

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, November 17, 1998, by the chairman, Kenneth Courtney.

PRESENT: Michael Alaimo
Robin Beltramini
Kenneth Courtney
Christopher Fejes
James Giachino
Carmelo Milia
Jerald Sosnowski

Robert Davisson
Mitchell Grusnick

ITEM #1 Approval of Minutes - October 20, 1998

Motion by Sosnowski
Supported by Fejes

MOVED, to approve the October 20, 1998, minutes as written.

Yeas: All 7

MOTION TO APPROVE CARRIED

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

Mr. Grusnick explained that the petitioner is requesting renewal of variance granted, by this Board, to install and maintain landscaping in lieu of the 4'6" masonry wall required along the east side of off-street parking. The variance was originally granted November of 1996. Since that time the church has been completed and landscaping is in place. Conditions remain the same, we have no objections or complaints on file.

Diane Katz and Merritt Wilson were present to represent the church and stated they were requesting renewal of the variance.

Motion by Sosnowski
Supported by Beltramini

MOVED, to grant the congregation of Shir Tikvah, 3900 Northfield Parkway, a one (1) year renewal of their variance for relief to maintain a landscaped berm in place of the 4'6" masonry wall required along the east side of off-street parking;

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED

ITEM #3 VARIANCE REQUESTED: Srikant & Devika Raghavan, 1525 Oakcrest for relief of the rear yard setback.

Mr. Grusnick explained that the petitioner originally appeared before this Board at their October 20, 1998, meeting. At that time the petitioner was requesting relief of the Zoning Ordinance to construct a 42.75' x 14' addition on the rear of an existing residence. The plot plan showed the proposed addition would result in a 31.8 foot rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 35 feet. This item was tabled at that meeting to give the petitioner the opportunity to appear before a full Board.

Srikant & Devika Raghavan were present. Mrs. Raghavan stated that as part of their addition, they plan to construct a pantry on the first floor. Mrs. Raghavan likes to cook and entertain. The pantry on the first floor would make it nice. They would like to remain in the neighborhood.

Mr. Giachino questioned building within the ordinance. Mr. & Mrs. Raghavan responded that they would have to cut the kitchen area down or they would not have room for the pantry.

The chairman opened the public hearing:

Suresh Josh, 1532 Abbey, was present and approved of the variance.

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

Motion by Milia
Supported by Fejes

MOVED, to grant Srikant & Devika Raghavan, 1525 Oakcrest, a variance, as requested, for relief to construct a 42.75' x 14' addition, resulting in a 31.8 foot rear yard setback where a 35 foot rear yard setback is required;

- This is a reasonably isolated house.
- The view of the neighbor to the left, is blocked by a large tree.
- The rear yard abuts a large commons area, so there is little or no impact on the neighbors.
- The variance is not contrary to public interest.
- The variance is small, it is a dimensional variance.
- Conforming is unnecessarily burdensome and presents a practical difficulty.

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

MOTION TO APPROVE CARRIED

ITEM #4 VARIANCE REQUESTED: Harry & Nancy Boeck, 2035 Jeffrey, for relief of the rear yard setback.

ITEM #4

Mr. Grusnick explained that the petitioner originally appeared before this Board at their October 20, 1998 meeting. At that time the petitioner was requesting relief of the Zoning Ordinance to construct a 19' x 10.5' addition on the rear of an existing residence. The plot plan showed the proposed addition would result in a 30.8 foot rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 35 feet. The petitioner had been denied, at the September meeting of this Board, for a variance request to construct a 19' x 12' addition on the rear, resulting in a 29.3 foot rear yard setback. At the October meeting, this item was tabled to give the petitioner the opportunity to appear before a full Board.

Harry and Nancy Boeck were present. Mr. Boeck stated that they have modified the size of the proposed addition, in the spirit of compromise. The size they are now requesting is 10 ½' x 19'. Mr. Boeck cited that previous cases have been approved on medical hardships. Mr. Boeck showed the Board a computer print of how the addition would look and stated that without a variance, the addition could be only 6 feet deep, which is more like a hallway.

