line where the Zoning Ordinance requires a 4'6" high masonry wall. The petitioner originally appeared before this Board at their March 1998 meeting, at which time he was granted variances for setbacks and height. The issue of the wall was discussed at that time, but we had not received approval from the Parks and Recreation Department. The Parks and Recreation Department has now approved the landscape plans submitted by the petitioner and they are present for this meeting.

Constantine Pappas the architect for St. Mark Coptic Orthodox Church was present. Mr Pappas stated the berm, in lieu of a wall, along the south side was to appease the neighbors to the south. They will also provide additional landscaping, Mr. Pappas noted that this was a narrow site and difficult to work with.

The chairman opened the public hearing.

Phil Ciesliga, 233 Kirk Lane, was present and objected commenting on several complaints he has with the site, indicating that everything is being moved to the north side of the site, causing neighbors to the north a hardship. Mr. Ciesliga asked why they could not have the same as neighbors to the south.

Mr. Pappas noted he would be willing to meet with the neighbors and work out an agreement for the type of screening wanted on the north.

Gary Griffith, 193 Kirk Lane, was present and objected for the same reasons. He also stated that in addition to everything being moved closer, they would have higher lights, closer parking, etc. Mr. Griffith stated the neighbors to the north are not being taken into consideration.

The possibility of opening Ruthland was discussed and Mr. Pappas stated that there was not enough room to have an adequate turning radius.

A member of the building committee for the church was present and noted that the lots on the south were shallow compared to the lots on the north and that is why they kept development further from the south. Also, it as noted that a portion of the berm, on the south, would be on the neighbors property.

ITEM #11

Richard Hillier, 230 Kirk Lane, was present and objected to a wall on the north.

Ted S. Huang, 188 Millstone was present and approved of the landscaped berm on the south side of off-street parking.

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Abdul Abdul, 172 Millstone was present and approved of the landscaped berm on the south side of off-street parking.

Ed Angell, Sales Manager, Tadian Homes, was present on behalf of the Westwood Homeowners and approved of the variance, indicating they have worked with the petitioner to come to an agreement.

There was 1 letter of approval and 1 letter of objection on file.

Motion by Giachino
Supported by Milia

MOVED, to grant St. Mark Coptic Orthodox Church, 3625 Livernois (proposed address), a one year variance, as requested to construct a landscaped berm, in place of the 4'6" high masonry wall required along the south side of off-street parking, with the condition that the petitioner work on an agreement with the neighbors to the north regarding screening along the north.

Yeas: 6
Absent: 1- Fejes

MOTION TO APPROVE, WITH CONDITIONS, FOR ONE (1) YEAR CARRIED

ITEM #12 **VARIANCE REQUESTED: Zion Evangelistic Temple, 3668 Livernois, for relief to exceed the maximum height limits for an accessory building.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 4,800 square foot accessory building. The plan shows the proposed building would be 22.25 feet high. The Zoning Ordinance limits accessory buildings to a maximum height of 14 feet.

David Riffel was present to represent the church. Mr. Riffel stated that the proposed accessory building was for storage of lawn maintenance equipment and busses. They purchase old school busses, paint and maintain them for the church's use. A bus is 12 feet high with a vent on top. When the vent is open the total height is 14 feet. For a roll up door, they require 16 feet for the door and room for opening the door. Mr. Riffel showed the board a cross section of how the garage would be designed, showing all the measurements they need. He noted it was a small building compared to the site size and other buildings on the site.

In response to questions from the Board regarding the location and height, Mr. Riffel stated the building would not be visible from the east because of a line of trees.

ITEM #12

The chairman opened the public hearing.

John Tosch, 2088 Tucker, was present and objected to the variance, stating it does not blend with the neighborhood, the church keeps enlarging.

There were no further comments and the public hearing was closed.

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There were 5 written objections and 1 written approval on file.

Motion by Beltramini
Supported by Alaimo

MOVED, to deny the request of Zion Evangelistic Temple, 3668 Livernois, for relief to exceed the maximum height permitted for an accessory building;

1. The variance is contrary to public interest.

Yeas: 5- Alaimo, Beltramini, Giachino, Sosnowski, Courtney

Nays: 1- Milia

Absent: 1- Fejes

MOTION TO DENY REQUEST CARRIED

ITEM #13 **VARIANCE REQUESTED: Joseph S. & Darlene M. Ditrapani, 2463 Milverton, for relief of the rear yard setback.**

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

ITEM #14 **VARIANCE REQUESTED: Bethesda Romanian Pentecostal Church, 2100 E. Long Lake (proposed address), for relief of the 4'6" high masonry wall required abutting off-street parking.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new 14,616 square foot church. The Zoning Ordinance requires a 4'6" high masonry wall where parking abuts residential. No masonry wall has been shown on the site plan for the proposed site.

Art Kalajian, the Architect was present to represent the church. Mr. Kalajian stated that the west property abuts a drain and you have to keep 15 feet inside the drain easement. To meet the setback requirements from the drain, they would lose required parking spaces. Mr. Kalajian stated that there is a natural screening of trees along the east.

The chairman opened the public hearing.

ITEM #14

Pastor Simon Timbuc was present and stated that the neighbors preferred the natural screening and did not want existing trees destroyed.

John Tosch, 2088 Tucker, was present and stated that his property is at the northeast corner of the church site and it was his understanding, from the Planning Commission, that he would have a landscaped berm abutting his property and was assured that it would not block drainage from his site. Mr. Tosch also stated the plan is not the same one presented to the Plan Commission, the church has been relocated.

