

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, July 16, 1996 by the Chairman, Michael Alaimo.

PRESENT: Michael Alaimo  
Kenneth Courtney  
James Giachino  
Carmelo Milia  
Jerald Sosnowski  
David Waller

ABSENT: Christopher Fejes

ITEM #1 Approval of Minutes - June 18, 1996

Motion by Sosnowski  
Supported by Milia

MOVED, to approve the June 18, 1996 minutes.

Yeas: 6  
Absent: 1- Fejes

MOTION TO APPROVE CARRIED

Motion by Sosnowski  
Supported by Waller

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

Yeas: 6  
Absent: 1- Fejes

MOTION CARRIED

ITEM #2 RENEWAL REQUESTED: Richard & Mellanie Varkle, 54 E. Square Lake, for relief to maintain a gravel parking lot and 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 to 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 and we have no objections or complaints on file.

Richard Varkle was present and had nothing to add.

The Board questioned the fact that there has been a variance on this site for a number of years and the conditions have changed in that the present use creates more traffic to the site. Mr. Varkle stated that he was willing to pave years ago, but has complied with the Historic District Commission's request.

Motion by Sosnowski  
Supported by Milia

MOVED, to grant Richard & Mellanie Varkle, 54 E. Square Lake Road, a one year renewal of the variance to maintain a gravel parking lot and access drive:

1. Conditions remain the same.
2. There are no objections or complaints on file.
3. That the Historic District Commission be contacted to make a determination on updating the site with paving.

Yeas: 6  
Absent: 1- Fejes

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED

ITEM #3 RENEWAL REQUESTED: Massachusetts Mutual Life Real Estate, Inc., 2701 Troy Center Drive, for relief of the 6 foot high masonry screening wall required along the north property line.

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ITEM #3

Mr. Shripka explained that the petitioner is requesting renewal of a variance for relief of the 6 foot high masonry screening wall required along the north property line. The

petitioner was originally granted this relief based on the fact they would install 280 feet of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. Conditions remain the same, we have no objections or complaints on file.

John Pitrone was present representing Massachusetts Mutual Life Real Estate and requested renewal of the variance indicating that the decorative fence with landscaping was an improvement over a masonry wall.

Motion by Giachino  
Supported by Waller

MOVED, to grant Massachusetts Mutual Life Real Estate, Inc., 2701 Troy Center Drive, a 3 year renewal of their variance for relief to maintain decorative metal fencing and landscaping, in lieu of the 6 foot high masonry screening wall, along their north property line:

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

Yeas: 6

Absent: 1- Fejes

MOTION RENEW VARIANCE FOR 3 YEARS CARRIED

ITEM #4 RENEWAL REQUESTED: Wattles Square Center, 3982-3996 John R., for relief of the 6 foot high masonry screening wall required along the east property line.

Mr. Shripka explained that in the past, the petitioner had requested relief and renewal of the ordinance to maintain a 3-1/2 foot high landscaped berm along the east property line in lieu of the 6 foot high masonry screening wall. The petitioner is now in the process of expanding the site and making alterations to the existing building. The current plan submitted indicates that there will be a 4'6" high masonry wall along the east property line. Therefore, the request for renewal is no longer necessary.

No action was taken as the variance is no longer necessary.

ITEM #5 RENEWAL REQUESTED: Bloomfield Management/Troy Commerce Center, 1100-1170 E. Big Beaver, for relief to maintain parking in the required front setback.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to allow parking in the 50 foot front yard setback of an Industrial Zoned District. This relief has been granted on a yearly basis since 1973, based on the fact that a large drain runs through the site and does not permit the petitioner the use of the area that would normally be provided for parking. The petitioner has indicated that at

such time the drain is enclosed, they would provide parking out of the front setback. This item was tabled at our last regular meeting to give the petitioner the opportunity to be present. Conditions remain the same, we have no objections or complaints on file.

