

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. in the lower level conference Room on July 15, 1997, by the chairman, Jerald Sosnowski.

PRESENT: Michael Alaimo John Martin
Kenneth Courtney Gary A. Shripka
James Giachino
Carmelo Milia
Jerald Sosnowski
Wayne Wright

ABSENT: Christopher Fejes

Motion by Alaimio
Supported by Milia

MOVED, to excuse Mr. Fejes from the meeting as he is out of the county.

Yeas: All 6
Absent: Fejes

MOTION CARRIED

ITEM #1 Approval of Minutes - June 17, 1997

Motion by Milia
Supported by Wright

MOVED, to approve the June 17, 1997 minutes.

Yeas: All 6
Absent: Fejes

MOTION CARRIED

ITEM #2 RENEWAL REQUESTED: Kensington Community Church, 1825 E. Square Lake, for relief of the 4'6" high masonry wall required along the north and west sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board in 1996, for relief of the 4'6" high masonry wall required along the north and west sides of off-street parking. This relief was originally granted based on the fact that the wall adjacent to the wetlands could be a problem and that a variance renewal will determine whether natural conditions provide necessary screening. Currently the church is under construction, other than that conditions remain the same. We have no objections or complaints on file.

John Tagle was present to represent the church and stated that completion of the church is approximately 15 months away and they cannot really determine if the natural screening will be sufficient until the site is complete and in use.

Motion by Courtney
Supported by Giachino

MOVED, to grant the Kensington Community Church a two year renewal of their variance for relief of the 4'6" high masonry screening wall required along the north and west sides of off-street parking.

Yeas: All 6
Absent: Fejes

MOTION TO RENEW VARIANCE FOR TWO YEARS CARRIED

ITEM #3 RENEWAL REQUESTED: Big Beaver/Liberty Limited Partnership, 50 - 100 - 200 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.

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Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, this Board, for relief of the 6 foot high masonry screening wall required along the north property line of their site, which abuts residential zoned property. This relief was originally granted in July of 1988 based on the fact the existing fence provides a separation of properties and the masonry screening wall would serve no useful purpose. Currently the property to the north is unoccupied and owned by the City of Troy. Other than that conditions remain the same, we have no objections or complaints on file.

Sharon Corruthers, Property Manager for 100 W. Big Beaver was present and had nothing to add.

Motion by Wright
Supported by Courtney

MOVED, to grant Big Beaver/Liberty Limited Properties 50 - 100 - 200 W. Big Beaver, a three year renewal of their variance for relief of the 6 foot high masonry screening wall required along their north property line;

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

Yeas: All 6
Absent: Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #4 RENEWAL REQUESTED: Bethel Baptist Church, 1975 E. Long Lake, for relief of the 4'6" high masonry wall required abutting the parking lot.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, in 1989 to maintain landscaping in place of the 4'6" high masonry wall abutting the parking lot. Conditions remain the same, we have no objections or complaints on file.

Patrick Garrean was present to represent the church. Mr. Garrian stated that they are keeping the landscaping up and improving it.

Motion by Giachino
Supported by Alaimo

MOVED, to grant Bethel Baptist Church, 1975 E. Long Lake, a three year renewal of their variance to maintain landscaping in place of the 4'6" high masonry wall required abutting the off-street parking.

Yeas: All 6
Absent: Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #5 RENEWAL REQUESTED: Richard & Mellanie Varkle, 54 E. Square Lake, for relief of the required hard surface parking and access drive.

Mr. Shripka explained that the petitioner is requesting renewal of relief to maintain a gravel parking lot. The Zoning Ordinance requires parking lots and drives be hard surfaced. This relief was originally granted based on the historical significance of the site. The site is currently occupied by Schaefer Florist. Other than that conditions remain the same, we have no objections or complaints on file..

Richard Varkle was present and had nothing to add.

ITEM #5

Motion by Giachino
Supported by Courtney

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MOVED, to grant Richard & Mellanie Varkle, 54 E. Square Lake a three year renewal of their variance for relief of the requirement to provide hard surface parking and access drive;

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

Yeas: All 6
 Absent: Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #6 RENEWAL REQUESTED: Troy Commerce Center, 1100-1170 E. Big Beaver, for relief to maintain parking in the required front setback.

