

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, December 15, 1998, by the chairman Kenneth Courtney.

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

Gary A. Shripka
Robert Davisson

ITEM #1 Approval of Minutes - November 17, 1998

Motion by Sosnowski
Supported by Milia

MOVED, to approve the November 17, 1998 minutes

Ayes: All 7

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: St. Lucy Croatian Catholic Church, 200 E. Wattles, for relief of the 4'6" high masonry wall required along the east and west sides of off-street parking.

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

ITEM #3 VARIANCE REQUESTED: The Pauls Corporation, 4685 Investment Drive (proposed address) for relief of the 6 foot high masonry screening wall required along the south and west property lines.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 79,830 square foot, three story office building. The plot plan shows a 6 foot high berm along the south and west property lines, where this property abuts residential zoned property. The Zoning Ordinance requires a 6 foot high masonry screening wall where non-residential abuts residential zoned property.

Dave Hull was present and showed the board a rendering of the site and explained the berm. Mr. Hull stated that they have submitted their plans for a landscaped berm to Parks and Recreation for approval and have received approval. However, Parks and Recreation recommended a 5 foot berm. This would give them a 1 on 4, which results in approximately a 36 foot wide base. The reason for this recommendation was maintenance and mowing of the berm. Mr. Hull stated that they have presented the berm proposal to the neighbors and they prefer a berm to a brick wall.

ITEM #3

Mrs. Beltramini questioned the spacing of trees planted on the berm. Mr. Shripka explained that the Board may grant a variance for a berm in place of the wall and the construction and planting is reviewed and approved by the Parks and Recreation Department.

The chairman opened the public hearing.

Greg Sikorski, 4720 Bentley, approved of the berm.

Arthur Bousson, 4594 Hycliffe, expressed concerns with drainage, but approved the berm, noting he would like to see it connected to the S.O.C. berm.

William Kitts, 4599 Hycliffe approved of the berm, noting he preferred a 6 foot high berm with landscaping.

Molly Cranston, 1126 Redding, approved of the berm, but preferred a 6 foot high berm with trees.

Mr. Hull stated that they are working with SOC to connect the berms and the drainage questions will be addressed.

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

There was 1 written approval and 1 objection on file.

Motion by Fejes
Supported by Beltramini

MOVED, to grant The Pauls Corporation, 4685 Investment Drive (proposed address), a one year renewable variance to construct a landscaped berm in place of the 6 foot high masonry screening wall required along the south and west property lines;

- The variance is not contrary to public interest.
- The variance will 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.
- The berm is to provide screening comparable to the wall and not restrict drainage.

Yeas: All 7

MOTION TO GRANT 1 YEAR RENEWABLE VARIANCE APPROVED.

ITEM #4 VARIANCE REQUESTED: Joseph Zmick, 2341-2345 Alger, for relief of the required aisle width.

ITEM #4

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to erect and enclose a liquid nitrogen tank at the rear of the existing building. The plot plan shows the tank installation would reduce the access aisle width, for 10 of the existing parking spaces, to 15.5 feet. The Zoning Ordinance requires the aisle width to be a minimum of 24 feet.

Joseph Zmick was present and stated that the area at the rear of the building where they propose to erect the tank already has a power supply for direct power from Detroit Edison and an air conditioner. This presently restricts the parking area. Mr. Zmick stated that they have more parking spaces than required for the site. The nitrogen tank is required for their machinery.

Mr. Milia asked if there were any safety concerns. Mr. Zmick stated that he was not aware of any.

Mr. Zmick stated that there would be posts and fencing to protect the area.

Mrs. Beltramini questioned the number of employees. Mr. Zmick stated that they have 16 employees.

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 Sosnowski
Supported Giachino

MOVED, to grant Joseph Zmick, 2341-2345 Alger, a variance, as requested, to install a liquid nitrogen tank at the rear of their existing building. The tank installation reduces the access aisle width to 10 parking spaces to 15.5 feet, where the Zoning Ordinance requires a 24 foot aisle width:

- 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 or zoning district.
- The variance relates only to the property described in the application.
- The petitioner has shown he does not need the parking spaces, he exceeds the required number of spaces.
- No additional danger has been added.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #5 VARIANCE REQUESTED: Ronald W. Herzog, on behalf of William Beaumont Hospital, 44201 Dequindre, for relief of the required setback from the east property line.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 5th and 6th floor addition. The Zoning Ordinance requires a 6 story hospital building to be located a minimum of 280 feet from the property line. The hospital building is located 239 feet from the east property line.

Mr. Giachino requested to abstain from participating in this variance request. He works for the contractor who does construction work for Beaumont. The Board unanimously agreed that Mr. Giachino could abstain.

Mr. Herzog was present to represent Beaumont. Mr. Herzog stated that when the original building was constructed, it was designed to accommodate 9 floors. They plan to complete the 5th and 6th floors in 2001. They do not have any time frame on the 7th, 8th, and 9th floors, nor are they certain they will be constructed. However, they were advised to seek a variance on those floors, at this time. Vertical circulation is very important for the function and efficiency of the hospital. A vertical design cuts down on travel distance within the hospital. Mr. Herzog further commented that the footprint area of the building is just about maxed out at this site. They do have some land which is not buildable because of wetlands.

Mr. Milia questioned having a third party, expert advise on the question before the Board.

Mrs. Beltramini asked if Sterling Heights had been advised of the variance request. It was noted that they had not been notified since Beaumont owned the property across the street within notification distance.

There was discussion on the request of Beaumont, the timing of the additional floors, the possibility of horizontal expansion. It was also noted that the letter, application and public hearing notices were based on a 5th and 6th floor addition. An additional three stories would change the required setback. It was also noted that this type of dimensional variance has a one year limitation.

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

Motion by Milia
Supported by Alaimo

MOVED, to postpone the request of Ronald W. Herzog, on behalf of William Beaumont Hospital, 44201 Dequindre, until the next regular meeting (January 19, 1999) to;

- Allow the City to notify Sterling Heights of Beaumont's request.
- Permit the petitioner the opportunity to modify his request to include the 7th, 8th, and 9th floors.

ITEM #5.

- Give the City the opportunity to have the Planning Department present to explain the ordinance requirement and the reasons for the setback requirements.

Yeas: 4- Milia, Sosnowski, Alaimo, Giachino

Nays: 2- Fejes, Courtney

MOTION TO POSTPONE REQUEST UNTIL JANUARY 19, 1999 MEETING CARRIED

ITEM #2 RENEWAL REQUESTED: St. Lucy Croatian Catholic Church, 200 E. Wattles, for relief of the 4'6" high masonry wall required along the east and west sides of off-street parking.

The petitioner was not present and the chairman postponed this request until the next regular meeting (January 19, 1998) to give the petitioner the opportunity to be present.

The Board of Zoning Appeals adjourned at 9:00 p.m.

GAS/ddb