Mike Dooley was present to represent Troy Commerce Center and had nothing to add. In response to Mr. Waller's question about providing parking out of the front setback, should the drain ever be enclosed, Mr. Dooley stated that they would provide parking out of the setback.

Motion by Giachino  
Supported by Courtney

MOVED, to grant Troy Commerce Center, 1100-1170 E. Big Beaver, a one year renewal of their variance for relief to maintain parking in the required front setback:

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

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ITEM #5

Yeas: 6

Absent: 1- Fejes

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED

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

Mr. Alaimo noted that a written request for tabling action had been received from Clark Oil as they are still in negotiations with the neighbors regarding the fence. Mr. Alaimo noted that the chair would move this item to the next regular meeting, August 20, 1996.

John Dudek, 1071 Winthrop, was present and objected to the variance noting the maintenance of the property, including high weeds.

ITEM #7 VARIANCE REQUESTED: Nicholas & Diana Petrisko, 2377 Terova, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief the Zoning Ordinance to construct a 20'14' porch enclosure on the rear of an existing residence. The plot plan shows the proposed addition would result in a 37.2 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback. As you will recall, this item first appeared before the Board at the June 18, 1996 meeting. At that time, the Board moved to table the request to give the petitioner the benefit of a full Board and the opportunity to present a hardship with the property.

Nicholas Petrisko was present and stated that the proposed addition was to provide needed room for their growing family and his home office. Mr. Petrisko noted that they feel that they cannot relocate to a larger home as they cannot afford it. Mr. Petrisko presented a letter signed by 11 neighbors approving of the variance and noted that there is over 80 feet between their addition and the neighbor's home to the rear. Mr. Petrisko stated that his home is setback further than some other homes in the area and he is not overbuilding. The size is needed to provide a safe distance around the hot tub they propose to install in the addition.

Motion by Giachino  
Supported by Waller

MOVED, to grant Nicholas and Diana Petrisko, 2377 Terova, a variance, as requested, to construct a 20'x14' enclosed porch which would result in a 37.2 foot rear yard setback where 40 feet is required:

1. The petitioner has a hardship that is unique with the property, he is setback further than other homes in the area, if his setback was 30 feet, he would not require a variance.

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

#### MOTION TO APPROVE FAILS - REQUEST DENIED

ITEM #8 VARIANCE REQUESTED/PUBLIC HEARING: Stone Haven Ministries c/o John Tagle Associates, Inc., 1349 W. Wattles, for relief of the 4'6" high masonry wall required along the property line.

Mr. Shripka explained that this item first appeared before the Board at their June 18, 1996 meeting. At that time, the petitioner, as a result of the hard surfacing of the parking lot were requesting relief of the ordinance to provide the 4'6" high masonry screening wall adjacent to off-street parking on the east side of their site. The Zoning Ordinance requires a 4'6" high masonry wall where parking abuts residential. Previously the site had received renewals of a variance granted to maintain gravel parking lots and access drives where hard surface parking was required. During those appeals, no relief of the wall was necessary based on the fact the final plan for parking has not been provided. Subsequent to the last meeting of the Board of Zoning Appeals, the petitioners have obtained a contractor and have installed hard surface parking, but no provisions had been made to install the wall. As a result of that

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ITEM #8

meeting, the Board moved to table the request of Stone Haven Ministries until the next regular scheduled meeting to give the petitioner the benefit of a full board, give the petitioner the opportunity to meet with neighbors regarding their proposal for a berm and to give the City the opportunity to send a revised notice to the neighboring property owners. Since that last meeting, we have had an opportunity to review a new landscape plan which in concept has been approved through the Parks and Recreation Department.

John Tagle was present and noted last meetings proceedings. Mr. Tagle stated that they had been in contact with neighbors and showed the board a rendering of the neighborhood and the neighbors approving of the variance, as well as those still objecting. Noting that the neighbors objecting were the greatest distance from the site. Mr. Tagle noted that they propose to extend the berm further than the requirements for a wall. Mr. Tagle noted that because of many existing trees, they have a limited area to work with. He would like to construct a berm of varying heights and use landscaping to provide screening.

