

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, March 18, 1997 by Vice Chairman, Jerald Sosnowski.

PRESENT: Kenneth Courtney Gary A. Shripka  
Christopher Fejes John Martin  
James Giachino  
David Kramer  
Jerald Sosnowski

ABSENT: Michael Alaimo  
Carmelo Milia

**ITEM #1 Approval of Minutes - February 18, 1997**

Motion by Giachino  
Supported by Fejes

MOVED, to approve the February 18, 1997 Minutes.

Yeas: 4- Courtney, Giachino, Sosnowski, Fejes  
Abstain: 1- Kramer  
Absent: 2- Alaimo, Milia

MOTION TO APPROVE CARRIED

Motion by Fejes  
Supported by Courtney

MOVED, to excuse Mr. Alaimo and Mr. Milia from the meeting as they are out of the City.

Yeas: 5- Kramer, Giachino, Sosnowski, Fejes, Courtney  
Absent: 2- Milia, Alaimo

MOTION CARRIED

**ITEM #2 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 request to the end of the agenda (item #13) to allow the petitioner the opportunity to be present.

**ITEM #3 RENEWAL REQUESTED: Cougar Investment L C, 840 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the south property line.**

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, in regards to the 6 foot high masonry screening wall required at the south property line of their site which abuts residential zoning. This relief has been granted on a yearly basis 1983 due to the fact the Master Land Use Plan indicates land to the south will become non-residential in the future. The building is now occupied as a dental office and has changed owners. Other than that conditions remain the same, we have no objections or complaints on file.

Joc Haddad, President, was present and had nothing to add.

Motion by Fejes  
Supported by Courtney

MOVED, to grant Cougar Investment L. C., 840 E. Big Beaver, a three year renewal of their variance for relief of the 6 foot high masonry screening wall required along the south property line;

1. As long as conditions remain the same and there are no complaints on file.

Yeas: 5- Sosnowski, Fejes, Courtney, Kramer, Giachino

Absent: 2- Milia, Alaimo

ITEM #3

MOTION TO RENEW VARIANCE FOR 3 YEARS CARRIED

**ITEM #4**            **RENEWAL REQUESTED: S. O. C. Credit Union, 4555 Corporate Drive, for relief of the 6 foot high screening wall required along the south property line.**

Mr. Shripka explained that the petitioner is requesting renewal of a relief granted, by this Board, to maintain a 6 foot high berm in lieu of the 6 foot high masonry screening wall required along the south property line abutting residential zoning. The berm is in place and landscaping has been completed and it appears to be adequately screening the sites from the south. Conditions remain the same, there are no objections or complaints on file.

Sally Cloyd, Executive Vice President, was present and had nothing to add.

Motion by Giachino  
Supported by Courtney

MOVED, to grant the S.O.C. Credit Union, 4555 Corporate Drive, a three (3) year renewal of their variance to maintain a 6 foot high berm in lieu of the 6 foot high masonry screening wall required along the south property line;

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

Yeas:                5- Sosnowski, Fejes, Courtney, Kramer, Giachino  
Absent:            2- Alaimo, Milia

MOTION TO RENEW VARIANCE FOR 3 YEARS CARRIED

**ITEM #5**            **RENEWAL REQUESTED: Kmart, 100 E. Maple, for relief to display and sell flowers and plants in a designated area.**

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board which allows for outdoor display in front of Kmart along the north side of the fenced area and in a 4 foot section of the sidewalk adjacent to the building. This 4 foot section is at the west end of the main building. The display will be used for plants and flowers. This relief has been granted on a yearly basis since 1980 and the length of time of the request is valid for the months of April through July. This request has also been subject to the petitioner providing the corral type fence to both enclose the area of the display and maintain a safe sidewalk at the same time. Other than that conditions remain the same, we have no objections or complaints on file.

Jeff Gray, Store Manager, was present and had nothing to add.

Motion by Fejes  
Supported by Courtney

MOVED, to grant Kmart, 100 E. Maple, renewal of their variance to display and sell flowers in the designated area April through July, 1997;

1. With the same conditions, that they be kept in the sidewalk area, away from the drive area, with protection from the driveway area.