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

ITEM #7 RENEWAL REQUESTED: Jack Christenson, Inc., 2282 W. Big Beaver, for relief of the 6 foot high masonry screening wall required along the north property line.

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

ITEM #8 VARIANCE REQUESTED: Ari EI Enterprises, for renewal of variance at 1893 Birchwood.

Mr. Shripka explained that the petitioner had originally sent a letter to the Board for the April 1997 meeting, requesting renewal of a variance previously granted, based on fact that the has not yet secured a tenant for the building. At that meeting, as well as the May and June meeting, this item was tabled to give the petitioner the opportunity to be present.

Ari Leibovitz was present and requested renewal of a variance that had been granted. Mr. Leibovitz stated that this is the remaining parcel of land he has assembled to construct a new light industrial building. Alger Street has been vacated except for this one portion and because of setbacks he cannot build without a variance. Mr. Leibovitz noted that Alger is to be vacated in the near future. He has not constructed his proposed building because he has not been able to secure a proper tenant as yet.

Motion by Giachino
 Supported by Courtney

MOVED, to grant Ari EI Enterprises, 1893 Birchwood, a three year renewal of the variance for relief to provide a zero setback from Alger Street, relief to provide a 10 foot greenbelt with trees along Alger Street until the street is vacated;

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

Yeas: All 6
 Absent: Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #9 VARIANCE REQUESTED: Kathy Guiliani, 976 DeEtta, for relief of the side yard setback.

ITEM #9

Mr. Shripka explained that the petitioner originally appeared at the June meeting of the Board of Zoning Appeals. At that time, they were requesting relief of the Zoning Ordinance to construct a 21'x35' attached garage. The plot plan showed 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. At that meeting, this item was tabled to give the petitioner the opportunity to show the Board a hardship or practical difficulty and look at the possibility of constructing a detached garage.

Kathy Guiliani was present and stated that they contacted their architect and they cannot construct the size garage desired without interference from the overhead wires.

The Board questioned the detached garage location and if it met the ordinance. Mr. Shripka explained that a two car detached garage as shown on the new plot plan would comply, it was the required 6 feet from the lot line, 10 feet from the house, and did not encroach into the easement.

Mrs. Guiliani stated that the size garage they wished to construct would interfere with the power lines as it would be deeper than shown on the plot plan. They need a 3 car garage to store their two vehicles and a vintage car. The garage will also be used for storage since they have no basement. She also stated that they have approval from all their neighbors.

Mr. Courtney questioned widening the garage. Mrs. Guiliani's architect stated that to widen the garage would make it very difficult to maneuver a vehicle into the west side of the garage.

Mr. Guiliani stated that their hardship was, the home was constructed too close to one side, not centered, and the inconvenience of the detached garage. He noted the safety concerns during inclement weather when his mother comes to stay a few days. There is more security with an attached garage. They do not want a detached garage, the trend of the 90's is an attached garage.

The chairman opened the public hearing.

Dennis Stockdale, 964 DeEtta, was present and approved of the request, stating he had lived there 20 years and has a detached garage and wished he had an attached garage, the trend of the 90's is attached garages.

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

Two letters of approval were submitted at the hearing.

Motion by Giachino
Supported by Wright

MOVED, to grant Kathy Guiliani, 976 DeEtta, a variance, as requested., to construct a 21'x35' attached garage, resulting in a 5 foot setback from the west lot line and a total of 15 feet from both lot lines where the Zoning Ordinance requires a minimum side yard setback of 10 feet and a total of 25 feet;

1. The existing residence was constructed not close enough to the west lot line.
2. The petitioner has approval from the neighbors.
3. The variance is not contrary to public interest.
4. The variance does not set a precedence.

Yeas: 3- Wright, Giachino, Sosnowski
Nays: 3- Courtney, Alaimo, Milia
Absent: 1- Fejes

MOTION FAILS, REQUEST DENIED

ITEM #10 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 26'x12' wood deck with a 23.8 foot rear yard setback. The Zoning Ordinance requires a 25 foot rear yard setback to open decks. The petitioner had appeared at the previous meeting of this Board, requesting relief of the ordinance to construct a deck 20'8" from the rear property line. That request was denied.

