

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, April 15, 1997 by the Chairman, Michael Alaimo.

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

John Martin
Mitchell E. Grusnick

ITEM #1 Approval of Minutes - March 18, 1997

Motion by Sosnowski
Supported by Courtney

MOVED, to approve the March 18, 1997 minutes as written.

Yeas: 5- Wright, Giachino, Sosnowski, Fejes, Courtney
Abstain: 2- Alaimo, Milia

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: Northfield Hills Baptist Church, 1800 W. Long Lake Road, for relief of the 4'6" high masonry screening wall required along the east side of off-street parking.

Mr. Grusnick explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain a 4'6" high landscaped berm at their off-street parking area in place of the masonry wall. This relief has been granted on a yearly basis since 1980. Conditions remain the same, there are no objections or complaints on file.

James McMillan was present to represent the church and had nothing to add.

Motion by Milia
Supported by Courtney

MOVED, to grant Northfield Hills Baptist Church a three (3) year renewal of their variance for relief to maintain a 4'6" high landscaped berm, in lieu of the 4'6" high masonry wall, at their off-street parking:

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 #3 RENEWAL REQUESTED: Civic Center Associates, 290 Town Center, for relief of the 4'6" high masonry screening wall required along the north side of off-street parking.

Mr. Grusnick explained that the wall has now been put into place, therefore, no further action is required on this item.

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 relief of the 30 inch wall or landscaped buffer adjacent to Crestfield.

Mr. Grusnick explained that the petitioner is requesting renewal of a variance for relief of the 6 foot high masonry screening wall required at the east property line, and renewal for relief of the landscaped buffer or 30 inch high wall required at the paper street, Crestfield, to the north. This variance was originally granted in 1985 based on the fact the property to the east was undeveloped and it is higher than the subject property, resulting in a natural barrier. Relief of the landscaped buffer or 30 inch high wall on the north was due to the fact that Crestfield was not a developed street and there would be no need for the screening along the property line. Conditions have now changed in there is a subdivision development immediately east of the property. There are no complaints or objections on file.

Thomas Cavanaugh a partner in Wattles Investment, was present and stated he was not sure of the exact plans for the development. The development is not that far along so it is difficult to tell what the layout is going to be. Also, he was not sure if the adjoining property owner would want the wall.

Motion by Giachino
Supported by Courtney

MOVED, to grant Wattles Investment Company, 4000 Livernois, a one (1) year renewal of their variance for relief of the 6 foot high masonry screening wall required along the east property line where non-residential abuts residential, and relief of the 30 inch high wall or landscaped buffer along Crestfield, with the following condition:

- 1. When this item is due for renewal a new public hearing will be sent for the renewal.

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

ITEM #5 RENEWAL REQUESTED: Petruzzello's Catering Hall, 6950 Rochester Rd., for relief of the 4'6" high masonry wall required along portions of the east and south property lines.

Mr. Grusnick explained that the petitioner is requesting renewal of a variance granted, by this Board, for relief of the 4'6" high masonry screening wall required along a portion of the east and south property lines of their site. This wall would separate the P-1 Zoning from the residential zoning to the east and the south. Relief has been granted on a yearly basis since 1977, primarily due to the fact the adjacent residential land is undeveloped. Conditions remain the same, we have no objections or complaints on file.

ITEM #5

Tom Petruzzelo was present and had nothing to add.

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Petruzzelo’s Catering Hall, 6950 Rochester Road, a three (3) year renewal of their variance for relief of the 4’6” high masonry screening wall required along a portion of the east and south property lines, of their site, where parking abuts residential:

- 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: Troy Cathedral of Praise/Church of God, 1285 E. Wattles, for relief of the 4’6” high masonry wall required along the north, east and west sides of off-street parking.

Mr. Grusnick explained that the petitioner is requesting renewal of relief granted, by this Board, to construct berms in place of masonry walls along the north and east property line of their site. Also, to omit, completely, the screening wall to the west. The site presently has berms on the east and north. There is a natural screening of trees and brush along the west side of the property. Conditions remain the same, we have no objections or complaints on file.

