

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, June 17, 1997 by the Chairman, Jerald Sosnowski.

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

John Martin  
Gary A. Shripka

ABSENT: James Giachino

Motion by Milia  
Supported by Courtney

MOVED to excuse Mr. Giachino from the meeting as he is out of the County.

Yeas: All 6  
Absent: Giachino

MOTION CARRIED

**ITEM #1 Approval of Minutes -- May 20, 1997**

Motion by Fejes  
Supported by Courtney

MOVED to approve the May 20, 1997 minutes as written.

Yeas: All 6  
Absent: Giachino

MOTION CARRIED

**ITEM #2 RENEWAL REQUESTED: Troy Commerce Center, 1100-1170 E. Big Beaver, for relief to maintain parking in the required front setback.**

The chairman tabled request until the next regular meeting (July 15, 1997) as requested in a letter from the petitioner.

**ITEM #3 RENEWAL REQUESTED: G. J. Slagon & Associates, 1000 John R., for relief of the 6 foot high masonry screening wall required along the east, and south property lines.**



**ITEM #3**

Mr. Shripka explained that the petitioner is requesting renewal of a variance, granted, for relief of the 6 foot high masonry screening wall required along the east and south property lines. The walls are required where non-residential zoning abuts residential zoned property. This relief was originally granted in 1981, primarily due to the fact the easterly portion of the property line has a retention pond adjacent to it and the south property line abuts the parking lot for the senior citizen complex. Conditions remain the same, we have no objections or complaints on file.

Dan VanHemm, Property Manager was present and had nothing to add.

Motion by Courtney  
Supported by Milia

MOVED, to grant G. J. Slagon & Associates, 1000 John R. a three (3) year renewal of their variance for relief of the 6 foot high masonry screening wall required along the east and south property lines;

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

Yeas: All 6  
Absent: Giachino

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

**ITEM #4      RENEWAL REQUESTED: Lutheran Church of the Master, 3333 Coolidge, for relief of the 4'6" high masonry wall required along the west side of off-street parking.**

Mr. Shripka 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 the west property line. In 1976 permanent relief was granted to allow a landscaped berm along approximately 80 feet of the property line as an obscuring element. In 1981 parking was increased and the Board allowed this berm to be extended. Relief of the berm extension has been renewed on a yearly basis since then. Conditions remain the same, we have no objections or complaints on file.

Jim Craighton, President of the Church Council, was present and had nothing to add.

Motion by Wright  
Supported by Fejes

MOVED, to grant Lutheran Church of The Master, 3333 Coolidge, a three (3) year renewal of their variance to maintain a berm along the west side of off-street parking, in lieu of the required 4'6" high masonry wall;

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

**ITEM #4**

Yeas: All 6  
Absent: Giachino

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

**ITEM #5 RENEWAL REQUESTED: City of Troy, 1019 E. Big Beaver, Fire Station #1, for relief of the 5 foot high berm required along the east property line.**

The chairman noted that because conditions are about to change with the removal of the house and site improvements, no further action will be required on this item.

**ITEM #6 RENEWAL REQUESTED: Troy High School, 4777 Northfield Parkway, for relief of the 4'6" high masonry wall required along the west side of off-street parking.**

The chairman noted that the Michael M. Adamczyk, Executive Director - Business Services, of the Troy School District sent a letter noting that they could not have any one present and would like to request renewal in writing.

Motion by Courtney  
Supported by Wright

MOVED, to grant the Troy High School, 4777 Northfield Parkway, a three (3) year renewal of their variance for relief of the 4'6" high masonry screening wall required along the west side of off-street parking;

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

Yeas: All 6  
Absent: Giachino

MOTION TO RENEWAL VARIANCE FOR THREE (3) YEARS CARRIED

**ITEM #7 RENEWAL REQUESTED: Clark Refining & Marketing, 3400 Rochester, for relief of the 6 foot high masonry wall required along the east and a portion of the north property line.**

**ITEM #7**

Mr. Shripka explained that the petitioner is requesting renewal of a relief granted, by this Board, to maintain a 6 foot high fence in place of a 6 foot high masonry screening wall required along the east and a portion of the north property line. This variance has been granted on a yearly basis since 1985 based on the preference of the adjacent owners to have the wood fence and landscaping in lieu of the masonry wall. In 1993, this was again renewed for a three year period, and in 1996 was granted a one year renewal of the variance to maintain the fence in lieu of the masonry wall. Conditions from that time have improved somewhat, but we continue to receive complaints and have problems on the site. This item was tabled at our last regular meeting at the request of the petitioner.