Yeas:                5- Fejes, Courtney, Kramer, Giachino, Sosnowski  
Absent:            2- Alaimo, Milia

MOTION TO RENEW VARIANCE CARRIED

**ITEM #6**            **RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to use one parking space for a dumpster enclosure.**

The chairman moved this item to the end of the agenda (Item #14) to give the petitioner the opportunity to be present.

**ITEM #7**            **RENEWAL REQUESTED: 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.**

The petitioner was not present.

Motion by Giachino  
Supported by Kramer

MOVED, to table, for the second month in a row, the request of St. George Orthodox Church, 2160 E. Maple, until the next regular meeting (April 15, 1997) to give the petitioner another opportunity to be present, further, that if the petitioner does not appear at the April meeting the Board will be forced to deny the request, requiring that the petitioner re-apply or install the required wall.

Yeas:                5- Courtney, Kramer, Giachino, Sosnowski, Fejes  
Absent:            2- Alaimo, Milia

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (APRIL 15, 1997) CARRIED

**ITEM #8**            **VARIANCE REQUESTED: Robert H. & Cathy A. Kelly, 4744 Pier, for relief of the front yard setback.**

Mr. Shripka 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.

Robert Kelley was present and stated the proposed addition to the garage is to provide them with room for a third car and storage room for lawn equipment and toys. Mr. Kelly noted that the garage doors are very narrow and they have already had damage to one of the vehicles. The angle of the lot causes a measurement that reduces his front setback. He has submitted the plan to the subdivision architectural control committee and they telephoned him approving of the plan. Mr. Kelly stated that he could not widen the garage doors without an addition.

The Board questioned moving the garage addition back and Mr. Kelly responded that because of the house floor plan, more construction and plumbing would be required. The Board questioned the size of the addition and asked if Mr. Kelly would check with his architect for a solution to lessen the variance.

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

There were 2 objections on file.

Mr. Kelly requested his request be tabled until the next meeting.

Motion by Courtney  
Supported by Fejes

MOVED, to table the request of Robert H. & Cathy A. Kelly, 4744 Pier, for relief of the front yard setback until the next regular meeting (April 15, 1997) to give the petitioner the benefit of a full board.

Yeas:                5- Courtney, Kramer, Giachino, Sosnowski, Fejes  
Absent:            2- Milia, Alaimo

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (APRIL 15, 1997) CARRIED

**ITEM #9**            **VARIANCE REQUESTED: RC2 Development Company, 33333 & 33341 Dequindre (proposed address), for relief to construct an accessory building with a zero setback from the north, west and south property lines.**

ITEM #9

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct two new industrial buildings, 12,000 sq. ft. each and a 152'x15' covered storage area along the rear property line. The plot plan shows the covered storage area would run along the west or rear lot line, extending to the side or north and south lot lines with a zero foot setback from those lot lines. The Zoning Ordinance requires a 6 foot setback from both side and rear lot lines.

Robert Ciepielowski was present and stated that the onfiguration of the lot and the zoning requirements makes it very difficult to build and utilize as much of the land as possible to construct a viable project. They have no tenant for the closest building as yet, but are in negotiations with a cabinet company. The other building will be used for his business and an engineering firm. Mr. Ciepielowski explained the their yard space had been diminished by the parking and maneuvering lanes required for their proposed uses of the buildings. If they were to move the storage in to meet the required setback, they would have no yard area left.

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

Motion by Courtney  
Supported by Kramer

MOVED, to deny the request from RC2 Development , 33333 and 33341 Dequindre (proposed address), for relief to construct a covered storage area with a zero setback from the north, west and south property lines;

1. The petitioner has not shown a hardship.
2. The petitioner has a self imposed hardship.
3. The petitioner is overbuilding the lot.

Yeas: 4- Kramer, Giachino, Fejes, Courtney  
Nays: 1- Sosnowski  
Absent: 2- Milia, Alaimo

MOTION TO DENY REQUEST CARRIED

**ITEM #10 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.**

The petitioner requested this item be moved to the end of the agenda so that their landscape architect could be present.

The chairman moved item #10 to the end of the agenda (Item #15) as requested by the petitioner.