Motion by Giachino

Supported by Sosnowski

MOVED, to grant Harry & Nancy Boeck, 2035 Jeffrey, a variance, as requested, for relief to construct a 19' x 10.5' addition, resulting in a 30.8 foot rear yard setback, where a 35 foot setback is required;

- The variance is not contrary to public interest for the general purpose and intent of the ordinance.
- The variance does not establish a prohibited use within the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.
- Without a variance, the petitioner lacks the full use of his property.
- Conforming is unnecessarily burdensome.

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

Nays: 1- Alaimo

MOTION TO APPROVE CARRIED

ITEM #5 VARIANCE REQUESTED: Mike Porath & Don Pratt, 2150 Stephenson Hwy., for relief to add to an existing legal non-conforming building and site.

ITEM #5

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 1,500 square foot addition to an existing legal non-conforming building and site. The site and building are non-conforming because: (1) The Zoning Ordinance requires these sites be located within the interior of an industrial zoned area. The site frontage is on Stephenson Highway. (2) The Zoning Ordinance requires a 50 foot setback. The plot plan shows the corner of the building encroaches into that required setback. (3) The Zoning Ordinance prohibits parking in a required front yard setback. The plan shows parking in that required setback. Also, the Zoning Ordinance prohibits additions to and alterations of non-conformities.

Don Pratt and Mike Porath were present. Mr. Pratt stated that the property was purchased approximately 1-½ years ago to be used for the same type business that previously existed there. They have done over \$200,000 improvements and clean up of the site, part of which was parking and landscaping. Mr. Pratt stated that the proposed building is to be used for storage purposes. They do not have the needed storage - all their bays are full. The building would be used for storage of items that are presently stored outside and equipment not used day to day.

Mr. Giachino questioned the mail trucks parked at the site. Mr. Porath stated that they had a contract to repair them.

Mrs. Beltramini questioned the large tractor trailer stored at the rear of the site. Mr. Porath and Mr. Pratt stated that the trailers were used for storage and would be removed and storage moved inside the proposed building if approved.

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

Motion by Alaimo
Supported by Fejes

MOVED, to grant Mike Porath and Don Pratt, 2150 Stephenson, a variance, as requested, to construct a 1,500 square foot addition on the rear of an existing building;

- The variance is not contrary to public interest.
- The variance does not establish a prohibited use within the zoning district.
- The variance will not adverse effect to properties in the immediate vicinity or zoning district.
- The variance relates only to the property described in the application.
- Conforming is unnecessarily burdensome.
- The petitioner is bringing the building more into conformance.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #6 VARIANCE REQUESTED: Orion Homes, 440 E. Maple (proposed address), for relief to provide parking within the required setback from Combermere.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 9,548 square foot multi-tenant light industrial building. The plot plan shows parking within the required setback from Combermere. The Zoning Ordinance requires a 50 foot minimum setback from Combermere and does not allow parking or structures in that required setback.

Michael Lamb of Orion Homes was present. Mr. Lamb stated that he purchased the property with the intention of constructing an office. Mr. Lamb stated that this is a left over parcel from a residential zoning. It is a long narrow parcel and difficult to develop. After reviewing options for development, it was determined that a multi tenant light industrial building best suited the parcel. To develop as one building, it would normally require truck wells and the site would not support a use requiring large trucks to enter the site. He meets the greenbelt and landscaping requirements, but requires parking in the setback from Combermere to construct the building as proposed. There is a need for 1,200 sq. ft. buildings but not for 5,000 to 6,000 sq. ft. buildings. They cannot find a use for the site with the current setbacks from both streets.

The Board questioned purchasing the property to the rear. Mr. Lamb responded that the parcel was very unreasonably priced.

