

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, January 21, 1997 by the Chairman, Michael Alaimo.

PRESENT: Michael Alaimo  
Gary Chamberlain  
Kenneth Courtney  
Christopher Fejes  
James Giachino  
Carmeo Milia  
Jerald Sosnowski

**ITEM #1      Approval of Minutes - December 17, 1996**

Motion by Sosnowski  
Supported by Fejes

MOVED, to approve the December 17, 1997 minutes as written

Yeas:            6 - Alaimo, Giachino, Milia, Sosnowski, Fejes, Courtney  
Abstain:        1 - Chamberlain

MOTION TO APPROVE CARRIED

**ITEM #2      RENEWAL REQUESTED: Korean United Methodist Church, 42693 Dequindre, for relief of the 4'6" high masonry screening wall required along the south side of off-street parking.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a landscaped berm in lieu of the 4'6" high masonry screening wall required along the south of their off-street parking. The Zoning Ordinance requires a 4'6" high masonry screening wall where off-street parking abuts residential. The petitioner was originally granted a variance in 1987. Conditions remain the same, we have no objections or complaints on file.

Young Hwang Chi was present to represent the church and stated that the conditions have remained the same for the past 8-9 years and requested a 3 year variance renewal.

Motion by Milia  
Supported by Courtney

MOVED, to grant the Korean United Methodist Church, 42693 Dequindre, a three year renewal of their variance for relief to maintain a landscaped berm, in lieu of the 4'6" high masonry screening wall, along the south side of their off-street parking:

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 #3      RENEWAL REQUESTED: Faith Apostolic Church, 6710 Crooks Rd., for relief of the 4'6" high masonry screening wall required along the north, east and south sides of off-street parking.**

## ITEM #3

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 4'6" high masonry wall where 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.

Ray Duvall was present to represent the petitioner and had nothing to add.

Motion by Chamberlain  
Supported by Sosnowski

MOVED, to grant Faith Apostolic Church, 6710 Crooks Road, a one year renewal of their variance for relief of the 4'6" high masonry screening wall required on the north, east and south sides 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 (1) YEAR CARRIED.

**ITEM #4      RENEWAL REQUESTED: Covenant Baptist Church, 38505 Dequindre, for relief of the 4'6" high masonry screening wall required adjacent to off-street parking.**

Mr. Shripka explained that the petitioner is requesting renewal of a variance for relief of the 4'6" high masonry screening wall required at their off-street parking areas of this church. Relief was originally granted in 1976 due to the fact the adjacent land was undeveloped and the petitioner would install some type of landscaping in order to screen the parking area. Conditions remain the same, we have no objections or complaints on file.

Charles Emerson was present to represent the church and had nothing further to add.

The Board questioned the fact and expressed concerns that there has been residential development since the original request was approved. Noting that there have been changes since the variance was granted.

Motion by Courtney  
Supported by Sosnowski

MOVED, to table the request of Covenant Baptist Church, 38505 Dequindre until the next regular meeting (February 18, 1997) to give the Building Department the opportunity to notify property owners affected of the renewal.

Yeas: All 7

MOTION TO TABLE REQUEST CARRIED

**ITEM #5      RENEWAL REQUESTED: Daniel Leske, DDS, 5895 John R., for relief of the 4'6" high masonry screening wall required along the south property line and relief of the 6 foot high masonry screening wall required along the west property line.**

## ITEM #5

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 along the south property line. This relief was originally granted in 1990, primarily based on the fact the property to the south, a day care center, has already installed a wood fence. The petitioner is also 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 abutting residential. This relief has been granted on a yearly basis since 1982 based on natural screening along the property line. Conditions remain the same, we have no objections or complaints on file.

Daniel Leske was present and had nothing to add.

Motion by Courtney  
Supported by Milia

MOVED, to grant Daniel Leske, DDS, 5895 John R., a three (3) year renewal of his variance for relief of the 4'6" high masonry wall required along the south property line and relief of the 6 foot high masonry screening wall required along the west property line:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

**ITEM #6 RENEWAL REQUESTED: Douglas Pettypiece, Troy Corners, 90 E. Square Lake Road, for relief to maintain and operate an antique shop in residential zoning.**

Mr. Shripka explained that this request originally appeared before the Board in September of 1996 and was tabled until the January 1997 meeting due to the fact there may be a change in the status of the property. Currently the City is the new owner of the property and will be relocating the church to a different location. As a result, there will be no further action required by this board on this variance.