**ITEM #11 VARIANCE REQUESTED: I P Yee Fan, 2081 Newburgh, for relief of the rear yard setback.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20'x14' deck on the rear of an existing residence. The plot plan shows the proposed deck would result in a rear yard setback of 20 feet. The Zoning Ordinance requires a 25 foot rear yard setback.

Stanley Ho was present and stated that the deck they propose is the size required to accommodate their needs. The size allows the room to have their picnic tables and barbecue. They entertain their families and there are many children, the deck will allow the children to play safely outside. A smaller deck will not fit their needs.

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

There was 1 objection and 1 approval on file.

Motion by Giachino  
Supported by Courtney

ITEM #11

MOVED, to grant I P Yee Fan, 2081 Newburgh, a variance, as requested, for relief to construct a 20'x14' deck, resulting in a 20 foot rear yard setback where 25 feet is required;

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. There are other large decks in the area.
5. The petitioner has demonstrated a need to have a reasonable size deck, it appears that 250 sq. ft. is the standard deck the builder constructs.

Yeas: 5- Kramer, Giachino, Sosnowski, Fejes, Courtney  
Absent: 2- Milia, Alaimo

MOTION TO APPROVE REQUEST CARRIED

**ITEM #12 VARIANCE REQUESTED: Gary Reiber, Craft-Tech Enterprises, 1900 Heide, for relief to add to a legal non-conforming building.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to a 40'1-1/2"x14'4" addition on the east side of their building, 19.5 feet from the south lot line. The addition would connect the building to an existing legal non-conforming warehouse building, which is 8 feet from the south property line. The Zoning Ordinance requires a 10 foot side yard setback and does not permit additions to non-conforming buildings.

Gary Reiber was present and stated that the proposed addition to connect their two buildings to provide for a better labor and material flow. Mr. Reiber pointed out that the warehouse building has been updated and remodeled to be more pleasing. The actual addition, connecting the two buildings, will meet the required setback so they will not be extending the non-conformity.

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

Motion by Fejes  
Supported by Giachino

MOVED, to grant Gary Reiber, Craft-Tech Enterprises, 1900 Heide, a variance as requested to construct an addition on the east side of their building connecting two buildings, one of which has a legal non-conforming setback of 8 feet where 10 feet is required;

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. The variance relates only to the property described in the application.
4. The variance does not increase the non-conformity as it exists.

Yeas: 5- Giachino, Sosnowski, Fejes, Courtney, Kramer  
Absent: 2- Alaimo, Milia

MOTION TO APPROVE REQUEST CARRIED

**ITEM #13 (Item #2) 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.**

**ITEM #14 (Item #6) RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to use one parking space for a dumpster enclosure..**

Motion by Fejes  
Supported by Courtney

ITEM #13 & #14

MOVED, to table the request of Michigan Bell Telephone, 6950 Crooks, for relief of the 4'6" high masonry screening wall required along the east side of off-street parking and the request of Muffler Man, 34835 Dequindre for relief to use one parking space for a dumpster enclosure until the next regular meeting (April 15, 1997);

1. To allow the petitioner the opportunity to be present.

Yeas: 4- Sosnowski, Fejes, Courtney, Kramer  
Nays: 1- Giachino  
Absent: 2- Milia, Alaimo

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING (APRIL 15, 1997) CARRIED

**ITEM #10 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.**

The petitioner, Mr. Starrs, requested this request be tabled until the next regular meeting as their landscape architect had not arrived as yet and they would like the benefit of a full board.

The chairman opened the public hearing for those who would not be at the next meeting.

Jerry Piotrowski, 1749 Crimson, was present and stated he had sent in an objection to the public hearing but was withdrawing it and approved of the variance request.

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

Motion by Giachino  
Supported by Courtney

MOVED, to table the request of William Starrs, Troy Sports Center, 1819 E. Big Beaver, until the next regular meeting (April 15, 1997) as requested by the petitioner.

Yeas: 5- Sosnowski, Fejes, Courtney, Kramer, Giachino  
Absent: 2- Alaimo, Milia

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (APRIL 15, 1997) CARRIED

The Board of Zoning Appeals adjourned at 8:35 p.m.

GAS/ddb