Lynn Surginer was present to represent the church and had nothing to add.

Motion by Courtney
Supported by Milia

MOVED, to grant Troy Cathedral of Praise/Church of God, 1285 E. Wattles, a three (3) year renewal of their variance for relief to maintain berms, in lieu of 4’6” masonry walls, along the north and east, and relief of the 4’6” masonry wall along the west property lines of their site where parking abuts residential:

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

Yeas: All 7

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

ITEM #7 RENEWAL REQUESTED: Evanswood Church of God, 2601 E. Square Lake Rd., for relief of the 4’6” high masonry wall required along the west and north sides of off-street parking.

ITEM #7

Mr. Grusnick 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. Construction of their addition continues, and other than that conditions remain the same, we have no objections or complaints on file regarding this issue.

Boswell Hardwick was present to represent the church and had nothing to add

Motion by Sosnowski
Supported by Fejes

MOVED, to grant the Evanwood Church of God, 2601 E. Square Lake Road, a one (1) year renewal of their variance for relief to provide a berm, in lieu of the 4'6" masonry wall required along the west side of their off-street parking, and relief of the 4'6" masonry wall required along the north side of their off-street parking:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED

ITEM #8 RENEWAL REQUESTED: PPG Industries, 5875 New King, for relief of the 6 foot high masonry screening wall required along the west property line.

Mr. Grusnick explained that the petitioner is requesting renewal of a variance granted, by this Board, for relief of the 6 foot high masonry screening wall required along the west property line that abuts residential zoning. This relief was originally granted in 1988 based on the fact the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. Conditions remain the same, we have no objections or complaints on file.

Cindy LaRocque was present and had nothing to add.

Motion by Fejes
Supported by Courtney

MOVED, to grant PPG Industries, 5875 New King, a three (3) year renewal of their variance for relief to maintain a berm in lieu of the 6 foot high masonry screening wall required along the west property line:

1. As long as conditions remain the same, and
2. There are no objections on file.

ITEM #8

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #9 RENEWAL REQUESTED: Michigan Bell Telephone, 6950 Crooks, for relief of the 4'6" high masonry screening wall required along the east side 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 #10 RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to use one parking space for a dumpster enclosure.

Mr. Grusnick explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain a dumpster enclosure in their parking lot. The variance was originally granted in 1983 based on the fact the petitioner indicated the enclosure was only to screen a dumpster and would not affect the required parking of this site. Conditions remain the same and we have no objections or complaints on file. This item was tabled at our last regular meeting to give the petitioner the opportunity to be present.

Donna Jurik was present and had nothing to add.

Motion by Giachino
Supported by Sosnowski

MOVED, to grant Muffler Man, 34835 Dequindre, a one (1) year renewal of their variance for relief to maintain a dumpster enclosure in one parking space on their site:

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

Yeas: All 7

MOTION TO RENEW REQUEST FOR ONE YEAR CARRIED

ITEM #11 RENEWAL REQUESTED: St. George Orthodox Church, 2160 E. Maple, for relief of the 4'6" high masonry wall required along the east, south and west sides of off-street parking.

ITEM #11.

Mr. Grusnick explained that the petitioner is requesting renewal of relief granted, by the Board, in February of 1993, which allowed for the construction of a 5 foot high landscaped berm along the south and east property lines, in lieu of the 4'6" high masonry wall, and relief of the 4'6" high masonry wall required along the west property line. The relief was originally granted based on the fact the property the west is non-residential under consent judgement and the neighbors preferred a berm in lieu of the wall. Conditions remain the same, but we did have one complaint in September 1996 regarding the landscape, A further check by the Parks and Recreation Department indicated that there were no violations on the site. This item has been tabled at our last two regular meetings to give the petitioner the opportunity to be present.

Deacon Elias Nemer Baz was present to represent the church and had nothing to add.