**ITEM #7 RENEWAL REQUESTED: The Bharaiya Temple, 6850 Adams, for relief of the 4'6" high masonry screening wall required where off-street parking abuts residential and relief of the required number of trees required along South Boulevard.**

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain a berm in lieu of the 4'6" high masonry screening wall required adjacent to off-street parking and relief of the number of trees required along South Boulevard. This relief was originally granted in 1990 based on the fact that landscaped berms are permitted in lieu of the 4'6" high masonry screening wall. The number of trees along South Boulevard is in keeping with the surrounding areas. The location is far enough away from South Boulevard and it is protected by a wooded area. Conditions remain the same, we have no objections or complaints on file.

Jay Shaw was present and had nothing to add.

Motion by Sosnowski  
Supported by Fejes

MOVED, to grant The Bharaiya Temple, 6850 Adams Road, a three (3) year renewal of their variance for relief to maintain a berm in lieu of the 4'6" adjacent to their off-street parking and relief of the required number of trees required along South Boulevard:  
ITEM #7

1. The site is well kept.
2. Conditions remain the same.
3. There are no objections or complaints on file.

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

**ITEM #8 VARIANCE REQUESTED: Marathon Oil Co., 1400 W. Maple Rd., for relief of the minimum site size, relief of the required setback from the north property line and relief of the 5 foot wide sidewalk required between the building front and vehicular use area.**

Mr. Shripka explained that this item originally appeared before the Board at their November 19, 1996 meeting. At that time, the Board moved to table the request from Marathon Oil to give the petitioner the benefit of a full Board. Again, the petitioner requested tabling action in December to allow him more time to discuss the issue with his tenant. They are now back before this Board requesting relief of the Zoning Ordinance to construct a new gasoline service station. The Zoning Ordinance requires a site of 20,000 square feet for a service station. The plot shows the site is 11,550 square feet. The plot plan shows a 14'4" setback to the north property line. The Zoning Ordinance requires a 30 foot setback. The Zoning Ordinance also requires a 5 foot wide sidewalk between the front of the building and a vehicular use area. No sidewalk is shown on the proposed plan. Further, it should be noted that there are no service bays with this building and therefore the Zoning Ordinance allows service stations without bays to be placed on sites of 15,000 square feet.

Tracy Klause was present to represent Marathon Oil Company. Mr. Klause stated that they are withdrawing the request for a variance on the sidewalk, noting that the sidewalk will be installed. Mr. Klause stated that the site has been there for 25 years and explained the history of the site. He noted that there was no other property available to enlarge the site. They are requesting the variance so that they can rebuild and replace what is there to bring a 50's building into the 90's. Mr. Klause explained to the Board that this is the smallest building they have. He also noted that the required landscaping will be installed and a greenbelt will be provided, the present site only has approximately 88 sq. ft. of landscaping and no greenbelt. The present station has service bays and the proposed station would have no bays. They will also be reducing the number of curb cuts providing for safer entry and exit. The building will meet the changing market and enhance the area. Mr. Klause also noted that if a variance was not approved, the station would continue as it is now.

Mr. Chamberlain noted that the Planning Commission is attempting have this area improved and to improve this site would certainly be a benefit to the area. Mr. Chamberlain also questioned the maneuverability of a fuel truck. Mr. Klause stated there was a study of the site and it showed a truck would come in one side and exit the other.

Motion by Chamberlain  
Supported by Courtney

MOVED, to grant Marathon Oil Company, 1400 W. Maple, a variance as requested, for relief to reconstruct a service station on an 11,550 square foot site where the Zoning Ordinance requires a 15,000 square foot site. Also to provide a 14'4" setback to the north property line where the Zoning Ordinance requires a 30 foot setback, based on the following:

1. The petitioner has withdrawn the sidewalk variance request.
2. The variance is not contrary to public interest.
3. The variance will not establish a prohibited use within the zoning district.