Ken Ruona, representing Clark Oil, was present and stated that they have had problems with people dumping on the site. He has indicated to the neighbors he is willing to work with them on their concerns.

The Board asked if any complaints had been filed recently and Mr. Shripka noted that it has been approximately a month.

Motion by Courtney  
Supported by Fejes

MOVED, to grant Clark Oil and Refining, 3400 Rochester Road, a one (1) year renewal of their variance to maintain a 6 foot high fence, in place of the 6 foot high masonry screening wall, along their east and a portion of their north property line.

Yeas: All 6  
Absent: Giachino

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

**ITEM #8**      **RENEWAL REQUESTED: San Marino Social Club, 1685 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.**

Mr. Shripka 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 adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact the adjacent residential property is undeveloped and owned by the petitioner. Conditions remain the same, we have no objections or complaints on file. This item was tabled at our last regular meeting at the request of the petitioner.

Bruno Casadei, President of the San Marino Club, was present and had nothing to add.

Mr. Milia asked if the nearby development had any impact on their site. Mr. Casadei indicated it had no impact.

Motion by Milia  
Supported by Wright

**ITEM #8**

MOVED, to grant the San Marino Social Club, 1685 E. Big Beaver, a three (3) year renewal of their variance for relief of the 6 foot high masonry wall required along the north property line;

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

Yeas: All 6  
 Absent: Giachino

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

**ITEM #9 RENEWAL REQUESTED: First United Methodist Church of Troy, 6363 Livernois, for relief of the 4'6" high masonry wall required along the north, south and west sides of off-street parking.**

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, in 1989 for relief of the 4'6" high masonry wall required along the north, south and west property lines. This request was originally approved based on the fact the area had substantial screening to the south and to the west and no useful purpose would be served by strict enforcement of the ordinance. Conditions remain the same, we have no objections of complaints on file. The petitioner had requested tabling of this item at our last regular meeting.

Brian Roessler, Chairman for the Board of Trustees, was present and had nothing to add.

Motion by Wright  
 Supported by Milia

MOVED, to grant the First United Methodist Church, 6363 Livernois, a three (3) year renewal of their variance for relief of the 4'6" high masonry screening wall required along the north, south and west property lines;

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

Yeas: All 6  
 Absent: Giachino

MOTION TO RENEW VARIANCE THREE (3) YEARS CARRIED

**ITEM #10 RENEWAL REQUESTED: Jack Christenson, Inc., Realtors, 2282 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.**

**ITEM #10**

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

**ITEM #11      RENEWAL REQUESTED: Michigan Bell Telephone, 6950 Crooks, for relief of the 4'6" high masonry wall along the east side of off-street parking.**

Mr. Shripka explained that the petitioner is requesting renewal of a variance for relief of the 4'6" high masonry wall required at the off-street parking of this site. The variance has been granted on a yearly basis since 1971, primarily due to the fact the adjacent land to the east is undeveloped. Conditions remain the same, we have no objections or complaints on file. This item was tabled at the last 3 regular meetings to give the petitioner the opportunity to be present .

Bill Bardo with Property Management for Ameritech was present and had nothing to add.

Motion by Alaimo  
Supported by Fejes

MOVED, to grant Michigan Bell Telephone Co., 6950 Crooks, a three (3) year renewal of their variance for relief of the 4'6" high masonry wall required along the east side of their off-street parking, as long as;

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

Yeas:            All 6  
Absent:        Giachino

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

**ITEM #12      VARIANCE REQUESTED: Ari EI Enterprises, Inc., for renewal of a variance at 1893 Birchwood.**

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

**ITEM #13      VARIANCE REQUESTED: Tony Fowler, 938 Rankin, for relief of the front setback, relief to provide parking in the front setback and relief of the greenbelt width.**

**ITEM #13**

Mr. Shripka explained that the petitioner originally appeared at the May 20, 1997 meeting of this Board. At that time the petitioner was requesting relief of the Zoning Ordinance to construct a new 6,164 square foot industrial building. The plot plan shows the proposed building would have a 25 foot front yard setback, and there would be parking along the west property line within 13 feet of the front lot line. Also, a parking space in front of the building, 8 feet from the front lot line. The Zoning Ordinance requires a 50 foot front yard setback and does not permit parking or structures in the required setback. Also, the Zoning Ordinance requires a 10 foot wide greenbelt along the property line abutting streets. The plot plan shows the greenbelt was only 8 feet wide in the area of the parking space in front of the building. At that meeting, this item was tabled to give the petitioner the opportunity to work with the City staff and return with a different proposal regarding setback variances and to relocate front yard parking.