Motion by Milia
Supported by Courtney

MOVED, to grant St. George Orthodox Church, 2160 E. Maple, a three (3) year renewal of their variance for relief to maintain a 5 foot high landscaped berm along the south and east property lines, in place of the 4'6" masonry wall and relief of the 4'6" required along the 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 #12 VARIANCE REQUESTED: Robert H & Cathy A. Kelly, 4744 Pier, for relief of the front yard setback.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 21.6'x10' addition to the southwest side of an existing residence. The plot plan shows the proposed addition would result in a 31.88 foot front yard setback. The Zoning Ordinance requires a 40 foot front yard setback. This item was tabled at the last regular meeting to give the petitioner the benefit of a full Board.

Robert Kelly and his architect Len Brzozowski were present. Mr. Kelly stated that the garage addition is to provide him needed room for two vehicles and one he plans to purchase. Mr. Kelly stated that he also needs room to store toys and garden equipment as they are not permitted detached accessory buildings in their subdivision. Mr. Kelly and his architect indicated that to relocate the garage addition out of the setback would be very difficult because of a laundry room and second floor window. Alterations would be extensive and very expensive. He feels his request is in keeping with the neighborhood. Mr. Kelly also stated that he is on a cul-de-sac and therefore does not have the front yard area that many of his neighbors have. He also cited a similar setback on a cul-de-sac in his area.

ITEM #12

Motion by Giachino
Supported by Fejes

MOVED, grant Robert H & Cathy A. Kelly, 4744 Pier, a variance, as requested, to construct a 21.6'x10' addition to the southwest side of an existing residence, resulting in a 31.88 foot front yard setback where 40 feet is required;

1. The petitioner has a practical difficulty with the odd shape of the property.
2. This is not an unreasonable request in terms of size.
3. The variance will not cause an adverse effect to neighbors in the immediate vicinity.
4. Because of the design of the home there is no other location for the construction without major modifications.

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

MOTION TO APPROVE FAILS - REQUEST DENIED

ITEM #13 VARIANCE 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. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to omit the 6 foot high masonry screening wall along the property lines where non-residential abuts residential. The proposed site plan does not indicate a 6 foot high masonry wall along the north or west property lines. This item was tabled at the last regular meeting at the request of the petitioner.

Al Tuomaala, of Siegal/Tuomaala Architect and Planners for the site was present. Mr. Tuomaala showed renderings of the site explained the site development. Mr. Tuomaala stated that they own the R.E.C. Zoned property to the north and feel the wall would serve no practical purpose. It is their intent to erect a undulating landscaped berm, ranging from 6 to 9 feet in height, along the north side of their non-residential property. The berm would turn the corner (N. W.) where there is a large gas distribution line which runs across the corner of their lot, and continue down a portion of the west property line. The berm along this portion of their property would be approximately 4 to 4-1/2 foot high and would be landscaped. They are seeking relief of the wall along the west property line where their site abuts property owned by San Marino. They feel that the wall would serve no useful purpose at this point as it is undeveloped and used as soccer fields by San Marino. They feel that the wall would be a maintenance problem in that it would be a place for graffiti and collection point for debris. The landscaped berms would create a softer and more desirable effect for both their site and the adjacent properties. Mr. Tuomaala further noted that if they were denied the request and had to construct the wall, they still planned to construct the berm for aesthetic purposes. With both the wall and berm, a tunnel effect would be created. Mr. Tuomaala also pointed out that the finish on the backs of their buildings is as nice as the front or sides and that the way the senior housing buildings are laid out, they would not be looking onto the back of the buildings. Mr. Tuomaala also stated that the berms will not affect the required parking on their site.

The Chairman opened the public hearing.

Bruno Casadei, President of the San Marino Social Club, 1685 E. Big Beaver, was present and stated that he withdrew his previous written objection and approves of the variance request.

Yonne Solis, 1866 Crimson, was present and approved of the variance requested.

Clayton Rossman, 1664 Lakewood, was present and objected to the variance.

Patrick Hughes, 2399 London was present and approved of the variance requested.

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

There were 8 approvals and 5 objections on file.