Mr. Fejes questioned a letter received regarding the variance, questioning visibility along Maple Road. Mr. Lamb stated that the setback from Maple Road far exceed the visibility requirements.

The Board expressed concerns regarding the setback from Combermere, noting the progress that has been made on construction of buildings on Combermere. The Board discussed the site, the narrowness of the site and the improvement if it was developed.

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

There were 2 objections on file.

Motion by Fejes
Supported by Beltramini

MOVED, to grant Orion Homes, 440 E. Maple (proposed address), a variance, as requested, for relief to construct a 9,548 square foot multi tenant light industrial building, with parking within the required setback from Combermere;

- The variance is not contrary to public interest.
- The variance does not create a prohibited use within the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.

ITEM #6

- The variance relates only to the property described in the application.
- The setback from Maple Road poses no visual safety problems.
- No practical use can be made of the property without a variance.

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

MOTION TO APPROVE CARRIED

Mr. Milia commented, he feels that the variance opens a precedent for future variances along Combermere.

ITEM #7 VARIANCE REQUESTED: Leo Derderian, 1825 Birchwood (proposed address), for relief to provide parking in the required setback from Bellingham.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 17,316 square foot industrial building at the northeast corner of Birchwood and Bellingham. The plot plan shows parking within the required setback from Bellingham. The Zoning Ordinance requires a 50 foot setback and does not permit parking within that required setback from the street.

Leo Derderian was present and stated the property owners who objected to his request to his last proposal now approve. They have no objection to parking in the setback, but did not like a building encroaching. Mr. Derderian stated that the proposed building lines up to the buildings to the south. Mr. Derderian stated he proposes constructing the same size building and providing some of the parking in the side yard, which abuts Bellingham. Mr. Derderian stated that the construction will clean up and improve the area, which is desired by the neighbors.

Mr. Giachino questioned constructing a smaller building that would allow him to meet the codes. Mr. Derderian stated that the property was long and narrow and a smaller building would be too small for use.

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

Motion by Giachino
Supported by Fejes

MOVED, to deny the request of Leo Derderian, 1825 Birchwood (proposed address) for relief to construct a 17,316 square foot light industrial building with parking in the required setback from Bellingham;

ITEM #7

- This is a buildable lot without a variance. A good size building could be constructed, meeting required setbacks.
- No practical difficulty or hardship has been presented.

Yeas: 4- Courtney, Giachino, Sosnowski, Fejes.

Nays: 3 - Alaimo, Beltramini, Milia

MOTION TO DENY REQUEST CARRIED

ITEM #8 VARIANCE REQUESTED: Terry L. Stamper, 6399 Norton, for relief of the side yard setback.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition and attached garage. The revised plot plan shows the proposed garage would result in a 4 foot side yard setback from the east lot line, where the Zoning Ordinance requires a 10 foot side yard setback.

Terry Stamper was present and stated he has lived at that address for several years. He now needs to expand the house to meet the needs of his family. Mr. Stamper stated that construction had already started when they found the architect had made a mistake. When the basement was dug, the stakes were covered and they did not find the error until the basement was backfilled. He has had the garage re-designed, but it is as narrow as practical for a two car garage. The garage, as re-designed to 21 feet wide, would be 6 feet from the lot line. Mr. Stamper stated he feels there should be no impact to the neighbor since he is 40 feet from their garage and there is a driveway between them. To relocate the garage, he would lose trees, which he does not want to cut down. To place the garage behind the trees, would place it over 100 feet from the house.

The chairman opened the public hearing.

Irene Paul, 6396 Norton was present and objected stating the garage would obstruct her view and take away from the open view.

Mr. Stamper stated he did not see how it would obstruct the view since their garages would in essence be side by side.

No one else wished to be heard and the public hearing was closed.