Mr. French was present and stated that their deck architect informed them that a 12 foot wide deck is the normal size deck to allow for a table and chairs. They feel a deck is safer for the children, they can erect a railing and gate, keeping the children from the yard, which is chemically treated.

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

There were 5 letters of approval on file.

Motion by Milia
Supported by Wright

MOVED, to grant Thomas & Lisa French, 2234 Brinston, a variance, as requested, for relief to construct a 26'x12', resulting in a 23.8 foot rear yard setback where 25 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 cause an adverse effect as shown by the number of approvals from the neighbors.
4. The dimensional variance is small, 1.2 feet.
5. The petitioner has shown they would work with the Board by modifying the deck as suggested.

Yeas: All 6
Absent: Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #11 VARIANCE REQUESTED: Patterson Construction, 800 E. Maple, for relief of the front yard setback, relief of the east side yard setback, relief of the rear yard setback and relief of the_ setback from the west property line.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new service station at the southwest corner of Maple and Rochester Roads. The plot plan shows the proposed construction would result in: (1) a 21.7 foot front yard setback. The Zoning Ordinance requires a 40 foot front yard setback. (2) a 10 foot side yard setback from the east property line where the Zoning Ordinance requires a 20 foot setback. (3) a rear yard setback of 5 feet where the Zoning Ordinance requires 30 feet. (4) an accessory structure with a 2'11" from the west property line where the Zoning Ordinance requires a 6 foot setback.

Ron Kachman of Building Design Associates was present. Mr. Kachman stated that their proposal is to replace an existing building, which is in the right-of-way with a new modern building. Mr. Kachman explained the plot plan, stating that the building and canopy and the relocation of entrances would provide better access for traffic. He also stated that the re-design would also provide safer access. They will also be installing landscaping. Mr. Kachman further noted that the development, as proposed, is difficult because of the property size and shape.

Mr. Milia questioned a smaller building. Mr. Kachman stated that the proposed size and convenience store is what makes it feasible to re do the site. It is a one way to recuperate their money.

The Board also questioned acquiring additional property so the building could be moved back on the site.

ITEM #11

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Ted Bloom of Marathon Oil was present and noted that this is the standard plan for new service stations. He is not sure that Marathon will permit proceeding with the development if more money is involved for the purchase of additional land. He also stated that the selling price normally increases when the seller knows you need the land. He noted that to increase the span of the canopy would increase the costs. He also noted that they could not alleviate all the variances.

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

Motion by Giachino
Supported by Courtney

MOVED, to deny the request from Patterson Construction, 800 E. Maple, for relief of the front setback, relief of the east side yard setback, relief of the rear yard setback and relief of the setback from the west property line;

- 1. The petitioner is overbuilding the site.

Yeas: 3- Giachino, Milia, Courtney
Nays: 3- Wright, Sosnowski, Alaimo
Absent: 1- Fejes

MOTION FAILS

Motion by Wright
Supported by Courtney

MOVED, to table the request of Patterson Construction, 800 E. Maple, for relief of the front setback, relief of the east side yard setback, relief of the rear yard setback and relief of the setback from the west property line, until the next regular meeting (August 19, 1997);

- 1. It will give the petitioner the opportunity to investigate the possibility of acquiring additional properties and the availability of additional money for the project.

Yeas: All 6
Absent: Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (AUGUST 19, 1997) CARRIED

ITEM #12 ITEM #6 RENEWAL REQUESTED: Troy Commerce Center, 1100-1170 E. Big Beaver, for relief to maintain parking in the required front setback.

ITEM #13 ITEM #7 RENEWAL REQUESTED: Jack Christenson, Inc., 2282 W. Big Beaver, for Relief of the 6 foot high masonry screening wall required along the north property line.

Motion by Giachino
Supported by Courtney

MOVED, to deny the request of Troy Commerce Center, 1100-1170 E. Big Beaver, for relief to maintain parking in the required front setback, and 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'

- 1. The petitioner has failed to appear requesting a continuation of the variance.
- 2. The petitioner will have the opportunity to ask for a new public hearing.

ITEM #12 & 13

Yeas: All 6
Abssent: Fejes

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MOTION TO DENY REQUEST CARRIED.

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The Board of Zoning Appeals adjourned at 9:00 p.m.

GAS/ddb