Motion by Giachino
Supported by Sosnowski

MOVED, to grant William Starrs, Troy Sports Center, 1819 E. Big Beaver, a one (1) year renewable variance, as requested, for relief to construct landscaped berms along the north and a portion of their west property lines in lieu of a 6 foot high masonry screening wall and relief of the 6 foot high masonry wall along portion of their west property line where they abut vacant residential zoned property;

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance will not create an adverse effect to properties in the immediate vicinity or zoning district.
4. The petitioner has demonstrated conformance is unnecessarily burdensome and the wall would be less attractive than the landscaped berm.

Mr. Milia pointed out that one of his neighbors is involved or a partner in this development, but feels it has no influence on his vote. The Board determined that Mr. Milia could vote on this item.

Yeas: All 7

MOTION TO APPROVE REQUEST FOR ONE (1) YEAR CARRIED

ITEM #14 VARIANCE REQUESTED: Richard Williams, 1233 Doral Ct., Application withdrawn

ITEM #15 VARIANCE REQUESTED: Peter & Suzanna Bamford, 3244 Alpine, for relief of the side yard setback.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 23'x32' attached garage on the north side of an existing residence. The plot plan shows the proposed garage addition would result in 6.7 foot side yard setback. The Zoning Ordinance requires a 10 foot side yard setback.

Peter Bamford was present and stated that the proposed attached garage is the minimum width for a two car garage. The garage is to provide protection from the elements. His wife has a spinal cord injury and the garage will provide a safer environment for her during inclement weather. This is the best location for an attached garage. They have room on the other side of their home but the garage would be abutting the bedrooms. Mr. Bamford further stated that he has discussed the proposed garage addition with his immediate neighbor, who has no objections. Also, other neighbors he spoke to in the area approved of the variance. Mr. Bamford, in response to the Board's question, stated that the present detached garage would be used as a hobby shop for his woodworking.

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

There were 6 approvals on file.

Motion by Fejes
Supported by Milia

MOVED, to grant Peter & Suzanna Bamford, 3244 Alpine, a variance, as requested, for relief to construct a 23'x32' attached garage on the north side of an existing residence, resulting in a 6.7 foot side yard setback, where a 10 foot side yard setback is required by the Zoning Ordinance;

1. The variance is not contrary to public interest, as evidenced by the number of approvals on file.
2. The variance will not establish a prohibited use.
3. The variance will not cause an adverse effect to immediate vicinity.
4. The petitioner has demonstrated a practical hardship because of his spouse and that it is the only practical location to construct the garage.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #16 VARIANCE REQUESTED: M. R. Landscaping, 1932 Birchwood, for relief of the required setback from Birchwood and Chopin.

Mr. Grusnick explained that the petitioner is requesting relief of the Zoning Ordinance to construct an outdoor contractors storage lot. The plot plan shows the storage area would have a 50 foot setback from both Birchwood and Chopin. The Zoning requires at least a 100 foot setback from any public street.

Mike Rivest, owner of M. R. Landscaping was present. Mr. Rivest stated that he had leased property in Troy for the last 10 years at 2033 Austin. Because that building was sold, he lost his lease and has been looking for a site for the last 4 months. He was able to find, and make an agreement to lease this site. Mr. Rivest stated he was not aware, when he leased the property, he could not store his equipment, consisting of three trucks, two trailers and a couple of machines, on the site. Mr. Rivest stated that he lost the legal non-conforming use of the property when he demolished an old building on the site, which was an eyesore. The site is small for any use and he is not able to increase the size of the site. He hopes to eventually erect a wall and landscape the site, making it an aesthetically pleasing parcel.

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

There was 2 approvals and 2 objections on file.

Motion by Milia
Supported by Sosnowski

MOVED, to grant M. R. Landscaping, 1932 Birchwood, a variance, as requested, to provide an outdoor storage lot, for his contractor's equipment, with a 50 foot setback from both Birchwood and Chopin;

1. The variance is not contrary to public interest.
2. The variance will not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity.
4. The use is in character with the other properties in the area.
5. Conforming is unnecessarily burdensome.
6. The request is not extensive.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #17 VARIANCE REQUESTED: Hooters of Troy, Inc., A Michigan Corporation, 1686 John R. for relief of the required landscaping and relief of the 5 foot wide sidewalk required between the face of the building and a vehicular use area.