Motion by Milia

Supported by Beltramini

MOVED, to deny the request of Terry Stamper, 6399 Norton, for relief of the Zoning Ordinance to construct an addition and attached garage, resulting in a 4 foot side yard setback, where a 10 foot side yard setback is required;

- The variance would cause an adverse effect to properties in the immediate vicinity

ITEM #8

Yeas: 4 - Beltramini, Milia, Sosnowski, Fejes
 Nays: 3 - Courtney, Alaimo, Giachino

MOTION TO DENY REQUEST CARRIED

ITEM #9 VARIANCE REQUESTED: Charles Moore, 3160 John R., for relief to exceed the maximum size accessory building permitted.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 22' x 32' detached garage. The Zoning Ordinance limits accessory buildings to 600 square feet, at this location. The proposed garage is 704 square feet.

Charles Moore was present. Mr. Moore stated that the garage was to provide storage for his modified truck, which he uses for work. The truck is 20 feet long and would not fit in a smaller garage. The garage will provide weather protection and safety to the truck. Also, because it is a commercial vehicle, he must keep it inside. He also needs room to store lawn equipment. Mr. Moore stated the existing shed would be removed.

Mr. Sosnowski questioned the fact there where 10 vehicles on the property, asking if it was to be used for a business. Mr. Moore stated he did not have a business.

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

Motion by Giachino
 Supported by Beltramini

MOVED, to grant Charles Moore, 3160 John R., a variance, as requested, for relief to construct a 22' x 32' detached garage;

- The variance is not contrary to public interest.
- The variance will not establish a prohibited use in the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity,
- This is not a large variance
- This is a large parcel of property and will cause no harm to neighbors.
- The variance will clean up the number of vehicles.

Yeas: 4 - Alaimo, Beltramini, Giachino, Fejes
 Nays: 3 - Milia, Sosnowski, Courtney

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Raymond Guthro, 65 Evaline, for relief of the side yard setback.

ITEM #10

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20.42' x 23.5' attached garage. The plot plan shows the proposed garage would result in a 6.78 foot side yard setback, where the Zoning Ordinance requires a minimum side yard setback of 10 feet.

Raymond Guthro was present. Mr. Guthro stated the proposed garage addition is to give him storage for his two vehicles. The present 18' x 18' garage is used for the storage of his lawn equipment, snow removal equipment, an emergency generator and fire wood. The proposed garage will give him easier access to his vehicles in the inclement weather. Mr. Guthro stated he was injured in an auto accident and suffers from back problems. The attached garage would provide him with more safety in accessing his vehicles. Mr. Guthro stated his neighbors have no objections to his proposed garage.

Mr. Milia expressed concerns that the adjacent property could be purchased and developed. Mr. Guthro stated that the property is owned by the church and there is a large Ameritech junction box near the edge of the property.

Mr. Giachino asked if he has tried to purchase some property from the church. Mr. Guthro stated he had not.

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 Fejes
Supported by Sosnowski

MOVED, grant Raymond Guthro, 65 Evaline, a variance, as requested, for relief to construct a 20.42' x 23.5' attached garage, resulting in a 6.78 foot side yard setback, where a 10 foot setback is required;

- The variance is not contrary to public interest.
- The variance will not establish a prohibited use within the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.
- Compliance is unnecessarily burdensome, there could be a medical hardship.
- There are no neighbors affected by the variance.

Yeas: 4 - Beltramini, Giachino, Sosnowski, Fejes
Nays: 3 - Milia, Courtney, Alaimo

MOTION TO APPROVE REQUEST CARRIED

**ITEM #11 VARIANCE REQUESTED: Perspectives of Troy, P.C., 2501 - 2461
Rochester Ct., for relief to add to a non-conforming building.**

ITEM #11

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 2,350 square foot addition at 2501 Rochester Ct. The current building has an existing 5.9 foot side yard setback, where the Zoning Ordinance requires a minimum side yard setback of 20 feet. Therefore, the petitioner is requesting an expansion of a non-conforming building. The Zoning Ordinance prohibits expansions to non-conformities.