Tony Fowler was present and noted that he had changed the plans, as requested by the Board. Mr. Fowler pointed out that he has changed the front setback from 25 feet to 30 feet. He has removed the parking from the front of the building, providing parking in the rear. He submitted a floor plan of the building. Mr. Fowler explained the floor plan and noted that he has reduced the building as much as he can and still meet the needs for his use. Mr. Fowler stated that with the changes, he can now meet the greenbelt requirement.

Mr. Shripka brought to the attention of the Board, possible parking and loading zone problems, but noted that these would have to be resolved before he goes to the Planning Commission. Mr. Shripka also explained the parking spaces needed based on the number of stalls within the building.

Motion by Milia  
Supported by Courtney

MOVED, to grant Tony Fowler, 938 Rankin, a variance to construct a new building with a 30 foot front setback where 50 feet is required;

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 have an adverse effect on properties in the immediate vicinity or zoning district. It is an improvement to the area
4. The variance relates only to the property described in the application.
5. The cooperative attitude of the petitioner is impressive.
6. Is sure that the petitioner will do a proud job on this site as he has done across the street.

Yeas: All 6  
Absent: Giachino

MOTION TO APPROVE VARIANCE CARRIED

**ITEM #14 VARIANCE REQUESTED: Kathy Guiliani, 976 DeEtta, for relief of the side yard setbacks.**

**ITEM #14**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 21'x35' attached garage. The plot plan shows the proposed garage addition would result in a 5 foot setback to the west property line, with a total of 15 feet for both side yards. The Zoning Ordinance requires a minimum side yard setback of 10 feet and 25 feet for both side yard setbacks.

Kathy and Jeff Guiliani were present. Mrs. Guiliani stated that the size garage proposed is to allow them needed room for storage and to park two vehicles. Their home has no basement for storage purposes. Mr. & Mrs. Guiliani stated that they spoke with their neighbors and they approve of the request.

Mr. Milia noted that it was the character of the neighborhood that there were many detached garages and questioned construction of a detached garage. The petitioners responded that they felt an attached garage added more value to their home and was more aesthetically pleasing.

The petitioners stated that they feel the proposed garage addition will not crowd the lot. Part of the proposed garage is for a mud room and bathroom. They noted that the lots across the street are wider than theirs. If they were to construct a detached garage, they will lose part of their rear yard.

Mr. Wright questioned the location of the garage, if detached, with the proposed addition. He asked if, to provide maneuvering room, the garage would have to be setback to where it would be in the rear yard easement. The petitioners were not sure if it would interfere with garage construction.

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

There were 5 approvals on file.

Motion by Courtney  
Supported by Alaimo

MOVED, to table the request of Kathy Guiliani, 976 DeEtta, for relief of the side yard setback until the next regular meeting (July 15, 1997) to give the petitioner the opportunity to;

1. Look at the possibility of constructing a detached garage.
2. The opportunity to show the Board a hardship or practical difficulty.

Yeas: All 6  
Absent: Giachino

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

**ITEM #15 VARIANCE REQUESTED: Leo Dederian, 1906 Woodslee - 1780 Alger, for relief of the front setback from Alger, relief to provide parking in the front setback and relief of the 10 foot greenbelt along Alger.**

**ITEM #15**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new 16,198 square foot industrial building at the corner of Woodslee and Alger. The plot plan shows

the proposed construction would result in 45'9" front setback from Alger and parking located within the setback from Alger. The Zoning Ordinance requires a 50 foot front yard setback and does not permit parking or structures within the required setback. The plot plan shows a dumpster enclosure on the south side of the building, in the side yard. The Zoning Ordinance requires all accessory structures be located in rear yards only. The Zoning Ordinance also requires a 10 foot wide greenbelt along street frontages. No greenbelt is shown along the Alger Street frontage.

Leo Derderian was present and stated vacation of Alger Street is proposed. If Alger is vacated, the variance will no longer be required as Alger will become a side yard. The south side of Alger has not been vacated as there is still a home there and they require school bus access to the property. Mr. Derderian stated that the Planning Commission has recently determined that Alger should be vacated and the question is to be brought back to the Planning Commission and City Council. Mr. Derderian further stated that if Alger is vacated, he will provide access for the school bus, which will work out better than the present arrangements.

