

The regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, September 16, 1997 by the Chairman, Jerald Sosnowski.

PRESENT: Kenneth Courtney
Christopher Fejes
James Giachino
Dennis Kramer
Carmelo Milia
Jerald Sosnowski

ABSENT: Michael Alaimo

Motion by Courtney
Supported by Milia

MOVED, to excuse Mr. Alaimo from the meeting.

Yeas: 6
Absent : 1- Alaimo

MOTION CARRIED

ITEM #1 Approval of Minutes - August 19, 1997

Motion by Giachino
Supported by Milia

MOVED, to approve the August 19, 1997 minutes.

Yeas: 5
Abstain: 1- Kramer
Absent: 1- Alaimo

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: St. Nicholas Romanian Orthodox Church, 5353 Livernois, for relief of the 4'6" high masonry wall required along the west and north sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to provide a landscaped berm in lieu of the 4'6" high masonry wall required adjacent to off-street parking abutting Stalwart. Again, this year there is no construction on the site. Also the berms have not been installed. Other than that conditions remain the same and we have no objections or complaints on file.

ITEM #2

Virgil Barbu, President of the Church Council and George Carstea, Pastor were present. Mr. Barbu stated that they have started the berm but have run into problems. They hope to have complete it soon.

Motion by Giachino
Supported by Fejes

MOVED, to grant St. Nicholas Romanian Orthodox Church, 5353 Livernois, a one year renewal of their variance for relief to erect a landscaped berm in place of the 4'6" high masonry wall along the north and west sides of their off-street parking;

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

Yeas: 6
Absent: 1- Alaimo

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED

ITEM #3 RENEWAL REQUESTED: Troy Swim Club, 538 E. Long Lake, for relief to maintain and operate a private swim club.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain a private swim club in a residential area. This relief has been granted on a yearly basis for the last 30 years, with specific stipulations attached to the approval. Conditions remain the same and we have no objections or complaints on file.

Shirley Hanna was present and had nothing to add.

Mr. Milia asked if this could be given a permanent variance or renewed more than a year, possibly 3 or more, since this has been before the Board for so many years. Mr. Shripka and Mr. Martin explained they would have to check into the Board's jurisdiction on that matter.

Motion by Milia
Supported by Fejes

MOVED, to grant the Troy Swim Club, 538 E. Long Lake, a three (3) year renewal subject to investigation of the ordinance, and that this be dropped back to a one (1) year if renewal for more than one (1) year does not comply with the ordinance.

Yeas: 6
Absent: 1
ITEM #3

MOTION TO RENEW VARIANCE CARRIED

ITEM #4 RENEWAL REQUESTED: Redico Management, Inc., 888 W. Big Beaver, for relief to maintain a habitable space in the parking garage.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain an area in the parking garage as habitable space. This additional space gives the site a habitable area of 334,588 square feet. The Zoning Ordinance restricts the habitable area to 330,000 square feet for a site of this size. Relief has been granted on a yearly basis since 1980 because the petitioner has indicated that sometime in the future they would not require this space. To date conditions remain the same and we have no complaints or objections on file.

James Jonas was present to represent the petitioner. Mr. Jonas stated that they needed this portion of the building for their lease to General Motors. General Motors uses the area as a design evaluation center for vehicles. The area is not visible to anyone and it is an important part of their lease.

Motion by Fejes
Supported by Kramer

MOVED, to grant Redico Management, Inc., 888 W. Big Beaver, a one (1) year renewal of their variance for relief to maintain a habitable space in the parking garage;

1. As long as conditions remain the same.
2. There are no complaints or objections on file.

Yeas: 6
Absent: 1- Alaimo

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

ITEM #5 VARIANCE REQUESTED: H. Audrey Sanders, 6649 Crabapple, for relief of the rear yard setback.

The petitioner was not present.

Motion by Giachino
Supported by Courtney

MOVED, that no action be taken on the request of H. Audrey Sanders, 6649 Crabapple, for relief of the rear yard setback;

ITEM #5

Yeas: 6
Absent: 1- Alaimo

MOTION TO TAKE NO ACTION CARRIED

ITEM #6 VARIANCE REQUESTED: Shamia Farag Wassef, 39865 Dequindre, (proposed address), for relief of the minimum lot width.