Dr. Tim Coldiron was present. Dr. Coldiron stated that Perspectives is counseling center presently located in the Lindsey Centre on Crooks Road. They would like to have their own building, rather than leasing. Because of the privacy in location of this building, it fits their needs, but they need more room and would like to construct an addition to the building. They want to stay in the area because of their ties to the area. They feel the building is easily accessible for their clients, and provides a service to the community. Dr. Coldiron submitted written approval from two of their neighbors. The existing legal non-conforming setback abuts the Holiday Inn parking lot. The proposed addition will comply with required setbacks.

The Board asked if there was previous variance for the side yard setback. Mr. Ken Barnkowski was present and stated that he was not aware of any variances. He did not know why there was only a 5.9 foot side yard setback.

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

Motion by Sosnowski
Supported by Milia

MOVED, to grant Perspectives of Troy, P.C., 2501-2461 Rochester Ct., a variance, as requested, for relief to construct an addition to a building with an existing legal non-conforming setback of 5.9 feet;

- The variance is not contrary to public interest.
- The variance will not establish a prohibited use within the zoning district.
- The variance will not cause and adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.
- The new addition is within the requirements of the ordinance.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: Skyline Property III, L. L. C., 1485 Temple City, for relief to add to a non-conforming building.

ITEM #12

Mr. Grusnick explained that the petitioner is requesting permission to add a truck well to the south of an existing legal non-conforming building. The building is considered non-conforming for three reasons: (1) The ordinance requires a minimum 50 foot front yard setback, where the proposed plan indicates a 43 foot setback along Temple City. (2) The Zoning Ordinance also requires a 10 foot side yard setback. The proposed plan indicates an existing side yard setback of only 4 feet along the east property line. (3) The Zoning Ordinance prohibits parking in required front yard setbacks. The existing building shows parking within the required front setback from Premier.

Christian O'Conner was present and stated that the property was purchased a year ago and they were not aware it was non-conforming. They have cleaned up and improved the property and building. Mr. O'Conner stated the tenant, Sachs Automotive has already invested a lot of time and money into the interior of the building. They need a truck well and overhead door at the south end of the building to serve their needs for deliveries, loading and unloading. There will be no changes to the access drives or parking.

James Suppelsa of Sachs Automotive was present and explained that it was a test center, explained their business, the types of deliveries and why they need a truck well. Trucks can back straight in from Premier, so there will be no problem of maneuvering.

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

There was 1 written approval and 1 written objection on file.

Motion by Alaimo
Supported by Sosnowski

MOVED, to grant Skyline Property III, L.L.C., 1485 Temple City, a variance, as requested, for relief to add a truck well to the south end of their building;

- The variance is not contrary to public interest.
- The variance does not establish a prohibited use within the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.
- Conforming is unnecessarily burdensome.
- The tenant is a long term business, in Troy, and has done an excellent job of refurbishing the building and expressed the need for a truck well.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 VARIANCE REQUESTED: Omnipoint Communications, 920 John R., for relief to install 5 communication antennas on an existing building.

ITEM #13

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to install 5 more communications antennas on the buildings facade. The building currently has 2 antennas. The Zoning Ordinance limits sites within this zoning to no more than 2 antennas.

The Board and Mr. Davisson discussed the proposed changes to the ordinance regarding antennas.

John Suleras was present to represent Omnipoint Communications and explained the need for communication antennas and stated that the antennas would be flush to the building and the same color as the building. They range between 4' and 6'.

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

Motion by Beltramini
Supported by Fejes

MOVED, to grant Omnipoint Communications, 920 John R., a variance, as requested, for relief to install 5 additional communication antennas on the building facade, totaling 7 antennas;

- The variance is not contrary to public interest.
- The variance will not establish a prohibited use in the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity.
- The variance relates only to the property described in the application.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

The Board of Zoning Appeals Meeting adjourned at 9:55 p.m.

MEG/ddb