ITEM #8

4. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district..
5. The petitioner has a practical difficulty in that he does not have reasonable use of the property without a variance.
6. The variance will not effect the health safety or welfare.
7. It will upgrade the community

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #9 VARIANCE REQUESTED: Mr. & Mrs. Elio Forgione, 2748 Ranieri, for relief of the rear yard setback.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 14'3" x11'1" addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 35.3 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback.

Jacqueline Forgione was present and stated that the foundation and slab were put in for a patio when the home was constructed, therefore, it is the most reasonable place for their enclosed porch/sun room. It was also noted that they have an odd or pie shaped lot and the rear yard is wooded.

The Chairman opened the public hearing. There were no comments and the public hearing was closed.

There were 6 approvals on file.

Motion by Giachino  
Supported by Sosnowski

MOVED, to grant Mr. & Mrs. Elio Forgione, 2748 Ranieri, a variance as requested, for relief to construct a 14'3"x11'1" addition resulting in a 35.3 foot rear yard setback where 40 feet is required, based on the following:

1. The variance is not contrary to public interest.
2. The variance will not establish a prohibited use in the zoning district.
3. The variance will not cause an adverse effect to property owners in the immediate vicinity or zoning district.
4. The majority property owners approve.
5. The petitioner has a practical difficulty due to the shape of the lot and the proposed addition is not unreasonable size.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #10 VARIANCE REQUESTED: Anthony Branham, 6610 Montclair, for relief to construct a garage exceeding the maximum square footage permitted.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 1,232 square foot detached garage. The Zoning Ordinance limits accessory buildings to 600 square feet or one-half the ground area of the main structure. The maximum size accessory building for this site is therefore, 652 square feet.

## ITEM #10

Mr. Branham was present and stated that the garage was to provide him with the storage area he desired. He has three cars, lawn and garden equipment and he would also like to have a workshop in the garage. Mr. Branham stated that he has one acre of property, and the garage would not be noticeable because of area he has. Mr. Branham stated that the accessory structure would be removed. The Board questioned the size, noting that they were concerned about the size of the variance. Mr. Branham indicated he did would really like to have a 30'x60' garage. Mr. Branham also stated that he did not want to attach a garage to his home, as he does not like the looks of a large garage attached to a house,

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

There were 3 approvals on file.

Motion by Giachino  
Supported by Courtney

MOVED, to grant Anthony Branham, 6610 Montclair, a variance, as requested, to construct a 1,232 square foot garage where a 652 square foot would be permitted by the Zoning Ordinance, based on the following:

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. There are no objections on file.
4. The petitioner's lot slopes toward the rear and there is no flat area to attach a garage.

Yeas: 3- Giachino, Sosnowski, Courtney

Nays: 4- Alaimo, Chamberlain, Milia, Fejes (Mr. Milia noted his no vote was because the variance requested is too large)

MOTION FAILS - REQUEST DENIED

**ITEM #11     **VARIANCE REQUESTED: Bonnie & Jerry Tryon, 57 Whitney Ct, for relief of the side yard setback.****

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 494 square foot deck on the east side of an existing residence. The plot plan shows the proposed deck would result in a 8 foot side yard setback, with both side yards totaling 18 feet. The Zoning Ordinance requires a minimum side yard setback of 10 feet , with both side yards totaling at least 25 feet.

Jerry Tryon and his builder, Mike McGinnis were present. Mr. Tryon stated that the deck was designed to fit their needs. Mr. Tryon also stated that their lot is adjacent to a detention pond and because of this it would not affect any neighboring property. Mr. McGinnis stated that the deck was designed to protect the trees.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There was one approval on file.

Motion by Chamberlain  
Supported by Giachino

ITEM #11

MOVED, to grant Bonnie & Jerry Tryon, 57 Whitney Ct, a variance, as requested, to construct a 494 sq. ft. deck, resulting in an 8 foot side yard setback from the east lot line and a total side yard setback of 18 feet , where a 10 foot minimum side yard setback with both sides totaling 25 feet is required, based on the following:

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 or zoning district.
4. To the east is a City detention pond which will not be developed.
5. Strict enforcement destroys mature trees and is unnecessarily burdensome.
6. The variance does not create a negative effect to health safety or welfare.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

The Board of Zoning Appeals adjourned at 8:45 p.m.

GAS/ddb