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

Motion by Courtney  
Supported by Fejes

MOVED, to grant Leo Derderian, 1906 Woodslee - 1780 Alger, a variance as requested, for relief of the front setback from Alger, relief to provide parking in the front setback and relief of the 10 foot greenbelt along Alger, subject to Council action on the vacation of Alger Street;

1. The variance relates only to property described in the application.
2. The variance will not cause an adverse effect to properties in the immediate vicinity.
3. There are no objections on file.
4. The variance is not contrary to public interest.

Yeas: All 6  
Absent: Giachino

MOTION TO APPROVE CARRIED

**ITEM #16 VARIANCE REQUESTED: Thomas & Lisa French, 2234 Brinston, for relief of the rear yard setback.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 25'x12' deck. The plot plan shows the proposed deck would result in 20.8 foot rear yard setback. The Zoning Ordinance requires a 25 foot rear yard setback.

**ITEM #16**

Mrs. French was present and stated that the size deck was to provide room for entertaining, and to allow for a large table and chairs with a walk area around them. The deck was designed to be different than the standard deck, compliment the neighborhood and add value to their home.

The Board questioned a patio instead of a deck. Mrs. French stated that they have no hardship with that but they preferred the deck.

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

There were 2 approvals on file.

Motion by Fejes  
Supported by Wright

MOVED, to approve the request of Thomas & Lisa French, 2234 Brinston, for relief of the rear yard setback;

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use in the zoning district
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to the property described in the application.
5. The variance request is within the spirit of the ordinance for a patio verses a deck.

Yeas: Fejes, Wright, Sosnowski  
 Nays: Courtney, Alaimo, Milia  
 Absent: Giachino

MOTION TO APPROVE FAILS - REQUST DENIED

**ITEM #17 VARIANCE REQUESTED: William K. Ollila, 4970 Livernois, for relief of the required setback from the south and southeast property lines.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 10,844 square foot Arbor Drug Store at the southeast corner of Livernois and Long Lake. The plot plan shows the proposed construction would result in a 46'10" setback from the south lot line and a 14 foot setback from the southeast corner of the property. The Zoning Ordinance requires a 75 foot setback from residential zoned properties.

**ITEM #17**

Kevin Kohls, representing the applicants, Laura Ollila, and Matthew Ray, the architect were present. Mr. Kohls highlighted the history of the property. Mr. Kohls stated that Arbor likes to own their stores, their lease across the street is due to expire and they hope to construct their own building. Mr. Kohls pointed out that if the property were B-1 or B-3 instead of B-2 the proposed store could meet the required setbacks. Mr. Kohls stated that they have met with several of the neighbors and have agreed to put in a 12-15 foot greenbelt to screen the neighbors to the south. They will also brick the rear of the building to make it more aesthetically pleasing to the neighbors. Deliveries and trash pick up will be scheduled during normal working hours. Mr. Kohls stated that this is an unusual size parcel, 1.05 acres, for B-2 property and feels that the 75 foot setback does not comply to this parcel because of its size. To deny the request will deny the petitioners the full use and enjoyment of the property.

Mr. Wright asked if the store was to have a drive-thru window. Mr. Kohls stated that the Arbor Drug would have no drive-thru windows.

The Board commented that if the proposed building would fit better in a B-1 or B-3 Zoning, maybe the petitioner should consider seeking re-zoning of the property.

The chairman opened the public hearing.

Fred Miller, 15 Belhaven, was present and approved of the variance with conditions, such as: A greenbelt with landscaping to reduce noise, earth tone brick on the back, elimination of the drive on Livernois and a wider drive off Long Lake, screening of the lights, limiting the deliveries at the loading zone.

Stephen Schwarz, 70 Belhaven, was present and approved subject to conditions stated by Mr. Miller and with the condition, steps are taken to block noise from large trucks and that screening be installed to reduce noise.

Ruth Heginbottom, 70 Belhaven, was present and did not approve of the variance, citing concerns about a greenbelt that would hide the wall of the building and traffic.

Laura Ollila, owner of T'Birds, 4970 Livernois, was present and approved of the variance request, noting that she was sure Arbor would accommodate the wishes of the neighbors. Mrs. Ollila also noted that if the variance were granted to Arbor, T'Birds would be moving to the shopping center across the street.