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Debbie Tosch, 2088 Tucker, was present and stated that the heavy wooded area along the east are only saplings.

There were no further comments and the public hearing was closed.

There was 1 written approval on file.

Motion by Giachino
Supported by Courtney

MOVED, to grant Bethesda Romanian Pentecostal Church, 2075 E. Long Lake (proposed address), a variance, as requested, for relief of the 4’6” masonry screening wall required along the west side of off-street parking;

1. The variance is not contrary to public interest for the general purpose and intent of the ordinance.
2. The variance does not establish a prohibited use in the zoning district.
3. The variance does not cause a substantial adverse effect to properties in the immediate vicinity or zoning district.
4. Absence of a variance affects significant features of the property affected.

Yeas: 6
Absent: 1- Fejes

MOTION TO APPROVE VARIANCE FOR ONE (1) YEAR CARRIED

Motion by Giachino
Supported by Alaimo

MOVED, to table the request of Bethesda Romanian Pentecostal Church, 2075 E. Long Lake (proposed address) until the next regular meeting (May 19, 1998) to give the petitioner the opportunity to revise their plans.

Yeas: 5- Giachino, Milia, Sosnowski, Alaimo, Beltramini
Nays: 1- Courtney

ITEM #14

Absent: 1- Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MAY 19, 1998) CARRIED

ITEM #15 VARIANCE REQUESTED: Kmart Corporation, 3100 W. Big Beaver, for relief of the 4’6” high masonry screening wall requires along the north property line_ abutting off-street parking.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to expand a parking lot. The Zoning Ordinance requires a 4’6” high masonry wall where parking abuts residential zoning. The proposed site plan shows no wall along the north property line.

Steve Swanson, Professional Engineers, was present to represent Kmart. Mr. Swanson stated that Kmart needs additional parking and proposes to expand their parking lot to the north. They have received preliminary approval from Planning. Mr. Swanson stated that they have been working with the Lutheran Church of The Master regarding the parking lot expansion. The church does not want a masonry wall abutting the north side of the parking lot. The church uses the parking lot for some of their services and would like to have access from the church to the parking lot. They have been working with the church regarding a landscape plan.

Mr. Milia suggested the possibility of a berm with access to the parking lot. Mr. Peterson stated they would present the information to the church, as landscaping would be on their property.

The chairman opened the public hearing.

Diane Dettloff, 2111 Babcock, was present and objected to the wall variance, indicating a concern regarding safety, stating many times there are abandoned vehicles in the parking lot, and debris that blows from the parking lot. Mrs. Dettloff stated a wall would stop the debris and would provide some safety.

There were no further comments and the public hearing as closed.

There were 3 written approvals on file.

Mr. Alaimo stated his firm represents Kmart and he felt it would be a conflict of interest if he were to vote on this matter.

Motion by Giachino
Supported by Beltramini

MOVED, that Mr. Alaimo abstain from voting on this item.

Yeas: 5
Absent: 1- Fejes

ITEM #15

MOTION CARRIED

Motion by Courtney
Supported by Milia

MOVED, to grant Kmart, 3100 W.Big Beaver, a one (1) year variance for relief of the masonry screening wall on the north side of their parking lot;

1. The variance is not contrary to public interest.
2. The one year variance will give the petitioner and church the opportunity to provide a berm on the church property.

Yeas: 4- Sosnowski, Courtney, Beltramini, Milia

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Nays: 1- Giachino

Absent: 1- Fejes

MOTION TO APPROVE, WITH STIPULATIONS, FOR ONE YEAR CARRIED

ITEM #16. ITEM #4 **RENEWAL REQUESTED: Wattles Investment Company, 4000 Livernois, for relief of the 6 foot high masonry screening wall required along the east property line and the 30 inch high wall or landscaped buffer required along Crestfield.**

The petitioner was not present and the chairman tabled the request of Wattles Investment Company, 4000 Livernois, until the next regular meeting (May 19, 1998) to give the petitioner the opportunity to be present.

ITEM #17. ITEM #5 **RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to use one required parking space for a dumpster enclosure.**

The petitioner was not present.

Motion by Courtney

Supported by Milia

MOVED, to deny the variance request of Muffler Man, 34835 Dequindre, for relief to use one required parking space for a dumpster enclosure, based on the petitioner's lack of interest on the matter.

Yeas: 6

Absent: 1

MOTION TO DENY REQUEST CARRIED

ITEM #18 ITEM #13 **VARIANCE REQUESTED: Joseph S. & Darlene M. Ditrapani, 2463 Milverton, for relief of the rear yard setback.**

The petitioner was not present.

Motion by Giachino

Supported by Alaimo

MOVED, to table the request of Joseph S. & Darlemen M. Ditrapani, 2463 Milverton, for relief of the rear yard setback, until the next regular meeting to give the petitioner the opportunity to be present.

Yeas: 6

Absent: 1- Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MAY 19, 1998) CARRIED

BOARD OF ZONING APPEALS
OTHER BUSINESS

APRIL 21, 1998

Election of Officers May 1998 thru April 1999.

Motion by Giachino
Supported by Milia

MOVED, that Kenneth Courtney be appointed Chairman May, 1998 through April, 1999.

Yeas: 5
Absent: 1- Fejes

MOTION CARRIED

Motion by Sosnowski
Supported by Giachino

MOVED, that Carmelo Milia be appointed Vice Chairman May, 1998 through April, 1999

Yeas: 5
Absent: 1- Fejes

MOTION CARRIED

The Board of Zoning Appeals adjourned at 10:20 p.m.

GAS/ddb