

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, February 18, 1997 by the Chairman, Michael Alaimo.

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

Gary A. Shripka
Peter Letzmann

ITEM #1 Approval of Minutes - January 21, 1997

Motion by Sosnowski
Supported by Milia

MOVED, to approve the January 21, 1997 minutes as written.

Yeas: All 7

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: Veterans of Foreign Wars Post 4037, 2375 E. Maple Road, for relief to maintain a non-conforming building and use and 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 relief granted, by this Board, to maintain a non-conforming building and use, and relief of the 4'6" high masonry wall required at their off-street parking area. The use and structure are non-conforming in that they are located in a residential zoned district. The petitioner is requesting to continue use of the structure as well as relief of the wall required at their off-street parking area. This relief has been granted on a yearly basis since 1969 based on the fact there were no objections from adjacent property owners. Conditions remain the same, there are no objections or complaints on file.

Robert Hunt was present to represent the petitioner and stated he was not aware of any complaints about the building or property.

Motion by Milia
Supported by Sosnowski

MOVED, to grant the Veterans of Foreign Wars Post 4037, 2375 E. Maple Road, a one year renewal of their variance for relief to maintain a non-conforming building and use and relief of the 4'6" high masonry wall required adjacent to off-street parking:

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

Yeas: All 7

MOTION TO RENEW REQUEST FOR ONE (1) YEAR CARRIED

ITEM #3 RENEWAL REQUESTED: Nino Salvaggio Investment Co., of Troy, Ltd., 6825 Rochester Road, 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 renewal of relief granted, by this Board, to provide landscaped berms in lieu of the 6 foot high masonry screening wall required along the south property line and the east boundary line. This relief was originally granted in 1995. The has now been completed and the berms are in place, other than that conditions remain the same, we have no objections or complaints on file.

Nino Salvaggio was present and had nothing to add.

A letter from Rex Pointe Kennels regarding concerns about lights and the screening along the south property line was brought to Mr. Salvaggio's attention. Mr. Salvaggio stated he was not aware of any concerns, indicating there was some Christmas Tree lighting and other than that they have only security lighting over their doors. He also stated that pine trees, approximately 12 to 12 feet would be planted along the south berm to replace the ones that had died.

Motion by Giachino
Supported by Courtney

MOVED, to grant Nino Salvaggio Investment Company, of Troy, Ltd., 6825 Rochester Road, a 6 month renewal of their variance:

1. To allow the petitioner the opportunity to provide the landscaping of the berm in accordance with the variance and the landscape requirements.

Yeas: 7

MOTION TO RENEW VARIANCE FOR SIX (6) MONTHS.

ITEM #4 RENEWAL REQUESTD: Infinity Management Co., 4080 John R., for relief of the 6 foot high masonry screening wall required along the east property line.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted in 1995 for relief of the 6 foot high masonry screening wall required along the east property line. This relief was originally granted based on the fact the land to the east is undeveloped and a wall would serve no useful purpose. Construction has now been completed on the site, other than that conditions remain the same, we have no complaints or objections on file.

Kevin Cosgrinf was present to represent Infinity Management and had nothing to add.

Motion by Sosnowski
Supported by Fejes

MOVED, to grant Infinity Management Co., 4080 John R. a one year renewal of their variance for relief of the 6 foot high masonry screening wall required along the east property line:

1. There are no complaints or objections on file.

ITEM #4

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED.

ITEM #5. RENEWAL REQUESTED: St. George Orthodox Church, 2160 E. Maple Road, for relief of the 4'6" masonry wall required along the east, south and west sides of off-street parking.

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

ITEM #6 RENEWAL REQUESTED/PUBLIC HEARING: Covenant Baptist Church, 38505 Dequindre, for relief of the 4'6" high masonry wall required adjacent to the north, south and west sides of 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 the off-street parking areas of the church. Relief was originally granted in 1976 due to the fact the adjacent land was undeveloped and the petitioner could install landscaping to screen the parking area. This item tabled, was originally heard at the January 1997 meeting. At that time the Board requested this item be tabled to give the Building Department the opportunity to mail out new notices to those people within 300 feet of the property advising them of the renewal. Other than that conditions remain the same, there are no objections or complaints on file.

William Senich, Pastor of the Church was present and noted he was not aware of any problems.

The chairman opened the public hearing.

Alex Thor, Fernleigh Street, expressed concerns about drainage, if the wall were constructed, but had no opinion of the variance.

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Covenant Baptist Church, 38505 Dequindre, three (3) year renewal of their relief of to maintain landscaping in lieu of the 4'6" masonry screening wall required adjacent to the off-street parking areas.

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #7 VARIANCE REQUESTED: Anthony & Michelle Branham, 6610 Montclair, for relief to exceed the maximum size detached accessory building allowed.

ITEM #7

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 26'x40' detached garage. The Zoning Ordinance limits accessory buildings to 600 square feet or one-half the ground floor area of the main building. The Zoning Ordinance allows a 652 square foot detached accessory building for this site. As you may recall, the petitioner did appear before this Board at their January 1997 meeting requesting relief of the ordinance to construct a 44'x28' detached garage or a total square footage of 1,232 sq. ft. That request was denied by this Board. The petitioner has now submitted a substantial reduction, and is therefore before this Board for a new public hearing.