Mr. Shripka explained that the petitioner originally appeared before this Board at the August 19, 1997 meeting. At that time the petitioner was requesting relief of the Zoning Ordinance to construct a 2600 square foot single family residence on a lot 59 feet wide. The Zoning Ordinance requires an 85 foot wide lot. At that meeting this item was tabled to give the petitioner the opportunity to purchase additional property.

Mrs. Wassef was present and stated that she is not able to purchase additional property to either side of hers and that she cannot sell her lot to neighboring properties. Mrs. Wassef noted that her intention was to construct a home on that site for her son. Mrs. Wassef and the Board again discussed her sale of the surrounding property for subdivision development and the remnant 59 foot wide parcel.

The Board discussed the situation and requested information on the history of the property. The Board informed Mrs. Wassef they would table the request pending receipt of the information, as it was important to their decision on the request. Mrs. Wassef stated she would not be available for the October meeting but would be back in November

Motion by Courtney
Supported by Kramer

MOVED, to table the request of Shamia Farag Wassef, 39865 Dequindre (proposed address), until the November 18, 1997 meeting.

Yeas: 6
Absent: 1- Alaimo

MOTION TO TABLE REQUEST UNTIL THE NOVEMBER 18, 1997 MEETING
CARRIED**ITEM #7 VARIANCE REQUESTED: Patio Enclosures on behalf of Robert S. & Mary Elizabeth Adams, 2211 Woodingham, for relief of the rear yard setback.**

ITEM #7

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 19'x12' patio enclosure. The plot plan shows the proposed enclosure would

result in a 17 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback.

Mary Elizabeth and Robert Adams were present. Mrs. Adams stated that the proposed patio enclosure was actually smaller than the existing patio. Mr. Adams has severe allergies and Mrs. Adams showed the Board medical records of his immunizations. Mrs. Adams stated that there is a hardship due to her husband's allergies. Without the screened patio Mr. Adams cannot enjoy the outdoors. Their enclosure will not be visible to the neighbors and they have a unique lot.

The chairman opened the public hearing.

Renee Hawarney, 2165 Woodingham, was present and approved of the variance.

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

There were 26 approval on file.

Motion by Milia
Supported by Giachino

MOVED, to grant Robert and Mary Elizabeth Adams, 2211 Woodingham, a variance, as requested, for relief to construct a 19'x12' patio enclosure, resulting in a 17 foot rear yard setback were 35 feet is required;

1. The variance is not contrary to public interest as evidenced by the approvals on file.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to neighboring properties as evidenced by the number of approvals on file.
4. The variance relates only the property described in the application.
5. The petitioner has demonstrated a hardship because of a unique lot and a medical problem

Yeas: 5- Courtney, Giachino, Milia, Sosnowski, Fejes
 Nays: 1- Kramer
 Absent: 1- Alaimo

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 VARIANCE REQUESTED: William & Kathy Atwood, 1323 Lamb, for relief to exceed the maximum size permitted for an accessory building.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 34'x29.5' (1003 sq. ft.) detached garage. The Zoning Ordinance limits a garage at this location to 832 square feet.

William and Kathy Atwood were present. Mr. Atwood stated that their existing attached garage was being altered for living area. The proposed garage is for needed storage as they have no basement. It will be used for storage of lawn equipment, recreational equipment, lawn furniture and other seasonal items. They feel there would be no hardship to any of the neighbors, as they have over an acre. The actual garage does not exceed the permitted size but it has an overhang which causes the entire structure to exceed the allowable size. The overhang is for protection and give the structure a country-like atmosphere because of the size lot they have.

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

There were 4 approvals on file.

Motion by Giachino

Supported by Milia

MOVED, to grant William and Kathy Atwood, 1323 Lamb, a variance, as requested, for relief to construct a 34'x29.5' (1003 sq. ft.) detached garage, where the Zoning Ordinance permits 832 square feet:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The actual enclosed size is within the ordinance limitation, the generous overhang causes the garage to exceed limitations and it is in character with the property size.

Yeas: 6

Absent: 1- Alaimo

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 VARIANCE REQUESTED: Salvatore & Maria Ginella, 4937 Somerton, for relief of the rear yard setback.