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

Motion by Courtney

Supported by Milia

MOVED, to deny the request of William Ollila, 4970 Livernois, for relief of the required setback from the south and southeast property lines;

**ITEM #17**

1. The petitioner has failed to prove a hardship, the existing building meets the zoning ordinance requirements, and there has been no showing that the existing building cannot be used as zoned.
2. The petitioner has stated that the store would fit if the property were zoned B-1 or B-3.
3. The building, as proposed, is too close to residential property.
4. There are uses that can be put on the site that can meet zoning and setbacks.
5. The proposed building can be constructed in other B Districts.

Yeas: All 6  
 Absent: Giachino

MOTION TO DENY REQUEST CARRIED

Mr. Milia stated the variance request is too large and, is not in the spirit of the Board of Zoning Appeals to grant a variance of the size proposed.

**ITEM #18 VARIANCE REQUESTED: William & Francine Penn, 543 Hidden Ridge, for relief to exceed the maximum size permitted for an accessory structure.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 26'x26' detached garage. The plot plan shows the construction of the proposed garage would result in accessory buildings totaling 740 square feet. The Zoning Ordinance limits accessory buildings on this site to 600 square feet. You may recall that this same petitioner was before this Board at their last regular meeting requesting relief of the ordinance to construct a 26'x32' detached garage. At that meeting, the petitioner had agreed to remove the existing shed, but relief of the ordinance was denied based on the fact the petitioner has not proved a hardship. The variance before you tonight is considered a new variance. A substantial change has been made to the previous request.

Bill Penn was present and stated that their home is a bi-level home and they have no storage other than in a small furnace room. They need room for their two vehicles and a storage area as they have no attic or basement. Mr. Penn stated that the storage shed on the property would be removed if they were allowed the 26'x26' garage.

There was 1 approval on file.

Motion by Fejes  
 Supported by Courtney

MOVED, to grant William & Francine Penn, 543 Hidden Ridge, a variance, as requested, for relief to construct a 26'x26' (676 sq. ft.) detached garage where a 600 sq. ft. garage would be permitted;

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 properties in the immediate vicinity or zoning district.

**ITEM #18**

4. The variance relates only to the property described in the application.

- 5. The petitioner has made a significant change in the size and has a hardship related to the storage space needed by his family.
- 6. The petitioner has agreed to remove the 8'x8' storage shed on the property.

Yeas: All 6  
 Absent: Giachino

MOTION TO APPROVE REQUEST CARRIED

**ITEM #19 VARIANCE REQUESTED: Oakland Square Ltd. Partnership, 740 John R. for relief of the 6 foot high masonry screening wall required along the north property line.**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to complete construction of a new 19,140 square foot commercial building for Med Max. The revised site plan does not show the 6 foot high masonry screening wall along the north property line. The Zoning Ordinance requires a 6 foot high masonry screening wall where non-residential abuts residential zoned property.

Charles Miller of Oakland Mall was present. Mr. Miller stated that they have revised their site plan to provide a landscaped buffer with 6 foot high Australian Pines 6 foot high, with the approval of the neighbors. Mr. Miller stated that they feel it will be more aesthetically pleasing for both sites.

Motion by Milia  
 Supported by Courtney

MOVED, to grant Oakland Square Limited Partnership, 740 John R., a one year renewable variance, as requested, for relief to provide a landscaped buffer, in lieu of the 6 foot high masonry screening wall required along their north property line;

- 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 property is separated by a private street, which also serves a sufficient buffer.

Yeas: All 6  
 Absent: Giachino

MOTION TO APPROVE REQUEST FOR ONE YEAR CARRIED

**ITEM #20 ITEM #10 RENEWAL REQUESTED: Jack Christenson, Inc., Realtors, 2282 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.**

**ITEM #20**

The chairman tabled the request of Jack Christenson, Inc., 2282 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line, until the next regular meeting (July 15, 1997) to give the petitioner the opportunity to be present.

**ITEM #21    ITEM #12    VARIANCE REQUESTED: Ari EI Enterprises, Inc., for renewal of a  
variance at 1893 Birchwood.**

The chairman tabled the request of Ari EI Enterprises, Inc., for renewal of a variance at 2893 Birchwood until the next regular meeting (July 15, 1997) to give the petitioner the opportunity to be present.

The Board of Zoning Appeals adjourned at 9:35 p.m.

GAS/ddb