Mr. Grusnick explained that the petitioner is relief of the Zoning Ordinance to expand their parking lot. The Zoning Ordinance requires 3,365 square feet of landscaping. The plot plan shows 2,213 square feet of landscaping. The Zoning Ordinance also requires a 5 foot wide sidewalk between the face of the building and any vehicular use area. No sidewalk is shown on the plot plan.

Charles Lang, Attorney for Hooters, Michael VanLoon the Architect, and Brent Rittersdorf of Hooters were present. Mr. Lang stated that to accommodate their needs for additional parking, Hooters proposes to expand their parking lot. Because of their proposed expansion, they must meet the current ordinance for the required landscaping. Because of the size of their site, they are limited in what they can do. They propose to increase their parking spaces from 69 to 90, which is closer to the current parking requirements of 95. They are also increasing the landscaping, but to provide more parking they are limited in the amount of countable landscaping they can provide. As part of their landscape plan they are providing a greenbelt along John R. and Virginia, with the entire landscaped area being approximately 4,020 sq. ft. but because of the location of some of the landscaping, it is not countable landscaping. They feel that the landscaping being provided is attractive and provides substantial screening. Also, to provide landscaping and parking it was necessary to eliminate the 5 foot wide sidewalk adjacent to the building. If they were to construct the 5 foot wide walk, it would cut into aisle ways and they could not meet the required width.

The chairman opened the public hearing.

Clarence Groesbeck, 2044 Virginia, was present and objected to the variance.

Lisa Polseli, 2017 Virginia, was present and objected to the variance and asked the Board to consider requiring a wall between the parking and Virginia because of various problems she has encountered with traffic leaving Hooters.

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

The Board questioned requiring the wall, as part of their motion, and Mr. Martin responded he would have to check to see if this wall would be permitted by ordinance.

Motion by Courtney
Supported by Milia

MOVED, to table the request of Hooters of Troy, 1686 John R., for relief of the required landscaping and relief of the 5 foot wide walk required between the face of the building and a vehicular use area, until the next regular meeting to give the City the opportunity to respond to the question of a wall along Virginia.

Yeas: 5- Courtney, Alaimo, Wright, Milia, Sosnowski
Nays: 2- Giachino, Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MAY 20, 1997) CARRIED

ITEM #18 Request from Ari-EI Enterprises, Inc., for renewal of a variance at 1893 Birchwood.

Mr. Grusnick explained that this is a request from Air-EI Enterprises, Inc., for renewal of a variance at 1893 Birchwood. The petitioner's particular request is outlined in a letter dated March 27, 1997, to the Board of Appeals.

ITEM #9 RENEWAL REQUESTED: Michigan Bell Telephone, 6950 Crooks, for relief of the 4'6" masonry screening wall required along the east side of off-street parking.

Motion by Courtney
Supported by Wright

MOVED, to table the request of Ari-EI Enterprises, Inc., 1893 Birchwood for renewal of a variance **and** the request of Michigan Bell Telephone, 6950 Crooks, for relief of the 4'6" high masonry wall required along the east side of off-street parking, until the next regular meeting (May 20, 1997) to give the petitioners the opportunity to be present.

Yeas: All 7

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING (MAY 20, 1997 CARRIED

TEM #19 Election of Chairman and Vice Chairman for May 1997 thru April, 1998

Motion by Milia
Supported by Fejes

MOVED, to nominate Jerald Sosnowski as Board of Zoning Appeals Chairman for the May, 1997 through April, 1998 year.

Yeas: 6
Abstain: 1 - Jerald Sosnowski

MOTION CARRIED

Motion by Fejes
Supported by Giachino

MOVED, to nominate Kenneth Courtney as Board of Zoning Appeals Vice Chairman for the May, 1997 through the April, 1998 year.

Yeas: 6
Abstain: 1- Courtney

MOTION CARRIED

The Board of Zoning Appeals adjourned at 10:05 p.m.

MEG/ddb