It was explained to Mr. Tagle that a variance to install a berm in lieu of the fence, would require a continuous 4'6" high berm. His request to vary the height of the berm and provide additional plantings at the lower portions of the berm would be considered landscaping in lieu of a wall.

Kelly Rodriguez, 2258 Topaz, Treasurer for the church was present stated that they would prefer installing a undulating berm with landscaping.

The chairman opened the public hearing.

Shu Chung, 1276 Rothwell was present and would like to see a continuous berm with landscaping on top.

Ram Mutyala, 1284 Rothwell was present and stated he preferred a solid berm with landscaping, he wants to be assured he will be protected from lights.

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

There were 3 approval on file.

The Chairman noted that no action would be taken on this item and revised public hearing be sent for the August 20, 1996 meeting, advising the petitioner is requesting relief to install landscaping in lieu of the 4'6" masonry wall.

ITEM #9      VARIANCE REQUESTED: Lendle Motes, 1825 E. Wattles, for relief to construct a free standing gazebo.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 12'x12' free standing gazebo. The Zoning Ordinance requires Board of Zoning Appeals approval for detached gazebos.

Mr. Motes was present and stated that his property is 230'x577' and the property to the west is vacant. He therefore, feels that the gazebo would have no impact on the neighboring properties.

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

There was 1 approval on file.

Motion by Milia  
Supported by Courtney

MOVED, to grant Lendle Motes, 1825 E. Wattles, permission, as requested to construct a free standing gazebo:

1. The property is very large, loaded with flowers and the gazebo would be in good taste and beneficial to the neighborhood.

Yeas: 6

Absent: 1- Fejes

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ITEM #9

MOTION TO APPROVE CARRIED

ITEM #10      VARIANCE REQUESTED: Thomas A. Lasek, 3782 Edenderry, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 15'x17' attached gazebo. The plot plan shows the proposed addition would result in a 33' rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback.

Mr. Lasek was present and stated that their back yard borders undeveloped commercial property and when the commercial property is developed they will have to install a screening wall. Therefore, his proposal will have no impact on the property to the rear. The gazebo will give them an area to have a table and chairs to enjoy setting out having a cup of coffee, shade and some privacy. The Board questioned continuing the deck and having a table and umbrella. Daniela Lasek stated that an extension of the deck would not have the charm of the gazebo

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

There was 1 approval on file.

Motion by Waller  
Supported by Giachino

MOVED, to grant Thomas A. Lasek, 3782 Edenderry, a variance, as requested, for relief to construct a 15'x17' attached gazebo, resulting in a rear yard setback of 33 feet where 40 feet is required:

1. The request is reasonable.
2. There are no objections on file.
3. There is no harm in granting the variance.

Yeas: 3- Courtney, Waller, Giachino

Nays: 3- Alaimo, Milia, Sosnowski

MOTION FAILS - REQUEST DENIED

ITEM #11 VARIANCE REQUESTED: Charlene & Tito Calabro, 488 Trillium, for relief of the rear yard setback.

Mr. Alaimo stated that he lives in Sylvan Glen Subdivision, backs up to Shady Creek and is within 300 feet of the site in question. Mr Alaimo further stated that he does not feel the site would affect him or his vote in this matter. The Board unanimously agreed that Mr. Alaimo had no interest in the matter and should be permitted to vote.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 24'x15'5" covered porch. The proposed addition would result in a rear yard setback of 29'7". The Zoning Ordinance requires a 45 foot rear yard setback.

Mrs. Calabro was present and noted that they propose to construct an covering on their existing porch. The covering will protect her husband from the sun as he is very photosensitive due to medications for his medical conditions. Mrs. Calabro presented the Board with a letter from Mr. Calabro's internist indicating he should stay out of the sun as much as possible. The covered porch will allow him to enjoy the outdoors.