Anthony Branham was present and showed the Board pictures of his site, indicating where he had a garage that had been destroyed. He also noted that the lot was a one acre wooded lot and that the garage would not be visible to most neighbors. Mr. Branham also stated that it would be very difficult to construct an attached garage because his grade drops off and there is no flat area to build on. Also, it would take a great deal of fill.

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

There were 13 approvals on file.

Motion by Giachino
Supported by Sosnowski

MOVED, to grant Anthony & Michelle Branham, 6610 Montclair, a variance, as requested, for relief to construct a 26'x40' detached garage based on the following:

1. The variance is not contrary to public interest.
2. The variance does not cause an adverse effect to properties in the immediate vicinity.
3. There are no objections and a number of approvals on file.
4. The petitioner's lot slopes and there is no flat area to construct an attached garage.
5. The petitioner has demonstrated a willingness to reduce the size of the garage from the previous submission and remove an accessory building.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 VARIANCE REQUESTED: Frank S. & Barbara G. Kaletto, 489 Colebrook, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 24'x40.1' attached garage on the west side of an existing residence. The garage continues a 27.9 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback.

ITEM #8

Frank Kaleto was present and stated the garage addition is to provide storage room needed. He has a fishing boat and trailer that he would like to put in the garage. Also Mr. Kaleto stated that the accessory building on his lot would be removed if he could construct the garage addition. He noted that the storage is the accessory building could be moved into the garage. The garage addition would even out the lines of his home and not encroach any further into the rear yard. The house lines would not look so chopped up. Mr. Kaleto noted that the lot is only 100 feet deep.

The chairman opened the public hearing.

Jerry Kargel, 424 Colebrook, was present and approved of the variance request.

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

There were 3 approvals on file.

Motion by Milia
Supported by Wright

MOVED, to grant Frank S. & Barbara G. Kaleto, 489 Colebrook, a variance, as requested, for relief to construct a 24'x40.1' attached garage, continuing a 27.9 foot rear yard setback, based on the following:

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 cause an adverse effect to properties in the immediate vicinity.
4. The petitioner has demonstrated he has a shallow lot.
5. The variance does not compound the non-conforming setback.
6. The petitioner has kept a very reasonable side yard setback.
7. Conforming is unnecessarily burdensome.
8. Petitioner has stated he would remove the accessory building.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM#9 VARIANCE REQUESTED: Father & Son Construction on behalf of Srikant Raghavan, 1525 Oakcrest, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 42.75'x 12' addition to the rear of an existing residence. The plot plan shows the addition would result in a 33.2 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback.

Brent Anderson of Father & Son and the petitioner, Srikant Raghavan were present. Mr. Anderson stated that the addition is for a family room and kitchen addition. Mr. Raghavan noted that their kitchen does not have the room they require and it will allow them to expand their kitchen. Mr. Raghavan stated that when they were looking at adding on, he measured the setback and through he had the 35 feet. To construct an addition that meets the setback, would affect the symmetrical look of their existing fireplace. The variance is small.

The chairman opened the public hearing.

Richard Hughes, 3252 Louis, was present and approved of the variance request, stating 1 foot means more to an addition than to the lot size. The variance allows the petitioner pleasure of using his home.

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

Motion by Sosnowski
Supported by Giachino

MOVED, to grant Father & Son Construction on behalf of Srikant Raghavan, 1525 Oakcrest, a variance, as requested, for relief to construct a 42.75'x12' addition, resulting in a 33.2 foot rear yard setback where 35 feet is required, 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 .
3. The variance relates only to the property described in the application.
4. The variance is not excessive and causes no harm to surrounding properties.

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

Mr. Wright commented his no vote was because no hardship had been presented.

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Michael & Jane Wellman, 3428 Upton, for relief of the rear yard setback and relief of the required setback from Palmerston.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20'2"x10' addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 35.1 foot rear yard setback and a 37.1 foot setback from Palmerston. The Zoning Ordinance requires a 45 foot rear yard setback and a 40 foot setback from Palmerston.

ITEM #10

Mr. Wellman was present and stated the proposed 10'x22' addition to the garage is to give him storage room and a hobby room. Mr. Wellman noted that he had received a variance for a rear yard setback. He feels the addition will further improve the home and will be used primarily for storage, noting that as he gets older is more difficult to store in the basement.

The chairman opened the public hearing. There were no comments from the audience and the public hearing as closed.

There were 2 approvals on file.

Motion by Courtney
Supported by Milia

MOVED, to deny the request of Michael & Jane Wellman, 3428 Upton, for relief of the rear yard setback and relief of the required setback from Palmerston:

1. The petitioner has not presented a hardship.

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

MOTION TO DENY REQUEST CARRIED

ITEM #11 VARIANCE REQUESTED: Gregory S. & Janet P. Burgess, 963 Banmoor, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 23'x24' addition on the rear of an existing residence. The plot plan shows the proposed addition would result in a 33.43 foot rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback.