ITEM #9

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a 15'x32' covered patio constructed without a permit. Construction results in a 32.94 foot rear yard setback where the Zoning Ordinance requires a 40 foot rear yard setback.

Salvatore Ginella was present and stated that he and his brother erected the covered patio over a weekend. They were not aware that a permit was required. The covering was erected to protect them from the intense evening sun. He has contacted his neighbors and they do not object. Mr. Ginella also stated that he backs up to the Troy Swim Club property and his property is not visible because of a line of 30 foot high trees.

The chairman opened the public hearing.

Leonard Ball, 4950 Somerton, was present and approved of the variance.

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

There was 1 approval on file.

Motion by Fejes

Supported by Giachino

MOVED, to grant Salvatore & Maria Ginella, 4937 Somerton, a variance, as requested, for relief to maintain a 15'x32' covered patio with a 32.94 foot rear yard setback where a 40 foot rear yard setback is required:

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 or zoning district.
4. The variance related only to the property described in the application.
5. There are no residences to the rear of the property and the view is screened by trees.

Yeas: 6

Absent: 1- Alaimo

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Bryden Development, 835 Troywood, for relief of the required lot width.

ITEM #10

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to split a parcel into 4 lots, A through D. The plot plan shows two of the lots C & D are only 76.5 feet wide. The Zoning Ordinance requires a minimum lot width of 85 feet.

Norman Hyman and Dennis Siaurafkas were present. Mr. Hyman told the Board what their proposal was for the lot split, indicating it results in a 10% variance. Mr. Hyman commented on other split alternatives that they had considered but chose the one. They feel it is consistent with the lots in the Edenderry Subdivision. They feel the lot split, as proposed, will create a viable market for the property. Mr. Siaurafkas of Bryden Development explained that the lot split was done around an existing home site on Troywood and an engineering firm has done the layout for them. The lot on Troywood was owned by a single resident at the time Edenderry Subdivision was developed and they did not want to sell any of the property at that time. Mr. Siaurafkas noted other variances in the area and said there are other lots that do not meet the ordinance. Mr. Siaurafkas submitted an approval of the lot split, as proposed, signed by 10 of the neighboring properties.

Mr. Giachino questioned splitting the lot into 3 sites instead of 4. The petitioners stated that they would have to construct homes that were larger than the surrounding area and they would not be marketable. It would be too expensive to split into 3 sites. It would be a waste of land and would not be as consistent with the homes on Edenderry. After further discussion, the petitioners indicated that they could probably come up with a plan where they would be only three feet short.

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

Motion by Kramer
Supported by Giachino

MOVED, to table the request of Bryden Development, 835 Troywood, for relief of the required lot width, until the next regular meeting, October 21, 1997, to give the petitioner the opportunity to submit an alternate plan for the lot split.

Yeas: 6
Absent: 1- Alaimo

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING, OCTOBER 21, 1997 CARRIED

The Board adjourned at 9:05 p.m. and reconvened at 9:20 p.m.

ITEM #11 VARIANCE REQUESTED: Masco Tech Forming Technologies, 690 W. Maple, for relief to add to an existing legal non-conforming building.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct two building additions totaling 34,065 square feet. The plot plan shows parking within the required front setback from Heide, which makes this an existing legal non-conforming building. The Zoning Ordinance does not permit additions to, nor expansions of non-conformities.

James Ethridge of the Bell Company and Robert Russ, the plant manager were present. Mr. Ethridge noted that the parking in question is 9 parking spaces that have been in existence adjacent to Heide. They need the spaces to meet the number of parking spaces required. They have relinquished a drive and some parking for landscaping and a berm. They have also provided for 4 spaces to be added if they need them in the future. Mr. Russ, the plant manager stated that the parking has been there for a number of years and they would like to keep them for access to the side entrance for the office.

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

Motion by Courtney
Supported by Milia

MOVED, to grant Masco Tech Forming Technologies, 690 W. Maple, a variance, as requested, to add to a non-conforming building;

1. The parking setback in question has been in existence for the past forty plus years.
2. The variance is not contrary to public interest.
3. The variance does not cause an adverse effect to properties in the surrounding vicinity or zoning district.
4. The variance relates only to the property described in the application.