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

There were 5 approvals on file.

Motion by Sosnowski  
Supported by Milia

MOVED, to grant Charlene and Tito Calabro, 488 Trillium, a variance, as requested, to construct a 24'x15'5" covered porch, resulting in a rear yard setback of 29'7" where 45 feet is required:

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ITEM #11

1. The variance is not contrary to public interest.
2. The variance relates only to the property described in the application.
3. The variance does not establish a prohibited use in the zoning district.
4. The petitioner has demonstrated a medical hardship with her husband.

Yeas: 6

Absent: 1- Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: Kensington Community Church, c/o John Tagle Associates, Inc., 1825 E. Square Lake Road, for relief of the 4'6" high masonry screening wall required along the west and north sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to delete the required 4'6" high masonry screening wall along the west and north sides of off-street parking. The Zoning Ordinance requires a 4'6" high masonry wall where parking abuts residential zoned property.

John Tagle was present and stated that the site is a unique piece of property. The property is bordered by wetlands to the north, the Fetterly Drain borders their west property line and there is natural screening and wetlands on the east side. Their site is 14 to 15 feet lower than the property on Atkins and they are 300 feet to 700 feet from the nearest residence. They feel that to maintain the natural setting will enhance the site more than a wall would. Also, that the natural screening barrier around the site will do a better job than a wall. He also noted that he was not sure of procedures he would have to go through to get approval to construct a wall in a wetlands area.

The chairman opened the public hearing.

Don Clippert, 6176 Atkins was present and objected to the variance, indicating the wall would protect his property from people wandering onto it.

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

There were 3 objections on file.

Motion by Giachino  
Supported by Sosnowski

MOVED, to grant Kensington Community Church, 1825 E. Square Lake Road, a one year renewable variance for relief of the 4'6" high masonry walls required along the north and west sides of off-street parking:

1. The variance will not cause an adverse effect to neighboring properties.
2. A wall adjacent to wetlands could be a problem as it could be a catch all for trash and rubbish, a wetland is not a maintained property.
3. A one year variance will determine whether the natural conditions provide necessary screening.

Yeas: 6

Absent: 1- Fejes

MOTION TO APPROVE REQUEST FOR ONE YEAR CARRIED.

ITEM #13 VARIANCE REQUESTED: First Baptist Church of Troy, 2601 John R., for relief to add to an existing legal non-conforming site.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 45'8"x20'4" addition between their auditorium and educational facility. This site is an existing legal non-conforming site as it is in an M-1 Zoned District. The Zoning Ordinance does not permit additions to nor expansions of non-conformities. As you may recall this site was previously before this Board in November of 1995. At that time, relief was granted to expand the size of the church on both the north and south sides. The current requested variance is to fill in a portion of the existing church and that of the expansion approved in the 1995 meeting.

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ITEM #13

Billy Gotcher, Assistant Pastor, was present and stated that when they proposed their previous addition, they did not realize there would be a void or alley way area between the addition and the education facility. They are now asking to connect the two parts of the building at this point. They are not encroaching any further into any of the setbacks.

The Chairman opened the public hearing. No one wished to be heard and the public

hearing was closed.

There were 3 approvals on file.

Motion by Milia

Supported by Sosnowski

MOVED, to grant the First Baptist Church of Troy, 2602 John R. a variance, as requested, to 45'8"x20'4" addition between their auditorium and educational facility:

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 does not cause an adverse effect to neighbors in the immediate vicinity or zoning district.
4. The addition corrects an architectural defect that is in compliance and spirit of the previously granted variance.
5. There are no objections to the request.
6. Conforming is unnecessarily burdensome.

Yeas: 6

Absent: 1- Fejes

**MOTION TO APPROVE CARRIED**

The Board of Zoning Appeals adjourned at 9:30 p.m.

GAS/ddb