Gregory Burgess was present and stated the proposed addition is for a family room. They have 3 children and need additional room. Mr. Burgess stated that he did not want to create a family room in the basement as it was not really desirable. He cannot construct a reasonable size addition to the rear of his home without a variance. The addition has been designed to keep an aesthetic roof line. The Board questioned adding to the rear of the garage to lessen the setback variance. Mr. Burgess stated it would cause a change in the roof line, which he felt would not be appealing. The Board also expressed concerns about size of the variance.

The chairman opened the public hearing.

Richard Hughes, 3252 Louis, was present and approved of the variance request stating a man's home is his castle and he should be able to design it as he wishes and size of the home should not matter.

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

ITEM #11

There were 6 approvals on file.

Motion by Giachino
Supported by Courtney

MOVED, to deny the request of Gregory S. & Janet P. Burgess, 963 Banmoor, for relief of the rear yard setback, based on the following reason:

1. The petitioner can accomplish the needed area without such an encroachment into the rear yard.
2. The petitioner has not shown a hardship.

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

MOTION TO DENY REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: Carl E. Skrzynski, 2300 Grand Haven (proposed address), for relief of the 4'6" high masonry screening wall along the east and north sides of off-street parking and relief to erect carports in the front and side yards.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new senior citizen congregate housing facility. The Zoning Ordinance requires a 4'6" high masonry screening wall where off-street parking abuts residential. No wall is shown on the east or north sides of their parking areas. The plot plan also shows carports in the front and side yards. The Zoning Ordinance permits accessory buildings in rear yards only.

Dale Ehrestman, the architect and Rod Lockwood of the Lockwood Group were present. Mr. Ehrestman showed a site plan and explained the site. Mr. Ehrestman stated that the rear 6 acres of the site is an environmental protected area. A wall along the north would serve no practical purpose because it is an environmental protected area and will be used only a park-like area with a pond. Also, a wall along the east would serve no practical purpose at this time as it is a vacant wooded undeveloped lot. Mr. Ehrestman stated that the carports are to provide a safe, secure and more protected parking nearer area of the entrances.. The carports cannot be constructed in the rear because of the setback of the facility and the environmental protected area at the rear.

The chairman opened the public hearing.

Jac Nixon, 1035 Milverton, was present and expressed concerns about the street but had no objections to the facility, carports or wall variance.

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

There was 1 objection on file.

ITEM #12

Motion by Giachino
Supported by Sosnowski

MOVED, to grant Carl E. Skrzynski, 2300 Grand Haven (proposed address) a one year renewable variance, as requested, for relief of the 4'6" high masonry wall required along the north and east sides of off-street parking:

1. There is more than adequate room between the parking area and drives and the adjacent residential properties.

Yeas: All 7

MOTION TO APPROVE REQUEST FOR ONE (1) YEAR CARRIED

Motion by Fejes
Supported by Giachino

MOVED, to grant Carl E. Skrzynski, 2300 Grand Haven (proposed address) a variance, as requested, for relief to construct carports in the front and side yards of a proposed senior citizen complex, 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.
4. The variance relates only to the property described in the application.
5. The carports and location provide the senior citizens with shelter and safety.
6. There were no objections and one approval at the meeting.

Yeas: All 7

MOTION TO GRANT VARIANCE FOR ONE YEAR CARRIED

ITEM #13 VARIANCE REQUESTED: Gary Abitheira, 50 Biltmore (proposed address), for relief of the required lot width.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct an approximately 11,00 square foot single family residence. The plot plan shows the lot is 50 foot wide. The Zoning Ordinance requires a minimum lot width of 60 feet in this residential zoned district.

Gary Abitheira was present and stated lots, in the area, were plotted at 50 feet and this lot is conforming with others in the area. When he purchased the lot, he thought it was grandfathered in. Mr. Abitheira further stated that the lot is not a buildable lot without a variance.

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

ITEM #13

There was 1 approval on file.

Motion by Fejes
Supported by Sosnowski

MOVED, to grant Gary Abitheira, 50 Biltmore (proposed address), a variance, as requested, for relief to construct a single family residence on a 50 foot wide lot, where 60 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.
4. The variance relates only to the property described in the application.
5. The lot is not buildable without a variance.

Yeas: All 7

MOTION TO APPROVE CARRIED

ITEM #14 ITEM #5. RENEWAL REQUESTED: St. George Orthodox Church, 2160 E. Maple Road, for relief of the 4'6" masonry wall required along the east, south and west sides of off-street parking.

The petitioner was not present.

Motion by Giachino
Supported by Sosnowski

MOVED, to table the request of St. George Orthodox Church, 2160 E. Maple, for relief of the 4'6" high masonry screening wall required along the east, south and west sides of off-street parking until the next regular meeting (March 18, 1997) to give the petitioner the opportunity to be present.

Yeas: All 7

MOTION TO TABLE REQUEST UNTIL THE MARCH 18, 1997 MEETING CARRIED

The Board of Zoning Appeals adjourned at 9:10 p.m.

GAS/ddb