Yeas: 5- Milia, Sosnowski, Fejes, Courtney, Kramer
Nay: 1- Giachino
Absent: 1- Alaimo

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: William D. Welch, Hollywood Supermarkets, 2670 W. Maple, for relief of the required landscaping.

ITEM #12

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 3,453 square foot addition. The plot plan shows 3,868 square feet of landscaping. The Zoning Ordinance requires 9,049 square feet of landscaping for a parcel of this size.

William Welch was present and stated that they have owned the site since 1967. The site is landlocked and they need to install landscaping to meet the present ordinance because of their proposed addition. Mr. Welch explained the planters and landscaping that they are able to install. Mr. Welch stated that in order to meet the landscaping requirements they would have to remove parking. Mr. Welch noted that if they had to meet today's landscaping they could not provide the required landscaping even if they were not planning an addition. The proposed addition is to allow them to continue their viable business.

George Heath, the architect, also noted that they have provided as much landscaping as they can while still maintaining the parking needed.

The chairman opened the public hearing.

Tony Rea was present and noted that he owned the building next door and approved of the variance request, indicating also, that Hollywood Market could use some of their property along the common property line for additional landscaping.

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

Motion by Giachino
Supported by Milia

MOVED, to grant Hollywood Supermarkets, 2670 W. Maple, a variance, as requested, for relief to provide 3,868 square feet of landscaping where 9,049 square 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 a adverse effect to properties in the immediate vicinity or zoning district.
4. The petitioner has agreed to increase the landscaping over what they have now and improve the landscaping between their property and the neighboring property with the approval of the neighbor.

Yeas: 6
Absent: 1- Alaimo

ITEM #12

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 VARIANCE REQUESTED: A. Rea Construction, Inc., on behalf of Troy Ford, 777 John R. for relief of the required landscaping.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new parking area. The Zoning Ordinance requires 10% of the site or 36,597 square feet to be landscaped. The plot plans shows only 2,565 square feet of landscaping.

Tony Rea was present to represent Troy Ford. Mr. Rea stated Troy Ford was constructed thirty plus years ago. The car dealership has changed since that time and there is a larger number of models offered. They plan to expand the parking area, to the rear for vehicle storage. The ordinance states any property improvements require that the site meet today's landscape requirements. The used car lot and the car display area needed for their business, hampers their being able to comply with the ordinance. They have installed a road off Chicago, allowing access by the large trucks delivering vehicles. Mr. Rea stated that Mrs. Elder lost frontage by allowing the installation of a deceleration lane.

Tony Elder stated that they do not have a lot of frontage. If they had to landscape, they would lose display area for their vehicles, which they need to do business. The vehicles would not be seen if relocated further back. Mr. Elder commented on the number of new and used vehicles they must store on the site.

Mr. Giachino commented on the look of the new dealerships and the landscaping, asking Mr. Elder if they would be willing to use a part of the display area to install landscaping.

Mr. Elder commented that they do not have the room for landscaping because of vehicle storage/display. They would lose their used vehicle storage area if they were to increase the landscape area in front. The used vehicle area would be broken up. The people leasing the rear portion of their property would have to move from the property.

Mr. Kramer commented that the variance request was excessive and questioned a more generous frontage.

Mr. Elder stated that to enlarge the landscaping, they would lose their front row of vehicles and they can not live with more than 5 feet of landscaping. If the variance were denied they would not proceed with the parking improvements.

Mr. Milia commented that maybe the use has outgrown the property.

ITEM #13

Motion by Kramer
Supported by Courtney

MOVED, to deny the request of Tony Rea on behalf of Troy Ford, 777 John R., for relief of the Zoning Ordinance to provide 2,565 square feet of landscaping where 36,597 square feet is required:

1. The variance is excessive.

Yeas: 6
Absent: 1- Alaimo

MOTION TO DENY REQUEST CARRIED

Other business

Motion by Milia
Supported by Giachino

MOVED, that the City Administration draft a letter for signature by the Chairman of the Board of Zoning Appeals, requesting Council purchase and provide better audio visual equipment for the chambers.

Yeas: 6
Absent 1- Alaimo

MOTION CARRIED

The Board of Zoning Appeals adjourned at 10:30 p. m.

GAS/ddb